

PROCEDURAL BY-LAW

2017-06
TOWNSHIP OF PERRY



The Municipal Corporation of
the Township of Perry
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By-law 2017-06

THE CORPORATION OF THE TOWNSHIP OF PERRY

BY-LAW No. 2017-06

Being a By-law to govern the proceedings of the Municipal Council
of the Corporation of the Township of Perry

WHEREAS Section 238(2) of the *Municipal Act* 2001, S.O. 2001, as amended, every municipality and local board shall pass a procedure by-law for governing the calling, place and proceedings of meetings;

AND WHEREAS the municipal Council of the Corporation of the Township of Perry deems it expedient to enact a By-law to govern and regulate the proceedings of Council and committees;

AND WHEREAS By-law 2008-10, 2010-03 and 2013-18 are hereby repealed;

NOW THEREFORE the Council of the Corporation of the Township of Perry enacts as follows:

1 DEFINITIONS

"Agenda" means the written Order of Business.

"Chair" means the presiding officer at a Council or Committee meeting.

"Civic or Public Holiday" means those listed as holidays in the *Interpretation Act* R.S.O. 1990 c.I 11 Section 29, as amended from time to time.

"Clerk-Administrator" means the Clerk of the Corporation of the Township of Perry or his/her designate pursuant to Section 228 of the *Municipal Act, 2001*.

"Closed Session" means a Council or Committee meeting or portion thereof, which is closed to the public in accordance with the *Municipal Act, 2001*.

"Corporation" means the Municipal Corporation of the Township of Perry.

"Council" shall mean the elected Council of the Corporation of the Township of Perry which is comprised of five Members, and includes one (1) Mayor and four (4) Councillors.

"Councillor" shall mean a person elected or lawfully appointed to the seat of Councillor in the most recent municipal election.

"Delegation" means a person/group making a presentation to Council.

"Deputy Mayor" means a member appointed by the Mayor and approved by Council to act in place of the Mayor.

"Improper Conduct" means conduct which offers any obstruction to the deliberations of proper action of Council.

"Mayor" means the Head of Council of the Corporation of the Township of Perry.

"Meeting" means any regular, special, committee or other meeting of Council, Committee or local board.

"Member" means a Member of Council or a Committee, a person duly elected or appointed to serve on Council or a Committee for the Corporation of the Township of Perry.

"Municipality" means the Corporation of the Township of Perry.

"Pecuniary Interest" means a direct or indirect interest within the meaning of the *Municipal Conflict of Interest Act, R.S.O. 1990, Chapter M. 50*, as amended.

"Point of Order" is a tool, which is used to draw attention to a breach in rules, an irregularity in procedure, the irrelevance or continued repetition of a speaker or the breaching of established practices or contradiction of a previous decision.

"Quorum" shall mean a majority of the total number of the Members of Council.

"Recorded Vote" means a recording in the Council Minutes, the names of each Member present and the manner of their respective votes on a matter or question before the Council. In the case of a Member who has declared

a conflict/pecuniary interest on the matter or question, the minutes shall so reflect that action.

“Regular Meeting” means a scheduled Council meeting held in accordance with the approved calendar/schedule of meetings.

“Resolution” means a motion that is carried or defeated and therefore represents the vote and will of Council.

“Rules of Order” means the rules, established by this By-law to regulate conduct during a meeting of Council.

2 GENERAL PROVISIONS

2.1 Protocol

The rules and regulations contained in this By-law shall apply to all meetings of Council and Committees, unless otherwise prescribed;

- 2.1.1 Unless a contrary intention appears in the By-law, words in the singular include the plural and words importing masculine gender include the feminine.
- 2.1.2 All Members, except the Mayor, are to be addressed as: “Councillor (surname inserted)”.
- 2.1.3 The Mayor shall be addressed as: “Mayor (surname inserted)” or as “Your Worship”.

2.2 Robert’s Rules of Order

For purposes of interpreting this By-law or determining a proper course of action for matters that may arise that are not specifically contemplated by this by-law, the most recent edition of *Robert’s Rules of Order* in existence at the time shall be used as a reference.

3 MEETINGS – GENERAL

3.1 Inaugural Meeting

The first meeting in a new term of Council shall take place in the Council Chambers of the Municipal office, unless it is deemed necessary to change venue, on the first Wednesday of December in every election year at 7:00 p.m.

Members of Council shall swear the “Oath of Elected Office” at the Inaugural Meeting of Council or if absent, at the next possible subsequent meeting of Council.

3.2 Regular Council Meetings – Time, Date, Location

Regular meetings of Council shall be held on the first and third Wednesday of each month at 7:00 p.m. in the Council Chambers of the Municipal Office located at 1695 Emsdale Road, Emsdale, Ontario.

3.3 Meeting – Time, Date, Location – Altered by Council

Council may, by Resolution passed by a majority of the Members present, dispense with or alter the date, time or place of a meeting, provided that adequate notice of the change is posted at the Municipal Office and on the Municipal website provided that the location be within the boundaries of the Municipality.

3.4 Meeting on a Holiday

If the designated meeting day falls on a public or civic holiday, the Council shall meet at the designated time, the first day following which is not a public or civic holiday, or at another date and time set by Resolution of Council.

3.5 Cancellation of Meetings

The Clerk, in consultation with the Mayor, may cancel any meeting, if it is determined there is not sufficient business to be conducted. The Council, public and media will be advised forthwith after the decision to cancel has been made.

3.6 Cancellation of Meetings – Inclement Weather

The Clerk, in consultation with the Mayor, if it appears that a storm or like occurrence will prevent the members from attending a meeting may postpone a meeting by advising as many Members as they are able to reach. Postponement shall not be for any longer than the next regularly scheduled meeting of Council or Committee.

3.7 Notice of Meetings – In Form of an Agenda

A meeting notice shall be in the form of an Agenda, which shall first make mention of the date, time, place for the meeting. The Agenda shall be posted on the municipal website and municipal office for the public by 4:00 p.m. the Monday prior to the scheduled meeting unless extenuating circumstances arise.

Agenda packages shall be prepared for Council and sent via email by Monday at 4:00 p.m. prior to the regular meeting of council.

3.8 Notice of Motion

Any member of Council or staff may submit a “Notice of Motion” to the Clerk-Administrator for inclusion on the Agenda. Each Notice of Motion must be received by the Clerk-Administrator prior to 10:00 a.m. on the Friday of the week preceding the Meeting of Council. (See Schedule “A”)

3.9 Absent from Meeting

The office of a member of a Council or Committee becomes vacant if the Member is absent from the meetings of Council or Committee for three (3) consecutive months without being authorized to do so by resolution of Council.

