

# THE MUNICIPALITY OF NORTH PERTH

## BY-LAW NO. 106-2023

### BEING A BY-LAW TO GOVERN THE CALLING, PLACE AND PROCEEDINGS OF THE COUNCIL OF THE MUNICIPALITY OF NORTH PERTH

**WHEREAS** Subsection 238 (2) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, (the “*Municipal Act, 2001*”) requires every municipality to pass a procedure by-law for governing the calling, place and proceedings of meetings;

**AND WHEREAS** the Council of the Municipality of North Perth deems it advisable to enact a by-law to govern the proceedings of Council, the conduct of its members and the calling of meetings, and to provide for procedures and statutory requirements in accordance with the *Municipal Act, 2001*, and to repeal all previous by-laws related thereto;

**NOW THEREFORE** the Council of the Municipality of North Perth enacts as follows:

#### 1. SHORT TITLE

This by-law shall be cited as the “Procedure By-law”.

#### 2. DEFINITIONS

In this by-law,

“**Act**” means the *Municipal Act, 2001*, as amended from time to time.

“**Ad Hoc Committee**” means a special purpose committee of limited duration, appointed by Council to consider a specific matter and which is dissolved automatically upon submitting its final report to Council, unless otherwise directed by Council.

“**Adjourn**” means to end the meeting. This motion requires a seconder, is not debatable, is not amendable, requires a majority vote for adoption and cannot be reconsidered.

“**Advisory Committee**” means a committee established by Council to advise on matters which Council has deemed appropriate for the committee to consider.

“**Acting Head of Council**” means the Deputy Mayor who, in the absence of the Head of Council, shall have the authority of the Head of Council and will preside at meetings of Council. In the event that the Deputy Mayor is unable to act in the place of the Head of Council, Section 10 b) of this by-law will be followed.

“**Agenda**” means a package of documents, assembled to support the conduct of a meeting, which includes a listing of items to be considered during a meeting as outlined in Section 14 of this by-law, and relevant and available reports, by-law drafts and similar documentation to support an understanding of the business items to be conducted. These may be delivered in digital, paper and/or other formats deemed relevant to support distribution and accessibility.

“**Chair**” means the person presiding at a meeting whether it be the Head of Council, Acting Head of Council or Chair.

“**Chief Administrative Officer**” means the Chief Administrative officer (CAO) or designate of the Municipality of North Perth, appointed by by-law.

“**Clerk**” means the Clerk or designate of the Municipality of North Perth, appointed by by-law.

“**Closed Session**” means a meeting, or portion thereof, closed to the public in accordance with Section 239 of the *Municipal Act, 2001* and Section 4.6 of this by-law.

**“Committee”** means ad hoc, advisory or joint committees which may be appointed by Council from time to time.

**“Confirmatory By-law”** means a by-law of Council that adopts all resolutions passed at a Council meeting.

**“Consent Agenda”** means a grouping of items on a Council agenda that require no actions by Council other than receiving for information. The only time that an item should be removed from a consent agenda is if it is determined that action, a decision is required, or significant further discussion is needed. Items to be included on a consent agenda may include, but is not limited to:

- Approval of Council minutes;
- Staff or committee reports provided for information purposes only; and
- Items of correspondence which may be discussed but require no action on the part of Council.

**“Correspondence”** includes, but is not limited to, the following: letter, memorandum, report, notice, electronic mail, facsimile, petition, etc., that may require an action or decision of Council.

**“Council”** means the Council of the Municipality of North Perth.

**“Councillor”** means a person elected or appointed as a member of Council.

**“County”** means the County of Perth.

**“Defer”** means to postpone all discussion on the matter until later in the same meeting or to a future date which is established as part of the motion.

**“Delegation”** means a person or group of persons who address Council on behalf of an individual or a group for the purpose of making a presentation to Council.

**“Deputy Mayor”** means the member of Council who is duly elected under the *Municipal Elections Act*, to represent the electors of the Municipality of North Perth and to act in the absence of the Head of Council in accordance with this by-law and will represent the Municipality of North Perth.

**“Electronic Participation”** means a Council member who participates remotely in any open or closed Council meeting via electronic means and has the same rights and responsibilities as if they were in physical attendance, including the right to vote in open and closed meetings, and shall count towards a quorum of members.

**“Head of Council”** means the Mayor (or alternate) and who shall preside at all meetings of the Council.

**“Joint Committee”** means a committee established by Council where members of the Committee are appointed by Council and any combination of the member or neighbouring municipalities as considered appropriate and may act in advisory or ad hoc nature.

**“Lower Tier”** means the Township of Perth East, Township of Perth South, Municipality of North Perth and Municipality of West Perth.

**“Majority”** means more than half of the votes cast by members entitled to vote.

**“Mayor”** means the Member of Council who has been duly elected under the *Municipal Elections Act* as the Head of Council and will represent the Municipality of North Perth and in accordance with Section 225 of the *Municipal Act, 2001* is the Chief Executive Officer of the Municipality of North Perth.

**“Meeting”** means any regular, special or other meeting of Council where,

- a) a quorum of members is present; and
- b) members discuss or otherwise deal with any matter in a way that materially advances the business or decision making of Council.

**“Member”** means a member of Council.

**“Member Municipality”** means the County of Perth, Township of Perth East, Township of Perth South, Municipality of North Perth and Municipality of West Perth.

**“Minutes”** means a record of the proceedings of Council that includes the place, date, time, name of Chair, list of members in attendance, and evidence of quorum. Minutes will record the actions taken and decisions made by members at the meeting without note or comment in accordance with Section 239 (7) of the *Municipal Act, 2001*.

**“Municipality”** means the Municipality of North Perth.

**“Pecuniary Interest”** means a direct or indirect financial interest of a member and a financial interest deemed to be that of a member, in accordance with Sections 2 and 3 of the *Municipal Conflict of Interest Act, 1990*.

**“Quorum”** means a majority of the members of Council.

**“Recess”** means a short break taken during a meeting and is of a duration established by the Chair.

**“Recorded Vote”** means the recording of the name and vote of every member of Council who is present when the vote is called on any matter of question.

**“Refer”** means to send a matter currently under consideration by Council to an individual, department or Committee for further consideration and/or action.

**“Regular Meeting”** means a scheduled meeting held in accordance with Section 4.3 of this by-law.

**“Reports”** means written documents by municipal employees, committees, consultants, solicitors or other individuals appointed by Council for the purpose of providing advice, alternatives and/or recommendations on various matters.

