

CORPORATION OF THE COUNTY OF PERTH

By-law 3498-2016

Being a By-law to Amend By-law No. 3447-2015; Being a By-law to Govern the Calling, Place and Proceedings of Meetings.

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

AND WHEREAS Section 239 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, provides that except as provided by that section of the Act, all meetings shall be open to the public;

AND WHEREAS Subsection 239 (3) of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, requires a mandatory exception to the open meeting provisions with respect to an ongoing investigation of the municipality, local board or municipally-controlled corporation by the Ombudsman appointed under the *Ombudsman Act*, an Ombudsman referred to in subsection 223.13(1) of the *Municipal Act, 2001*, or the investigator referred to in subsection 239.2 (1) of the *Municipal Act, 2001*;

AND WHEREAS Subsection 5(1) of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, requires that the powers of a municipality shall be exercised by its council;

AND WHEREAS Subsection 5(3) of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended requires that a municipal power shall be exercised by by-law, unless specifically authorized to do otherwise;

AND WHEREAS Council deems it advisable to amend By-law Number 3447-2015;

NOW THEREFORE the Corporation of the County of Perth enacts as follows:

1. That Procedure By-law 3447-2015 be amended as follows:
 - a. Clause 5.6 b) be deleted and replaced with:
 - b) A meeting or part of a meeting shall be closed to the public if the subject matter being considered is,
 - i. 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
 - ii. 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 the *Municipal Act, 2001*, or the investigator referred to in subsection 239.2(1)
2. This By-law comes into force and takes effect on January 7, 2016.
3. This By-law may be cited as the "County of Perth 2016 Procedure By-law Amendment (1) By-law".

Read a first and second time this 7th day of January, 2016.

Read a third time and finally passed this 7th day of January, 2016.

Original Signed by _____
Meredith Schneider, Warden

Original Signed by _____
Jillene Bellchamber-Glazier, Clerk