3.10 Adjournment Hour – All Meetings

All regular meetings shall stand adjourned when the Council has completed all items as listed on the Agenda or Council has been in session for four (4) hours. However, it is at the discretion of the Chair to extend the meeting beyond four (4) hours to complete the items on the agenda.

No item of business may be dealt with at a meeting of Council after 11:00 p.m. unless a resolution of Council to continue has received unanimous consent of Council. Failure to receive unanimous consent shall cause the Mayor or Acting Mayor to declare the meeting of Council adjourned and all unfinished business shall be added to the Agenda of the next regularly scheduled meeting of Council.

4 SPECIAL MEETING OF COUNCIL

4.1 Special Meeting of Council – Summoned by Mayor

The Mayor may, at any time, summon a special meeting of Council by providing written direction to the Clerk stating the date, time and purpose for the special meeting.

4.2 Special Meeting of Council – Summoned by Majority Petition

Upon receipt of a petition of the majority of Members of Council, Council shall summon a special meeting by providing the written petition to the Clerk stating the date, time and purpose for the special meeting. Once received by the Clerk, no Member shall remove his/her name from a petition filed under this section.

4.3 Special Meeting of Council – Timing

The special meeting shall be held not sooner than 24 hours following the Mayor's summons or receipt of the petition, as the case may be. A special meeting may be held as soon as practicable following receipt of the summons or petition upon a two-thirds of the Members present to suspend such requirement.

4.4 Special Meeting of Council – Notice

The Clerk shall give notice to the Members of the Council, of all special meetings of Council, whenever required and such notice shall specify the date, time, place and the purpose of the meeting. Such notice shall be delivered to each member by any of the following means (phone call, personal delivery, facsimile transmission, electronic mail) so as to reach his residence or place of business at least 24 hours before the time fixed for the special meeting.

4.5 Special Meeting of Council – Public Notice

Public Notices of special meeting of Council shall include a notice of the meeting to be posted at the municipal office and on the municipal website. If time permits the Clerk may advertise the special meeting. Due to the nature of the special meeting, a 24 hour notice period shall apply, but will not restrict the conduct of municipal operations under an emergency.

4.6 Special Meeting of Council – Any Other Matter

At special meetings, the Council shall not consider or decide upon any matter not set forth in the notice calling the meeting, without the unanimous consent recorded in the minutes, of all the members of Council.

4.7 Special Meeting of Council – Urgent & Extraordinary Occasions

Notwithstanding this section, on urgent and extraordinary occasions, with the consent of two-thirds of all the members of Council/Committee recorded in the minutes, an emergency special meeting of the Council may be called by the Chair and held to consider and deal with such urgent and extraordinary matters.

4.8 Special Meeting of Council – Urgent & Extraordinary Occasions – Public Notice

The Mayor, or Acting Mayor in his/her absence, may in the event of an emergency call an Emergency Meeting of Council without giving twenty-four (24) hours written notice of the meeting of Council provided that the Clerk has diligently attempted to advise all Members of Council immediately upon being advised of the intention of the Mayor or Acting Mayor to hold an Emergency Meeting.

5 CLOSED MEETINGS OF COUNCIL

5.1 When Closed Meetings are Authorized

Council or a Committee may, by resolution, close a meeting or part of a meeting to the public in accordance with Section 239 of the *Municipal Act*, attached as Schedule "B".

5.2 Moving into Closed Session

Prior to moving into a closed meeting for one of the reasons listed in Schedule "B", the Council shall pass a motion in public session stating:

- (1) The fact of the holding of the closed meeting and that the Council is convening into closed session, and
- (2) The general nature of the matter to be considered at the closed meeting.

5.3 Chair

Closed Meetings shall be chaired by the Mayor, in the case of the absence of the Mayor during a Closed Session of Council, the Acting Mayor shall assume the Chair.

5.4 Voting

Voting shall take place in open session; however, Council may vote during a closed meeting pursuant to s. 239(6) of the *Municipal Act, 2001* if:

- (1) The meeting was permitted or required by s. 239(2) or (3) of the *Municipal Act, 2001*; and
- (2) The vote relates to:
 - a. A procedural matter; or
 - b. Directions or instructions to officers, employees or agents of the Municipality, a Local Board, a Committee, or to persons retained by the Municipality or a Local Board.

5.5 Resolution Required

All votes under s. 239(6) of the *Municipal Act, 2001* shall be taken in accordance with the voting process set out in this By-law, as applicable, including the requirement of a mover and seconder and a written resolution.

5.6 Completion – Reconvene to Open Meeting

Upon completion of the Closed Session:

- (1) The Members shall immediately reconvene in open session; and
- (2) If applicable, the Members shall vote on any resolutions emanating from the meeting.

5.7 Disclosure

No Member or staff shall disclose the content or deliberations of a closed meeting, unless:

- (1) Expressly authorized to do so by a majority vote of the meeting Members,
- (2) Such disclosure is required to execute the specific direction(s) provided in the closed meeting, and then only to the extent that is necessary in the circumstances, or
- (3) As required by law.

6 RECORDING EQUIPMENT

6.1 Use of Mechanical and Electronic Devices

The use of audio recording equipment during a meeting that is not closed to the public is only permitted as long as it is not disruptive to the conduct of the meeting. Any and all audio recordings other than by the municipality shall not, under any circumstances, be deemed to be official records.

The following are prohibited unless authorized in advance by the Mayor or Committee Chair as the case may be: cameras, electrical lighting equipment, flash bulbs, and television cameras.

6.2 Exercising Discretion

When exercising the discretion to authorize the use of equipment such as described in 6.1 regard shall be had as to whether the use will be a distraction to the meeting and also as to whether there is a recording secretary of the Corporation present with the capability of providing a complete record of the meeting.

7 QUORUM

7.1 Quorum – Call to Order

Meeting shall be Called to Order as soon as there is a quorum after the time set for the start of the meeting, the Mayor shall take the chair and call the meeting to order.

7.2 Quorum Required

A quorum for the Township of Perry Council shall be comprised of 50% of the Members, plus one.

7.3 No Quorum – Automatic Adjournment

In the event that a quorum is not present within 15 minutes after the designated start time of the meeting, the Clerk shall record the names of the Members present and the meeting shall stand adjourned.

7.4 Loss of Quorum

If during the course of a meeting a quorum is lost, then the meeting shall

stand adjourned and any unfinished business will be taken up at the next regular meeting or other meeting called in accordance with the provisions of this By-law. Prior to adjourning a meeting under this section, the Chair may recess the meeting to determine if a quorum can be found.