**“Resolution”** means a formal state of opinion or intention adopted by Council in accordance with these rules.

**“Rules and Regulations”** means the applicable regulations contained in this by-law.

### **3. GENERAL RULES**

- a) The rules and regulations contained in this by-law shall be observed in all proceedings of Council and shall be the rules and regulations for the order and dispatch of business.
- b) In any case for which provision is not made in these rules and regulations, the procedure to be followed shall be as near as may be followed in the most current official edition of Roberts Rules of Order.

### **4. MEETINGS**

#### **4.1 Location of Meetings**

All meetings of the Council shall take place in the Council Chambers at 330 Wallace Avenue North, Listowel, Ontario, or at such other place as is specified in the agenda.

#### **4.2 Inaugural Meeting and Election of the Third Representative on County Council**

- a) Following a regular municipal election, the inaugural meeting of Council shall be held on the first Monday of the Council term at 7:00 p.m., except when the day is a statutory holiday, in which case the meeting shall be held on the next following Monday that is not a statutory holiday.

- b) In the case of inclement weather, the inaugural meeting shall be held on the next suitable day, at the same time.
- c) The Clerk shall act as Chair for the inaugural meeting until the Mayor has taken the declaration of office, at which point the Mayor shall become the Chair for the remainder of the meeting.
- d) The order of business for the inaugural meeting shall include:
  - 1. Call to Order
  - 2. Declaration of Office by the Mayor
  - 3. Presentation of Gavel and Chain of Office to the Mayor
  - 4. Declaration of Office by each member of Council
  - 5. Mayor's inaugural address
  - 6. Remarks from members of Council (five-minute time limit each)
  - 7. Passing of confirmatory by-law and any other relevant by-law
  - 8. Other ceremonial proceedings as deemed appropriate by the Mayor, Chief Administrative Officer or Clerk
  - 9. Adjournment
- e) County Council representation:
  - 1. The Mayor and the Deputy Mayor, by virtue of the Municipal Election, shall sit on County Council. A third Representative of North Perth Council shall be appointed for the four (4) year term of Council. The appointments will take place at the Inaugural Meeting of Council.
  - 2. The appointment process shall be administered by the Clerk and/or any Municipal Staff designated by the Clerk;
  - 3. Councilors seeking to become the third representative of Council to sit on County Council shall declare their candidacy at an open Council meeting;
  - 4. Where there is more than one candidate, the election shall be done by show of hands in open Council. Each member of Council shall have one vote.
  - 5. If there are more than two candidates seeking the position, the person receiving the lowest number of votes in the first vote, would be left out off the second vote;
  - 6. When a candidate has received a majority of the votes, there will be no further ballots cast;
  - 7. In the case of an equity of votes for the position, the successful candidate shall be determined by the Clerk by placing the names of the candidates on equal size pieces of paper in a box. One piece of paper will be drawn by a person chosen by the Clerk. This name will be read by the Clerk and considered the successful candidate.
  - 8. Council may appoint an alternate for the Mayor, Deputy Mayor and third County Council Representative to sit on County Council in their absence. A resolution would be required by Council appointing the alternate for the term of Council.

#### **4.3 Regular Meetings**

- a) Regular meetings of Council shall be held at 7:00 p.m. on the first and third Monday of each month.
- b) When a regular Council meeting is to be scheduled on a statutory holiday, the meeting will be held on the next available Monday.

- c) Council may, by resolution, alter the date and/or time of a regular meeting provided that adequate notice of such change has been posted and/or published.
- d) No meeting of Council is a properly constituted meeting unless the Clerk or designate is present.

#### **4.4 Special Meetings**

- a) The Head of Council may, at any time, call a Special meeting of Council or upon receipt of a petition of the majority of the members of Council, the Clerk shall call a Special meeting of Council for the purpose and at the time mentioned in the petition.
- b) No business may be transacted at a Special meeting other than that specified in the agenda.

#### **4.5 Emergency Meetings**

- a) In the event of an emergency or extraordinary situation as determined by the Head of Council, the Chief Administrative Officer or the Clerk, a meeting may be held as soon as practical following receipt of a summons. The summons may be given by a manner as determined by the Clerk.
- b) An alternate location for Council Chambers may be determined depending on the type of emergency.

#### **4.6 Closed Session – ~~Council and Committees~~**

- a) Subsections 239 (1) and (2) of the Act require that all meetings of Council shall be open to the public, with the exception that a meeting or part of a meeting may be closed to the public if the subject matter being considered is,
  - (a) the security of the property of the municipality or local board;
  - (b) personal matters about an identifiable individual, including municipal or local board employees;
  - (c) a proposed or pending acquisition or disposition of land by the ~~Corporation~~ municipality or local board;
  - (d) labour relations or employee negotiations;
  - (e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
  - (f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
  - (g) a matter in respect of which a council, board, committee or other body may hold a closed meeting under another Act;
  - (h) information explicitly supplied in confidence to the municipality or local board by Canada, a province or territory or a Crown agency of any of them;
  - (i) a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the

contractual or other negotiations of a person, group of persons, or organization;

- (j) a trade secret or scientific, technical, commercial or financial information that belongs to the municipality or local board and has monetary value or potential monetary value; or
  - (k) a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.
- b) In addition to Section 4.6 (a), a meeting or part of a meeting shall be closed to the public if the subject matter being considered is,
- (a) a request under the *Municipal Freedom of Information and Protection of Privacy Act*, if the Council, board, commission or other body is the head of an institution for the purposes of that Act; or
  - (b) an ongoing investigation respecting the municipality, a local board or a municipally-controlled corporation by the Ombudsman appointed under the *Ombudsman Act*, an Ombudsman referred to in subsection 223.13 (1) of this Act, or the investigator referred to in subsection 239.2 (1).
- c) A meeting of Council may be closed to the public if the following conditions are both satisfied:
1. The meeting is held for the purpose of educating or training the members; and
  2. At the meeting, no member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of Council.
- d) For purposes of this section, a meeting not open to the public shall be called a “closed session”.
- e) The published agenda for a Council meeting shall indicate the fact that a closed session is required. The agenda will provide as much detail as possible regarding the general nature of the matter to be considered during the closed session.
- f) Before holding a meeting or part of a meeting that is to be closed to the public, Council shall state by resolution:
1. The fact of the holding of the closed session and the general nature of the matter to be considered during the closed session; or
  2. In the case of a meeting under Section 4.6 (c), the fact of the holding of the closed session, the general nature of its subject matter and that it is to be closed under that Section.
- g) A meeting shall not be closed to the public during the taking of a vote except when the meeting is for a purpose as outlined in Section 4.6 (a) or (b) and the vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the municipality or persons retained by or under contact with the municipality.
- h) Notwithstanding Section 22 h), votes taken during a closed session shall be by a show of hands unless a recorded vote is requested by a member in which case

the Clerk shall conduct the recorded vote.

