

**OFFICE CONSOLIDATION****FOR INFORMATION PURPOSES ONLY****Last amended by By-law No. 3974-7, January 18, 2022****For copies of amending By-laws, please contact the Clerk at 613-267-3311****THE CORPORATION OF THE TOWN OF PERTH  
BY-LAW NO. 3974, as amended  
PROCEDURE BY-LAW****Town of Perth By-law Number 3974 – Amendments**

<b>By-law Number</b>	<b>Amendment</b>	<b>Date Passed</b>
<a href="#">2015-3974-1</a>	A By-law to amend Procedure By-law No. 3974 to include a definition for Acting Deputy Mayor	07-Aug-2015
<a href="#">2015-3974-2</a>	A By-law to amend Procedure By-law No. 3974 to change the Committee of the Whole and Council Time of Meetings to 5:30 PM	15-Dec-2015
<a href="#">2019-3974-3</a>	A By-law to amend Procedure By-law No. 3974 to change the name of the Striking Committee to Executive Committee and to add to the Committee's role, the responsibility for conducting the Chief Administrative Officer's (CAO's) annual performance appraisal	25-Jun-2019
<a href="#">2020-3974-4</a>	A By-law to amend the Procedure By-law to allow for Council, local Boards and Committees to hold electronic meetings in the event of a municipal or provincially declared emergency	24-Mar-2020
<a href="#">2021-3974-5</a>	A By-law to Amend the Procedure By-law No. 3974, to remove all references to the Executive Committee and Striking Committee and to amend Schedule "A" - Appointments to Committee(s) of the Council - Members of Council and Citizens	22-Jun-2021
<a href="#">2021-3974-6</a>	A By-law to Amend the Procedure By-law No. 3974, to amend Section 5.2.1 – Inaugural Meeting of Council – First Council Meeting and to amend Schedule 'A' - Appointments to Committee(s) of the Council - Members of Council and Citizens	23-Nov-2021
<a href="#">2022-3974-7</a>	A By-law to Amend Procedure By-law No. 3974, as amended regarding Electronic Meetings	18-Jan-2022

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**THE CORPORATION OF THE TOWN OF PERTH  
BY-LAW NO. 3974, as amended  
PROCEDURE BY-LAW**

**TABLE OF CONTENTS**

**BY-LAW NO. 3974**

**PROCEDURE BY-LAW**

<b>1. SHORT TITLE .....</b>
<b>2. DEFINITIONS .....</b>
<b>3. ROLES OF COUNCIL MEMBERS AND STAFF .....</b> 3.1 Council 3.2 Head of Council (Mayor) 3.3 Chief Administrative Officer 3.4 Clerk 3.5 Deputy Clerk 3.6 Administration – Officers, Staff 3.7 Vacancies – Council
<b>4. COMMITTEES OF THE COUNCIL – STRUCTURE AND REPORTING</b> 4.1 Establish Committees of the Council 4.2 Appointments to Committees of the Council – Councillors and Citizens 4.3 Committee(s) of the Council – Authority – Term
<b>5. MEETINGS .....</b> 5.1 Orientation of New Members of Council 5.2 Inaugural Meeting of Council 5.3 Regular Meetings 5.4 Special Meetings of Council/Committee/Advisory Panel 5.5 Emergency Meetings 5.6 Closed Meetings
<b>6. GENERAL RULES OF MEETINGS .....</b> 6.1 Rules of Order 6.2 Addressing – Members of Council 6.3 Addressing – Mayor 6.4 Addressing – Deputy Mayor 6.5 Addressing – Chair 6.6 Attendance 6.7 Dress Code 6.8 Sovereign – To Be Respected 6.9 Members of Council/Committee(s) of the Council – Municipal Staff 6.10 Speaking – Subject in Debate Only 6.11 Pecuniary Interest – Exclusion – Discussion 6.12 Criticize a Decision 6.13 Breach of Conduct 6.14 Vacating Seat During Meeting 6.15 Unfinished Business Dealt with in Future Meeting 6.16 Boundary of Council – Exclusion

**OFFICE CONSOLIDATION**

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**THE CORPORATION OF THE TOWN OF PERTH  
BY-LAW NO. 3974, as amended  
PROCEDURE BY-LAW**

<b>7. ROLE OF PRESIDING OFFICER OR CHAIR .....</b> 7.1 Presiding Officer to Preside 7.2 Chair to Preside – Committee of the Whole 7.3 Chair to Preside – Other Committees of the Council 7.4 Call the Meeting to Order – On Time 7.5 Order – Focus Debate 7.6 Disorder 7.7 Receive Motions 7.8 Direct Enquiries 7.9 Inform on Points of Order 7.10 Adherence to Laws 7.11 Stating the Question 7.12 Decline to Put to Vote 7.13 Signature for Authentication 7.14 Adjourn Meeting
<b>8. RULES OF DEBATE .....</b> 8.1 Addressing the Presiding Officer/Chair 8.2 Order – of Speaking – Determination 8.3 Speaking – Passing Between Chair – Interruption 8.4 Speaking – Motion – Read – Upon Request 8.5 Speaking – Duration – Time Limit – 5 Minutes 8.6 Speaking – Limit – Two Opportunities 8.7 Question – Integrity of Staff 8.8 Motion – Introductory Remarks by Mover of Motion
<b>9. VOTING ON QUESTIONS .....</b> 9.1 Requirement to Vote 9.2 Member – Occupying Seat 9.3 Member – Not in Seat – Deemed Absent 9.4 Division – Separate Vote – Each Proposal 9.5 Show of Hands 9.6 Recorded Vote – by Request – Vote Announced Openly 9.7 Motion – Majority – Required – Exception 9.8 Failure to Vote – Deemed Negative 9.9 Tie Votes – Deemed Negative 9.10 Member Disagrees – Motion for Clarification
<b>10. QUORUM – CALL TO ORDER .....</b> 10.1 Quorum – Call to Order 10.2 No Quorum – Meeting Adjourned 10.3 Council Meeting – Presiding Officer Absent 10.4 Committee(s) of the Council – Meeting – Chair Absent 10.5 Meeting Adjourned – Not Ended 10.6 Quorum – Municipal Conflict of Interest – “Remedy for Lack”
<b>11. AGENDA .....</b> 11.1 Agenda
<b>12. ORDER OF BUSINESS – GENERAL FORMAT .....</b> 12.1 Order of Business – Committee of the Whole and Council 12.2 Committee(s) of the Council – Order of Business

**OFFICE CONSOLIDATION**

**FOR INFORMATION PURPOSES ONLY**

**Last amended by By-law No. 3974-7, January 18, 2022**

**For copies of amending By-laws, please contact the Clerk at 613-267-3311**

**THE CORPORATION OF THE TOWN OF PERTH  
BY-LAW NO. 3974, as amended  
PROCEDURE BY-LAW**

12.3 Changes to Order of Business
<b>13. CALL MEETING TO ORDER .....</b> 13.1 Opening Remarks
<b>14. DISCLOSURE OF PECUNIARY INTEREST AND GENERAL NATURE THEREOF .....</b> 14.1 Member of Council 14.2 Member of Committees of the Council to Identify Pecuniary Interest 14.3 Pecuniary Interest Form 14.4 Indirect Pecuniary Interest 14.5 Interest of Certain Persons Deemed that of a Member 14.6 Exceptions 14.7 Disclose General Interest and Nature Thereof 14.8 Non-Participation 14.9 Influence 14.10 Where Member is to Leave Closed Meeting 14.11 When Absent from Meeting at Which Matter is Considered 14.12 Disclosure at Next Meeting 14.13 Disclosure to be Recorded in the Minutes 14.14 Remedy for Lack of Quorum
<b>15. APPROVAL OF MINUTES .....</b> 15.1 Record of Meeting 15.2 Draft Minutes 15.3 Approval of Minutes 15.4 Amendments to Minutes 15.5 Clerk/Recording Secretary Authorized to Make Corrections 15.6 Signature for Authentication 15.7 Adopted Minutes 15.8 Minutes – Closed Session
<b>16. DISCLOSURE OF ADDITIONAL ITEMS .....</b> 16.1 Committee of the Whole – Introduction of New Item/Motion Not on Agenda 16.2 Council – Introduction of New Item/Motion Not on Agenda – Disposition Later
<b>17. CLOSED SESSION (“IN-CAMERA”) .....</b> 17.1 Following of Rules 17.2 Meetings Open to the Public 17.3 Resolution – Enter Closed Session – Include General Nature of the Matter 17.4 Agenda 17.5 Identification of Specific Section 17.6 Record of Meeting 17.7 Closed to Whom 17.8 Location of Meeting 17.9 Disclosure of Interest 17.10 Additional Items for Discussion 17.11 Discussion – Limited 17.12 Votes Taken in Closed Session – Procedural Matters – Giving Direction/Instructions

**OFFICE CONSOLIDATION**

**FOR INFORMATION PURPOSES ONLY**

**Last amended by By-law No. 3974-7, January 18, 2022**

**For copies of amending By-laws, please contact the Clerk at 613-267-3311**

**THE CORPORATION OF THE TOWN OF PERTH  
BY-LAW NO. 3974, as amended  
PROCEDURE BY-LAW**

17.13 Collection of Closed Session Documents
17.14 Calculations and Note Taking
17.15 Confidentiality of Information
17.16 Securing Minutes
<b>18. RETURN TO OPEN SESSION</b> .....
<b>19. MATTERS ARISING FROM CLOSED SESSION</b> .....
<b>20. PRESENTATIONS</b> .....
20.1 Ceremonial Presentations/Awards – Council Meetings
20.2 Informal Presentations – Committee of the Whole
<b>21. NOTICE REQUIRED UNDER THE NOTICE BY-LAW</b> .....
<b>22. DELEGATIONS</b> .....
22.1 Delegation – Presenting at a Meeting
22.2 Delegation – First Come – First Served – Limit of 4
22.3 Delegation – Notice – Prior to Meeting
22.4 Delegation – Limit of One Appearance – Exception – New Information
22.5 Delegation Refused – Chief Administrative Officer/Clerk
22.6 Delegation – Spokesperson
22.7 Delegation – Not to Repeat
22.8 Delegation – Limited to Subject Matter
22.9 Delegation Material
22.10 Delegation – After the Agenda is Published
22.11 Restrictions on Delegations
22.12 Delegation – Time Limit – 10 Minutes
22.13 Delegation – Addressing Members
22.14 Matter Brought Forward
22.15 Curtail Delegation or Debate
22.16 Questions by Members
22.17 Restrict Delegation – Motion Moved
<b>23. RECEIVING CORRESPONDENCE AND OTHER COMMUNICATIONS</b>
23.1 Correspondence – Signed – Legible – Public
23.2 Correspondence – Circulated – Agenda
23.3 Correspondence – Submission Prior to 12:00 p.m. (Noon)
23.4 Correspondence – Late Submission – Consideration – Urgent Matter Only
<b>24. RECEIVING STAFF REPORTS</b> .....
24.1 Committee of the Whole/Council – Staff Reports
24.2 Committee(s) of the Council/Advisory Panels – Staff Reports
<b>25. RECEIVING COMMITTEE REPORTS</b> .....
25.1 Committee Report – Members of Council
<b>26. UNFINISHED BUSINESS</b> .....

**OFFICE CONSOLIDATION**

**FOR INFORMATION PURPOSES ONLY**

**Last amended by By-law No. 3974-7, January 18, 2022**

**For copies of amending By-laws, please contact the Clerk at 613-267-3311**

**THE CORPORATION OF THE TOWN OF PERTH  
BY-LAW NO. 3974, as amended  
PROCEDURE BY-LAW**

<b>27. BY-LAWS .....</b> 27.1 By-laws – Title 27.2 By-law – Consent Agenda 27.3 Subject Matter – Previously Considered 27.4 Urgent – Immediate Action Required 27.5 Confirm Proceedings of Council 27.6 Introduction of By-law – Purpose Specified – One Reading (1st, 2nd, 3rd Inclusive) 27.7 Clerk – Read By-law Title and Short Description 27.8 Amendment – Debate on Motion 27.9 Amended By-law Passed – Corrections by Clerk 27.10 Reading – Date – Certified 27.11 By-law Passed – Deposited in Safe 27.12 Clerk Authorized to Make Corrections
<b>28. MAIN MOTIONS .....</b> 28.1 Motion 28.2 Motions – Presentation 28.3 Motions – Consent Agenda 28.4 Signature for Motion – Secunder 28.5 State the Motion – No Debate Until Read – Question has been Stated 28.6 Motion Ruled Out of Order 28.7 Motion Open to Debate 28.8 No Other Motion Pending 28.9 Discussion on any Subject – Permitted Only with Reference to a Pending Motion 28.10 Clerk to Make Revisions 28.11 Voting 28.12 Motions: Definition and Process
<b>29. MISCELLANEOUS BUSINESS – COUNCIL MEETING .....</b> 29.1 Member – Notice – New Item – Council – To go to Next Committee of the Whole Meeting 29.2 Urgent – Immediate Action Required
<b>30. QUESTIONS FROM THE MEDIA .....</b> 30.1 Members of Media – Questions
<b>31. ADJOURNMENT .....</b> 31.1 Adjournment – Motion – At Request of Presiding Officer/Chair 31.2 Time of Adjournment – Extend
<b>32. ELECTRONIC MEETINGS .....</b>
<b>33. SUSPENSION OF RULES .....</b>
<b>34. AMENDMENT OF BY-LAW .....</b> 34.1 Repeal 34.2 Amendments

**OFFICE CONSOLIDATION**

**FOR INFORMATION PURPOSES ONLY**

**Last amended by By-law No. 3974-7, January 18, 2022**

**For copies of amending By-laws, please contact the Clerk at 613-267-3311**

**THE CORPORATION OF THE TOWN OF PERTH  
BY-LAW NO. 3974, as amended  
PROCEDURE BY-LAW**

<b>35. SEVERABILITY</b> ..... 35.1 Provisions – Severable 35.2 Conflict
<b>36. REPEAL</b> .....

**OFFICE CONSOLIDATION**

**FOR INFORMATION PURPOSES ONLY**

**Last amended by By-law No. 3974-7, January 18, 2022**

**For copies of amending By-laws, please contact the Clerk at 613-267-3311**

**THE CORPORATION OF THE TOWN OF PERTH  
BY-LAW NO. 3974, as amended  
PROCEDURE BY-LAW**

**SCHEDULES**

**BY-LAW NO. 3974**

<b>A</b>	<b>APPOINTMENTS TO COMMITTEE(S) OF THE COUNCIL – MEMBERS OF COUNCIL AND CITIZENS</b> .....	33 – 34
<b>B</b>	<b>TERMS OF REFERENCE FOR COMMITTEES.....</b>	35 – 36
<b>C</b>	<b>PECUNIARY INTEREST FORM</b> .....	37
<b>D</b>	<b>1. MOTIONS: DEFINITION AND PROCESS</b> ..... 1.1 Withdraw: A Motion to Withdraw 1.2 Divide: A Motion to Divide 1.3 Fix the Time to Which to Adjourn 1.4 Adjourn 1.5 Raise a Question of Privilege or Point of Order 1.6 Call the Question (Immediately Close Debate) 1.7 Postpone to a Certain Time (Defer to a Certain Time) 1.8 Refer 1.9 Amend 1.10 Reconsideration of a Motion/By-law – Council 1.11 Reconsideration of Matters at the Same Meeting 1.12 Motion to Recess	38 – 42
<b>E</b>	<b>APPOINTMENT PROCESS TO FILL A VACANCY ON COUNCIL .....</b>	43 – 45
<b>F</b>	<b>COMMITTEE STRUCTURE</b> .....	46
<b>G</b>	<b>EXTRACTS FROM THE MUNICIPAL ACT</b> .....	46 – 53



**OFFICE CONSOLIDATION**

**FOR INFORMATION PURPOSES ONLY**

**Last amended by By-law No. 3974-7, January 18, 2022**

**For copies of amending By-laws, please contact the Clerk at 613-267-3311**

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PROCEDURE BY-LAW**

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**A Procedure By-law to establish rules governing the order and proceedings of Council and Committees of the Council of the Corporation of the Town of Perth, and to repeal By-law No. 3144, 3267 and 3133 in their entirety.**

**WHEREAS** the Municipal Act, 2001, S.O. 2001, c. 25 requires municipalities to pass a Procedure By-law governing the calling, place and proceedings of meetings;

**WHEREAS** it is necessary and expedient that there shall be rules governing the order and proceedings of the Council and the Committees of the Council of The Corporation of the Town of Perth; and,

**WHEREAS** Council desires that its governance processes and procedures facilitate, to the greatest extent possible, the understanding and participation of its citizens in the effective conduct of the Corporation's business;

**AND WHEREAS** Council provided the required notice, in accordance with the Municipal Act and the Municipality's Public Notice By-law of their intention to enact this by-law.

**August 7, 2015 (Amendment)**

1. The Committee of the Whole concurs with the recommendation to amend Procedure By-law No. 3974, to include a definition for Acting Deputy Mayor.

**December 15, 2015 (Amendment)**

1. The Committee of the Whole on December 1, 2015, recommended to Council that the Procedure by-law No. 3974, be amend as follows:
  - 1.1. Subsection 5.2.1. First Council Meeting, remove "6:00 PM" and insert "5:30 PM";
  - 1.2. Subsection 5.3.4. Time of Meeting – Council, remove "6:00 PM" and insert "5:30 PM", and;
  - 1.3. Subsection 5.3.5. Time of Meeting – Committee of the Whole, remove "5:15 PM" and insert "5:30 PM".