7.5 Absence of Mayor and Acting Mayor

Where a quorum is present and the Mayor and Acting Mayor are unable to legally participate or do not attend within fifteen (15) minutes after the designated start time of the meeting, the Clerk-Administrator shall call the present Members to Order and a Presiding Mayor shall be appointed from among those Members present.

7.6 Member Absent

Members of Council are encouraged to notify the Clerk, or designate, when the Member is aware that he/she will be absent from any meeting of Council.

8 AGENDA

8.1 Agenda Preparation

The Clerk shall prepare, for the use of the Members, an Agenda in a form that best allows for the most efficient conduct of business. Agendas shall generally follow the following formats, but modifications to the matters to be included in the Agenda may be effected without requiring amendment to this by-law.

Regular Council Meeting Agenda

1. Opening Comments
2. Disclosure of Pecuniary Interest
3. Adoption of Minutes
4. Delegations / Public Meeting
5. Reports of Municipal Boards / Committees
6. Reports of Municipal Officers
7. By-laws
8. Health and Safety
9. Miscellaneous Business
10. New Business / Correspondence
11. Closed Session
12. Adjournment

8.2 Items Submitted for Agenda

The Clerk shall accept items for any agenda from Staff, Mayor, Members of Council or Committee prior to 10:00 a.m. on the Friday of the week preceding the Council Meeting.

8.3 Items Submitted for Agenda from Public

The Clerk shall receive correspondence from the public up to 10:00 a.m. on the Friday of the week preceding the Council Meeting. If, in the opinion of the Clerk, the matter warrants the consideration of Council, the Clerk will place the correspondence on the Agenda. When in the opinion of the Clerk the correspondence should be first dealt with at the staff level, it shall be directed to the appropriate department to investigate and provide information or a recommendation in a future agenda of Council.

8.4 Agenda – Distribution

Prepare and distribute the agenda along with supporting material for the Regular Council Meetings to Council Members by 4:00 p.m. on the Monday two (2) days before the scheduled Wednesday meeting. The agenda will be made available to the general public within the same manner by posting on the municipal website and municipal office.

8.5 Items Not Considered – Next Meeting

All items on the agenda not dealt with at a meeting shall be placed on the agenda for the next meeting unless otherwise decided by resolution passed by a majority of the Members present.

8.6 Addendum Permitted After Deadline if Urgent

An addendum may only be presented when one or more items arise after the closing of the deadline for preparation of the agenda and prior to the meeting. The Clerk will determine which items are of urgent nature and require the immediate consideration of Council at the meeting.

8.7 Addendum – Resolution Required

Before any addendum may be dealt with, a resolution must be passed by majority of the Members present authorizing the Council to waive notice provisions and deal with all or any of the items on the addendum.

9 MINUTES

9.1 Adoption of Minutes

Council Minutes shall be adopted by Council. Should a Member wish to make changes to any decision made with respect to the related recommendations, a motion to reconsider pursuant to Section 15.19 shall be required.

9.2 Correction or Errors or Omissions in Minutes

Omissions in the recording of any action taken at the previous meeting may be corrected before adopting the minutes and may be made by Council.

10 DISCLOSURE OF PECUNIARY INTEREST

10.1 Disclosures of Pecuniary Interest

It is the responsibility of each Member to identify and disclose any pecuniary interest (as defined by the *Municipal Conflict of Interest Act*, R.S.O. 1990, C. M50) in any item or matter in question. Where a Member, either on his own behalf or while acting, by, with or through another, has any pecuniary interest, direct or indirect, in any matter and is present at a meeting of the Council at which the matter is the subject of consideration, the member shall:

- (1) Prior to any conclusion of the matter at the meeting, disclose the interest and the general nature thereof.
- (2) Remove themselves from the Council Chambers when the matter is under consideration.
- (3) Not take part in the discussion of, or vote on, any question in respect of the matter.

- (4) Not attempt in any way, whether before, during, or after the meeting, to influence the voting on any such question.

10.2 Disclosures of Pecuniary Interest – Minutes to Reflect

The minutes will reflect at what point the member disclosed a pecuniary interest and for what reason.

10.3 Disclosures of Pecuniary Interest – Closed Session

Where a meeting is not open to the public, in addition to complying with the requirements, the Member shall forthwith leave the meeting for the part of the meeting during which the matter is under consideration. The Member's disclosure of pecuniary interest during a closed meeting will be recorded in the minutes of the next meeting that is open to the public. This can be achieved when the member makes a disclosure of pecuniary interest on the resolution adopting the minutes of the closed meeting in question, at which time, the member is again prohibited from discussing or voting on the minutes related to the matter.

10.4 Disclosures of Pecuniary Interest – Absent from Meeting

Where the interest of a Member has not been disclosed, by reason of absence from the particular meeting, the Member shall disclose the interest and otherwise comply at the first meeting of Council, as the case may be, attended by the Member after the particular meeting.

10.5 Disclosures of Pecuniary Interest – Chair

If the Chair has made a disclosure of pecuniary interest on any matter before Council, the Chair shall withdraw from the chair during the deliberations on that matter and remove himself from the Council Chambers. The Acting Mayor will resume the seat of the Chair.

11 COMMUNICATION ITEMS

11.1 Communication Items

Every letter, petition, resolution, correspondence or other communication intended for presentation to Council shall be legible and not contain any defamatory allegations and shall be signed by the author(s) and their return mailing or email address must be noted thereon. Any correspondence shall be considered public information and may be circulated, attached to agendas etc. in its processing.

11.2 Communication Items – Protocol

Members of Council will be governed by the following rules respecting questions relating to communication:

- (1) Council Members are strongly encouraged to contact the appropriate Department Head prior to the meeting to raise questions or clarify issues relevant to the matter and to secure additional information as may be required.
- (2) A motion directing administration to undertake certain action with respect to any item from Communication Items shall be in order, provided it is moved, seconded and carried by Council.
- (3) Any issues of jurisdiction on any matter of communication before

the Council shall be determined by the Chair. The decision of the Chair shall be final, without recourse to a challenge.

- (4) All correspondence identified "Confidential" which is received by Members of Council shall be returned to the Clerk's Office for proper disposal immediately following the meeting at which Council dealt with the matter.

12 DELEGATIONS

12.1 Which Body to Hear Delegations

A delegation may be heard at a Council Meeting or Committee.