- i) The Mayor or Chair shall report out in an open meeting immediately following the closed session and summarize the actions taken during the closed session. Matters discussed in a closed session which require a decision will be brought forward to an open meeting of Council.
- j) When a closed session is necessary, the minutes shall be prepared and approved at the next scheduled closed session.
- k) The Clerk shall be responsible for maintaining a confidential copy of all original documentation distributed relating to closed sessions and for keeping confidential minutes of all closed sessions.
- l) Subject to the provisions of this Section, Council may hear delegations in closed session.
- m) It shall be the responsibility of Council and staff to respect the confidentiality of all matters disclosed to them and materials provided to them during closed sessions that are required to be kept confidential.
- n) The electronic recording of the proceedings of a closed session is strictly prohibited. Any person who is required to leave the Council Chambers or meeting room during the proceedings of a closed session must take all personal belongings with them.
- o) If Council receives a report from a closed meeting investigator, and if the report determined that a meeting was held contrary to Section 5.6 of this by-law, Council shall pass a resolution stating how it intends to address the report.

#### **4.7 Education and Training Sessions**

- a) Council may decide to convene an informal gathering of its members to receive and discuss information or advice of a general nature-involving subject matters of interest to the members, at a time and place designated by Council.
- b) Council, in deciding to convene an education and training session, shall designate the general purpose or purposes for which the session is to be held, and an agenda shall be prepared indicating such purpose and shall be posted on the municipal website at least forty-eight (48) hours in advance of the session.
- c) All members of Council are entitled to attend the session, together with designated staff or consultants retained by the municipality, but Council, in deciding to convene the session, may decide to exclude the public therefrom.
- d) No motion, resolution, by-law, debate, agreement in principle, consensus, straw-vote, report, recommendation, or other action or decision may be proposed, discussed, decided upon, adopted, taken or made at an education and training session.
- e) The Clerk shall take notes describing in general terms each subject matter dealt with at the education and training session and the notes shall, after the conclusion of the session, be maintained as a public record.
- f) The notes taken pursuant to 4.7 e) shall, after the conclusion of the session, be maintained as a public record under the control of the Clerk.

#### 4.8 Committees

- a) Special or ad hoc or joint committees may be established from time to time by Council to consider a specific matter.
- b) All committees shall report directly to Council.
- c) Council shall adopt a terms of reference for each committee.
- d) The Head of Council is “ex officio” a member of every committee of Council. The Head of Council will not be considered part of committee quorum. The Head of Council is able to participate fully in any meeting of a committee or board established by Council, without restriction, including voting.
- e) The terms of reference shall establish the following, at a minimum:
  - i. The purpose, goal and authority of the committee;
  - ii. Member composition, numbers and method of appointing a Chair. The Chair shall be appointed at the first meeting following the inaugural meeting of Council;
  - iii. The location, date, time and frequency of meetings;
  - iv. Staff responsible for providing support, advice and expertise to the committee;
  - v. That staff shall ensure that all recommendations to Council by the committee are brought forward to Council in a timely fashion for consideration;
  - vi. That the Chair and-staff, at the direction of the committee and/or Council, facilitate clear communication of information between Council and the committee;
  - vii. A recording secretary for the committee; and
  - viii. That a committee Chair may cancel a meeting if they determine that there is insufficient items for consideration by the committee.
- f) The minutes of a committee shall be circulated to Council via the regular Council consent agenda. Council shall receive the minutes for information purposes only as any recommendation of a committee shall be brought forward to Council in a separate report.
- g) Council shall dissolve a committee, by resolution, when the purpose and goals have been met or at any other time when Council deems it appropriate.
- h) Council may appoint representatives to serve on any outside board or committee, or any other body to which Council is required or empowered to appoint a representative. Appointments to such boards and committees shall be a member of Council.
- i) At the first Regular meeting of Council following the inaugural meeting, Council shall:
  - i. Appoint members to various committees and boards for a term of four years; and
  - ii. Appoint non-Council members to committees and boards as determined in policy or the Terms of Reference for the committee or board.



#### **4.9 Budget Meetings**

Budget meetings will be considered Special meetings of Council. The agenda will be prepared by the Budget Chair and the Clerk in accordance with Section 14.2 of this by-law and in consultation with Finance staff.

### **5. NOTICE OF MEETINGS**

- a) Lack of receipt of the notice by any member shall not affect the validity of holding the meeting nor any action taken at the meeting.
- b) The notice requirements set out in this by-law are minimum requirements only, and the Clerk may give notice in an extended manner if in the opinion of the Clerk the extended manner is reasonable and necessary in the circumstances.

#### **5.1 Notice for Regular Council Meetings**

- a) Prior to the first meeting in each calendar year, Council shall establish a schedule of all Regular Council meeting dates for said calendar year. The schedule shall include the date, time and location of the meetings and shall be posted on the municipal website at the beginning of each year. The meeting schedule is subject to change as necessary.
- b) Notwithstanding the above, the published agenda shall be considered as adequate notice of Regular meetings of Council. The agenda shall include the date, time and place of the meeting.
- c) The Clerk shall ensure that a copy of the agenda for each Regular Council meeting is posted for public viewing on the municipal website no later than 4:30 p.m. on the Thursday preceding the scheduled meeting.

#### **5.2 Notice for Special Council Meetings**

- a) The Clerk shall ensure that notice of each Special meeting of Council is provided to each member of Council at least forty-eight (48) hours in advance of the said meeting. The Clerk shall provide notice of such meeting by posting for public viewing on the municipal website a copy of the agenda for the Special meeting and/or updating the meeting schedule that is posted on the municipal website.

#### **5.3 Notice for Emergency Council Meetings**

- a) The forty-eight (48) hour notice required by Section 5.2 of this by-law may be waived in the case of an emergency or extraordinary situation, as may be determined by the Head of Council (or alternate).
- b) An emergency meeting may be called by the Head of Council or in the absence of the Head, the Emergency Control Group or CAO.
- c) In such case, the Clerk (or designate) shall attempt to advise the members of Council about the call of the emergency meeting as soon as possible and in the most expedient manner available.
- d) Notice shall be posted on the municipal website and the public notice board at the municipal office and the North Perth Public Library – Listowel Site.
- e) Where proper notice was not possible due to the circumstances of the emergency, the Clerk will endeavour to make the fact of the meeting public as soon as possible after the meeting has taken place.