**NOW THEREFORE** the Council of The Corporation of the Town of Perth enacts as follows:

**GENERAL INTERPRETATION**

**1. SHORT TITLE:**

- 1.1. This By-law may be referred to as the "Procedure By-law".

**2. DEFINITIONS:**

In this by-law, the following definitions apply:

**OFFICE CONSOLIDATION**

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**THE CORPORATION OF THE TOWN OF PERTH  
BY-LAW NO. 3974, as amended  
PROCEDURE BY-LAW**

- 2.1. “**ACT**” shall mean the Municipal Act, as amended from time to time.
- 2.2. “**Abstain**” means to refrain from voting. Failing to vote is considered an abstention and shall be considered a negative vote unless the member is not participating in the vote due to a declared pecuniary conflict of interest on the matter being considered.
- 2.3. “**Acting Mayor**” means the Deputy Mayor, when the Mayor is temporarily unable to Act, and if the Deputy Mayor is unable to Act temporarily, it shall mean the Councillor with the longest continuous service and if there is more than one, then the selection shall be made by motion in alphabetical order by the Councillor’s surname. The Acting Mayor shall have all the rights, powers and authority of the Mayor, while acting in the Mayor’s stead. (Also Ref. SCHEDULE ‘E’, Appointment Process to Fill a Vacancy on Council).
- 2.4. “**Acting Deputy Mayor**” means the Councillor with the longest continuous service when the Deputy Mayor is temporarily unable to act, and if there is more than one, then the selection shall be made by Motion in alphabetical order by the Councillor's surname, and shall have all the rights, powers and authority of the Deputy Mayor while acting in the Deputy Mayor's stead, as per the intent of the Procedure By-law.
- 2.5. “**Adjourned Meeting**” means the continuation of a regular or special meeting which deals with the outstanding business of the regular or special meeting. (Also Ref. “Session”, s. 2.47 and “Fix the Time to Which to Adjourn”, SCHEDULE ‘D’, s. 1.3.).
- 2.6. “**Adjournment**” means to terminate a meeting.
- 2.7. “**Advisory Panel**” means any other committee, (special purpose committee, standing committee, sub-committee or ad-hoc/taskforce committee) established by Council that does not meet the definition of “Committee” in the ACT, s. 238, that makes recommendations to Committee of the Whole or Council. (Ref. SCHEDULE ‘F’ – (For Reference Only).
- 2.8. “**Appointed Official**” includes those employees of the municipality appointed by by-law.
- 2.9. “**Agenda**” means the written Order of Business to be discussed at a meeting and be considered one form of notice for a meeting.
- 2.10. “**By-law**” means a local law. A by-law is enacted by Council to exercise a power provided in an Act. It is the most formal document used for complex and legal matters providing authority and direction for the corporation to act on its own affairs.
- 2.11. “**Chair**” is the person presiding over a meeting, who is charged with the responsibility to decide questions and points of order or practice, preserve order and maintain decorum in the proceedings of Committee(s) of the Council.
- 2.12. “**Chief Administrative Officer**” means the Chief Administrative Officer (CAO) of the Corporation of the Town of Perth who is duly appointed by by-law.
- 2.13. “**Civic or Public Holiday**” means those days listed as holidays in the Retail Business Holidays Act.

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**THE CORPORATION OF THE TOWN OF PERTH  
BY-LAW NO. 3974, as amended  
PROCEDURE BY-LAW**

- 2.14. “**Clerk**” means the Municipal Clerk of the Corporation of the Town of Perth who is duly appointed by by-law.
- 2.15. “**Closed Session**” (In Camera) means a meeting or part of a meeting that is closed to the public in accordance with the ACT, s. 239. (2).
- 2.16. “**Committee**” means any Advisory Panel or other Committee, Sub-committee or similar entity established by Council of which at least 50 per cent of the members are members of Council, which has been duly appointed by Council to deal with specific or general matters, provide advice and/or recommendations to Council.
- 2.17. “**Committee(s) of the Council**” means any Committee or Advisory Panel established by Council. Council is the only authority that shall delegate issues and/or the authority to deal with issues to the most appropriate Committee.
- 2.18. “**Committee of the Whole**” (CoW) means the participation of all members of the Council of the Corporation of the Town of Perth in a Committee meeting where members of the Council consider questions with greater freedom of debate. When sitting as Committee of the Whole, the results of votes taken in Open Session are not final decisions of the Council but have the status of recommendations which the Council is given the opportunity to consider further at its formal Council meeting and in which it votes on finally under its regular rules (Exception: votes taken in Closed Session). Motions presented at CoW and not approved by the members shall not be brought forward to Council for consideration.
- 2.19. “**Consent Agenda**” means a component of a meeting agenda that enables Council to group routine items, and motions and by-laws unanimously approved at Committee of the Whole, under one umbrella and is a single item that encompasses all the things Council would normally approve with little comment at a Council meeting. Items on the consent agenda are not discussed before a vote. Unless a member of Council feels that an item should be discussed and requests the removal of that item ahead of the vote, the entire Consent Agenda is voted on at once without any additional explanations or comments.
- 2.20. “**Correspondence**” includes but is not limited to the following: letter, memorandum, report, notice, electronic mail, facsimile, petition, brochure, newspaper/magazine article etc.
- 2.21. “**Council**” means the Municipal Council of the Corporation of the Town of Perth and includes the Mayor, Deputy Mayor and five Councillors.
- 2.22. “**Councillor**” is the title given to a person elected or lawfully appointed to the seat of Councillor, and is the title assigned to a member elected in the most recent election to represent electors in the Town of Perth.
- 2.23. “**Delegation**” means a maximum of two persons representing a group, who wish to provide information to Council/Committee(s) of the Council. (Ref. s. 22, “Delegations”).
- 2.24. “**Deputy Mayor**” means a person elected to the seat of Deputy Mayor.
- 2.25. “**Electronic Meetings**” means a meeting called and held in full or in part via electronic means, including, but not limited to, audio teleconference, video

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**THE CORPORATION OF THE TOWN OF PERTH  
BY-LAW NO. 3974, as amended  
PROCEDURE BY-LAW**

teleconference or via means of the internet, and with or without in person attendance.

- 2.26. **“Emergency”** means a situation that poses, in the opinion of the Council, an immediate threat to the municipality.
- 2.27. **“Ex-officio Member”** means an individual, by right of office, (holding one position by virtue of holding another) who is granted the right to sit as a member, is entitled to vote, make motions, and does not form part of the quorum.
- 2.28. **“Improper Conduct”** means conduct which offers any obstruction to the deliberations of proper action of Council or Committees of the Council.
- 2.29. **“Head of Council”** means the Mayor.
- 2.30. **“Local Board”** means a “Local Board” as defined by the Act.
- 2.31. **“Majority Vote”** means more than 50 percent.
- 2.32. **“Mayor”** means a person elected to the seat of Mayor, and is the Head of Council and who normally presides at all Council meetings. (Ref. s. 2.3, Acting Mayor and s. 2.41, Presiding Officer).
- 2.33. **“Meeting”** means any regular or special meeting of Council, Committee, Advisory Panel, or Local Board when a majority of the members are present. The minimum number of officers to conduct a meeting is the Chair/Presiding Officer and the Secretary/Clerk. (Ref. s. 10, “Quorum – Call to Order”).
- 2.34. **“Member of Council”** means a person duly elected or appointed to serve on the Council for the Corporation of the Town of Perth.
- 2.35. **“Minutes”** shall mean the record of the proceedings of a meeting and shall be kept in a safe manner.
- 2.36. **“Motion (main)”** means the basic form by which the introduction of a substantive question as a new subject brings business before the members for consideration.
- 2.37. **“Municipality”** means the Corporation of the Town of Perth.
- 2.38. **“Notice of Intent”** means an advance notice to members and the public on a matter which Council will be asked to take a position.
- 2.39. **“Order of Business”** means the sequence of business under consideration at a meeting that has been duly called and constituted and is referred to as the “Agenda”.
- 2.40. **“Pecuniary Interest”** (Disclosure of Interest) means a “Pecuniary Interest”, direct or indirect, in any matter within the meaning of the Municipal Conflict of Interest Act. (Ref. s. 14., “Disclosure of Pecuniary Interest and General Nature Thereof”).
- 2.41. **“Position or Opinion”** means something believed or accepted as true by a person and does not constitute a motion unless formally moved and voted on by the members of Council/Committee of the Council.

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PROCEDURE BY-LAW**

- 2.42. **“Presentation”** shall mean the presentation of information by staff or invited guests to Council/Committee(s) of the Council.
- 2.43. **“Presiding Officer”** shall mean the Mayor or alternate presiding at a Council meeting. Alternate shall mean the Deputy Mayor or most senior member of Council and if there is more than one, then the alternate shall be selected in alphabetical order by the Councillor’s surname. The Presiding Officer shall have all the rights, powers and authority of the Mayor, while presiding in the Mayor’s stead.
- 2.44. **“Quorum”** is the minimum number of members required to be present at a meeting in order to legally transact business, and it means the majority (half of the total members rounded up to the next whole number) of the total number of the members. The quorum for the purpose of the Town of Perth Council and Committee of the Whole meetings shall be 4 members. (Ref. s. 2.25., “Ex-officio Member” and s. 10, “Quorum-Call to Order”).
- 2.45. **“Recorded Vote”** means when a member present at a meeting at the time of a vote requests immediately before or after the taking of the vote that the vote be recorded, each member present, except a member who is disqualified from voting by any Act, shall announce his or her vote openly by standing and the Clerk shall record each vote.
- 2.46. **“Regular Meeting”** means a scheduled meeting held in accordance with the approved calendar/schedule of meetings.
- 2.47. **“Resolution”** is a motion once it has been passed.
- 2.48. **“Rules of Order”** (Rules of Procedure) means the applicable procedural rules and rules of conduct contained in this by-law. The proceedings of the Council and its Committees, the conduct of the members, and the calling of meetings will be governed by the rules and regulations contained in this by-law.
- 2.49. **“Session”** means a series of connected meetings devoted to a single order of business, agenda, or announced purpose, in which, when there is more than one meeting, each succeeding meeting is scheduled with a view to continuing business at the point where it was left off at the previous meeting. (Ref. s. 2.4., “Adjourned Meeting”).
- 2.50. **“Special Meeting”** means a meeting not scheduled in accordance with the annual approved calendar/schedule of regular meetings.
- 2.51. **“Special Purpose Committee” (Ad-hoc or Mayor’s Taskforce)** means a Committee of the Council established from time to time, for a specified period of time, to act on a temporary or singular issue and shall make recommendations upon the specified initiative or matter to members of the Council for their consideration. The Committee shall be discontinued as of the specified date or until an extension for a specific period is approved by the Council. (Ref. SCHEDULE ‘F’).
- 2.52. **“Standing Committee”** means a Committee of the Council established to address matters which Council has referred to it and deems appropriate for the Committee to consider. Standing Committees shall address on-going matters within the scope and responsibility of Council and shall be expected to provide periodic reports to members of the Council presenting advice and/or recommendations on matters

**OFFICE CONSOLIDATION**

**FOR INFORMATION PURPOSES ONLY**

**Last amended by By-law No. 3974-7, January 18, 2022**

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**THE CORPORATION OF THE TOWN OF PERTH  
BY-LAW NO. 3974, as amended  
PROCEDURE BY-LAW**

under Council consideration. Sub-committees may be established from time to time and shall report directly to the Standing Committee. (Ref. SCHEDULE 'F').

- 2.53. **“Substantive”** means having substance; involving matters of major or practical importance to all concerned.
- 2.54. **“Two Thirds Vote”** means at least two thirds of those members voting. Two-thirds for the purpose of the Town of Perth Council and Committee of the Whole shall mean at least 5 members.

**COUNCIL/STAFF ROLES AND RESPONSIBILITIES**

**3. ROLES OF COUNCIL MEMBERS AND STAFF**

**3.1. Council**

- 3.1.1. **The Role of Members of Council:** Refer to ACT, s. 224.
- 3.1.2. **Individual Authority - Not Provided:** No individual Council member shall have the authority to interfere with staff's assigned duties without the prior approval of the CAO or Council.
- 3.1.3. **Member of Council – Request for Report:** All requests for substantive reports shall be by Council motion which shall identify the appropriate department or department head and objectives of the report.
- 3.1.4. **Established Policies – Members – Respect:** Members of Council shall respect and adhere to policies set out by Council and shall not circumvent established policies.
- 3.1.5. **Notification of Absence at Meeting:** Members of Council/Committees are encouraged to notify the Clerk/Recording Secretary, when the member is aware that he/she will be absent from any meeting.
- 3.1.6. **Preparation of Members:** Members of Council shall participate and come prepared to every meeting having read all the material supplied, including agendas and staff reports, to facilitate discussion and determination of action at the meeting. Whenever possible, the member(s) shall make inquiries of staff regarding materials supplied in advance of the meeting.
- 3.1.7. **Questions – Operational concerns – complaints:** Issues surrounding operational concerns, or complaints, shall be directed to the Chief Administrative Officer, or the Department Head, as appropriate.

**3.2. Head of Council (Mayor)**

- 3.2.1. **Head of Council:**
- a) **Role:** Refer to ACT, s. 225.;
  - b) **Ex-officio:** Shall be ex-officio member of all Committees of the Council;



**OFFICE CONSOLIDATION**

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**THE CORPORATION OF THE TOWN OF PERTH  
BY-LAW NO. 3974, as amended  
PROCEDURE BY-LAW**

- c) **Administrative Matters:** shall direct administrative matters to the attention of the Chief Administrative Officer;
- d) **Chain of Office:** Shall be permitted to wear the “Chain of Office” only when conducting official Council business.

**3.3. Chief Administrative Officer**

**3.3.1. Chief Administrative Officer:**

- a) **Responsibility:** Refer to the ACT, s. 229.;
- b) **Provide Advice to Council:** Shall undertake and provide advice to Council on the policies and the programs of the municipality;
- c) **Work with Senior Administrative Staff:** Shall work with senior administrative staff to develop strategies for the implementation of policies established by Council;
- d) **Review Staff Reports:** Shall review and sign off on all staff reports to Committee of the Whole and Council to ensure accuracy, completeness, and to demonstrate approval thereof.

**3.4. Clerk**

**3.4.1. Clerk:**

- a) **Duty:** Refer to the ACT, s. 228;
- b) **Prepare Agendas:** Shall prepare the agenda/order of business for Council and Committee of the Whole meetings;
- c) **Provide Clarification:** Shall provide advice on and clarification regarding the interpretation of this by-law or other parliamentary issues;
- d) **Process:** Shall provide advice on and be responsible for the process of information going to Council;
- e) **Review Staff Reports:** Shall coordinate and review all staff reports being presented to Committee of the Whole and Council for completeness.

**3.5. Deputy Clerk: Refer to the ACT, s. 228.(2).**

**3.6. Administration - Officers, Staff**

**3.6.1. Officers and Staff of the Municipality:**

- a) **Role:** Refer to the ACT, s. 227.;
- b) **Unable to Complete Task as Directed by Council:** Where staff have been tasked by Council to carry out specific action and it is determined subsequently that the action cannot be carried out in accordance with Council’s direction, Council will be notified as soon as possible of these findings and further direction shall be requested of Council.

**3.7. Vacancies - Council**

**3.7.1. Vacancies on Council:** Refer to the ACT, s. 259 – s. 267).

**3.7.2. Appointment Process to Fill a Vacancy:** (Ref. SCHEDULE ‘E’).

**OFFICE CONSOLIDATION**

**FOR INFORMATION PURPOSES ONLY**

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**THE CORPORATION OF THE TOWN OF PERTH  
BY-LAW NO. 3974, as amended  
PROCEDURE BY-LAW**



## OFFICE CONSOLIDATION

### FOR INFORMATION PURPOSES ONLY

Last amended by By-law No. 3974-7, January 18, 2022

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#### THE CORPORATION OF THE TOWN OF PERTH BY-LAW NO. 3974, as amended PROCEDURE BY-LAW

#### 4. COMMITTEES OF THE COUNCIL – STRUCTURE AND REPORTING:

##### 4.1. Establish Committees of the Council:

- 4.1.1. **Established from Time to Time:** Committees of the Council may be established by Council from time to time. (Ref. SCHEDULE 'F' and Definitions – Section 2.6, 2.15, 2.16, 2.17, 2.20, 2.48, 2.49).
- 4.1.2. **Terms of Reference:** A draft Terms of Reference shall be presented for Council's consideration at the time a Committee of the Council is being established. (Ref. SCHEDULE 'B').
- 4.1.3. **Delegation of Authority:** Delegation of authority shall be provided by Council. Committees of the Council shall only consider matters referred to them by Council unless authority to do otherwise has been delegated by Council. (Ref. SCHEDULE 'F').

##### 4.2. Appointments to Committees of the Council - Councillors and Citizens (Ref. SCHEDULE 'A')

##### 4.3. Committee(s) of the Council – Authority - Term

- 4.3.1. **Committees of the Council - Authority -- Limited to Recommendations:**  
The authority of any Committee of the Council is limited to the making of recommendations to Council on items referred to them by Council unless authorized by by-law to do otherwise. No decision to take any action or do anything other than that authorized by the approved Terms of Reference or administrative in nature, shall be recognized as emanating from any Committee of the Council, except as otherwise legislated.
- 4.3.2. **Term of Membership/Chair:** The membership/Chair on all Committees of the Council shall end with the term of Council, or the term of the Committee of the Council, whichever is shorter, except as otherwise legislated.