12.2 Request for Delegation

Any person who wishes to appear before Council shall make application in writing to the Clerk prior to 10:00 a.m. on the Friday of the week preceding the Council Meeting. A written submission, together with handouts or material must be submitted to appear and shall be distributed to Council Members as part of the agenda package. The Clerk may make a determination as to deferral of delegations to subsequent meetings or referral to the appropriate Department Head.

12.3 Reply to Request

The Clerk, or his/her designate shall reply to such delegation requests in writing, telephone or by email, as time permits, indicating approval, refusal, deferral or referral of the delegation and the reasons thereof.

12.4 Delegation – Time Limit for Speaking

A maximum of ten (10) minutes shall be allotted for each delegation to present his/her information or material. A maximum of two (2) persons shall be permitted to address the Members for each delegation representing a group or organization.

12.5 Delegation – Limit per Meeting

No more than two (2) delegations shall be allowed at any meeting. Delegations will be provided in the order in which they were received by administration.

12.6 Conduct for Delegation

Delegations shall abide by the Rules of Conduct set out in Part 12 and shall:

- (1) Not speak on any subject other than the subject for which they have received approval to address;
- (2) Not enter into cross debate with other delegations, administration, Members or the Chair;
- (3) Not appear for the purpose of publicly announcing a local event; and
- (4) Refrain from public outbursts, shouting or behaviour intended to disrupt the discussion and/or general proceedings of the Meeting.

12.7 Delegation Restrictions

The Chair may restrict any delegation, any questions of a delegation or

debate during a delegation, for disorder or any other breach of this by-law and, if the Chair rules that the delegation is not in compliance with Part 12 of this by-law, the person or persons appearing shall withdraw from the discussion, and the decision of the Chair shall not be subject to challenge.

12.8 Completion of Delegation

Upon the completion of a presentation by a delegation, any discourse between Members and the delegation shall be limited to Members asking questions for clarification and obtaining additional, relevant information only. Members shall not enter into debate with the delegation respecting the presentation.

12.9 Refusal of Delegation

The Clerk is given authority to refuse delegations that are not permitted under the following circumstances:

- (1) The request is not submitted within the time required in Section 12.2;
- (2) No written submission together with handouts or materials is provided with the request to appear;
- (3) The subject matter is deemed to be beyond the jurisdiction of Council;
- (4) The issue is specific to a labour/managerial dispute, or other matter properly held in Closed Session;
- (5) Council has previously made a decision on the issue.

12.10 Refusal of Delegation – Clerk to give Reason

In the event a delegation request is refused, the Clerk, shall provide to the person(s) in writing the reasons for the refusal.

12.11 Request for Delegation – Special Provision

Despite Section 12.2 herein, any person may request to make a presentation to Council at a Meeting, respecting an item on the Agenda provided that:

- (1) The request is made to the Clerk before 12 noon prior to the day of the meeting; and
- (2) The request is approved by a majority of the Members present and if approved by Council such delegation shall be placed as the final delegation on the Agenda;
- (3) Not more than 1 delegation shall be added under the provisions of this article, unless the majority of Council approves an additional delegate;
- (4) The subject matter does not pertain to a matter dealt with the Council in Closed Session under the provisions of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended.

13 RULES OF DEBATE IN COUNCIL

13.1 Member Seniority

No Member shall be deemed to have precedence or seniority over any other Member.

13.2 Chair – Speaking Before and/or Closure of Debate

The Chair may speak on any matter either before the commencement of debate on any matter, or without entering into further debate, may speak to close the debate on any matter after all Members wishing to speak has spoken.

13.3 Chair – Participation in Debate

If the Chair wishes to take part in the debate, the Chair must leave the chair and call on another Member to act in the Chair's place until the debate is closed and in such case the Chair waives his/her privilege to close the debate. The Member acting in the Chair's place may close the debate.

13.4 Mover of Motion – First Right to Speak

After the Chair, the member who moves a main motion has the first right of speaking on that motion, and the seconder has the right of speaking on the motion.

13.5 Recognition by Chair – Acknowledgement of Speaker

No Member shall speak to a question or motion until the Member has been recognized by the Chair. After being recognized by the Chair, all remarks shall be respectfully made through the Chair.

13.6 Motion – Request for Reading

Prior to the taking of a vote, a Member may require the question or motion under discussion to be read at any time during the debate but not so as to interrupt a Member who is speaking.

13.7 Motions Introduced Orally

The following matters may be introduced orally, without written notice and without leave:

- a) A point of order
- b) A motion to amend
- c) A motion to refer, including to Closed Session
- d) A motion to table the question
- e) A motion to vote on the question
- f) A motion to suspend the rules of procedure
- g) A motion to recess
- h) A motion to adjourn.

14 POINTS OF ORDER

14.1 Points of Order

The Chair shall preside over the conduct of the meeting, including the preservation of good order and decorum, ruling on points of order and deciding all questions relating to the orderly procedure of the meeting. The minutes will reflect the Point of Order, and the Chair's ruling.

14.2 Violation of Rules of Procedure

When a member wishes to call attention to what the member believes to be a violation of the rules of procedure, the member shall, when once recognized by the Chair, raise the point of order.

14.3 Member Speaking to Yield the Floor

When a point of order is acknowledged by the Chair, any Member speaking at the time shall cease doing so until the point has been dealt with.

14.4 Brief Explanation – Ruling

On raising the point of order, a member shall state the point of order with concise explanation and the Chair shall rule upon the point of order.

14.5 Appeal of Ruling

The Chair's ruling shall be final, unless a Member immediately appeals the ruling of the Chair (challenges the Chair) as follows:

- The Member appealing shall state the reasons for the appeal;
- The Chair may offer reasons in favour of upholding his or her ruling; and
- The Members shall vote on the appeal without debate.

14.6 Results of Appeal

If the appeal is upheld, then the Chair shall change his/her ruling accordingly or if the appeal is rejected, then the Chair's ruling stands and no further avenues of appeal are allowed.

15 VOTING

15.1 All Members to Vote – Exception

Regardless of the method of voting:

- (1) Every Member present at a meeting, including the Chair, shall vote on the issue at hand unless prohibited by statute or this by-law, if prohibited from voting, the Clerk shall record in the minutes the name of the Member and the reason that he or she is prohibited from voting; and
- (2) If any Member present refuses to vote or fails to vote, the Member shall be deemed to vote against the question.

15.2 Method – Show of Hands

Except where a recorded vote is requested pursuant to Section 15.8, voting shall be by a show of hands in favour or against, following which:

- (1) The Chair shall announce the result; and
- (2) The Clerk shall record only the result, and not whether Members voted for or against the question.