#### **5.4 Cancelling of Meetings –Inclement Weather**

- a) The Head of Council may, with appropriate notice cancel any Regular meeting of Council if, in consultation with the Clerk and Chief Administrative Officer, it has been determined that there are insufficient agenda items for the meeting, or if it appears that inclement weather or an emergency situation will prevent the members from attending.
- b) Meetings may be cancelled or adjourned taking any of the following into consideration:
  - i. Winter road closures or winter travel advisories have been issued;
  - ii. County or lower tier Public Works crews have stopped plowing roads for a specified period of time;
  - iii. Public Works crews have advised administration of hazardous road conditions;
  - iv. Radio public service announcements are advising of cancellations in the area;
  - v. School bus cancellations;
  - vi. Weather warnings by Environment Canada;
  - vii. Ministry of Transportation road condition advisory; or
  - viii. Members of Council or staff report hazardous travelling conditions.
- c) Notwithstanding Section 30 of this by-law, in the event of inclement weather or at the discretion of the Head of Council in consultation with the Clerk and Chief Administrative Officer, regular Council meetings may switch to a fully electronic meeting format for all attendees, including members of Council, staff, delegations and members of the public. In the case of switching to an electronic meeting format, the Clerk shall provide notice on the municipal website as soon as possible and every effort will be made to notify all relevant parties.

#### **5.5 Notice of Cancelled Meeting**

- a) Where a meeting has been cancelled for any reason, notice of the cancelled meeting shall be in the same form as notice for the meeting was made.
- b) Every effort will be made to notify all members of Council and members of the public who have identified that they plan to attend.
- c) The Clerk shall provide notice of cancellation to Council, staff, the local media and all other interested parties as soon as possible in advance of the meeting and in a manner deemed appropriate (e.g. via email, website and posting signs at the meeting site).

#### **5.6 Postponement of Meetings**

- a) Any Regular meetings of Council may be postponed to a day named in:
  - (a) A notice by the Head of Council or the Deputy Head of Council given through the Clerk's Office and twenty-four (24) hours in advance of the Regular meeting; or
  - (b) A resolution of Council passed by the majority of the members.
- b) Where a meeting has been postponed for any reason, notice of the postponed meeting shall be in the same form as notice for the meeting was made.

- c) Every effort will be made to notify all members of Council and members of the public who have identified that they plan to attend.
- d) The Clerk shall provide notice of postponement to Council, staff, the local media and all other interested parties as soon as possible in advance of the meeting.

## **6. CALLING OF MEETINGS TO ORDER AND QUORUM**

- a) The Head of Council or the Chair shall call the members to order as soon after the hour fixed for holding of the meeting a quorum is present.
- b) A majority of all members of Council shall constitute a quorum and be necessary for the transaction of business.
- c) If a quorum is not present one-half ( $\frac{1}{2}$ ) hour after the time appointed for the commencement of the meeting, the Clerk or designate shall indicate that no quorum is present and record the names of those members in attendance and they shall adjourn to the appointed time for the next scheduled meeting.
- d) Where it is known by the Clerk and/or Chair that quorum will not be achieved prior to one-half ( $\frac{1}{2}$ ) hour after the time appointed for the commencement of the meeting, the Chair shall have the discretion to adjourn the meeting at an earlier time.
- e) Where the number of members who are unable to participate in a meeting by reason of the provisions of the Municipal Conflict of Interest Act, R.S.O. 1990, such that, at that meeting the remaining members are insufficient to constitute a quorum, the remaining members shall be deemed to constitute a quorum, provided such number is not less than two (2).
- f) If, during the course of a meeting, quorum is lost, the Chair shall declare that the meeting shall stand recessed temporarily or be adjourned until the date of the next regular meeting or other meeting called in accordance with the provisions of this by-law.
- g) If in the event of a declared emergency, Council is not able to achieve quorum then they may enact the use of the Emergency Governance Committee.
- h) If members are not going to be in attendance or are going to be late for a meeting, they shall contact the office of the Clerk in advance of the meeting.

## **7. ROLE OF COUNCIL**

- a) Section 224 of the Act prescribes that it is the role of Council,
  - i. to represent the public and to consider the well-being and interests of the municipality;
  - ii. to develop and evaluate the policies and programs of the municipality
  - iii. to determine which services the municipality provides;
  - iv. to ensure that administrative policies, practices and procedures and controllership policies, practices and procedures are in place to implement the decisions of Council;
  - v. to ensure the accountability and transparency of the operations of the municipality, including the activities of the senior management of the

municipality;

- vi. maintain the financial integrity of the municipality; and
  - vii. to carry out the duties of Council under this or any other Act.
- b) Members of Council shall come prepared to every meeting by having read all the material supplied, including agendas and staff reports, to facilitate discussion and the determination of action at the meeting.
  - c) Members of Council shall ensure that their electronic devices issued by the municipality and used throughout the course of the meeting are in working order prior to the commencement of the meeting.
  - d) Members of Council shall make technical inquiries of staff regarding materials supplied in advance of the meeting.
  - e) No member shall have the authority to direct or interfere with the performance of any work for the municipality.
  - f) While in a Council meeting of any sort, members of Council shall abide by the following rules:
    - i. Members shall only speak when recognized by the Chair;
    - ii. Members shall only speak respectfully of His Majesty the King or any member of the Royal Family, Governor General, Lieutenant Governor or any member of the Senate, the House of Commons of Canada or the Legislative Assembly of Ontario;
    - iii. Members shall not use indecent, offensive or insulting language in or against any member of Council, staff, public or any other person. Further, no member will publish any derogatory or demeaning comment or opinion of Council, staff or member of the public;
    - iv. Members shall only speak to the question in debate;
    - v. Members shall not debate any prior determination of Council except to conclude such remarks with a motion to rescind or reconsider such determination;
    - vi. Members shall not interrupt or disturb any member who has the floor except to raise a point of order;
    - vii. Members shall not disturb a meeting by disorderly conduct or comments;
    - viii. Members shall not leave their seat or make noise or cause a disturbance while a vote is being taken or until the result is declared;
    - ix. Members shall not leave the meeting that they do not intend to return to without first advising the Chair;
    - x. Members shall abide by the rules of Council, obey the decisions of Council on questions of order or upon the interpretations of the rules of order by Council;
    - xi. In the event that a member of Council persists in a breach of the rules of this by-law, after having been called to order by the Mayor or Chair, the

Mayor or Chair shall put the question, "Shall the member be ordered to leave their seat for the duration of the meeting?" Council shall vote on the question and the question is not debatable;

- xii. If Council decides the question set out in subsection xi. in the affirmative by a majority vote of the members, the Mayor or Chair shall order the member to leave their seat for the duration of the meeting;
- xiii. If the member apologizes, the Mayor or Chair, with the approval of Council, may permit the member to resume their seat;
- xiv. If a member does not leave their seat after being ordered to do so by the Mayor or Chair, and if the member does not apologize, then the Mayor or Chair shall seek appropriate assistance from staff;
- xv. Members must occupy their chairs while a vote is being taken and the results are being declared;
- xvi. Members may require the question or motion under discussion to be read at any time during the debate, but not so as to interrupt a member while speaking;
- xvii. Every member present shall vote when a question is put on the floor unless a Pecuniary Interest has been declared;
- xviii. Members of Council shall officially be addressed as their elected position (Councillor, Deputy Mayor and Mayor).