(By-law No. 2021-3974-5 – 22-Jun-2021)

## MEETINGS

#### 5. MEETINGS

##### 5.1. Orientation of New Members of Council

- 5.1.1. **Orientation for New Councillors:** An orientation meeting shall be held with new members of Council. This meeting shall allow the CAO and Clerk to provide new members with an overview of the expectations of their elected office (e.g. inaugural meeting, Committee expectations, processes of Council, protocol at meetings, Procedure By-law, dress codes, payroll and a general overview of the Corporation's role and function).

**OFFICE CONSOLIDATION**

**FOR INFORMATION PURPOSES ONLY**

**Last amended by By-law No. 3974-7, January 18, 2022**

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**THE CORPORATION OF THE TOWN OF PERTH  
BY-LAW NO. 3974, as amended  
PROCEDURE BY-LAW**

**5.2. Inaugural Meeting of Council**

**5.2.1. First Council Meeting:** Following a Municipal election, the inaugural meeting of Council shall be held at 5:30 PM. on the first Tuesday in December in the Council Chambers of the Town of Perth.

**5.2.2. Inaugural Agenda:** The Inaugural Agenda shall include:

- a) Call to Order;
- b) Disclosure of Interests;
- c) Declaration of Office (Ref. ACT, s. 232.);
- d) Adjournment.

No other business shall take place other than the Declaration of Office.

**5.2.3. Declaration of Office Seat Assignment:** The first seat, to the right of the Chair shall be occupied by the Deputy Mayor. Remaining members of Council shall be assigned seats in alphabetical order from right to left. In the event of a vacancy on Council, members may have their seat allocation changed based on the surname of the new Council member.

**5.3. Regular Meetings**

**5.3.1. Meeting Schedule – Council/Committees of the Council:** Regular Council and Committee of the Whole meetings shall be held in accordance with the Meeting Schedule. A proposed Meeting Schedule will be presented by the Clerk to Council for approval by December of each year, detailing the dates of meetings for all Regular Council, Committee of the Whole, and other Committees of the Council in the subsequent year.

**5.3.2. Meeting Locations – Council/Committee of the Whole:** Regular Council and Committee of the Whole meetings shall be held in the Council Chambers, Town Hall, in accordance with the Council Meeting Schedule.

**5.3.3. Cancellation of Meetings:** The Chief Administrative Officer, in consultation with the Mayor, has the authority to cancel any regular meeting of Council or Committee of the Whole, (or the Chair in the case of other Committee(s) of the Council) if it is determined there is not sufficient business to be conducted provided notification has been given at a prior meeting or within forty-eight (48) hours (not including weekends, or holidays), of the meeting. Notice of cancellation shall be sent to all regular recipients on the agenda distribution list.

**5.3.4. Time of Meeting - Council:** All regular meetings of Council shall be held on the third (3<sup>rd</sup>) Tuesday of each month, unless otherwise determined by the Council, and commence at 5:30 PM.

**5.3.5. Time of Meeting - Committee of the Whole:** All regular meetings of Committee of the Whole shall be held on the first (1<sup>st</sup>) and second (2<sup>nd</sup>) Tuesday of each month, unless otherwise determined by the Council, and commence at 5:30 PM.

**OFFICE CONSOLIDATION**

**FOR INFORMATION PURPOSES ONLY**

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**THE CORPORATION OF THE TOWN OF PERTH  
BY-LAW NO. 3974, as amended  
PROCEDURE BY-LAW**

**5.3.6. Meetings to be Open to the Public:** Meetings of the Council and any Committee of the Council shall be open to the public except as provided in the ACT.

**5.4. Special Meetings of Council/Committee/Advisory Panel**

**5.4.1. Call of Special Meetings – Council/Committee of the Whole:**

- a) In addition to regular scheduled meetings, the Mayor or the Acting Mayor may at any time call a special meeting of Council/Committee of the Whole by providing written direction to the Clerk stating the date, time and purpose for the special meeting. Forty-eight (48) hours (not including weekends, or holidays) of written notice shall be given.
- b) In addition, a majority of Council members may, at any time, petition the Clerk to call a special meeting of Council/Committee of the Whole by providing the written petition to the Clerk stating the date, time and purpose for the special meeting. Forty-eight (48) hours (not including weekends, or holidays) of written notice shall be given.

**5.4.2. Call of Special Meetings – Committee/Advisory Panel:**

- a) In addition to regular scheduled meetings, the Chair or the Vice Chair may at any time call a special meeting of the Committee/Advisory Panel by providing written direction to the Recording Secretary stating the date, time and purpose for the special meeting. Forty-eight (48) hours (not including weekends, or holidays) of written notice shall be given.
- b) In addition, a majority of Committee/Advisory Panel members may, at any time, petition the Recording Secretary to call a special meeting of Committee/Advisory Panel by providing the written petition to the Recording Secretary stating the date, time and purpose for the special meeting. Forty-eight (48) hours (not including weekends, or holidays) of written notice shall be given.

**5.4.3. Remove Name from Petition:** Once received by the Clerk/Recording Secretary, no member may remove his/her name from a petition filed under this section.

**5.4.4. Restriction of Business stated on Agenda:** The only business to be dealt with at a special meeting of Council/Committee/Advisory Panel shall be that stated in the notice/agenda of the meeting.

**5.5. Emergency Meetings**

**5.5.1. Call of Emergency Meeting without 48 hours Notice:**

Notwithstanding this section, the Mayor or Acting Mayor may in the event of an emergency (Ref. s. 2.24), call an emergency meeting of Council without giving the 48 hours written notice of the meeting provided that the Clerk has diligently attempted to advise all members of Council, staff and media immediately upon being advised of the intention of the Mayor or Acting Mayor to hold an emergency meeting.

**OFFICE CONSOLIDATION**

**FOR INFORMATION PURPOSES ONLY**

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**THE CORPORATION OF THE TOWN OF PERTH  
BY-LAW NO. 3974, as amended  
PROCEDURE BY-LAW**

**5.5.2. Meeting Location – Council – Emergency:** In the case of an emergency, Council in its sole discretion may hold its meetings and keep its public offices at any convenient location within or outside the municipality.

**5.6. Closed Meetings: (Ref. s. 17, – “Closed Session (“In-Camera”)**

**6. GENERAL RULES OF MEETINGS**

**6.1. Rules of Order:** Shall be as provided for in this by-law and where not provided, as near as may be to that followed under the current version of Robert’s Rules of Order Newly Revised.

**6.2. Addressing – Members of Council:** All members, except the Mayor and Deputy Mayor are to be addressed as: “COUNCILLOR” (surname inserted).

**6.3. Addressing – Mayor:** The Mayor shall be addressed as: “MAYOR (surname inserted) or as “YOUR WORSHIP”.

**6.4. Addressing – Deputy Mayor:** The Deputy Mayor shall be addressed as “DEPUTY MAYOR (surname inserted).

**6.5. Addressing – Chair:** Members will address the Chair as “Mr. / Madame Chair”.

**6.6. Attendance:** Every member of Council shall attend all required meetings and other Committee(s) of the Council. Department Heads shall attend Committee of the Whole meetings. Municipal staff shall attend meetings of Council when directed by the CAO. The CAO and Clerk shall attend Committee of the Whole and Council meetings.

Every member of other Committee(s) of the Council shall attend each meeting.

**6.7. Dress Code:** All members of Council shall wear proper business attire during regular scheduled Council Meetings. Male members shall wear a jacket, shirt and tie as standard dress and female members shall wear equivalent contemporary business attire. Every member of other Committee(s) of the Council shall wear casual business dress.

**6.8. Sovereign – To Be Respected:** No member shall speak disrespectfully of the Queen, Royal family, Governor General, the Lieutenant Governor or any province or any member of the Senate, the House of Commons of Canada, the Legislative Assembly of the Province of Ontario, or the Town Crier.

**6.9. Members of Council/Committee(s) of the Council – Municipal Staff:** No member shall speak disrespectfully of nor shall they use offensive language against any member of Council, Committee(s) of the Council or municipal staff.

**6.10. Speaking – Subject in Debate Only:** No member shall speak on any subject other than the subject in debate.

**6.11. Pecuniary Interest – Exclusion – Discussion:** (Ref. s. 14, “Disclosure of Pecuniary Interest and General Nature Thereof”).

**OFFICE CONSOLIDATION**

**FOR INFORMATION PURPOSES ONLY**

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**THE CORPORATION OF THE TOWN OF PERTH  
BY-LAW NO. 3974, as amended  
PROCEDURE BY-LAW**

- 6.12. Criticize a Decision:** No member shall criticize any decision of Council/Committee(s) of the Council except for the purpose of moving that the question be reconsidered.
- 6.13. Breach of Conduct:** No member shall disobey the rules of procedure. In the case where a member persists in any such disobedience after having been called to order by the Presiding Officer/Chair, the Presiding Officer/Chair shall order that such member leave his/her seat for the duration of the meeting.
- 6.14. Vacating Seat During Meeting:** A member shall not leave his/her seat or the meeting at any time without advising the Presiding Officer/Chair and shall be recorded as absent for that period of time, (Ref. s. 15.1, d)).
- 6.15. Unfinished Business Dealt with in Future Meeting:** If in the Presiding Officer/Chair's opinion, it is not essential that the balance of the agenda be dealt with before the next regularly scheduled meeting, the Presiding Officer/Chair shall call for the motions to postpone (to a certain time/date) the unfinished business to the next regular meeting and to then adjourn the meeting.
- 6.16. Boundary of Council – Exclusion:** No person except members of Council and staff shall be allowed to come within the boundaries of the Council sitting area without the permission of the Council.

**7. ROLE OF PRESIDING OFFICER OR CHAIR**

- 7.1. Presiding Officer to Preside:** The Mayor shall preside over all meetings of Council, preserve order and decorum and decide questions relating to the rules of order subject to an appeal by a member to the Council.
- 7.2. Chair to Preside – Committee of the Whole:** The Chair of the Committee of the Whole shall preside over all meetings of Committee of the Whole, preserve order and decorum and decide questions related to the rules of order subject to an appeal by a member to the Committee.
- The Chair shall rotate between the members of the Council, beginning with the Deputy Mayor. The Mayor shall not be included in the rotation.
- 7.3. Chair to Preside - Other Committees of the Council:** The Chair of the meeting shall preside over all meetings, preserve order and decorum and decide questions relating to the rules of order subject to an appeal by a member to the Committee of the Council.
- 7.4. Call the Meeting to Order – On Time:** The Presiding Officer/Chair will take the Chair and call the meeting to order on time.
- 7.5. Order – Focus Debate:** The Presiding Officer/Chair shall set an example by keeping order, focusing, and summarizing the debate.
- 7.6. Disorder:** It shall be the duty of the Presiding Officer/Chair to call for a motion to adjourn the meeting, or to recess the sitting, for a time to be named if considered necessary because of grave disorder arising in the meeting.
- 7.7. Receive Motions:** The Presiding Officer/Chair shall receive and submit, in the proper manner, all motions presented by the members.

## OFFICE CONSOLIDATION

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#### THE CORPORATION OF THE TOWN OF PERTH BY-LAW NO. 3974, as amended PROCEDURE BY-LAW

- 7.8. Direct Enquiries:** The Presiding Officer/Chair shall receive all comments and refer those enquiries which, in his/her opinion, may best be addressed by a member, staff or other individual.
- 7.9. Inform on Points of Order:** The Presiding Officer/Chair shall inform the members of a point of order, when necessary or requested to do so.
- 7.10. Adherence to Laws:** The Presiding Officer/Chair shall ensure that the decisions of Council are in conformity with the laws and by-laws governing the activities of Council.
- 7.11. Stating the Question:** The Presiding Officer/Chair shall state the question. The motion is then pending.
- 7.12. Decline to Put to Vote:** (Ref., s. 28.6.).
- 7.13. Signature for Authentication:** It shall be the duty of the Presiding Officer/Chair to authenticate, by his/her signature, the minutes of a meeting and when required, all motions. It shall be the duty of the Presiding Officer to authenticate by-laws by his/her signature.
- 7.14. Adjourn Meeting:** The Presiding Officer/Chair shall call for a motion to adjourn the meeting when the business is concluded.

## DEBATE

### 8. RULES OF DEBATE

- 8.1. Addressing the Presiding Officer/Chair:** Any member, prior to speaking on any question or motion, shall indicate his/her desire to speak and be acknowledged by and address the Presiding Officer/Chair.
- 8.2. Order – of Speaking – Determination:** The Presiding Officer/Chair shall recognize the members in the order they indicate their desire to speak.
- 8.3. Speaking – Passing Between Chair – Interruption:** When a member is speaking, no member shall pass between the speaker and the Presiding Officer/Chair or interrupt the speaker except to raise a question of privilege, appeal from the decision of the Presiding Officer/Chair, or raise a point of order.
- 8.4. Speaking – Motion – Read – Upon Request:** Any member may require a motion under discussion to be read at any time during debate but not so as to interrupt a member while speaking.
- 8.5. Speaking – Duration – Time Limit – 5 Minutes:** No member shall, without leave of the Presiding Officer/Chair, speak to the same question or in reply for longer than 5 minutes.
- 8.6. Speaking – Limit – Two Opportunities:** No member shall speak more than twice to the main question without approval of the Presiding Officer/Chair, except in explanation of a material part of his/her speech which may have been misunderstood, but they may not introduce new information.



**OFFICE CONSOLIDATION**

**FOR INFORMATION PURPOSES ONLY**

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**THE CORPORATION OF THE TOWN OF PERTH  
BY-LAW NO. 3974, as amended  
PROCEDURE BY-LAW**

- 8.7. Question – Integrity of Staff:** A member, while asking questions through the Presiding Officer/Chair, shall at no time put into question the personal or professional integrity of a staff member of the Corporation.
- 8.8. Motion – Introductory Remarks by Mover of Motion:** The mover shall have the opportunity to make the introductory remarks.

**VOTING**

**9. VOTING ON QUESTIONS**

- 9.1. Requirement to Vote:** Every member shall have one vote (Ref. ACT, s. 243) and is required to vote at the meeting, except as otherwise legislated.
- 9.2. Member – Occupying Seat:** When the Presiding Officer/Chair calls for a vote on a question, each member shall occupy his/her seat until the result of the vote has been declared by the Presiding Officer/Chair.
- 9.3. Member – Not in Seat – Deemed Absent:** A member not in their seat when the question is called by the Presiding Officer/Chair is not entitled to vote on that question and in the case of a recorded vote, shall be recorded as absent.
- 9.4. Division – Separate Vote – Each Proposal:** (Ref. SCHEDULE 'D').
- 9.5. Show of Hands:** The manner of determining the vote on a motion, other than a Recorded Vote, shall be by a show of hands.
- 9.6. Recorded Vote – by Request – Vote Announced Openly:** Where a vote is taken for any purpose and a member requests that the vote be recorded immediately prior to or immediately subsequent to the taking of the vote, each member present, except where the member has declared a pecuniary interest in the matter or the question, shall rise when called by the Clerk/Recording Secretary, and make his/her vote openly. The Clerk/Recording Secretary shall record each vote. (Ref. ACT, s. 246.(1)).
- 9.7. Motion – Majority – Required – Exception:** A majority vote in the affirmative adopts any motion, except as otherwise provided in the by-law or any Act.
- 9.8. Failure to Vote – Deemed Negative:** Refer to the ACT, s. 246.(2).
- 9.9. Tie Votes – Deemed Negative:** Refer to the ACT, s. 245.
- 9.10. Member Disagrees – Motion for Clarification:** If a member disagrees with the announcement of the Presiding Officer/Chair, that a question is Carried or Lost, he/she may immediately object to the declaration and request a vote be retaken, for purpose of clarification.

**OFFICE CONSOLIDATION**

**FOR INFORMATION PURPOSES ONLY**

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**THE CORPORATION OF THE TOWN OF PERTH  
BY-LAW NO. 3974, as amended  
PROCEDURE BY-LAW**

**QUORUM - CALL TO ORDER**

**10. QUORUM – CALL TO ORDER**

- 10.1. Quorum – Call to Order:** As soon as there is quorum after the time set for the start of the meeting, the Presiding Officer/Chair shall take the chair and call the meeting to order.
- 10.2. No Quorum – Meeting Adjourned:** The minimum number of officers to conduct a meeting is the Chair or Presiding Officer and the Secretary or Clerk. In the event that a quorum is not present within fifteen (15) minutes after the designated start time of the meeting, the Presiding Officer/Chair shall take the chair and call the meeting to order, announce the absence of a quorum, and immediately adjourn the meeting. The Clerk/Recording Secretary shall record the names of the members present and the meeting shall stand adjourned.
- 10.3. Council Meeting – Presiding Officer Absent:** In the case where a quorum is present at a Council Meeting and the Presiding Officer has not attended within fifteen minutes after the time appointed, the Deputy Mayor (or most senior member of Council in the absence of the Deputy Mayor) shall assume the Chair, call the members to order, and shall preside for as long as necessary in absence of the Presiding Officer.
- 10.4. Committee(s) of the Council – Meeting – Chair Absent:** In the case where a quorum is present at a Meeting and the Chair has not attended within fifteen minutes after the time appointed, the Deputy Chair (or most senior member of Committee in the absence of the Deputy Chair) shall assume the Chair, call the members to order, and shall chair the meeting for as long as necessary in absence of the Chair.
- 10.5. Meeting Adjourned – Not Ended:** If during the course of a meeting a quorum is lost, then the meeting will stand adjourned, not ended, to reconvene at a time and place as called by the Presiding Officer/Chair.
- 10.6. Quorum – Municipal Conflict of Interest – “Remedy for Lack”:** Where the number of members who, by reason of the provisions of the Municipal Conflict of Interest Act, are disabled from participating in a meeting is such that at that meeting the remaining members are not of sufficient number to constitute a quorum, then, despite any other general or special Act, the remaining number of members shall be deemed to constitute a quorum, provided such number is not less than two.