15.3 Result of Vote – How Recorded

The Clerk shall record the result of votes as follows:

- (1) if passed, "Carried";
- (2) if not passed, "Defeated";
- (3) if deferred, "Tabled" or
- (4) if tied, "Motion Lost".

15.4 Chair Entitled to Vote

The Chair, except where disqualified to vote, is entitled to vote on all questions and when it could affect the result of the vote, and when so doing, shall vote last.

15.5 Voting Commenced

After the Chair commences to take a vote on a question, no member shall speak to such question or present any other motion until a vote has been taken on such question.

15.6 Member not at Council Table at Time of Vote

When the Chair calls for a vote on a question, each Member shall occupy his or her seat and shall remain in his or her seat until the result of the vote has been declared by the Chair. A Member who is not at the Council table when the Chair calls for a vote shall not be entitled to vote.

15.7 Request to Record a Members Vote

If there is no request for a recorded vote, a member may request the Clerk to record his/her vote only, either for or against the question, as the case may be.

15.8 Recorded Vote

Any Member may request a recorded vote immediately before or after the taking of a vote, following which:

- (1) The Clerk shall call by name the Members present in alphabetical order except for the Chair whose name shall be called last;
- (2) Each Member present who is not disqualified from voting by statute or this By-law shall announce his vote openly, in the order set out above, and the Clerk shall record each Member's vote in favour or against the question; and
- (3) After completion of the recorded vote the Clerk shall announce the results.

15.9 Motions

- (1) Motions shall be debated in the order of their presentation on the Agenda.

- (2) Members of Council, the Clerk and other officers may introduce matters to be dealt with by motion, subject to the notice provisions in this By-law.
- (3) A motion for introducing a new matter shall not be presented without notices unless Council, without debate, dispenses with such notice by a two-thirds vote of the Members present.
- (4) Every motion, amendment to a main motion, or amendment to an amendment must be formally moved and seconded before the Chair can put the question to Council for a vote, and prior to any discussion on the question.
- (5) Any member may require a motion under discussion to be read by the Chair at any time during the debate but not so as to interrupt another member who is speaking.
- (6) A motion properly before the Council for consideration must receive disposition before any other motions can be received, unless it is a motion to amend, to refer to staff for report, to defer indefinitely or to a specified time, to adjourn the meeting or that the vote be now taken.

15.10 Motion – Filed with Clerk

A Member of Council may file a motion to be placed on the agenda with the Clerk not later than two (2) working days preceding the date of the Council meeting.

15.11 Notice of Motion – Filed with Clerk

A Member of Council may file a "Notice of Motion" with the Clerk, to be noted on the agenda, of which will be deliberated at the next regular Council meeting.

15.12 Motion – Moved and Seconded before Debate

Motions of Council shall be moved, seconded and be received by the Chair before being debated or put to a vote.

15.13 Motion to Suspend Notice Requirements

A motion may be introduced without notice, if Council, without debate, dispenses with notice, on the affirmative vote of a two-thirds of the Members present and voting.

15.14 Motion to Withdraw

Once the motion is proposed and seconded, but before the Chair states the motion, it belongs to the proposer, the motion may be withdrawn or modified without the permission of Council. Once a motion has been stated, it shall be deemed to be in possession of Council, but at any time, the member who moved a motion may request to withdraw the motion before a decision or an amendment. If there is no objection, the motion is withdrawn with general consent. If there is an objection, anyone may second the motion to withdraw and the Chair takes a vote.

15.15 Motion to Amend

Only one amendment at a time can be presented to a main motion, and only one amendment to an amendment can be presented. A motion to

amend shall;

- (1) Be made only to a previous question or to amend an amendment to the question;
- (2) Be relevant to the motion;
- (3) Be moved and seconded;
- (4) Be put to a vote in the reverse order to that which it is moved;
- (5) Not be in order if, in essence, it constitutes a rejection of the main question.

15.16 Motion to Refer

- (1) A motion to refer the question should include;
 - a. The name of the body or official to whom the question is to be referred;
 - b. Instructions respecting the terms upon which the question is to be referred.
- (2) A motion to refer the question shall not be debatable except where instructions are included, in which case, only the instructions shall be debatable.
- (3) A motion to refer a question may be amended in accordance with the provisions of Section 15.14.

15.17 Motion to Postpone

A motion to postpone shall;

- (1) Include a fixed date for the question to come back before Council for consideration;
- (2) Be made while the main motion or an amendment is on the floor, and takes precedence over that motion or amendment;
- (3) Be debated, however, the debate must be limited to the advisability of the proposed postponement;
- (4) Only be amended to change the length of the postponement.

15.18 Motion to Adjourn

A motion to adjourn the Council or to end the debate (Call the Question) shall always be in order, except:

- (1) When a Member is speaking;
- (2) During the taking of a vote;
- (3) Immediately following the affirmative resolution of a motion that a vote on the question now be taken;
- (4) When a Member has already indicated to the Mayor or Chair, that he or she desires to speak on the question;
- (5) When resolved in the negative, cannot be made again until Council has conducted further proceedings.

15.19 Motion to Reconsider

- (1) A motion to reconsider a decided matter shall only be moved by the member who voted with the majority on the original motion.
- (2) No motion to reconsider a decided matter shall be in order when the motion has been implemented resulting in a legally binding commitment that is in place on the date that a motion to reconsider is to be debated.
- (3) A motion to reconsider a decided matter at the same meeting shall require the approval of two-thirds support of the Whole Council that is present.
- (4) A motion to reconsider a decided matter at a subsequent meeting shall require the approval of a majority of Council that is present.
- (5) A motion to reconsider is not amendable and debate must be confined to reasons for or against reconsideration. However, the mover of a motion to reconsider may provide a brief and concise statement outlining the reasons for proposing such reconsideration.
- (6) If the action approved in the motion cannot be reversed, the motion cannot be reconsidered.
- (7) Each member of Council shall be responsible for making a determination on how the Member voted on a specific matter. The Clerk shall not record or note in the minutes how a member votes unless a request for a recorded vote has been made.
- (8) No motion shall be reconsidered more than once during a period of twelve months following the date on which the question was decided, unless a regular election has occurred following the decision.
- (9) In the event of a resolution that was defeated before a succeeding Council, it shall be deemed to be new business and not a matter of reconsideration.
- (10) When a motion to reconsider is brought before a succeeding Council, it shall be deemed to be new business and not a matter of reconsideration.