#### **ROLE OF HEAD OF COUNCIL**

- a) It is the role of the Head of Council, per Section 225 of the *Municipal Act, 2001*, as amended:
  - i. to act as Chief Executive Officer of the municipality;
  - ii. to preside over Council meetings so that business can be carried out efficiently and effectively;
  - iii. to provide leadership to Council;
  - iv. to provide information and recommendations to Council with respect to the role of Council as described in Section 7 a) of this by-law and Section 224 of the *Municipal Act, 2001*, as amended;
  - v. to represent the municipality at official functions; and
  - vi. to carry out the duties of the Head of Council under the *Municipal Act, 2001* or any other Act.
- b) By virtue of their office, the Head of Council carries with it the right to participate fully in any meeting of a committee or board established by Council, without restriction, including voting. If the Head of Council attends a committee meeting as an "ex officio" participant, their attendance will not be considered part of quorum.
- c) For the purposes of the County of Perth and member municipalities joint emergency management plan, if the Head of Council is unavailable, the Deputy Mayor or the Council appointee shall be the alternate.

## **8. ROLE OF HEAD OF COUNCIL AS CHIEF EXECUTIVE OFFICER**

- a) It is the role of the Head of Council, per Section 226.1 of the *Municipal Act, 2001*, as amended:
  - i. to uphold and promote the purposes of the municipality;
  - ii. to promote public involvement in the municipality's activities;
  - iii. to act as the representative of the municipality both within and outside the municipality, and promote the municipality locally, nationally and internationally; and
  - iv. to participate in and foster activities that enhance the economic, social and environmental well-being of the municipality and its residents.

## **9. ABSENCE OF THE HEAD OF COUNCIL**

- a) In the event that the Head of Council is absent, has a conflict under the *Municipal Conflict of Interest Act, 1990*, refuses to act, or the office becomes vacant, the Deputy Mayor shall act in the place of the Head of Council, and while so acting, the Deputy Mayor may exercise all the rights, powers and authority of the Chair.
- b) In the absence of both the Head of Council and the Deputy Mayor, and if a quorum is present, Council shall elect a Chair from amongst its members present. While presiding, the member appointed by Council shall have all the powers of the Head of Council for the purpose of conducting the meeting only.

## **10. EMERGENCY GOVERNANCE COMMITTEE**

- a) In a declared emergency and where the decision-making capability of a municipality may be compromised or where normal protocols may be impossible to meet, the municipality may establish an Emergency Governance Committee to act in place of Council.
- b) The Emergency Governance Committee will only be formed if at least six members of the total ten-member Council are incapacitated through death, injury or illness and are unable to exercise their powers due the inability to meet quorum.
- c) The Emergency Governance Committee is comprised of a minimum of three and a maximum of four members of Council.
- d) The Emergency Governance Committee is delegated the authority by Council to exercise its normal legislative, quasi-judicial and administrative powers, subject to the limitations of the *Municipal Act, 2001*, with such delegated authority to only be exercised:
  - i. For the duration of an emergency which has been declared by the Head of Council or designate, in accordance with the municipality's Emergency Management Plan; and
  - ii. For Council's normal decision-making processes, and not for the management or coordination of emergency response activities.
- e) The Emergency Governance Committee, wherever practicable, will conduct its meetings in accordance with this procedure by-law.

## **11. CONDUCT OF PROCEEDINGS FOR COUNCIL**

- a) As soon as there is quorum present, the Head of Council or Chair shall call the meeting to order.
- b) The Head of Council or the Chair shall announce the business before Council in the order to which it is to be acted upon.
- c) The Head of Council or the Chair shall preserve order and decorum and decide questions of order subject to an appeal to Council and this decision may be overruled by a majority vote thereof.
- d) The Head of Council or the Chair shall put to vote all questions which are moved and seconded and shall announce the result.
- e) The Head of Council shall authenticate by signature when necessary all by-laws, minutes and documents authorized by Council. In the absence of the Head of the Council, the Chair presiding over the meeting shall sign the by-laws, minutes and documents authorized by Council.
- f) The Head of Council or the Chair shall represent and support Council declaring its will and obeying all decisions.
- g) The Head of Council or the Chair shall ensure that the decisions of Council are in conformity with the laws and by-laws governing the activities of the municipality.
- h) The Head of Council or the Chair shall adjourn the meeting when business is concluded.
- i) The Head of Council or the Chair shall adjourn the meeting without question in the case of grave disorder arising in the meeting space.
- j) The Head of Council or the Chair shall ensure that the members of the public who constitute the audience in the Council Chambers or meeting room:
  - i. maintain order and quiet;
  - ii. address Council only with the permission of the Chair;
  - iii. do not interrupt any speech or action of the members or any other person addressing Council;
  - iv. to order any individual or group in attendance at the meeting to cease and desist any behaviour which disrupts the order and decorum of the meeting and to order the individual or group to vacate the Council Chambers or meeting room where such behaviour persists;
  - v. to turn off or set to silent mode, all electronic devices; and
  - vi. use recording, broadcasting or streaming devices respectfully, and should the Head of Council or Chair direct it, move or cease to use said devices. In the event the individual is noncompliant, the Head of Council shall request the individual leave the room.

## **12. DECLARATIONS OF PECUNIARY INTEREST**

- a) Pursuant to the *Municipal Conflict of Interest Act, 1990*, where a member of Council has a pecuniary interest in any matter, including that of a spouse, child or parent, and is present at a meeting of Council at which the matter is the subject of consideration, the member:
  - i. shall, prior to any consideration of the matter at the meeting, verbally disclose the interest and the general nature thereof;

- ii. shall, prior to any consideration of the matter at the meeting, disclose the interest and the general nature thereof in writing using the prescribed online form and submit it to the Clerk or designate;
  - iii. shall not, at any time, take part in the discussion, or vote on any question in respect of the matter;
  - iv. shall not, at any time, attempt, either on their own behalf or while acting for, by or through any other person, in any way whether before, during or after the meeting to influence the voting on any such question;
  - v. shall immediately leave the room in which the meeting is being held for all or part of the meeting during which the matter is under consideration and remain absent from it where the matter is under consideration during closed session; and
  - vi. in the case of electronic participation, shall disconnect audio and visual settings for all or part of the meeting during which the matter is under consideration and remain disconnected where the matter is under consideration during closed session.
- b) Where the interest of a member has not been disclosed by reason of the member's absence from a meeting wherein the matter was discussed, the member shall disclose the interest at the next Council meeting attended by the member.
- c) Where a member has declared a pecuniary interest on an item, they shall not take part in adopting the Confirmatory By-law.
- d) The municipality shall establish and maintain a registry to keep each statement filed before, at or following a meeting and each declaration made at a meeting. The Conflict of Interest registry will be available to the public for viewing on the municipal website.