**AGENDA**

**11. AGENDA**

- 11.1. Agenda:** The business of each meeting will be considered in the order set forth on the agenda.
- 11.1.1. Staff Reports:** All staff reports will be delivered to the Clerk/Recording Secretary 7 days in advance of the meeting to ensure inclusion on the agenda and timely publication of the agenda.



**OFFICE CONSOLIDATION**

**FOR INFORMATION PURPOSES ONLY**

**Last amended by By-law No. 3974-7, January 18, 2022**

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**THE CORPORATION OF THE TOWN OF PERTH  
BY-LAW NO. 3974, as amended  
PROCEDURE BY-LAW**

**11.1.2. Members - Notice of New Item:**

- a) **Committee of the Whole:** *A new item* being brought before the Committee of the Whole by a member for consideration shall be given in writing, in the form of correspondence, to the Clerk prior to the Friday preceding the Committee of the Whole meeting in order that it is included on the agenda under Correspondence For Action or Information. This will allow time for both members and staff to prepare for the matter prior to the meeting.
- b) **Council:**  
*A new item* being brought before Council by a member for consideration shall be given in writing, in the form of correspondence, to the Clerk prior to the Friday preceding the Council meeting in order that it is included on the agenda under Miscellaneous Business. This will allow time for both members and staff to prepare for the matter prior to the meeting.

**11.1.3. Committee of the Whole/Council:** The Clerk shall prepare for the use of the members at Meetings of the Committee of the Whole and Council, an agenda that will state the order in which the business of Council shall be conducted.

**11.1.4. Council and Committee of the Whole:**

- a) **Regular Scheduled Meetings:** The Clerk shall deliver an agenda, including all associated reports and notice of closed session, for each meeting by 1 p.m. on the Friday preceding the date of the Council/Committee of the Whole meeting. If the Friday falls on a holiday, the agenda shall be distributed on the Thursday. The agenda shall be distributed to Council members, staff and media. The agenda shall be posted to the Town website for access by the public.
- b) **Special Meetings:** The Clerk shall deliver an agenda, including all associated reports and notice of closed session, for each meeting to Council members, staff and the media forty-eight (48) hours (not including weekends, or holidays) in advance of the meeting. The agenda shall be posted to the Town website for access by the public.

**11.1.5. Committee(s) of the Council/Advisory Panel:** The Recording Secretary shall deliver an agenda for each meeting, including all associated reports and notice of closed session, to its members forty-eight (48) hours (not including weekends, or holidays) in advance of the meeting. The agenda shall be posted to the Town website for access by the public.

**11.1.6. Copy of Agenda:** Any person may be provided, upon request of the Clerk/Recording Secretary, with a copy of the agenda.

**11.1.7. Further Information Required – Postponement:** Where further information or reports are necessary for Council/Committee of the Whole to properly review an item of business, the Clerk or CAO may postpone the placement of an item to a future agenda in order to arrange for the provision of the necessary information.

**OFFICE CONSOLIDATION**

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**Last amended by By-law No. 3974-7, January 18, 2022**

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**THE CORPORATION OF THE TOWN OF PERTH  
BY-LAW NO. 3974, as amended  
PROCEDURE BY-LAW**

- 11.1.8. Clerk Authorized to Determine:** The Clerk shall be authorized to determine the appropriate meeting at which items of business shall be considered in accordance with this by-law.
- 11.1.9. Clerk /CAO to Determine Sufficient Information:** Notwithstanding any other provision of this by-law, matters of a routine nature, where Council/Committee of the Whole is deemed by the Clerk or CAO to be in possession of sufficient information to make a decision, or matters of an urgent nature, as determined by the Clerk, may be presented directly to Committee of the Whole/Council.
- 11.1.10. Agenda – Closed Session:** (Ref. s. 17, “Closed Session (“In-Camera”)

**ORDER OF BUSINESS**

**12. ORDER OF BUSINESS – GENERAL FORMAT**

**12.1. Order of Business – Committee of the Whole and Council:**

- 12.1.1. Regular Scheduled Meetings:** The order of business on the agenda for regular scheduled meetings of Committee of the Whole and Council shall be as follows:

<b>Committee of the Whole (CoW)</b>	<b>Council</b>
Call Meeting to Order	Call Meeting to Order
Disclosure of Pecuniary Interest and General Nature Thereof	Disclosure of Pecuniary Interest and General Nature Thereof
Approval of Minutes	Closed Session
Unfinished Business	Open Session
Disclosure of Additional Items	Matters Arising from Closed Session
Receiving Delegations	Presentations/Awards
Presentations by Staff (others)	Mayor’s Declarations
Receiving Correspondence and other Communications	Consent Agenda
Staff Reports	Approval of Minutes
Discussion of Additional Items	Notice Required under the Notice By-law
Closed Session	Delegations
Open Session	Receiving Committee Reports
Matters Arising from Closed Session	Unfinished Business
Next Meeting	By-laws
Questions from the Media	Motions
Adjournment	Miscellaneous Business
	Questions from the Media
	Adjournment

- 12.1.2. Consent Agenda - Request to Separate:** Should a member of Council wish to discuss any matter listed under the Consent Agenda, the member shall ask immediately when the Presiding Officer calls “Any Amendments, Deletions or Corrections to the Order of Business / Agenda”, at which time the member shall request that the item be separated and dealt with under its regular section.

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BY-LAW NO. 3974, as amended  
PROCEDURE BY-LAW**

- 12.1.3. Special Meetings:** Shall be in a form that best allows for the most efficient conduct of business.
- 12.2. Committee(s) of the Council – Order of Business:** Shall follow the order of business as above or in a similar form that best allows for the most efficient conduct of business.
- 12.3. Changes to Order of Business:** The Presiding Officer/Chair, with the approval of the members by majority vote, may vary the order of business to better deal with a matter before the members and include only those items noted in s. 5.4.4.
- 13. CALL MEETING TO ORDER**
- 13.1. Opening Remarks:** The opening remarks of the Presiding Officer/Chair shall be at the sole discretion of the Presiding Officer/Chair and shall normally relate to items of special interest.
- 14. DISCLOSURE OF PECUNIARY INTEREST AND GENERAL NATURE THEREOF**
- 14.1. Member of Council:** To determine possible Pecuniary Interest, the member shall consult the Municipal Conflict of Interest Act and shall be in compliance with said Act.
- 14.2. Member of Committees of the Council to Identify Pecuniary Interest:** For the purposes of this by-law, “Member”, as defined in the Municipal Conflict of Interest Act shall include a member of a Committee of the Council and it shall be his/her duty to comply with the requirements in the Act as if he/she were a member of Council.
- 14.3. Pecuniary Interest Form:** Members shall complete and submit to the Clerk/Recording Secretary a Pecuniary Interest Form of the member’s pecuniary interest for recording in the minutes. (Ref. SCHEDULE ‘C’).
- 14.4. Indirect Pecuniary Interest:** (Ref. to Municipal Conflict of Interest Act).
- 14.5. Interest of Certain Persons Deemed that of a Member:** (Ref. to Municipal Conflict of Interest Act).
- 14.6. Exceptions:** (Ref. to Municipal Conflict of Interest Act).
- 14.7. Disclose General Interest and Nature Thereof:** (Ref. to Municipal Conflict of Interest Act).
- 14.8. Non-Participation:** (Ref. to Municipal Conflict of Interest Act).
- 14.9. Influence:** (Ref. to Municipal Conflict of Interest Act).
- 14.10. Where Member is to Leave Closed Meeting:** (Ref. to Municipal Conflict of Interest Act).
- 14.11. When Absent from Meeting at Which Matter is Considered:** (Ref. to Municipal Conflict of Interest Act).

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BY-LAW NO. 3974, as amended  
PROCEDURE BY-LAW**

**14.12. Disclosure at Next Meeting:** (Ref. to Municipal Conflict of Interest Act).

**14.13. Disclosure to be Recorded in the Minutes:** (Ref. to Municipal Conflict of Interest Act).

**14.14. Remedy for Lack of Quorum:** (Ref. to Municipal Conflict of Interest Act).

**15. APPROVAL OF MINUTES**

**15.1. Record of Meeting:** The Minutes of a meeting of Council/Committee of the Council shall record:

- a) The date, place and time of the meeting;
- b) The name of the Presiding Officer/Chair and the attendance of the members present at the call of the meeting;
- c) The names of the appointed staff;
- d) Arrival and departure of members after the call of the meeting;
- e) A member who has declared a pecuniary interest on the matter or question and the nature thereof;
- f) All motions and the number of Ayes and Nays for each vote taken;
- g) For meetings of:
  - Council:* Other proceedings of the Council without note or comment
  - Committee of the Council:* Decisions and other proceedings;
- h) Time of adjournment.

**15.2. Draft Minutes:**

**15.2.1. Council/Committee of the Whole – Draft Minutes:**

The Clerk shall circulate the draft minutes of each meeting of Council/Committee of the Whole to the members, staff and the media no later than one (1) week following the meeting. At that time, the draft minutes shall also be posted to the website for the public.

**15.2.2. Other Committees of the Council – Draft Minutes:**

The Recording Secretary shall circulate the draft minutes of each meeting no later than one (1) week following the meeting to the members and the Clerk for distribution to the members of Council, or no later than with the agenda for the next regular meeting for final adoption, whichever comes first.

**15.3. Approval of Minutes:** The draft minutes of the last regular meeting and any special meetings held since the last regular meeting shall be presented for final approval no later than the next regular scheduled meeting of Council/Committee(s) of the Council. If it is determined that there will not be a next meeting, or the date of the next meeting is unknown and is likely to be in the distant future, members present at that meeting shall meet with the Clerk/Recording Secretary at a later date to individually approve and authenticate the minutes with their signature.

**15.4. Amendments to Minutes:** If any member disagrees with any item printed in the minutes, that member shall state their objection and the reason therefore. The members shall determine the accuracy of the minutes and the Clerk/Recording Secretary shall note, in the minutes of the present meeting, both the existing text and changes requested and make the necessary amendments thereto to the minutes being adopted. If amendments are required, the question put by the Presiding

**OFFICE CONSOLIDATION**

**FOR INFORMATION PURPOSES ONLY**

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**THE CORPORATION OF THE TOWN OF PERTH  
BY-LAW NO. 3974, as amended  
PROCEDURE BY-LAW**

Officer/Chair shall be to adopt the minutes of \_\_\_\_\_ meeting, held on \_\_\_\_\_, as amended.

- 15.5. Clerk/Recording Secretary Authorized to Make Corrections:** The Clerk/Recording Secretary shall be authorized to make minor corrections to the minutes resulting from technical, or typographical errors provided the intent of the minutes are not changed prior to the minutes being signed.
- 15.6. Signature for Authentication:** The Presiding Officer/Chair and Clerk/Recording Secretary shall authenticate the minutes with their signatures. (Also Ref. s. 15.3 and s. 7.13)
- 15.7. Adopted Minutes:**
- 15.7.1. Council/Committee of the Whole – Adopted Minutes:**  
The adopted minutes of each meeting of Council/Committee of the Whole shall be posted to the website for the public. (Ref. s. 15.6 “Signature for Authentication”)
- 15.7.2. Other Committees of the Council – Adopted (Signed) Minutes:**  
A copy of the adopted minutes shall be provided to the Clerk and posted to the website.
- 15.8. Minutes – Closed Session:** Ref. s. 17, “Closed Session (“In-Camera”)
- 16. DISCLOSURE OF ADDITIONAL ITEMS :**
- 16.1. Committee of the Whole – Introduction of New Item/Motion Not on Agenda:**  
A New Item/Motion which has not been listed on the agenda may be introduced at a Committee of the Whole meeting and accepted as an additional item. This item shall be considered later in the order of business under “Discussion of Additional Items”.
- 16.2. Council – Introduction of New Item/Motion Not on Agenda – Disposition Later:** Items/Motions permitted shall be considered under Miscellaneous Business in the order of business of Council. (Ref. s. 29., Miscellaneous Business – Council Meeting).
- 17. CLOSED SESSION ( “IN-CAMERA” )**
- 17.1. Following of Rules:** The Procedure By-law shall apply during “Closed Session” meetings of Committees and Council.
- 17.2. Meetings Open to the Public:** All meetings shall be open to the public except as provided in the ACT, s. 239.
- 17.3. Resolution – Enter Closed Session – Include General Nature of the Matter:**  
Refer to the ACT, s. 239. The resolution shall include a general description of all the subjects to be dealt with at the closed session.
- 17.4. Agenda:** The Clerk/Recording Secretary shall prepare an agenda for presentation at the meeting. The agenda shall be kept in a secure and confidential location under the control of the Clerk/Recording Secretary.

**OFFICE CONSOLIDATION**

**FOR INFORMATION PURPOSES ONLY**

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**THE CORPORATION OF THE TOWN OF PERTH  
BY-LAW NO. 3974, as amended  
PROCEDURE BY-LAW**

- 17.5. Identification of Specific Section:** The Clerk/Recording Secretary shall have the Closed Session agenda prepared, identifying the subject and qualifying section of the Municipal Act under which each matter is to be considered in the Closed Session. The agenda will be distributed to all members in attendance at the meeting.
- 17.6. Record of Meeting:** The Clerk/Recording Secretary shall record without note or comment all resolutions, decisions and other proceedings at a meeting. Minutes shall be circulated by the Clerk/Recording Secretary at the following meeting for adoption.
- 17.7. Closed to Whom:** For the purpose of this section “Closed Session” shall mean closed to any person not appointed or elected to the body calling the meeting. The sitting body may invite any person deemed appropriate to the closed portion of the meeting for a specific item of business.
- 17.8. Location of Meeting:** The location of Closed Sessions for regularly scheduled Council/Committee of the Whole meetings shall be the Mayor’s office. Closed Sessions during Committee of the Whole or Council meetings may also be held in Council Chambers.
- 17.9. Disclosure of Interest:** (Ref. s. 14, “Disclosure of Pecuniary Interest and General Nature Thereof”).
- 17.10. Additional Items for Discussion:** *Discussion during* a “Closed Session” shall be limited to that stated by resolution prior to holding the closed session. *Additional items* require public notice by resolution in open session prior to holding the closed session to discuss the additional item(s).
- 17.11. Discussion – Limited:** Discussion during a “Closed Session” shall be limited to the issue.
- 17.12. Votes Taken in Closed Session – Procedural Matters – Giving Direction/Instructions:** A meeting shall not be closed to the public during the taking of a vote except as provided in the ACT s. 239.(5)(6). Votes may also be taken for giving directions or instructions to staff or agents or persons retained by or under a contract.
- 17.13. Collection of Closed Session Documents:** All documents handed out during a closed session shall be returned to the Clerk at the end of the closed session.
- 17.14. Calculations and Note Taking:** Members and staff may do basic calculations and note taking on paper in the course of a closed session. Any such calculations or note taking shall be collected by the Clerk and destroyed following the adjournment of the meeting.
- 17.15. Confidentiality of Information:**
- 17.15.1.** Members, staff and invited guests shall keep confidential any information:
- a) Disclosed or discussed at a meeting that was closed to the public. The obligation to keep information confidential applies even if the member ceases to be a member.



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BY-LAW NO. 3974, as amended  
PROCEDURE BY-LAW**

b) Received in confidence verbally in preparation of the closed session meeting.

**17.15.2.** Members and staff shall respond to any questions regarding an item from a closed session with a reply of “no comment” or words to that effect.

**17.16. Securing Minutes:** The Minutes shall be kept in a secure and confidential location under the control of the Clerk/Recording Secretary. These minutes shall only be open to those in attendance at the meeting, to others approved by the Council, or as legislated.

**18. RETURN TO OPEN SESSION**

**18.1. Return to Open Session:** Once the closed session has ended, the members shall return to open session and the Clerk/Recording Secretary shall record the time in the minutes.

**19. MATTERS ARISING FROM CLOSED SESSION:**

**19.1.** Refer to the ACT s. 239(5)(6).

**20. PRESENTATIONS**

**20.1. Ceremonial Presentations/Awards – Council Meetings:** Ceremonial presentations and/or awards shall be made at a Council meeting. A presentation or award may be given by the Presiding Officer, Town of Perth staff, a representative from another government or government agency, or, any person/organization invited by Council to make a presentation as may, from time to time, be considered appropriate.

**20.2. Informal Presentations – Committee of the Whole:** Emphasis will be to encourage the presentation of information to the Committee of the Whole. These presentations shall be given by Town of Perth staff, a consultant retained by the Town, a representative from another government or government agency, or, any person/organization invited by the Town to provide a presentation.

**21. NOTICE REQUIRED UNDER THE NOTICE BY-LAW**

**21.1.** Refer to the Town of Perth Public Notice By-law.

**22. DELEGATIONS**

**22.1. Delegation – Presenting at a Meeting:**

**22.1.1. Delegation - Committee of the Whole:** Delegations shall appear before the Committee of the Whole. This will enhance the ability of the delegation to provide information to both members of Council and staff prior to the item being advanced to Council for a decision, except as provided in s. 22.1.2 below.