15.20 Order of Precedence

Where a motion is under consideration, no motion shall be received except a motion having precedence, in the following order:

- (1) To adjourn
- (2) To recess
- (3) To request information
- (4) To request that the vote be taken (call the question)
- (5) To limit or extend the debate
- (6) To postpone (to another meeting, date, indefinitely)
- (7) To refer (to another committee, administration)

- (8) To amend

15.21 Non-Debatable Motions

- (1) To adjourn
- (2) To close, limit or extend debate
- (3) To lay on the table (to table)
- (4) Questions of privilege
- (5) To suspend the rules

15.22 Motions Proposing Actions Beyond Jurisdiction of Council (*ultra vires*)

A motion in respect of a matter which is beyond the jurisdiction or legislative authority of Council shall not be in order.

16 CONDUCT AT MEETINGS

16.1 Conduct of Members

Council Members shall:

- (1) Act in accordance with their Declaration of Office;
- (2) Refrain from speaking aloud, or address Members without first receiving permission of the Chair;
- (3) Not use indecent, offensive, or insulting expressions, at any time, toward other Members, members of the administration, delegations or members of the public;
- (4) Not use any electric devices (cell phone, computer, etc.) to communicate to other Members or the Public during the course of the meeting;
- (5) Not speak in a manner that is discriminatory in nature based upon an individual's race, ancestry, place of origin, ethnic origin, creed, gender, sexual orientation, age, colour, marital status or disability;
- (6) Speak only to the subject under debate;
- (7) Not criticize any decision of the Council except for the purpose of moving in accordance with the reconsideration provisions set out in Section 15.19;
- (8) Not leave their seat, or make any noise or disturbance while a matter is being considered or discussed by Council; while a vote is being taken or until the results are declared;
- (9) Not enter a meeting while a vote is being taken;
- (10) Not disturb another member, staff or guest, or conduct themselves in a disorderly manner disturbing the speaker or the assembly;
- (11) Not interrupt any Member while speaking by speaking out, making noise or creating a disturbance except to raise of point of

order;

- (12) Not leave a meeting without first obtaining permission from the Chair;
- (13) Obey the rules of the Council or a decision of the Chair, or Council, on a Question of order, or upon the interpretation of the Rules of Council.

16.2 Consequence of Breach of Conduct – Members

A member who is called to order shall immediately cease to speak. Any Member persisting in a breach of this by-law may be ordered to leave the meeting by the Chair.

16.3 Apology

The Member will be permitted to retake his/her seat provided the Member has apologized to Council.

16.4 Conduct of Members of the Public

No person at a meeting shall:

- (1) Speak aloud at a meeting or address Members without first receiving permission of the Chair to do so;
- (2) Speak disrespectfully of any person;
- (3) Use profane or offensive words or insulting expressions against the Council or Committee or against any member, staff or guest;
- (4) Resist the rules of Council or disobey the decisions of the Chair or of Council or Committee on questions of order or practice or upon the interpretation of the rules of Council;
- (5) Leave his seat or make any noise or disturbance while a matter is being considered or discussed by Council while a vote is being taken and until the results of such vote are declared;
- (6) Disturb another of the public or Council Members or staff or guest by any disorderly conduct disconcerting to the speaker or the assembly;
- (7) Interrupt any member while speaking through speaking out, noise or disturbance;
- (8) Be permitted to attend another meeting of Council after being ordered to vacate, having committed a breach of any rule of Council, and without having first met with the Mayor or Chair and the Clerk, and having satisfied the Mayor that their conduct at future meetings will be in conformity to the rules of this By-law.

17 BY-LAWS

17.1 By-laws – Agenda

The proposed by-law title and reference shall be listed on the Council Agenda, and a copy of the By-law may be included in the Agenda.

17.2 Enactment of By-laws

Every By-law:

- (1) When introduced, shall be in printed format and shall contain no blanks except such as may be required to conform to accepted procedures or to comply with the provision of any Act. Each by-law shall be complete with the exception of the date of passing of readings and signatures of the Mayor and Clerk.
- (2) Every by-law shall have three readings prior to being passed.
- (3) All readings of the by-laws may be introduced in the same motion, duly moved, and seconded, specifying the number and title of the by-law, giving them a First and Second Reading. The by-law may be debated and amended before the Third Reading. After the third reading of the motion, the by-law shall be decided without debate or amendment.
- (4) The Clerk shall set out on all by-laws enacted by Council, the date of the reading thereof.
- (5) Every by-law which has been enacted by the Council shall be numbered and dated and shall be sealed with the seal of the Corporation and signed by the Chair and the Clerk and shall be deposited by the Clerk for safe-keeping.
- (6) A draft by-law may be presented in writing to Council for discussion and amendments if required prior to its passing at a Council meeting.

17.3 Enactment of By-laws – Date

The Clerk shall set out on all by-laws enacted by Council, the date of the reading thereof.

17.4 Request to be Read

A majority of Council present may request that the Chair read a by-law or by-laws for clarification or benefit of the public. If reading is not required, all by-laws will be considered to have been read.

17.5 Amendments to By-laws

All amendments to a By-law shall be presented in the form of a resolution and shall be voted on before the By-law is ordered for the third reading. The Clerk shall be authorized to provide a copy of the By-law, as amended, and shall be responsible for its correctness when amended.

17.6 Adoption of By-laws

Once the By-laws have been adopted, the by-laws shall be signed by the Mayor/Acting Mayor or Chair/Acting Chair and the Clerk/Deputy Clerk, and the corporate seal shall be affixed to every by-law duly passed.

17.7 Notification of Enactment of a By-law

Notwithstanding the foregoing, when the requirements of any Provincial legislation requires that notification be given of Council's intention to enact a by-law, the Chair shall notify persons who are present at the meeting that they may make representation on the proposed by-law during Council's

hearing of Delegations.

17.8 Confirmation By-law

The proceedings shall be confirmed by By-law at the first meeting of the month of every Regular and Special Meeting so that every decision of the Council at that meeting and every Resolution passed thereat shall have the same force and effect as if each and every one of them had been the subject matter of a separate By-law duly enacted.

18 COMMITTEES OF COUNCIL

18.1 Establishment of Committees of Council

Council may, from time to time, establish a special Committee of Council or Advisory Committee, in response to specific issues requiring immediate or long term attention.

18.2 Appointment and Operation of Committees of Council

All policies and procedures for appointment and operation of special Committees of Council or Advisory Committees shall be at the discretion of the majority of Council.

18.3 Appointment of Chair

The Mayor shall appoint the Chairs and alternate Chairs of all Committees from amongst the Members, which appointments are to be reviewed and approved by Council. The appointed Chair shall remain for the full term of Council.