## 13. AGENDAS

### 13.1 Regular Council Meeting Agendas

- a) The Clerk or ~~his/her~~ designate shall prepare the agenda for all Regular Council meetings consisting of the following "Order of Business":
1. Call to Order
  2. O Canada
  3. Land Acknowledgement Statement
  4. Council Recognitions
  5. Disclosure of Pecuniary Interest and General Nature Thereof
  6. Confirmation of the Agenda
  7. Consent Agenda
  8. Public Meetings/Hearings and Delegations
  9. Reports
  10. Council Report Requests
  11. Correspondence
  12. By-laws
  13. Announcements
  14. Closed Session
  15. Reporting Out
  16. Confirmatory By-law
  17. Adjournment
- b) The agenda shall be available to members of Council by 4:30 p.m. on the Thursday preceding the meeting to which it pertains.



- c) The business of Council shall be taken in the order in which it stands upon the agenda, unless otherwise decided by the majority of Council.
- d) The Clerk, in consultation with the Mayor, may change the order of business when preparing the agenda as deemed necessary.
- e) Reports from departments will be listed on the agenda in an order to be determined by the Clerk, and the order may change every meeting depending on timing and operational needs. If a department has no reports being considered at a meeting, that department will be omitted from the agenda.

### **13.2 Special or Emergency Council Meeting Agendas**

- a) The Clerk shall prepare an agenda in the following order, for the use of members at Special meetings of Council:
  - a. Call to Order
  - b. O Canada
  - c. Land Acknowledgement Statement
  - d. Disclosure of Pecuniary Interest and General Nature Thereof
  - e. Confirmation of the Agenda
  - f. Business to be Considered
  - g. Confirmatory By-law
  - h. Adjournment
- b) The agenda for Special Council meetings shall be available at least forty-eight (48) hours preceding the meeting to which it pertains.
- c) Emergency Council meeting agendas shall be prepared in accordance with Section 14.2 a) with necessary modifications and shall be made available in accordance with the notice provisions in Section 5.3.
- d) The minutes of a Special or Emergency Council meeting shall be approved at the next regular meeting of Council.

## **14. MINUTES**

- a) Minutes of Council, whether it is closed to the public or not, shall record:
  - i. the date, time and place of the meeting;
  - ii. the record of attendance of the members;
  - iii. the correction and adoption of the minutes of prior meeting(s);
  - iv. all resolutions and decisions; and
  - v. all the other proceedings of the meeting without note or comment.
- b) After the minutes have been adopted they will be signed by the Head of Council or the Chair and by the Clerk (or designate).
- c) The Clerk shall ensure that the minutes of the preceding regular meeting and any Special meeting(s) are circulated along with the agenda.
- d) The onus shall be upon members attending after commencement of the meeting to inform the Clerk of their arrival in order that same may be recorded in the minutes.
- e) Unless a reading of the minutes of a Council meeting is requested by a member, such minutes shall be approved without reading if the Clerk previously provided

each member with a copy thereof and has previously posted same.

- f) The minutes of all Council meetings (with the exception of closed session meetings) shall be posted on the municipal website for public inspection as soon as practicably possible.

## **15. DELEGATIONS**

- a) Any delegation wishing to appear before Council on municipal business shall make a formal request to the Clerk in writing by utilizing the required Council Delegation Request Form. The request shall be submitted no later than 4:30 p.m. on the Tuesday preceding the meeting. At the discretion of the Clerk and depending on the volume of agenda items, the delegation may be scheduled to be heard on an alternate meeting date.
- b) Notwithstanding Section 16 a), any person wishing to make a delegation related to a matter on the agenda shall submit a request in writing by utilizing the Council Delegation Request Form no later than 12:00 noon on the day of the meeting.
- c) After a delegation has been heard at a Council meeting and it is felt that a further meeting on the same topic is warranted, Council may so recommend and shall determine the date and time of such further delegation.
- d) The Head of Council or the Chair has the discretion to limit delegations on repetitive topics, or topics that are deemed to be frivolous.
- e) Each person addressing Council shall give their name and address for the record and, unless further time is granted by Council, shall limit their address to ten (10) minutes, including questions of Council to the delegation. All remarks shall be addressed to Council as a body and not to any individual member thereof. No person, other than members of Council and the person having the floor, shall be permitted to enter into any discussion, either directly or through the members of Council. No questions shall be asked to the delegation or Council members, except through the Head of Council or the Chair.
- f) A delegation requesting to speak for more than ten (10) minutes will only be permitted by a majority vote of Council.
- g) Delegations must abide by the rules of procedure and public conduct at meetings. They will accept any decisions of the Chair and not enter into cross debate with members, other delegations, or staff.
- h) Where the Chief Administrative Officer or the Clerk determines that a person requesting to delegate is likely to engage in unreasonable or offensive conduct, make unreasonable or offensive statements or demands, repeatedly speak on a subject matter that is not within the municipality's jurisdiction, or otherwise misuse the privilege of addressing Council, the person will not be permitted to appear as a delegation at the meeting.
- i) At the discretion of the Head of Council/Chair, Chief Administrative Officer or Clerk, speaking notes may be requested in advance of the meeting prior to confirming registration as a delegation. Upon review of that material by the Head of Council/Chair, Chief Administrative Officer and Clerk, if at least two parties deem the subject matter not applicable to the business of Council, the delegation will not be registered to speak at the meeting.

- j) If a request to delegate has been denied in accordance with section 16 i), the Chief Administrative Officer or the Clerk will:
  - i. Notify the requester that they will not be permitted to appear as a delegate and provide reasons for the decision; and
  - ii. Inform the members of the decision to deny the request.