**22.1.2. Delegation - Council Meeting:** Delegations requesting to appear at a Council meeting shall be limited to the issues on the agenda being considered for final adoption at that meeting.

**OFFICE CONSOLIDATION**

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BY-LAW NO. 3974, as amended  
PROCEDURE BY-LAW**

- 22.1.3. Delegation – Committee(s) of the Council:** Delegations requesting to appear at a meeting shall be limited to the issues on the agenda.
- 22.2. Delegation – First Come – First Served – Limit of 4:** A maximum of four (4) delegations shall be permitted at any regular meeting.
- 22.3. Delegation – Notice – Prior to Meeting:**
- 22.3.1. Meeting of Committee of the Whole/Council:** Persons wishing to address Committee of the Whole/Council shall make application in writing to the Clerk prior to 12:00 noon three days preceding the regular meeting (not including weekends or holidays), or as otherwise provided for in the notice of the meeting. Such application shall contain the subject matter to be discussed, and the name, address and telephone number of a spokesperson chosen by the delegation to make the presentation.
- 22.3.2. Meeting of Committee(s) of the Council:** Persons wishing to address Committee(s) of the Council shall make application in writing to the Recording Secretary prior to 12:00 noon, three days preceding the regular meeting (not including weekends or holidays), or as otherwise provided for in the notice of the meeting. Such application shall contain the subject matter to be discussed and the name, address and telephone number of the spokesperson(s) chosen by the delegation to make the presentation.
- 22.4. Delegation – Limit of One Appearance – Exception – New Information:** Delegations shall be limited to one appearance, unless providing additional information.
- 22.4.1. Meeting of Committee of the Whole/Council:** Delegations wishing to present new information to members of the Council subsequent to appearing at an earlier Committee of the Whole/Council meeting shall file same in writing with the Clerk no later than 12:00 noon three days (not including weekends or holidays), preceding the next Committee of the Whole /Council meeting.
- 22.4.2. Meeting of Committee(s) of the Council/Advisory Panels:** Delegations wishing to present new information to other Committees/Advisory Panels subsequent to appearing at an earlier Committee/Advisory Panel meeting shall file same in writing with the Recording Secretary prior to 12 noon, three days (not including weekends or holidays) preceding the next Committee/Advisory Panel meeting.
- 22.5. Delegation Refused – Chief Administrative Officer/Clerk:** The Chief Administrative Officer/Clerk, is given the authority to refuse delegations under the following circumstances:
- a) The request is not submitted within the stated time limits;
  - b) The subject matter is deemed to be beyond the jurisdiction of Council;
  - c) The issue is specific to a matter properly held in closed session;



**OFFICE CONSOLIDATION**

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BY-LAW NO. 3974, as amended  
PROCEDURE BY-LAW**

- d) The issue has been or is to be considered by the Committee of Adjustment;
- e) Requests/issues where there is no perceived benefit for the Town of Perth.

**22.6. Delegation – Spokesperson:** (Ref. 2.22, “Delegation”).

**22.7. Delegation – Not to Repeat:** Delegations taking the same position on a matter shall be encouraged to select a spokesperson(s) to present their views collectively.

**22.8. Delegation – Limited to Subject Matter:** Delegations shall be limited to the subject matter indicated in their application for a delegation.

**22.9. Delegation Material:**

**22.9.1. Committee of the Whole/Council:** All presentation material for consideration shall be legible and filed in the office of the Clerk no later than 12:00 noon, three days (not including weekends and holidays) prior to the day of the regular meeting. The material may be included as part of the support material attached to the agenda.

It is the responsibility of the presenter to supply the Clerk with eleven (11) hard copy prints of the material that the presenter wishes to have distributed to members and staff.

**22.9.2. Committee(s) of the Council:** All presentation material for consideration shall be legible and filed in the office of the Recording Secretary no later than 12:00 noon, three days (not including weekends or holidays) prior to the day of the regular meeting. The material may be included as part of the support material attached to the agenda.

It is the responsibility of the presenter to supply the Recording Secretary with a sufficient number of hardcopy prints of the presentation material that the presenter wishes to have distributed to members and staff.

**22.10. Delegation – After the Agenda is Published:** Applications for delegations shall not be received after the deadline established in s. 22.3.1 or s. 22.3.2. Notwithstanding, if a matter is listed on the agenda to which anyone is desirous of providing information to the members, the person shall notify the Clerk/Recording Secretary prior to 12:00 noon on the day of the meeting and shall provide a brief in writing to the Clerk/Recording Secretary at the time the request is made so that it may be circulated to the members. In addition, the person shall provide a sufficient number of hard copy prints for distribution to the members and affected municipal staff.

**22.11. Restrictions on Delegations:** Delegations shall not:

- a) Address members directly without permission;
- b) Interrupt any speaker or action of the members, or any other person addressing the members;
- c) Display or have in their possession picket signs or placards in the Council Chamber or meeting room;
- d) Speak disrespectfully of any person;
- e) Use offensive words;
- f) Disobey a decision of the Chair/Presiding Officer;

**OFFICE CONSOLIDATION**

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BY-LAW NO. 3974, as amended  
PROCEDURE BY-LAW**

- g) Enter into cross debate with other delegations, staff, members or the Chair/Presiding Officer.

**22.12. Delegation – Time Limit – 10 Minutes:**

- a) The delegation shall be permitted a maximum of 10 minutes to make the presentation;
- b) The Presiding Officer/Chair, in consultation with the members, may extend the 10 minute time limit.

**22.13. Delegation – Addressing Members:** Delegations shall state their name(s) and make their presentation to the members.

**22.14. Matter Brought Forward:** In the event that the subject brought to the members at a meeting by a delegation is also dealt with in any other item listed on the agenda, the Presiding Officer/Chair may call for a motion to amend the Order of Business so that the item may be brought forward for discussion at the same time as the consideration of the delegation item.

**22.15. Curtail Delegation or Debate:** The Chair/Presiding Officer may curtail any delegation or debate during a delegation for disorder or any other breach of this by-law and, if the Presiding Officer/Chair rules that the delegation is not in compliance with this by-law, the person(s) appearing shall withdraw from the delegation table and the decision of the Presiding Officer/Chair shall not be subject to challenge.

**22.16. Questions by Members:** Upon completion of a presentation by a delegation, any dialogue between members and the delegate shall be limited to members asking questions for clarification and obtaining additional, relevant information only. Questions from members shall be addressed by the spokesperson to the best of their ability. Members shall not enter into debate with the delegation respecting the presentation.

**22.17. Restrict Delegation – Motion Moved:** Once a motion had been moved and seconded, no further representation or questions for the delegation shall be permitted.

**23. RECEIVING CORRESPONDENCE AND OTHER COMMUNICATIONS**

**23.1. Correspondence – Signed – Legible – Public:**

- a) All correspondence addressed to members of Council shall be considered public information, except as prohibited by legislation;
- b) All correspondence addressed to all members of Council or all members of any Committee(s) of the Council (letter, petition, resolution, or other communication) shall be legible, signed by the author(s) and include a return address. Correspondence that does not include the above or that includes any illegible or defamatory allegations or derogatory remarks shall not be included on the agenda or responded to.

**23.2. Correspondence – Circulated – Agenda:**

- a) The Clerk shall include on the agenda of Committee of the Whole or Council any correspondence addressed to all members of Council;
- b) The Recording Secretary of a Committee of the Council shall include on the agenda any correspondence addressed to all members of the Committee of the Council;

**OFFICE CONSOLIDATION**

**FOR INFORMATION PURPOSES ONLY**

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**THE CORPORATION OF THE TOWN OF PERTH  
BY-LAW NO. 3974, as amended  
PROCEDURE BY-LAW**

- c) Correspondence addressed to a single member shall be provided to the Clerk for distribution, at the discretion of that member.
- d) General information addressed to Council shall be listed on the Council agenda and subsequently circulated with a Correspondence Cover Sheet to members of Council at the Council meeting. Members shall indicate on the Correspondence Cover Page any item(s) they wish brought forward for consideration, and the Clerk shall include same on the next Committee of the Whole agenda for action.

**23.3. Correspondence - Submission Prior to 12:00 p.m. (Noon):** Every petition, letter or other written communications shall be deposited with the Clerk not later than 12:00 p.m. (Noon) three days (not including weekends or holidays) before the date of the Committee of the Whole/Council meeting in order that it is included on the agenda.

**23.4. Correspondence – Late Submission – Consideration – Urgent Matter Only:** A petition, letter or written communication that is received by the Clerk later than 12:00 noon three days (not including weekends and holidays) prior to the regularly scheduled Committee of the Whole/Council meeting may be brought before members of Council, if in the Clerk’s opinion, the matter is urgent.

**24. RECEIVING STAFF REPORTS**

**24.1. Committee of the Whole/Council – Staff Reports:** All staff reports shall be in written format using the Report Template. The report shall include a recommendation in the form of a motion unless the report is for information purposes only. Reports shall be signed by the department head or his/her designate and the Chief Administrative Officer or his/her designate.

**24.2. Committee(s) of the Council/Advisory Panels – Staff Reports:** All staff reports shall be in written format using the Report Template. The report shall include a recommendation in the form of a motion unless the report is for information purposes only. Reports shall be signed by the department head or his/her designate.

**25. RECEIVING COMMITTEE REPORTS**

**25.1. Committee Report – Members of Council:**

- a) All members of Council have the opportunity to report on their Town related activities that have occurred since the last Council Meeting or will be occurring before the next Council meeting; or to report on issue(s) currently under debate by the Committee(s) of the Council/Advisory Panel they are a member of;
- b) Each member of Council shall be given the opportunity to make a maximum of three enquiries related to the member’s report;
- c) Members shall make every effort to limit their report to a maximum of five (5) minutes.

**26. UNFINISHED BUSINESS**

**26.1. Unfinished Business:** The items set out in the agenda which have not been disposed of, shall be included in a subsequent agenda under Unfinished Business.

**27. BY-LAWS**

**27.1. By-laws – Title:** The title of every by-law being presented to Council shall be provided on the agenda at which the by-law is being considered.

**OFFICE CONSOLIDATION**

**FOR INFORMATION PURPOSES ONLY**

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**THE CORPORATION OF THE TOWN OF PERTH  
BY-LAW NO. 3974, as amended  
PROCEDURE BY-LAW**

- 27.2. By-law – Consent Agenda:** By-laws may be listed as part of a Consent Agenda.
- 27.3. Subject Matter – Previously Considered:** No by-law, except a by-law to confirm the proceedings of Council, shall be presented to Council unless the subject matter thereof has been considered by Committee of the Whole or a Committee of the Council that reports directly to Council.
- 27.4. Urgent – Immediate Action Required:** New by-laws of an urgent nature may be considered if in the opinion of the Council they require an immediate decision.
- 27.5. Confirm Proceedings of Council:** A by-law to confirm the proceedings and reports of Council at its meetings held in the previous month shall be presented at the first regular meeting of Council in each month. Such by-law shall confirm any motion, resolution and other actions passed or taken by Council at the meetings indicated therein (Except where the prior approval of the Ontario Municipal Board or any other regulatory body is required).
- 27.6. Introduction of By-law – Purpose Specified – One Reading (1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup> Inclusive):** Every by-law shall be introduced by written motion, and shall be considered to have been read a first, second and third time short, (except those listed in a consent agenda [Ref. s. 2.18] or as required by other legislation). The by-law shall be introduced by one of the following and seconded by another member of Council:
- a) Chair of the department having jurisdiction over the subject matter thereof; or
  - b) Chair or member of the Committee of the Council having jurisdiction over the subject matter thereof.
- 27.7. Clerk – Read By-law Title and Short Description:** The Clerk shall read the by-law title and short description, with the exception of those included in a consent agenda.
- 27.8. Amendment – Debate on Motion:** Debate shall be limited to the subject matter of the by-law. Amendments shall be made in writing by motion.
- 27.9. Amended By-law Passed – Corrections by Clerk:** After an amended by-law has been adopted by Council, the Clerk shall be responsible for its correctness should it be amended.
- 27.10. Reading – Date – Certified:** When a by-law is read in Council, the Clerk shall certify upon it the number and date of each reading thereof.
- 27.11. By-law Passed – Deposited in Safe:** Every by-law which has been passed by the Council shall, immediately after being signed by the Head of Council and the Clerk and sealed with the seal of the Corporation, be deposited by the Clerk in a secure location and scanned electronically for deposit on the server.
- 27.12. Clerk Authorized to Make Corrections:** The Clerk shall be authorized to make minor corrections to any by-law resulting from technical, formatting or typographical errors provided the intent of the by-law is not changed prior to the by-law being signed.

**28. MAIN MOTIONS**

**OFFICE CONSOLIDATION**

**FOR INFORMATION PURPOSES ONLY**

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**THE CORPORATION OF THE TOWN OF PERTH  
BY-LAW NO. 3974, as amended  
PROCEDURE BY-LAW**

- 28.1. Motion** – (Ref. s. 2.34, “Motions (Main)”)
- 28.2. Motions – Presentation:**
- 28.2.1. Motion – Staff Items:** Items shall be presented to Committee of the Whole for their consideration in the form of a Staff Report. (Ref. s. 24.1)
- 28.2.2. Motion – Committee(s) of the Council:** Committee(s) of the Council reporting directly to Council, as approved by their terms of reference, shall provide a staff report and a copy of the motion(s) to be considered by Council, as recommended by the Committee of the Council to the Clerk by Noon on the Thursday preceding the Council meeting in order that it is included on the agenda.
- 28.2.3. Member’s Own Motion – Property of its Maker:** Before a motion, created and moved by its maker, has been stated by the Presiding Officer/Chair, it shall be the property of its mover, who may withdraw it or modify it without the consent of anyone. Another member may ask the maker of the motion to withdraw it or accept a change, which the maker can either accept or reject. After the question has been stated by the chair, the motion becomes the property of the assembly, and the wording may be changed by the process of amendment. (Ref. SCHEDULE ‘D’, 1.1)
- 28.3. Motions – Consent Agenda:** Motions may be listed as part of a Consent Agenda.
- 28.4. Signature for Motion – Secunder:**
- 28.4.1. Council Meeting:** Council motions shall be signed by a mover and seconder.
- A seconder may not agree with the motion; however he/she agrees that the motion should come before the members.
- 28.4.2. Committee of the Whole:** Committee of the Whole shall require a mover and the motion may be in writing. The motion does not require a seconder.
- 28.4.3. Other Committees of the Council:** Other Committees of the Council shall require a mover and the motion may be in writing.
- 28.5. State the Motion - No Debate Until Read – Question has been Stated:** The Presiding Officer/Chair shall state the name of the member moving the motion (and seconded when in Council meetings), and shall read the motion. A motion so put shall be considered the main motion.
- 28.6. Motion Ruled Out of Order:** The Presiding Officer/Chair shall decline to put to vote motions which are not within the jurisdiction of Council/Committee(s) of the Council or which infringe on the rules of order.
- 28.7. Motion Open to Debate:** After the motion has been stated, it shall be deemed to be in possession of the members and, if applicable, immediately be open to debate or amendment. The mover is entitled to speak first if so desired.



**OFFICE CONSOLIDATION**

**FOR INFORMATION PURPOSES ONLY**

**Last amended by By-law No. 3974-7, January 18, 2022**

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**THE CORPORATION OF THE TOWN OF PERTH  
BY-LAW NO. 3974, as amended  
PROCEDURE BY-LAW**

- 28.8. No Other Motion Pending:** A motion can only be made when no other motion is pending. No motion can be admitted that might conflict with one of the possible final decisions on a main motion raising the same or substantially the same question as something previously adopted. This includes a motion that has been temporarily disposed of by being referred to a Committee, postponed, or laid on the table, or by being the subject of a motion to Reconsider that has not been called up.
- 28.9. Discussion on any Subject – Permitted Only with Reference to a Pending Motion:** Discussion on any subject shall be permitted only with reference to a pending motion. A motion may only be prefaced by a few words of explanation of what the mover wishes to propose, and shall not become a speech or be debated.
- 28.10. Clerk to Make Revisions:** The Clerk shall be authorized to make minor corrections to Motions resulting from technical, or typographical errors without changing the intent of the Motion.
- 28.11. Voting:** (Ref. s. 9, “Voting”).
- 28.12. Motions: Definition and Process:** (Ref. SCHEDULE ‘D’).
- 29. MISCELLANEOUS BUSINESS – COUNCIL MEETING:**
- 29.1.1. Member – Notice – New Item – Council – To go to Next Committee of the Whole meeting:** A notice of a New Item being brought before Council shall not be debated and shall be referred to the next Committee of the Whole meeting for discussion and recommendation to Council.
- 29.1.2. Urgent – Immediate Action Required:** New items of an urgent nature may be considered if in the opinion of the Council they require an immediate decision.
- 30. QUESTIONS FROM THE MEDIA:**
- 30.1. Members of Media - Questions:** The members of the media shall be given the opportunity to present enquiries. The period for media comments shall be limited to a maximum of ten (10) minutes. All such comments shall be directed to the Presiding Officer who shall, when necessary, determine the person who in his/her opinion is the best qualified to respond.
- 31. ADJOURNMENT:**
- 31.1. Adjournment – Motion – At Request of Presiding Officer/Chair:** In a meeting a standard motion to adjourn shall be in order at the request of the Presiding Officer/Chair.
- 31.2. Time of Adjournment – Extend:**
- 31.2.1. Council:** All regular Council meetings shall stand adjourned when the Council has completed all business as listed on the Order of Business or at 10:00 p.m, whichever is sooner. Unfinished business shall be postponed to the next regular meeting of Council unless a motion to proceed beyond the stated time has been passed by a vote of two-thirds of the members present.