18.4 Composition of Committee

May be comprised of electors, Council Members and employees of the Township. Standing Committees are to be created primarily for the purpose as approved by Council. The Mayor shall be an ex officio member of each Committee.

18.5 Vacancy on Committee

Should there be any vacancy on a Committee during the Term; Council may fill that vacancy for the period remaining of the Term of Council.

18.6 Attending Committee as a Member of Council

Members of Council other than members of the Committee may attend the meetings of any committee, but shall not be allowed to vote; nor may they take part in any discussion or debate except by permission of the majority of the members of the committee.

18.7 Discontinuation of Committee

Council may, at any time, discontinue any Committee referred to in this section or replace any Committee Member by resolution.

18.8 Distribution of Agendas

Agendas are to be distributed at least 48 hours in advance of such meeting date.

18.9 Calling a Special Committee Meeting

The Chair of a committee may call a special meeting provided that the members of the committee are given at least 1 (one) weeks' notice of the date, time and place of the meeting and that a notice of the meeting shall be posted on the township website.

18.10 Committee Minutes

The Minutes of the Committees of Council shall be received by each respective Committee and shall be forwarded to the Clerk in a timely manner, to be received as information and placed on the Agenda for the first Regular Council meeting of the month.

19 ROLE OF THE COUNCIL

19.1 Role of Council

As per Section 224, of the *Municipal Act*, c. 25 as amended, it is the Role of Council:

- (1) To establish policies within the authority of enabling legislation, for the purpose of guiding the administration of municipal government in the Municipality;
- (2) To develop, subject to legislative restrictions, regulations to be adopted in by-laws and resolutions for the overall benefit of the community;
- (3) To appoint statutory officers and senior officials to ensure that an appropriate management system is in place to administer the Municipality within the adopted policies of Council;
- (4) Through the Clerk, to oversee the administrative functions as carried out by appointed officials within delegated authority and the policies adopted by Council;
- (5) To be prepared to attend regular and special meetings of Council and committees to which a Member has been appointed by Council and to participate in the development and adoption of policies and directions for the Municipality;
- (6) To act as liaison between the citizens they represent and the Municipality, to ensure that the intention of the established policies and regulations are applied in a manner that is conducive to the citizens and community as a whole;
- (7) To oversee the financial affairs and delivery of municipal services through the adopting of policies and budget control guidelines and ensures that appropriate audit procedures and monitoring programs are in effect;
- (8) To collectively arbitrate matters where the procedural by-law is silent and the matter is placed before the Council for disposition;
- (9) To request reports from administration by Council motion.

20 ROLE OF THE MAYOR (HEAD OF COUNCIL)

20.1 Chair – Council Meetings

The Mayor shall be the Chair at Council meetings.

20.2 Mayor's Role

In addition to the responsibilities of Council as outlined in Section 19.1 of this by-law, it is the role of the Mayor as Head of Council pursuant to Section 225 of the *Municipal Act*, 2001 c. 25 as amended:

- (1) To act as chief executive officer of the municipality;
- (2) To preside over council meetings so that its business can be carried out efficiently and effectively;
- (3) To provide leadership to the council;
- (4) Without limiting clause (3), to provide information and recommendations to the council with respect to the role of council described in clauses 224 (d) and (d.1) of the *Municipal Act*, 2001 c. 25 as amended or section 19.1 of this by-law;
- (5) To represent the municipality at official functions; and
- (6) To carry out the duties of the head of council under this or any other Act.

It is the role of the head of council as chief executive officer of a municipality pursuant to Section 226.1 of the *Municipal Act*, 2001 c. 25 as amended to:

- (1) Uphold and promote the purposes of the municipality;
- (2) Promote public involvement in the municipality's activities;
- (3) Act as the representative of the municipality both within and outside the municipality, and promote the municipality locally, nationally and internationally; and
- (4) Participate in and foster activities that enhance the economic, social and environmental well-being of the municipality and its residents.

20.3 Ex-Officio – Committees

The Mayor shall be an ex-officio Member of all Committee of Councils and shall be entitled to vote as a member of such Committees.

20.4 Absence of Mayor – Appointment of Acting Mayor(s)

From time to time, the Mayor may be absent from the Township of Perry or may be absent from office through illness. In such instances, it is desirable to have an alternate designated to act in the place of the Mayor. The Clerk shall prepare a resolution for the first regular meeting of Council, and appoint an Acting Mayor(s) from the Members of Council to act in the absence of the Mayor or the duration of the term in six month intervals. The Acting Mayor(s) shall act in the place of the Mayor, and while so acting, may exercise the rights, powers and authority of the Head of Council.

20.5 Absence of Mayor – Acting Mayor to Chair

In the case where a quorum is present and the Mayor has not attended within fifteen minutes after the time appointed, the Clerk shall call the Members to order, and the member of Council who is appointed as the Acting Mayor shall assume the Chair during the meeting for as long as the Mayor is absent.

20.6 Absence of Acting Mayor – Appointment of Chair

In the event the Member designated as Acting Mayor is also absent, the Members shall nominate and elect a Chair among the Members present who shall preside during the meeting for as long as the Mayor or Acting Mayor is absent.

21 DUTIES OF THE CHAIR

21.1 Duties of the Chair

It is the duty of the Chair:

- (1) To open the meeting by taking the Chair and calling the Members to order;
- (2) To announce the business before the Council in the order in which it is to be acted upon;
- (3) To receive and submit, in the proper manner all motions presented by the Members;
- (4) To put to a vote all questions which are moved and seconded or which necessarily arise in the course of the proceedings, and to announce the results of such vote;
- (5) To decline to put to a vote motions which infringe upon the rules of procedure;
- (6) To enforce on all occasions the observance of order and decorum among the Members and guests;
- (7) To call by name any person persisting in breach of the rules of order of the Council or Committee thereby ordering the person to vacate the Council Chamber or other place of meeting, as the case may be;
- (8) To authenticate by signature all By-laws, resolutions and minutes of the Council;
- (9) To inform the Council or Committee when necessary, or when referred to for the purpose, on a point of order;
- (10) To represent and support the Council, declaring its will and implicitly obeying its decisions in all things;
- (11) To ensure that the decisions of Council are in conformity with the laws and By-laws governing the activities of the Municipal Corporation and Committees;
- (12) To order any person or group in attendance at the meeting to cease and desist any behaviour which disrupts the order and decorum of the meeting;

- (13) To expel from a meeting any person or group who continues to disrupt the meeting after being so warned and who engages in improper conduct;
- (14) To call a 5 minute rest period when deemed appropriate;
- (15) To adjourn the meeting without question in the case of grave disorder arising in the Council Chamber or other place of meeting, as the case may be;
- (16) To adjourn the meeting without question in the case of any person or group who refused to vacate the place of meeting after being ordered to do so by the Chair.