## **16. CORRESPONDENCE/PETITIONS**

- a) Interested parties, or authorized representatives, may address Council by written communication in regard to any matter over which Council has control at any time by direct mail or by addressing the Clerk and such written communication will be distributed to the members.
- b) Any communication or correspondence that is to be presented to Council and included on a meeting agenda shall be legibly written, typed or printed and shall not contain any obscene or defamatory language and shall include the full name and contact information by the sender and be filed with the Clerk no later than 12:00 noon on the Wednesday preceding the meeting.
- c) The Clerk may, upon receipt, refer any communication or petition to a department head without the prior consideration of Council.

## **17. BY-LAWS**

- a) Council shall be provided with a copy of all by-laws which are on the agenda for consideration. Council shall not consider any by-law not listed on the agenda.
- b) Unless otherwise requested by a member of Council, all by-laws proposed for adoption shall be passed in one single motion and without the requirement for three readings, with the exception of specific by-laws that require provisional adoption (e.g. by-laws required under the Drainage Act).
- c) Every by-law enacted by Council shall be numbered and dated and shall be sealed with the seal of the municipality and signed by the Clerk, or designate, and Head of Council, or presiding officer, and shall be filed by the Clerk for safekeeping.
- d) A by-law shall be considered read upon the title or heading or short description thereof being read or taken as read unless a member of Council requests that the by-law or any portion thereof to be read in full.
- e) The proceedings at every regular Council meeting shall be confirmed by by-law so that every decision of the Council and every resolution passed at that meeting shall have the same force and effect as if each and every one of them has been the subject matter of a separate by-law duly enacted. The proceedings at every Emergency meeting shall be confirmed by by-law at the next regular meeting of Council.
- f) Notwithstanding Section 18 b), the confirmatory by-law shall be passed in a stand-alone motion as the last item on the agenda.

## **18. NOTICE OF MOTION**

- a) Any member of Council may give a notice of motion indicating an intent that the member will introduce a motion at the next or a subsequent meeting of Council. The giving of a notice of motion requires no seconder and is not, at the time, debatable.

- b) All notices of motion shall be provided in writing and submitted to the Clerk. In order for a notice of motion to be included on an agenda, it must be submitted to the Clerk by 4:30 on the Wednesday preceding the Council meeting.
- c) A notice of motion submitted to the Clerk shall be placed on the agenda of the next regularly scheduled Council meeting, a copy of which shall be distributed to the members as part of the agenda.
- d) A notice of motion that is not submitted in accordance with Section 19 b) may be introduced by the mover during the notice of motion section at a regular meeting of Council and shall be submitted in writing to the Clerk during the meeting.
- e) Consideration of a motion of which notice was given pursuant to this section shall be in order at the next regular Council meeting.
- f) A motion normally requiring a notice of motion may be introduced without notice if Council without debate, dispenses with notice on the affirmative vote of at least two-thirds of the members present and voting.

## **19. REQUESTS BY MEMBERS**

- a) A majority vote of Council will be required to request reports from staff.
- b) A member of Council shall request a report from staff only during the time of discussion or at the Council Reports section of the agenda.
- c) Reports required as a result of a request of Council will be brought forward to a future meeting of Council at the discretion and scheduling of the Senior Management Team.
- d) Notwithstanding Section 20 c), Council may request a specific report back date for matters of an urgent or timely nature. The specific report back date shall be included as part of the resolution passed under Section 20 a).
- e) A status update regarding outstanding report requests will be circulated as part of the consent agenda on a quarterly basis.

## **20. ADJOURNMENT**

- a) Council shall adjourn if still in session after a duration of four hours, unless otherwise determined by a resolution of Council passed by the majority of the members.

## **21. RESOLUTIONS/MOTIONS**

- a) A motion must be formally seconded before the question can be put on a motion and recorded in the minutes.
- b) When a motion is presented to Council in writing, it shall be read, or, if it is an oral motion, stated by the Head of Council or Chair.
- c) After a motion is read or stated by the Head of Council or Chair, it shall be deemed to be in possession of Council but may, with the permission of Council, be withdrawn at any time before decision or amendment.
- d) After a motion is finally put, no member shall speak to the motion nor shall any other motion be made until after the vote is taken and the result declared.

- e) Every member of Council shall have one vote.
- f) Every member of Council present at a Council meeting, including via electronic participation in accordance with Section 31 of this by-law, when a question is put, shall vote thereon, except where the member is disqualified to vote by reason of a pecuniary interest or is absent from the Council Chambers or meeting room when the question is put.
- g) All votes shall be announced openly, as carried or defeated, by the Head of Council or Chair.
- h) On an unrecorded vote, the manner of determining the decision on a motion shall be at the discretion of the Head of Council or the Chair and may be by electronic voting or show of hands.
- i) The Head of Council or Chair shall require a recorded vote to be taken on any question upon request of a member if such request is made prior to commencement of the voting or immediately thereafter (Section 246 of the *Municipal Act, 2001*). When a member present requests a recorded vote all members present at the meeting shall vote, unless otherwise prohibited by statute.
- j) On a recorded vote, the manner of determining the decision on a motion shall be by electronic voting. The result of the vote will be publicly displayed and recorded in the minutes. Should electronic voting be unavailable for a recorded vote due to technical difficulties, the Clerk shall conduct the recorded vote.
- k) In accordance with Section 246 of the *Municipal Act, 2001*, a failure to vote by a member who is present at the meeting at the time of the vote and who is qualified to vote shall be deemed to be a negative vote.
- l) Except where expressly provided in statute, any question on which there is an equality of votes shall be deemed to be defeated.
- m) The Head of Council or the Chair shall declare the vote on all questions and should their declaration be stated by any member to be in doubt, the Head of Council or the Chair shall require the vote to be retaken and the results of this vote shall be final.
- n) Members shall not speak to the same motion without the consent of the Head of Council or the Chair and at the end of the debate a motion for closure may be made by the Head of Council or the Chair.
- o) Amendments shall be put in the reverse order to that in which they are moved. Only one amendment shall be allowed to an amendment.
- p) No vote shall be taken by ballot or any other method of secret voting, and every vote so taken is of no effect, in accordance with Section 244 of the *Municipal Act, 2001*.

## **22. RECONSIDERATION**

- a) No decided matter may be reconsidered more than once during the term of Council.
- b) A recorded vote shall be required for all motions to reconsider a previous decision of Council.