**OFFICE CONSOLIDATION**

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**THE CORPORATION OF THE TOWN OF PERTH  
BY-LAW NO. 3974, as amended  
PROCEDURE BY-LAW**

- 31.2.2. Committee of the Whole:** All regular Committee of the Whole meetings shall stand adjourned when the Committee has completed all business as listed on the Order of Business or at 8:00 p.m, whichever is sooner. Unfinished business shall be postponed to the next regular meeting of Committee of the Whole unless a motion to proceed beyond the stated time has been passed by a vote of two-thirds of the members present.
- 31.2.3. Non-debatable – Length of Time – Non-Amendable:** A motion to proceed beyond the normal times for adjournment shall not be debatable and shall not be amendable with respect to the length of the extension.
- 31.2.4. Committee(s) of the Council:** All other regular meetings of the Committees of the Council shall stand adjourned when the Committee has completed all business as listed on the Order of Business or at a time set by the Committee.

**ELECTRONIC MEETINGS**

**32. ELECTRONIC MEETINGS:**

- 32.1 Definitions:** The following definition shall be added to the Definitions section of the Procedure By-law:
- (i) Electronic Meeting means a meeting called and held in full or in part via electronic means, including, but not limited to, audio teleconference, video teleconference or via means of the internet, and with or without in person attendance.
- 32.2 Electronic Meetings:** Any meeting of Council, Committee of the Whole, local board or committee/advisory panel may be held, in whole or in part as an Electronic Meeting.
- 32.3 Quorum and Voting for Electronic Meetings:** Member(s) participating in an Electronic Meeting, either in person or by electronic means, shall be counted for purposes of quorum at the commencement and at any point in time during the meeting, and shall be entitled to vote on matters presented at such meeting.
- 32.4 Closed Session:** An Electronic Meeting may include a Closed Session, which shall be conducted in the absence of the public and in accordance with this Section.
- 32.5 Public Notice:** Public notice of Electronic Meetings shall include sufficient information as to provide the public with a means to electronically access the open session of such Electronic Meeting.
- 32.6 Delegations:** Delegations may be permitted at Electronic Meetings.
- 32.7 Presentations:** Presentations may be permitted at Electronic Meetings.
- 32.8 Application:** Notwithstanding the foregoing, the Procedural By-law, as

**OFFICE CONSOLIDATION**

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**THE CORPORATION OF THE TOWN OF PERTH  
BY-LAW NO. 3974, as amended  
PROCEDURE BY-LAW**

amended shall continue to apply to any Electronic Meetings held pursuant to this Section.

- 32.9 Conflict:** Where there is a conflict between this Section and another Section of this By-law, this Section and any Provincial legislation shall prevail.

(By-law No. 2020-3974-7 – 18-Jan-2022)

**SUSPENSION OF RULES**

**33. SUSPENSION OF RULES:**

- 33.1. Suspension of Rules:** In rare instances, Council may suspend the rules of the Procedure By-law with a two-thirds vote of Council. In no circumstances may Council suspend any statutory procedures from the Act incorporated in this by-law.

**AMENDMENT TO THIS BY-LAW**

**34. AMENDMENT OF BY-LAW:**

- 34.1. Repeal:** No repeal of this by-law shall be considered at any meeting of Council unless notice of intention of the proposed repeal has been given per the Notice By-law.
- 34.2. Amendments:** From time to time, amendments to this by-law, or any part thereof, may be considered at any meeting of Council provided Notice is given at a prior meeting of Council.

**SEVERABILITY**

**35. SEVERABILITY:**

- 35.1. Provisions – Severable:** The provisions of this by-law are severable. If any provision, section or word is held to be invalid or illegal, such invalidity or illegality shall not affect or impair any of the remaining provisions, sections or words.
- 35.2. Conflict:** Where the terms of any by-law passed prior to this by-law conflict with this by-law, the terms of this by-law shall prevail.

**REPEAL**

**36. REPEAL**

- 36.1.** By-law Nos. 3144, 3267, 3133-1 are hereby repealed in their entirety.

Read a first time, second and third time and finally passed this 25<sup>th</sup> day of August, 2009.



**OFFICE CONSOLIDATION**

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**THE CORPORATION OF THE TOWN OF PERTH  
BY-LAW NO. 3974, as amended  
PROCEDURE BY-LAW**

---

John Fenik, Mayor

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Tim Simpson, Deputy Clerk

(Seal)

**OFFICE CONSOLIDATION**

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BY-LAW NO. 3974, as amended  
PROCEDURE BY-LAW**

**SCHEDULE 'A'**

**Appointments to Committee(s) of the Council – Members of  
Council and Citizens**

**1. Appointments to Committees of the Council, other Boards and Bodies  
- Members of Council**

Appointment of Council members to Committees of the Council, other Boards and Bodies will be for the term of office and will expire once the new Council has taken office in an election year, except as otherwise provided for by legislation. Appointments of Members of Council will take place as follows:

- a) As soon as possible after the municipal election, the Council-elect shall receive a list of vacancies to which Council appoints its members to sit.
- b) By November 15th in an election year, members of Council-elect shall submit a list of vacancies to which they seek appointment to the Clerk.
- c) The Clerk shall compile a list of the requests of Council-elect members and bring it forward to the Committee of the Whole for review and to make recommendations to Council for the appointment of Council members to the vacancies.
- d) The appointment of Council members to Committees of the Council, other Boards and Bodies shall take place at the first regular Council meeting in December in the year of the municipal election.

**2. Appointments to Committees of the Council, Other Boards and  
Bodies - Citizen Members**

**Committees of the Council, Other Boards and Bodies** – The term of office for citizen members on Committees of the Council and other Boards and Bodies is concurrent with the term of Council, except as otherwise provided by legislation.

To qualify, applicants must:

- be a Canadian citizen,
- be a resident or taxpayer of Perth, unless otherwise provided by by-law, and
- not be an employee of the Town of Perth or the County of Lanark.

**OFFICE CONSOLIDATION**

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**THE CORPORATION OF THE TOWN OF PERTH  
BY-LAW NO. 3974, as amended  
PROCEDURE BY-LAW**

- 1) Following the election, the Clerk will prepare a notice, to be placed in the local media and on the Town's website advising citizens of the opportunity to serve on various Committees of the Council and other Boards and Bodies. Interested applicants shall submit to the Clerk a completed "Application to Serve on a Committee of the Council of the Town of Perth" form. The notice shall be published a minimum of two (2) weeks prior to the deadline for receiving applications.
- 2) Applications may be kept on file for the purposes of amending or adding to the membership of the Committee of the Council or other Board or Body.
- 3) The Clerk will prepare a list of the names of candidates for each Committee of the Council, other Board or Body with a copy of the application attached. Committee of the Whole, in Closed Session, shall review the applications and make recommendations to Council for the appointment of citizen members.
- 4) The appointment of citizens members shall take place at the first regular Council Meeting in December in the year of the municipal election.
- 5) The Clerk shall notify the successful members and provide a list of members to each Recording Secretary.
- 6) Any member wishing to resign shall provide his/her resignation in writing to the Chair with a copy to the Clerk.
- 7) Vacancies that occur during the term shall be filled as soon as possible using the appointment process described in a) to c) above.
  - a) Vacancies that occur less than 90 days prior to completion of the term will not be filled unless there is a need to replace members to achieve a quorum.
  - b) Council at its sole discretion may provide notice of any vacancies that occur from time to time.

(By-law No. 2021-3974-5 – 22-Jun-2021)

(By-law No. 2021-3974-6 – 23-Nov-2021)

**OFFICE CONSOLIDATION**

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**THE CORPORATION OF THE TOWN OF PERTH  
BY-LAW NO. 3974, as amended  
PROCEDURE BY-LAW**

**APPLICATION FORM TO SERVE ON A COMMITTEE  
OF THE COUNCIL OF THE TOWN OF PERTH**

.....  
Date: .....

Name: .....

Address: .....

Tel: .....

Email: .....

Committee of Interest:.....

Relevant Experience: .....

.....

.....

.....

Qualifications:.....

.....

.....

.....

**OFFICE CONSOLIDATION**

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**THE CORPORATION OF THE TOWN OF PERTH  
BY-LAW NO. 3974, as amended  
PROCEDURE BY-LAW**

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**SCHEDULE 'B'  
(Template)**

**Terms of Reference for Committee(s) of the Council**

**POLICY**

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**Adopted by:** By-law - **Date:**  
**Supersedes:** By-law - **Date:**

**Author:**

**Notation:** Name of Committee - Terms of Reference

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***Together, we are a welcoming, vibrant family of communities, intent upon securing our economic future while celebrating our heritage and meeting the needs of our citizens in an environmentally conscious manner.***

---

**Name of Committee of the Council  
Terms of Reference**

**A. Background**

**B. Mandate**

*1. Authority:*

Authority transfer is restricted to the scope of the mandate described in the Terms of Reference of the Committee of the Council, unless an amendment is explicitly authorized by Council.

The Committee of the Council shall not communicate externally on behalf of Council except as related to the scope of their mandate. The Committee of the Council shall not authorize any expenditures outside their Council approved budget.

*2. Scope:*

Issues of an administrative or staffing nature shall not generally form part of the scope.

*3. Reports to:*

**C. Function**

**D. Composition**

*1. Membership:*

a. Voting Members:

b. Non-Voting Members:

c. Absence:

Any member (other than a member of Council) who is absent from three (3) consecutive regular meetings without leave of absence or without satisfactory reason shall forthwith cease to be a member and the appointing authority shall be advised.

d. Resignation of Citizen Members:

Any member wishing to resign shall provide their resignation in writing to the Chair with a copy to the Clerk.

e. Term: See Procedure By-law, s. 4.4.2, page 7.

*2. Structure:*

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**THE CORPORATION OF THE TOWN OF PERTH  
BY-LAW NO. 3974, as amended  
PROCEDURE BY-LAW**

- a) Recording Secretary: A Recording Secretary shall be appointed at the first meeting and shall not be a member of the appointing body. (Ref. D.,3.)
- b) Chair and Vice-Chair: A Chair and Vice-Chair shall be elected at the first meeting.

3. *Support Resources:*

Note: Each Committee of the Council should have a Technical Advisor (generally a senior staff member), in addition to the Recording Secretary (generally a junior staff member) noted herein.

**E. Procedures**

Prescribed legislation, including all Federal, Provincial and Municipal legislation and regulations shall be adhered to. This includes, but is not limited to, the Town of Perth's:

- 1. Accountability and Transparency Policy
- 2. Procedure By-Law
- 3. Procurement By-law

In addition to the above general provisions, the following shall be required:

- a) Establish a meeting schedule and publish the same.
- b) Solicit, document and consider public input where appropriate.
- c) Distribute the agenda as per Procedure By-law, s. 11.1.5.
- d) Distribute the minutes as per Procedure By-law, s. 15.2.2 and send draft minutes to members of the Council, through the Clerk, in a timely fashion.
- e) Provide the approved minutes, signed by the Chair and Recording Secretary, to the Clerk for the official records.

**F. Quorum**

Ref. Procedure By-law, s. 10.2.

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**THE CORPORATION OF THE TOWN OF PERTH  
BY-LAW NO. 3974, as amended  
PROCEDURE BY-LAW**

**SCHEDULE "C"  
Pecuniary Interest Form**

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**Title of Meeting:** \_\_\_\_\_

**Date of Meeting:** \_\_\_\_\_

**Name of Member:** \_\_\_\_\_

**Disclosure of Interest in Agenda Item:** \_\_\_\_\_

**Disclose the General Nature Thereof:** (Not applicable when disclosing a Closed Session Pecuniary Interest in open session):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Signature:** \_\_\_\_\_



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BY-LAW NO. 3974, as amended  
PROCEDURE BY-LAW**

**SCHEDULE 'D'  
Motions: Definition and Process**

**1. Motions: Definition and Process**

**1.1. WITHDRAW: A motion to withdraw**

- 1.1.1. **In order – during debate:** Shall be in order anytime during debate.
- 1.1.2. **Made by the Mover:** Shall be put by the mover of the motion and may be made without the consent of the Seconder of the main motion.
- 1.1.3. **Debatable:** Shall not be debatable.
- 1.1.4. **No Objection:** Shall be considered withdrawn without the necessity of a vote or record in the minutes.

**1.2. DIVIDE: A motion to divide:**

- 1.2.1. **Non-debatable-reconsidered:** Shall not be debatable or reconsidered.
- 1.2.2. **Amendable:** Shall be amendable.
- 1.2.3. **Disposition of motion:** Shall receive disposition of Council before the main question.
- 1.2.4. **Two or more distinct proposals:** Shall be in order only when the motion to be divided contains two or more separate and distinct proposals capable of standing as a complete proposition if the others are removed and a separate vote shall be taken upon each proposal. Exception: a motion where the effect of adopting all of the parts will be exactly the same, or a motion whose parts are not easily separated without rewriting the motion beyond renumbering phrases or clauses or prefacing each part with formal word(s) such as, "Be it resolved that."

**1.3. FIX THE TIME TO WHICH TO ADJOURN**

- 1.3.1. **Member speaking-voting prohibited:** Shall not be in order when a member has the floor.
- 1.3.2. **Non-debatable:** Shall not be debatable.
- 1.3.3. **Amendable:** Shall be amendable as to the date, hour or place.

**1.4. ADJOURN: A motion to adjourn the meeting:**

- 1.4.1. **Motion:** Shall be at the request of the Presiding Officer/Chair.
- 1.4.2. **Member speaking-voting prohibited:** Shall not be in order when a member is speaking or during the verification of a vote.
- 1.4.3. **Non-debatable-amendable:** Shall not be debatable or amendable.

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BY-LAW NO. 3974, as amended  
PROCEDURE BY-LAW**

- 1.4.4. Resolved in the affirmative:** Once a motion to adjourn is resolved in the affirmative, no further proceedings shall take place until the next meeting. All unfinished business on the agenda shall be included on the agenda of the next regular or special meeting.
- 1.4.5. Resolved in the negative:** Once a motion to adjourn is resolved in the negative, members shall resume debate at the point immediately prior to the point at which the motion to adjourn was moved.

**1.5. RAISE A QUESTION OF PRIVILEGE OR POINT OF ORDER**

- 1.5.1. Point of Order:** A point of order may be called by a member to bring attention to a matter that the member considers being a breach of the rules, procedures or generally accepted practices of the Council or Committee of the Council.
- 1.5.2. Member-Ask Leave of Chair/Presiding Officer:** When a member raises a point of order he shall ask leave of the Chair/Presiding Officer to raise the point of order and after leave is granted he shall state the point of order to the Presiding Officer.
- 1.5.3. Point of Personal Privilege:** A point of privilege may be called by a member to bring attention to a matter that the member considers is impugning his/her integrity or the integrity of the Council or Committee of the Council.
- 1.5.4. Address-Presiding Officer/Chair-appeal decision:** Thereafter, a member shall only address the Presiding Officer /Chair for the purpose of appealing the Chair/Presiding Officer's decision.
- 1.5.5. Decision-Presiding Officer/Chair-final:** If no member appeals, the decision of the Presiding Officer/ Chair shall be final.
- 1.5.6. Non-debatable-amendable-reconsidered:** The Council or Committee of the Council, if appealed to, shall decide the question without debate and its decision shall be final. After a point of order has been raised and decided, Council/ Committee of the Council shall resume its proceeding at the point immediately prior to the point at which the point of order motion was moved.

**1.6. CALL THE QUESTION (Immediately Close Debate)**

- 1.6.1. Member speaking-voting prohibited:** Shall not be in order when a member has the floor.
- 1.6.2. Non-debatable-amendable:** Shall not be debatable and shall not be amendable.
- 1.6.3. Two Thirds Vote:** Shall require two-thirds vote.
- 1.6.4. Resolved in the affirmative:** If a motion to call the question (close debate) is resolved in the affirmative, then the preceding motion or amendment shall be voted on immediately without further debate or comment.

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BY-LAW NO. 3974, as amended  
PROCEDURE BY-LAW**

- 1.7. POSTPONE TO A CERTAIN TIME:** (Defer to a Certain Time)
- 1.7.1. Written-not verbal:** Shall contain the date upon which the motion shall again be put and shall be in writing when in Council.
- 1.7.2. Debatable-amendable:** Shall be amendable and debatable.
- 1.7.3. Disposition of motion:** Shall receive disposition before the main question.
- 1.8. REFER:** A motion to refer a matter under debate:
- 1.8.1. Written-not verbal:** Shall be presented in writing in Council.
- 1.8.2. Debatable-amendable:** Shall be debatable and amendable.
- 1.8.3. Referred to-specified:** Shall state the individual, group, etc. to which the motion shall be referred.
- 1.8.4. Disposition of motion:** The motion shall receive disposition before the main question.
- 1.9. AMEND:** A motion to Amend:
- 1.9.1. Written-not verbal:** Shall be presented in writing in Council.
- 1.9.2. Debatable:** Shall be debatable.
- 1.9.3. Amendable—once only:** Only one amendment shall be allowed to an amendment. A secondary amendment cannot be amended.
- Exception: Filling in the blank** – an unlimited number of alternative choices for a particular specification in a primary amendment can be pending at the same time. This provides an exception to the rules of Amend. Members have an opportunity to weigh all choices before voting.
- 1.9.4. Contrary-to main motion-not in order:** Shall be germane to the main motion and shall not be received proposing a direct negative to the main motion.
- 1.9.5. Amendments-put in reverse order:** The primary and secondary amendment shall be put in the reverse order to that in which it is moved.
- 1.9.6. Disposition of motion:** The motion to amend shall receive disposition before the main question. Its adoption does not adopt the motion thereby amended.
- 1.10. RECONSIDERATION OF A MOTION/BY-LAW - COUNCIL:**
- 1.10.1. Reconsideration in order:** Once a *substantive* question or by-law has been presented and disposed of by Council, it shall not be in order to reconsider that question or by-law unless and until a motion to reconsider the question or by-law has been disposed of by Council.