22 DUTIES OF THE CLERK-ADMINISTRATOR

22.1 Appointment of the Clerk-Administrator

The Clerk-Administrator is appointed by by-law and is responsible to Municipal Council for the efficient management of the administration of the Corporation's various administrative departments.

22.2 Reports Coordinated through the Clerk-Administrator

All reports and recommendations of department heads and staff shall be coordinated through the Clerk-Administrator.

22.3 Duties of the Clerk-Administrator

- (1) Assist the Council to discharge its responsibilities and, in a non-partisan manner, to aid Council members to carry out their duties;
- (2) Attend Council and Closed Session meetings with the right, with the consent of the Chair, to speak but not to vote; and to attend meetings of any other Committees as he/she sees fit;
- (3) In the absence of the Clerk, the Deputy Clerk will act and perform all functions of the Clerk-Administrator;
- (4) Exercise general control and management of the affairs of the municipality for the purpose of ensuring the efficient and effective operation of the municipality;
- (5) Attend all meetings of Council/Closed Session and to record the proceedings of all such meetings, in addition to any required clerical support staff;
- (6) Cause notice of each regular and special meeting of Council of Committee, together with the agenda and all matters so far as are known to be sent to each member of the said Council;
- (7) Record or cause to be recorded without note or comment all resolutions, decisions, and other proceedings of the Council and/or Closed Session meetings;
- (8) Keep in the office of the Clerk or in a place appointed for that purpose for the time periods referenced in the Township's Records Retention By-law of Council and or Public Meeting procedures;
- (9) Forward a copy of all resolutions, enactments and orders of the

Council and Committees to those concerned in order to provide notice;

- (10) If requested by any member present at a vote, to record the name and vote of every member voting on any matter or question;
- (11) Keep the official records of the Township, including the minutes of the proceedings of Council and Committees;
- (12) Keep in the Office of the Clerk, or in a place appointed for that purpose, the originals or copies of all by-laws and all minutes of the proceedings of Council;
- (13) Make such minor clerical, typographical or grammatical deletions, additions or other changes in form to any by-law, motion, resolution and/or minutes as may be required for the purpose of ensuring correct and complete implementation of the actions of Council
- (14) Forward, by way of delegated authority, housekeeping or consolidation by-laws directly to Council for consideration;
- (15) Perform such other duties as are prescribed by law or by direction of Council;
- (16) Be a Municipal Officer for the Corporation of the Township of Perry.

23 STAFF ATTENDANCE

23.1 Staff Attendance at Meetings

Staff members shall attend meetings in order to present reports, assist and support the Members of Council.

24 COUNCILLORS/MAYOR REPORTS

24.1 Announcements/Motions

If a Member wishes to make Announcements or bring forth Motions they must be submitted to the Clerk’s Department by no later than the Friday prior to the meeting. Such announcements generally shall consist of brief verbal reports (i.e. conference attendance, meeting report, community event announcement, etc.). If the announcement or motion is detailed, a written report will be required by the Member for submission in the Council agenda.

25 AMENDMENTS, ENACTMENT AND APPENDICES

25.1 Amendments

Any provision contained in this by-law may be amended, varied or repealed, and additions shall be made by two-thirds of the Members present.

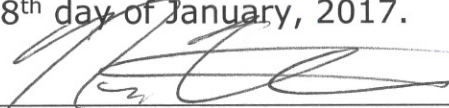
25.2 Repeals

Any other by-laws and or resolutions that are inconsistent with the provision of this by-law are hereby repealed or rescinded insofar it is necessary to give effect to the provisions of this by-law.

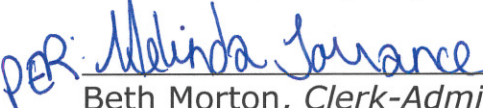
25.3 Enactment

This by-law shall come into force and take effect immediately upon the final passing thereof.

READ a First and Second time this 18th day of January, 2017.

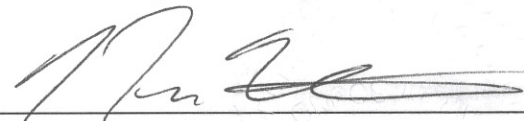


Norm Hofstetter, Mayor

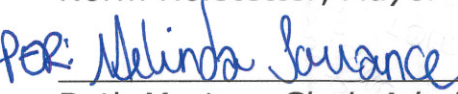
PER: 

Beth Morton, Clerk-Administrator

READ a Third and Final time and Enacted in Open Council this 18th day of January, 2017.



Norm Hofstetter, Mayor

PER: 

Beth Morton, Clerk-Administrator



**Schedule "A"
Notice of Motion**

Notice of Motion Form

In accordance with Section 3.8 - Notice of Motion of the Township of Perry
Procedural By-law,

Member of Council _____(please print)

Hereby files a Notice of Motion to be included on the Agenda for the Regular
meeting of Council, which is scheduled to be held on:

_____, 20____ under the following Agenda heading:

And which Notice of Motion reads as follows:

COUNCIL MEMBER: _____
(Signature)

Clerk's Use Only

Date Received: _____, 20____

Time Received: _____, 20____

Notice of Motion Given: _____, 20____

Schedule "B"
Closed Session

Closed Session Municipal Act, 2001, s. 239

Sec. 239 Meetings open to public

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

Exceptions

(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 or part of a meeting shall be closed to the public if the subject matter being considered is,

- (a) a request under the *Municipal Freedom of Information and Protection of Privacy Act*, if the council, board, commission or other body is the head of an institution for the purposes of that Act; or
- (b) an ongoing investigation respecting the municipality, a local board or a municipally-controlled corporation by the Ombudsman appointed under the *Ombudsman Act*, an Ombudsman referred to in subsection 223.13 (1) of this Act, or the investigator referred to in subsection 239.2 (1). 2014, c. 13, Sched. 9, s. 22.

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).

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.

Investigator

239.2 (1) Without limiting sections 9, 10 and 11, those sections authorize the municipality to appoint an investigator who has the function to investigate in an independent manner, on a complaint made to him or her by any person, whether the municipality or a 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, and to report on the investigation. 2006, c. 32, Sched. A, s. 104.

Powers and duties

(2) Subject to this section, in carrying out his or her functions under subsection (1), the investigator may exercise such powers and shall perform such duties as may be assigned to him or her by the municipality. 2006, c. 32, Sched. A, s. 104.