### **22.1 Reconsideration in First Year**

- a) Within one year after a matter has been decided by Council within that term of office, a member who voted in the majority may present a notice of motion to reconsider that matter. Such notice of motion to reconsider shall be referred to the next regularly scheduled meeting of Council and shall be placed on the agenda under the appropriate section.
- b) Actions of Council that cannot be reversed or suspended cannot be reconsidered.
- c) Before accepting a notice of motion to reconsider, the Mayor may ask the member to confirm that they voted with the majority on the issue in question.
- d) A motion to reconsider a decided matter shall require the approval of at least two-thirds majority vote of Council.
- e) No debate on a motion to reconsider shall be permitted. However, the mover of a motion to reconsider may make a brief and concise statement outlining the reasons for proposing such reconsideration.
- f) If a motion to reconsider is decided in the affirmative at a meeting, then consideration of the original decided matter shall become the next order of business.

### **22.2 Reconsideration After First Year**

- a) After the initial one-year period, within the term of office, a motion to reconsider a decided matter shall require the approval of a simple majority of the members of Council and if decided in the affirmative, then consideration of the original matter shall become the next order of business.

## **23. RULES OF DEBATE**

- a) The following matters and motions may be introduced orally without written notice and without leave except as otherwise provided by these rules:
  - (a) a point or order or personal privilege;
  - (b) presentation of petitions;
  - (c) to lay on the table (to defer temporarily);
  - (d) to postpone indefinitely to a specific day; and
  - (e) to move the previous question (immediate vote on the main motion).
- b) The following motions may be introduced without notice and without leave:
  - (a) to refer;
  - (b) to adjourn;
  - (c) to amend; and
  - (d) to suspend the rules of procedure.
- c) Every member prior to speaking to any question or motion shall raise their hand and obtain permission from the Chair to speak. When two or more members wish to speak, the Chair shall name the member who has the floor and shall be the member who, in the opinion of the Chair, raised their hand first.
- d) When a member is called to order, they shall cease speaking unless allowed to explain, and the ruling of the Chair shall be obeyed, subject to the appeal to Council, but without debate.

- e) No member shall speak more than once to the same question without the leave of Council or until all other members have had the opportunity to speak to the question a first time, except in explanation of a material part of the members' speech which may have been misconstrued, and in doing so, the member may not introduce a new matter.
- f) With the approval of the Head of Council and a majority vote of Council, Council may temporarily suspend the rules of order to permit extended debate on a specific item of business.
- g) During the extended debate, the Head of Council may permit members to speak to the item of business more than one time, but in the order which they have requested permission to speak.
- h) During the extended debate, the Head of Council will maintain order. If in the opinion of the Head of Council the need for extended debate has ended or the debate is no longer orderly, the Head of Council may end the extended debate and return to the regular rules of order.
- i) If the Head of Council desires to leave the Chair for the purpose of taking part in the debate for any reason, the Deputy Head of Council shall assume the Chair in their place until the Head of Council resumes the Chair.
- j) The Head of Council may answer questions and comment in a general way without leaving the Chair, but if they wish to make a motion or speak to a motion taking a definite position and endeavouring to persuade Council to support that position, then the Head of Council shall first leave the Chair.
- k) The Head of Council does not need to vacate the Chair to simply state support or opposition to a motion on the floor.
- l) When a member is speaking, no other member shall interrupt that member except to raise a point of order.
- m) Any member may require the question or motion under discussion to be read at any time during the debate but not so as to interrupt a member while speaking.

## **24. POINTS OF ORDER AND PRIVILEGE**

- a) A member may raise a point of order at any time, whereupon the Head of Council or Chair shall:
  - i. interrupt the matter under consideration;
  - ii. ask the member raising the point of order to state the substance of and the basis for the point of order; and
  - iii. rule on the point of order immediately without debate by Council.
- b) A member may raise a point of privilege at any time if the member considers that their integrity, the integrity of Council or staff has been impugned, whereupon the Head of Council or Chair shall:
  - i. interrupt the matter under consideration;
  - ii. ask the member raising the point of privilege to state the substance of and the basis for the point of privilege; and

- iii. rule on the point of privilege immediately without debate by Council.

## **25. PROCEDURAL APPEAL**

- a) The Head of Council or Chair shall rule on all points of order and privilege.
- b) A member of Council may appeal the ruling of the Head of Council or Chair to Council.
- c) If there is no appeal, the decision of the Head of Council or Chair shall be final.
- d) Council, if appealed to, shall vote on the motion without debate by way of a majority vote of the members present and its decision shall be final.

## **26. SUSPENSION AND AMENDMENT OF THESE RULES**

- a) Any provision of these rules may be temporarily suspended by the majority vote of the Council. The vote on any such suspension shall be taken by way of electronic voting or show of hands and entered upon the record.
- b) These rules may be amended, or new rules adopted by a majority vote of Council, provided that the proposed amendments or new rules have been introduced into the record at a prior Council meeting.

## **27. ELECTRONIC DEVICES AND RECORDING EQUIPMENT**

- a) All electronic devices shall be placed on an inaudible setting during any meeting, with the exception of assistive devices or other accessibility provisions.
- b) Attendees may audio and/or video record meetings, except for a closed session, provided that doing so is not disruptive to the meeting or other attendees.
- c) The Municipality of North Perth may audio and/or visually record, broadcast and/or livestream any open meeting of Council and may provide public access to any such recordings, broadcasts or streams.
- d) By attending open meetings of Council, attendees are consenting to their image, voice and/or comments being recorded, broadcast and/or livestreamed.

## **28. VALIDITY AND SEVERABILITY**

Should any section, subsection, clause, paragraph or provision of this by-law or parts thereof be declared by a court of competent jurisdiction to be invalid, unenforceable, illegal or beyond the powers of Council to enact, the same shall be deemed to be severable and shall not affect the validity or enforceability of any other provisions of the by-law as a whole or part thereof and all other sections of the by-law shall be deemed to be separate and independent therefrom and enacted as such.

## **29. ELECTRONIC PARTICIPATION**

- a) Members of Council shall attend all meetings of Council in person, unless otherwise permitted by special resolution of Council or at the discretion of the Head of Council in accordance with Section 5.4 d).
- b) Where a member of Council participates in a meeting electronically, the member:
  - i. shall be counted in determining whether a quorum is present;
  - ii. is permitted to vote in accordance with this by-law;



- iii. is permitted to speak on an item of business or motion in accordance with this by-law; and
  - iv. is subject to the rules and order provisions of this by-law and may be asked to leave a meeting and will no longer be permitted to participate electronically.
- c) Staff, delegations, consultants and other attendees participating in a meeting of Council may attend the meeting electronically unless notice has been given on the agenda that electronic participation is not available.

**30. EFFECTIVE DATE**

- a) By-law No. 40-2015, as amended, is hereby repealed.
- b) This by-law comes into force and takes effect on October 1, 2023.

**"Original signed by"**

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**MAYOR TODD KASENBERG**

**"Original signed by"**

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**CLERK LINDSAY CLINE**