**OFFICE CONSOLIDATION**

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BY-LAW NO. 3974, as amended  
PROCEDURE BY-LAW**

- 1.10.2. Reconsideration - Confined to:** Shall be confined to such matters as *new information* which has come forward, *an error* in documentation presented or *incorrect statements* made during the original debate.
- 1.10.3. Reconsideration not in order:** Shall not be in order if the question or by-law has been implemented resulting in legally binding commitments as of the date the motion to reconsider is moved. This shall not be meant to limit motions for reconsideration of Council policies other than specific Council actions.
- a) **Exception:** Once a *substantive* motion/by-law is reopened, it is reopened in its entirety unless the motion to reconsider specifies otherwise.
- 1.10.4. Requires – two thirds:** A motion to reconsider shall be considered lost unless two-thirds of the members present vote in favour.
- 1.10.5. Written-not verbal:** Shall be reduced in writing.
- 1.10.6. Secunder:** Shall require a Secunder.
- 1.10.7. One Motion for Reconsideration of any Question – One year:** A vote to reconsider a decided *substantive* matter shall not be considered more than once in a twelve-month period from the date the motion/resolution was approved by Council.
- 1.10.8. Affirmative-Next subsequent meeting of Council:** If a motion to reconsider has been carried in the affirmative, it shall not be in order to reconsider the subject matter of the question or by-law until the next subsequent meeting of Council. The question or by-law being reconsidered shall be in the exact manner in which it was first presented, considered as though it is being presented for the first time, and shall be subject to the rules of debate and amendment, and shall be numbered as an extension of the original number (ex. Motion 203.1 or By-law No. 3901-1).
- 1.10.9. Debate on a motion to reconsider:** No debate on a motion to reconsider a decided matter shall be permitted; however, the Mover and/or Secunder of a motion to reconsider shall provide a brief and concise statement outlining the reasons for proposing such reconsideration. Debate is prohibited on the subject matter of the question or by-law proposed for reconsideration.
- 1.10.10. No action taken until presented to Council for reconsideration:** If a motion to reconsider has been carried in the affirmative, no action shall be taken to carry into effect the question or by-law until that question or by-law has been presented to Council for reconsideration.
- 1.10.11. Debate on the question:** Debate on the question to be reconsidered shall proceed as though it had never previously been considered.

**1.11. RECONSIDERATION OF MATTERS AT THE SAME MEETING**

- 1.11.1. Reconsideration in order:** Once a question or by-law has been presented and disposed of by the members, it shall not be in order to reconsider that

**OFFICE CONSOLIDATION**

**FOR INFORMATION PURPOSES ONLY**

**Last amended by By-law No. 3974-7, January 18, 2022**

**For copies of amending By-laws, please contact the Clerk at 613-267-3311**

**THE CORPORATION OF THE TOWN OF PERTH  
BY-LAW NO. 3974, as amended  
PROCEDURE BY-LAW**

question or by-law unless and until a motion to reconsider the question or by-law has been disposed of by the members.

- 1.11.2. Any time at the same meeting:** Shall be introduced at any time when the Reconsider Motion is made at the same meeting at which the original motion was decided.
- 1.11.3. Member absent during the vote:** If a member is absent during the vote on the original matter, he/she may not request a motion to reconsider at the same meeting.
- 1.11.4. Reconsideration - Confined to:** Shall be confined to such matters as *new information* which has come forward, *an error* in documentation presented or *incorrect statements* made during the original debate.
- 1.11.5. Debate on a motion to reconsider:** No debate on a motion to reconsider a decided matter shall be permitted; however, the mover and/or Seconder of a motion to reconsider shall provide a brief and concise statement outlining the reasons for proposing such reconsideration. Debate is prohibited on the subject matter of the motion or by-law proposed for reconsideration.
- 1.11.6. Next order of business:** If a motion to reconsider is decided in the affirmative, such reconsideration shall become the next order of business, and debate on the question to be reconsidered shall proceed as though it had never previously been considered.
- 1.11.7. Majority of all Members present and voting:** A motion to recommend the reconsideration of a decided matter of the members, made at the same meeting, shall only require the approval of a majority of all of the members present and voting.

**1.12. MOTION TO RECESS**

- 1.12.1. Length of time specified:** A motion to recess when other business is before the meeting shall specify the length of time of the recess.
- 1.12.2. Non-debatable - length of time - amendable:** A motion to recess when other business is before the meeting shall not be debatable and shall only be amendable with respect to the length of the recess.

**OFFICE CONSOLIDATION**

**FOR INFORMATION PURPOSES ONLY**

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**THE CORPORATION OF THE TOWN OF PERTH  
BY-LAW NO. 3974, as amended  
PROCEDURE BY-LAW**

**SCHEDULE 'E'**

**Appointment Process to Fill a Vacancy on Council**

If a vacancy occurs in the office of a member of Council and Council chooses to fill the vacancy by appointing a person who has consented to accept the office if appointed, the following process shall be followed.

Mayor Appointment Process

In the event of a vacancy in the Office of Mayor, the Deputy Mayor will assume the Office of Mayor, if consented to by the Deputy Mayor for the remainder of the term of the person he or she replaced.

Should the Deputy Mayor decline the appointment to the Office of Mayor the procedure will be as follows:

1. Declare the position of Mayor vacant by by-law and forward by-law to the Clerk of Lanark County Council.
2. Members of Council interested in the position of Mayor shall submit their Expression of Interest to the Clerk by \_\_\_\_\_ and the Clerk shall circulate same to Council in the Council agenda package of \_\_\_\_\_.
3. Those members of Council having submitted their Expression of Interest to the Clerk in accordance with the above, shall be deemed to be a candidate for the purposes of this process.
4. At the Council meeting on \_\_\_\_\_, at \_\_\_\_\_ pm, each candidate, in alphabetical order, will be given the opportunity to speak for 5 minutes and only members of Council shall be allowed to ask questions.
5. Following the presentations of all candidates, each candidate will be voted on by show of hands, in an open manner in alphabetical order by all members of Council. The votes will be tallied by the Clerk.  
***Municipal Section 233 (5) – Secret Ballot – Upper Tier Head of Council and 238 (5) – Presiding Officer.***
6. In the event of a tie vote, those candidates' names shall be placed in the "hat" and one name drawn by the Chief Administrative Officer (CAO).
7. The name of the candidate receiving the most votes, or drawn in the event of a tie, shall be put forward for appointment to the position of Mayor by by-law.

[Note: In the spirit of good will and cohesiveness, the resulting by-law appointing the candidate as the Mayor should by all accounts receive unanimous support.]

8. However; if the resulting by-law to appoint the Mayor is defeated, the rules of the Procedure By-law shall be suspended, and the process shall recommence with each candidate being voted on by Council (Step #5).
9. The new Mayor shall be sworn in by the Clerk by completing the Declaration of Office form attached and shall assume the position of Mayor immediately, for the remainder of the term of Council.
10. The Clerk shall notify the Clerk of Lanark County Council of the Mayor's appointment.

Deputy Mayor Appointment Process

- A. Appoint a Deputy Mayor from within Council according to the following procedure:



**OFFICE CONSOLIDATION**

**FOR INFORMATION PURPOSES ONLY**

**Last amended by By-law No. 3974-7, January 18, 2022**

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**THE CORPORATION OF THE TOWN OF PERTH  
BY-LAW NO. 3974, as amended  
PROCEDURE BY-LAW**

1. Declare the position of Deputy Mayor vacant by by-law and forward by-law to the Clerk of Lanark County Council.
2. Members of Council interested in the position of Deputy Mayor shall submit their Expression of Interest to the Clerk by \_\_\_\_\_ and the Clerk shall circulate same to Council in the Council agenda package of \_\_\_\_\_.
3. Those members of Council having submitted their Expression of Interest to the Clerk in accordance with the above, shall be deemed to be a candidate for the purposes of this process.
4. At the Council meeting on \_\_\_\_\_, at \_\_\_\_ pm, each candidate, in alphabetical order, will be given the opportunity to speak for 5 minutes and only members of Council shall be allowed to ask questions.
5. Following the presentations of all candidates, each candidate will be voted on by all members of Council in an open manner, in alphabetical order. The votes will be tallied by the Clerk.
6. In the event of a tie vote, those candidates' names shall be placed in the "hat" and one name drawn by the Chief Administrative Officer (CAO).
7. The name of the candidate receiving the most votes, or drawn in the event of a tie, shall be put forward for appointment to the position of Deputy Mayor by by-law.

[Note: In the spirit of good will and cohesiveness, the resulting by-law appointing the candidate as the Deputy Mayor should by all accounts receive unanimous support.]

8. However; if the resulting by-law to appoint the Deputy Mayor is defeated, the rules of the Procedure By-law shall be suspended, and the process shall recommence with each candidate being voted on by Council (Step #5).
9. The new Deputy Mayor shall be sworn in by the Clerk by completing the Declaration of Office form attached and shall assume the position of Deputy Mayor immediately for the remainder of the term of Council.
10. The Clerk shall notify the Clerk of Lanark County Council of the Deputy Mayor's appointment.

Councillor Appointment Process

Appoint a Councillor in one of two ways:

A: Appoint the unsuccessful candidate from the last election who received the most votes.

B. Appoint a Councillor according to the following procedure:

1. Declare the position of Councillor vacant by by-law.
2. A Request for Expressions of Interest to be placed in the local media and on the website at the earliest opportunity requiring all qualified Electors to respond to the Clerk, in person, by \_\_\_\_\_.
3. Upon submission of Expressions of Interest, qualified candidates shall complete the Declaration of Qualification form.
4. The Clerk shall circulate the Expression of Interest to Council in the Council agenda package of \_\_\_\_\_ and subsequently send 4 to 6 questions (TBD by Council) to candidates.
5. At the Council meeting on \_\_\_\_\_, at \_\_\_\_ pm, each candidate, in alphabetical order, shall answer be given the opportunity to speak for a maximum of 10 minutes. They can speak to

**OFFICE CONSOLIDATION**

**FOR INFORMATION PURPOSES ONLY**

**Last amended by By-law No. 3974-7, January 18, 2022**

**For copies of amending By-laws, please contact the Clerk at 613-267-3311**

**THE CORPORATION OF THE TOWN OF PERTH  
BY-LAW NO. 3974, as amended  
PROCEDURE BY-LAW**

their Expression of Interest if they choose; however, they must answer the 4 to 6 questions within the 10 minutes allotted. Only members of Council shall be allowed to ask questions.

6. Following the presentations of all candidates', each candidate will be voted on by all members of Council in an open manner, in alphabetical order. The votes will be tallied by the Clerk.
7. In the event of a tie, those candidates names shall be placed in the "hat" and one name drawn by the Chief Administrative Officer (CAO).
8. The name of the candidate receiving the most votes, or drawn in the event of a tie, shall be put forward for appointment to the position of Councillor by by-law.

[Note: In the spirit of good will and cohesiveness, the resulting by-law appointing the candidate as Councillor should by all accounts receive unanimous support.]

9. However; if the resulting by-law to appoint the Councillor is defeated, the rules of the Procedure By-law shall be suspended, and the process shall recommence with each candidate being voted on by Council (Step #6).
10. The new Councillor shall be sworn in by the Clerk by completing the Declaration of Office form attached and shall assume the position of Councillor immediately for the remainder of the term of the person he or she replaced.

**OFFICE CONSOLIDATION**

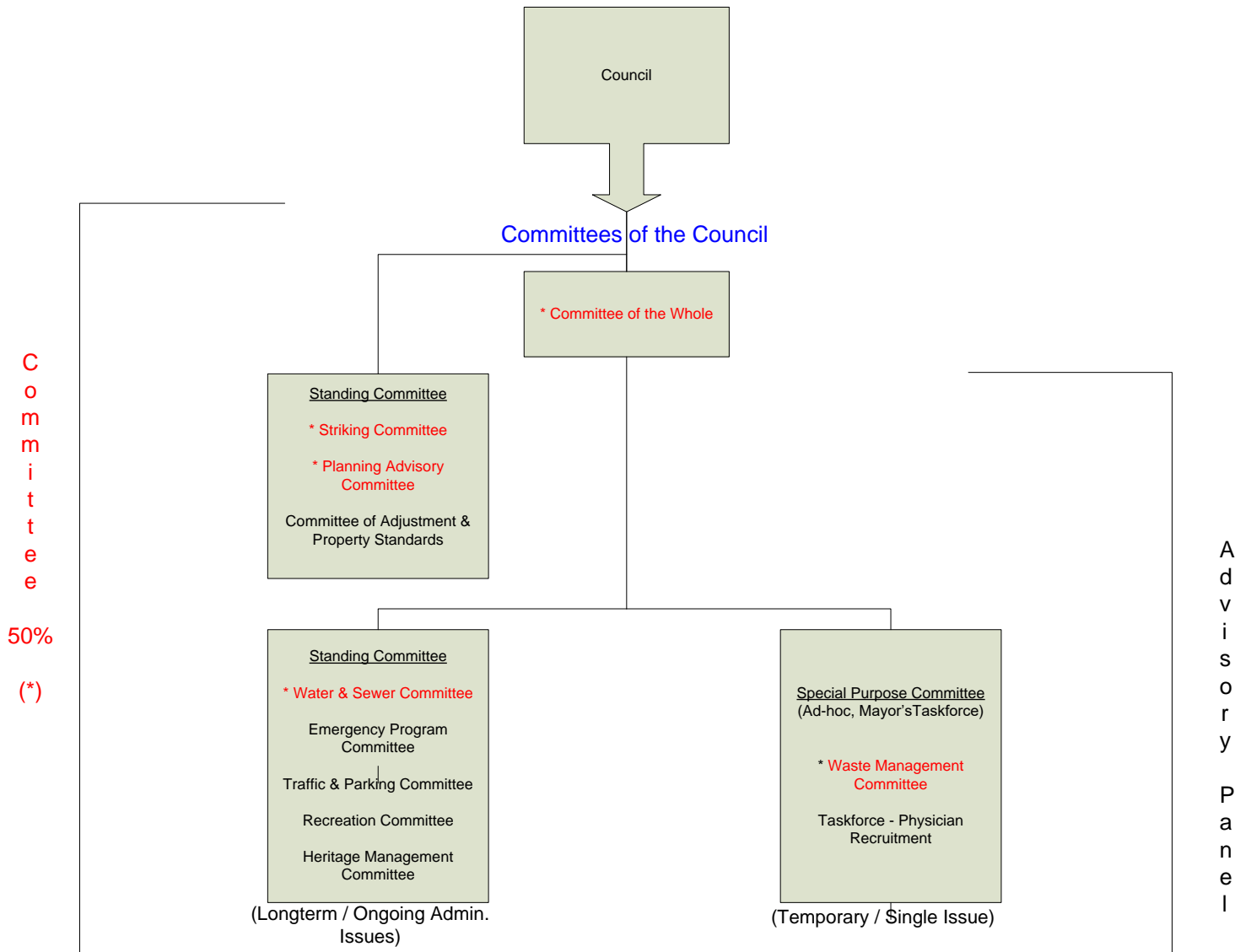
**FOR INFORMATION PURPOSES ONLY**

**Last amended by By-law No. 3974-7, January 18, 2022**

**For copies of amending By-laws, please contact the Clerk at 613-267-3311**

**THE CORPORATION OF THE TOWN OF PERTH  
BY-LAW NO. 3974, as amended  
PROCEDURE BY-LAW**

**SCHEDULE 'F' – (For Reference Only)  
Committee Structure**



**OFFICE CONSOLIDATION**

**FOR INFORMATION PURPOSES ONLY**

**Last amended by By-law No. 3974-7, January 18, 2022**

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**THE CORPORATION OF THE TOWN OF PERTH  
BY-LAW NO. 3974, as amended  
PROCEDURE BY-LAW**

**SCHEDULE 'G' – (For Reference Only)  
Extracts from the Municipal Act**

**Powers exercised by by-law**

(3) A municipal power, including a municipality's capacity, rights, powers and privileges under section 9, shall be exercised by by-law unless the municipality is specifically authorized to do otherwise. 2001, c. 25, s. 5 (3); 2006, c. 32, Sched. A, s. 5.

**Role of council**

**224.** It is the role of council,

- (a) to represent the public and to consider the well-being and interests of the municipality;
- (b) to develop and evaluate the policies and programs of the municipality;
- (c) to determine which services the municipality provides;
- (d) to ensure that administrative policies, practices and procedures and controllership policies, practices and procedures are in place to implement the decisions of council;
- (d.1) to ensure the accountability and transparency of the operations of the municipality, including the activities of the senior management of the municipality;
- (e) to maintain the financial integrity of the municipality; and
- (f) to carry out the duties of council under this or any other Act. 2001, c. 25, s. 224; 2006, c. 32, Sched. A, s. 99

**Role of head of council**

**225.** It is the role of the head of council,

- (a) to act as chief executive officer of the municipality;
- (b) to preside over council meetings so that its business can be carried out efficiently and effectively;
- (c) to provide leadership to the council;
- (c.1) without limiting clause (c), to provide information and recommendations to the council with respect to the role of council described in clauses 224 (d) and (d.1);
- (d) to represent the municipality at official functions; and
- (e) to carry out the duties of the head of council under this or any other Act. 2001, c. 25, s. 225; 2006, c. 32, Sched. A, s. 100.

**Municipal administration**

**227.** It is the role of the officers and employees of the municipality,

- (a) to implement council's decisions and establish administrative practices and procedures to carry out council's decisions;
- (b) to undertake research and provide advice to council on the policies and programs of the municipality; and
- (c) to carry out other duties required under this or any Act and other duties assigned by the municipality. 2001, c. 25, s. 227.

**Clerk**

**228. (1)** A municipality shall appoint a clerk whose duty it is,

**OFFICE CONSOLIDATION**

**FOR INFORMATION PURPOSES ONLY**

**Last amended by By-law No. 3974-7, January 18, 2022**

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**THE CORPORATION OF THE TOWN OF PERTH  
BY-LAW NO. 3974, as amended  
PROCEDURE BY-LAW**

- (a) to record, without note or comment, all resolutions, decisions and other proceedings of the council;
- (b) if required by any member present at a vote, to record the name and vote of every member voting on any matter or question;
- (c) to keep the originals or copies of all by-laws and of all minutes of the proceedings of the council;
- (d) to perform the other duties required under this Act or under any other Act; and
- (e) to perform such other duties as are assigned by the municipality. 2001, c. 25, s. 228 (1)

**Deputy clerks**

**228. (2)** A municipality may appoint deputy clerks who have all the powers and duties of the clerk under this and any other Act. 2001, c. 25, s. 228 (2).

**Chief administrative officer**

**229.** A municipality may appoint a chief administrative officer who shall be responsible for,

- (a) exercising general control and management of the affairs of the municipality for the purpose of ensuring the efficient and effective operation of the municipality; and
- (b) performing such other duties as are assigned by the municipality. 2001, c. 25, s. 229.

**First council meeting**

**230.** The first meeting of a new council of a municipality after a regular election and after a by-election under section 266 shall be held at the time set out in the municipality's procedure by-law but in any case not later than 31 days after its term commences. 2001, c. 25, s. 230.

**Declaration of office**

**232. (1)** A person shall not take a seat on the council of a municipality, including a person appointed to fill a temporary vacancy on an upper-tier council under section 267 but not including a person appointed to act in place of a head of council under section 242, until the person takes the declaration of office in the English or French version of the form established by the Minister for that purpose. 2001, c. 25, s. 232 (1).

**Appointment of head**

**233. (1)** If the term of office of an appointed head of council of an upper-tier municipality is one year, the council of the upper-tier municipality shall, in each year of its term, appoint the head of council at its first meeting. 2001, c. 25, s. 233 (1).

**Quorum**

**237. (1)** A majority of the members of a municipal council is necessary to form a quorum with the following exceptions:

1. In the upper-tier municipalities of Durham, Niagara and the County of Oxford, a majority of members representing at least one-half of the lower-tier municipalities is necessary to form a quorum.
2. In the upper-tier municipalities of Halton, York and The District Municipality of Muskoka, a majority of members representing a majority of the lower-tier municipalities is necessary to form a quorum.

**OFFICE CONSOLIDATION**

**FOR INFORMATION PURPOSES ONLY**

**Last amended by By-law No. 3974-7, January 18, 2022**

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**THE CORPORATION OF THE TOWN OF PERTH  
BY-LAW NO. 3974, as amended  
PROCEDURE BY-LAW**

3. In The Regional Municipality of Peel, a majority of members representing all lower-tier municipalities is necessary to form a quorum. 2001, c. 25, s. 237 (1); 2002, c. 17, Sched. A, s. 44 (1).

**Procedure by-laws respecting meetings**

**238.** (2) Every municipality and local board shall pass a procedure by-law for governing the calling, place and proceedings of meetings. 2001, c. 25, s. 238 (2).

**239.** (1) Except as provided in this section, all meetings shall be open to the public. 2001, c. 25, s. 239 (1).

**Exceptions**

**239.** (2) 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 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. 2001, c. 25, s. 239 (2).

**Other criteria**

(3) A meeting shall be closed to the public if the subject matter relates to the consideration of 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. 2001, c. 25, s. 239 (3).

**Educational or training sessions**

(3.1) A meeting of a council or local board or of a committee of either of them 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.
- 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 the council, local board or committee. 2006, c. 32, Sched. A, s. 103 (1).

**Resolution**

(4) Before holding a meeting or part of a meeting that is to be closed to the public, a municipality or local board or committee of either of them shall state by resolution,

- (a) the fact of the holding of the closed meeting and the general nature of the matter to be considered at the closed meeting; or
- (b) in the case of a meeting under subsection (3.1), the fact of the holding of the closed meeting, the general nature of its subject-matter and that it is to be closed under that subsection. 2001, c. 25, s. 239 (4); 2006, c. 32, Sched. A, s. 103 (2).



**OFFICE CONSOLIDATION**

**FOR INFORMATION PURPOSES ONLY**

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**THE CORPORATION OF THE TOWN OF PERTH  
BY-LAW NO. 3974, as amended  
PROCEDURE BY-LAW**

**Open meeting**

(5) Subject to subsection (6), a meeting shall not be closed to the public during the taking of a vote. 2001, c. 25, s. 239 (5).

**Exception**

- (6) Despite section 244, a meeting may be closed to the public during a vote if,
- (a) subsection (2) or (3) permits or requires the meeting to be closed to the public; and
  - (b) the vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the municipality, local board or committee of either of them or persons retained by or under a contract with the municipality or local board. 2001, c. 25, s. 239 (6).

**Record of meeting**

(7) A municipality or local board or a committee of either of them shall record without note or comment all resolutions, decisions and other proceedings at a meeting of the body, whether it is closed to the public or not. 2006, c. 32, Sched. A, s. 103 (3).

**Same**

- (8) The record required by subsection (7) shall be made by,
- (a) the clerk, in the case of a meeting of council; or
  - (b) the appropriate officer, in the case of a meeting of a local board or committee. 2006, c. 32, Sched. A, s. 103 (3).

**Record may be disclosed**

(9) Clause 6 (1) (b) of the *Municipal Freedom of Information and Protection of Privacy Act* does not apply to a record of a meeting closed under subsection (3.1). 2006, c. 32, Sched. A, s. 103 (3).

**Investigation**

**239.1** A person may request that an investigation of whether a municipality or local board has complied with section 239 or a procedure by-law under subsection 238 (2) in respect of a meeting or part of a meeting that was closed to the public be undertaken,

- (a) by an investigator referred to in subsection 239.2 (1); or
- (b) by the Ombudsman appointed under the *Ombudsman Act*, if the municipality has not appointed an investigator referred to in subsection 239.2 (1). 2006, c. 32, Sched. A, s. 104.

**Head of council**

**241.** (1) The head of council, except where otherwise provided, shall preside at all meetings of the council. 2001, c. 25, s. 241 (1).

**Absence of head**

**242.** A municipality may, by by-law or resolution, appoint a member of the council to act in the place of the head of council or other member of council designated to preside at meetings in the municipality's procedure by-law when the head of council or designated member is absent or refuses to act or the office is vacant, and while so acting such member has all the powers and duties of the head of council or designated member, as the case may be. 2006, c. 32, Sched. A, s. 105.

**Voting**

**243.** Except as otherwise provided, every member of a council shall have one vote. 2001, c. 25, s. 243.

**OFFICE CONSOLIDATION**

**FOR INFORMATION PURPOSES ONLY**

**Last amended by By-law No. 3974-7, January 18, 2022**

**For copies of amending By-laws, please contact the Clerk at 613-267-3311**

**THE CORPORATION OF THE TOWN OF PERTH  
BY-LAW NO. 3974, as amended  
PROCEDURE BY-LAW**

**Open voting**

**244.** Except as provided in sections 233 and 238, no vote shall be taken by ballot or by any other method of secret voting, and every vote so taken is of no effect. 2001, c. 25, s. 244; 2006, c. 32, Sched. A, s. 106.

**Tie votes**

**245.** Any question on which there is a tie vote shall be deemed to be lost, except where otherwise provided by any Act. 2001, c. 25, s. 245.

**Recorded vote**

**246.** (1) If a member present at a meeting at the time of a vote requests immediately before or after the taking of the vote that the vote be recorded, each member present, except a member who is disqualified from voting by any Act, shall announce his or her vote openly and the clerk shall record each vote. 2001, c. 25, s. 246 (1).

(2) A failure to vote under subsection (1) 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. 2001, c. 25, s. 246 (2).

**Vacant seat**

**259.** (1) The office of a member of council of a municipality becomes vacant if the member,

- (a) becomes disqualified from holding the office of a member of council under section 256, 257 or 258;
- (b) fails to make the declaration of office before the deadline in section 232;
- (c) is absent from the meetings of council for three successive months without being authorized to do so by a resolution of council;
- (d) resigns from his or her office and the resignation is effective under section 260;
- (e) is appointed or elected to fill any vacancy in any other office on the same council;
- (f) has his or her office declared vacant in any judicial proceeding;
- (g) forfeits his or her office under this or any other Act; or
- (h) dies, whether before or after accepting office and making the prescribed declarations. 2001, c. 25, s. 259 (1).

**Exception**

(2) Clause (1) (e) does not apply to vacate the office of a member of an upper-tier council when the member is appointed head of council if the composition of council requires or permits the member to hold both offices. 2001, c. 25, s. 259 (2).

**Dual vacancies**

(3) If one of the offices of a person who is a member of council of both a local municipality and its upper-tier municipality becomes vacant under this section, the other office also become vacant. 2001, c. 25, s. 259 (3).

**Exception**

(4) Subsection (3) does not apply to vacate an office of a member when another office of the member becomes vacant if the composition of the councils does not require the member to hold both offices. 2001, c. 25, s. 259 (4).

**Resignation as member**

**260.** (1) A member of council of a municipality may resign from office by notice in writing filed with the clerk of the municipality. 2001, c. 25, s. 260 (1).

**Restriction**

**OFFICE CONSOLIDATION**

**FOR INFORMATION PURPOSES ONLY**

**Last amended by By-law No. 3974-7, January 18, 2022**

**For copies of amending By-laws, please contact the Clerk at 613-267-3311**

**THE CORPORATION OF THE TOWN OF PERTH  
BY-LAW NO. 3974, as amended  
PROCEDURE BY-LAW**

(2) Despite subsection (1), a resignation is not effective if it would reduce the number of members of the council to less than a quorum and, if the member resigning from office is a member of the councils of both a local municipality and its upper-tier municipality, the resignation is not effective if it would reduce the number of members of either council to less than a quorum. 2001, c. 25, s. 260 (2).

**Restriction**

**261.** (1) Except where otherwise provided, no person may hold more than one office governed by the *Municipal Elections Act, 1996* at the same time anywhere in Ontario. 2001, c. 25, s. 261 (1).

**Election void**

(2) If a person is nominated for and his or her name appears on the ballots for more than one office and he or she is elected to any of those offices, his or her election is void and the office is vacant. 2001, c. 25, s. 261 (2).

**Declaration**

**262.** (1) If the office of a member of a council becomes vacant under section 259, the council shall at its next meeting declare the office to be vacant, except if a vacancy occurs as a result of the death of a member, the declaration may be made at either of its next two meetings. 2001, c. 25, s. 262 (1).

**Upper-tier declaration**

(2) If an upper-tier municipality declares the office of one of its members who also holds office on the council of a local municipality to be vacant, the upper-tier municipality shall immediately forward a copy of its declaration to the council of the local municipality. 2001, c. 25, s. 262 (2).

**Lower-tier declaration**

(3) If a local municipality declares the office of one of its members who also holds office on the council of the upper-tier municipality to be vacant, the local municipality shall immediately forward a copy of its declaration to the council of the upper-tier municipality. 2001, c. 25, s. 262 (3).

**Filling vacancies**

**263.** (1) If a vacancy occurs in the office of a member of council, the municipality shall, subject to this section,

- (a) fill the vacancy by appointing a person who has consented to accept the office if appointed; or
- (b) require a by-election to be held to fill the vacancy in accordance with the *Municipal Elections Act, 1996*. 2001, c. 25, s. 263 (1).

**Dual vacancies**

(2) If the offices of a person who is a member of council of both a local municipality and its upper-tier municipality become vacant, the local municipality and not the upper-tier municipality shall fill the vacancy in accordance with subsection (1). 2001, c. 25, s. 263 (2).

**Court-ordered election**

(3) If an order is made in any judicial proceeding requiring a by-election be held to fill a vacancy on a council, the clerk shall hold the by-election in accordance with the *Municipal Elections Act, 1996*. 2001, c. 25, s. 263 (3).

**OFFICE CONSOLIDATION**

**FOR INFORMATION PURPOSES ONLY**

**Last amended by By-law No. 3974-7, January 18, 2022**

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**THE CORPORATION OF THE TOWN OF PERTH  
BY-LAW NO. 3974, as amended  
PROCEDURE BY-LAW**

**Vacancy, head of council**

(4) Despite subsections (1) to (3), if the head of council of an upper-tier municipality is required to be appointed by the members of the upper-tier council, the upper-tier municipality shall fill a vacancy in the office of head of council by appointment in the same manner as the head was originally appointed. 2001, c. 25, s. 263 (4).

**Rules applying to filling vacancies**

(5) The following rules apply to filling vacancies:

1. Within 60 days after the day a declaration of vacancy is made with respect to the vacancy under section 262, the municipality shall,
  - i. appoint a person to fill the vacancy under subsection (1) or (4), or
  - ii. pass a by-law requiring a by-election be held to fill the vacancy under subsection (1).
2. Despite paragraph 1, if a court declares an office to be vacant, the council shall act under subsection (1) or (4) within 60 days after the day the court makes its declaration.
3. Despite subsections (1) to (4), if a vacancy occurs within 90 days before voting day of a regular election, the municipality is not required to fill the vacancy. 2001, c. 25, s. 263 (5).

**Term**

**264.** A person appointed or elected to fill a vacancy under section 263 shall hold office for the remainder of the term of the person he or she replaced. 2001, c. 25, s. 264.

**Application to court**

**265.** (1) Any elector entitled to vote at the election of members of a council may apply to the Superior Court of Justice for a declaration that the office of a member of the council has become vacant in accordance with this Act. 2001, c. 25, s. 265 (1).

**Judicial finding**

(2) If the court finds that the office of a member of the council has become vacant, it may order the member removed from office and declare the office vacant. 2001, c. 25, s. 265 (2).

**Application of S.O. 1996, c. 32**

(3) Subsection 83 (3) and sections 85, 86 and 87 of the *Municipal Elections Act, 1996* apply to the application as if it were an application under section 83 of that Act. 2001, c. 25, s. 265 (3).

**Combined application**

(4) The application may be combined with an application under section 83 of the *Municipal Elections Act, 1996*, in which case the applications shall be heard and disposed of together. 2001, c. 25, s. 265 (4).

**Minister's order**

**266.** (1) If the council of a municipality is unable to hold a meeting for a period of 60 days because of a failure to obtain a quorum, the Minister may by order declare all the offices of the members of the council to be vacant and a by-election shall be held in accordance with the *Municipal Elections Act, 1996*. 2002, c. 17, Sched. A, s. 45 (1).

**Timing**

(2) The 60-day period referred to in subsection (1) commences on the day of the first meeting that could not be held because of a failure to obtain a quorum. 2001, c. 25, s. 266 (2).

**Interim order**

**OFFICE CONSOLIDATION**

**FOR INFORMATION PURPOSES ONLY**

**Last amended by By-law No. 3974-7, January 18, 2022**

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**THE CORPORATION OF THE TOWN OF PERTH  
BY-LAW NO. 3974, as amended  
PROCEDURE BY-LAW**

(3) Where the Minister makes an order under subsection (1), or the offices of a majority of the members of a council are for any reason declared vacant, the Minister may by order exercise or appoint one or more persons to exercise the duties and obligations of the council until such time as a by-election is held in accordance with the *Municipal Elections Act, 1996*, and the members so elected have taken office. 2001, c. 25, s. 266 (3); 2002, c. 17, Sched. A, s. 45 (2).

**Not regulation**

(4) An order of the Minister under this section is not a regulation within the meaning of Part III (Regulations) of the *Legislation Act, 2006*. 2006, c. 21, Sched. F, s. 120 (4).

**Temporary vacancy**

**267.** (1) If a person who is a member of the councils of a local municipality and its upper-tier municipality is unable to act as a member of those councils for a period exceeding one month, the local council may appoint one of its members as an alternate member of the upper-tier council to act in place of the member until the member is able to resume acting as a member of those councils. 2001, c. 25, s. 267 (1).

**Alternate member**

(2) If the offices of a person who is a member of council of both a local municipality and its upper-tier municipality become vacant and the vacancies will not be filled for a period exceeding one month, the local council may appoint one of its members as an alternate member of the upper-tier council until the vacancies are filled permanently. 2001, c. 25, s. 267 (2).

**Exception**

(3) This section does not authorize the appointment of an alternate head of council of the upper-tier municipality. 2001, c. 25, s. 267 (3).