

THE CORPORATION OF THE
TOWNSHIP OF Larder Lake

BY-LAW No. 1240 – 09

“Being a BY-LAW to amend Township of Larder Lake By-law #1181-07 a by-law for governing the calling, place and proceedings of meetings of the Municipal Council for the Town of The Township of Larder Lake”

WHEREAS the Municipal Act, 2001, S.O. 2001, c. 25, section 238, requires that every municipality shall pass a procedure by-law for governing the calling, place and proceedings of meetings;

AND WHEREAS Council deems it expedient to pass such a by-law;

NOW THEREFORE Council of the Corporation of the Township of Larder Lake hereby enacts as follows:

1.0 DEFINITIONS:

1. “COUNCIL” means the elected and sworn members of the Council the Township of Larder Lake
2. “HEAD OF COUNCIL” means the Reeve
3. “ACTING HEAD OF COUNCIL” shall first mean the Deputy Reeve and secondly another designate who shall act as presiding officer in the absence of the Reeve or Deputy Reeve.
4. “CLERK” shall mean the Clerk of the Corporation of the Township of Larder Lake or his/her designate who shall have all the powers and duties of the Clerk under this and every other Act.
5. “CLOSED SESSION” shall mean closed to the public as defined in Subsection 4.2 of this By-law
6. “COMMITTEE OF THE WHOLE” shall mean a meeting of Council in Committee format for discussion purposes.
7. “COMMITTEE” means any advisory or other committee, subcommittee or similar entity composed of members of Town of The Township of Larder Lake council alone or together with members of another council or the public.
8. “COMMITTEE CHAIR” means the Chairperson of any committee and the Committee Chair shall have the same powers during a Committee Meeting of Council as Head of Council during Council Meetings whether or not the Chair is a voting member.
9. “CONFLICT OF INTEREST” means a pecuniary interest as defined in the Municipal Conflict of Interest Act.
10. “LOCAL BOARD” means a local board as defined in the Municipal Act, 2001.
11. “MEETING” shall mean any regular, special, committee or other meeting of Council, of a local board or of a committee of either of them.
12. “Deputation” means a group of representatives chosen to speak or act on behalf of others.

13. "QUORUM" shall mean a majority (three members) of the whole number of members of Council or a Committee except where a member has or members have declared a pecuniary interest pursuant to the Municipal Conflict of Interest Act the quorum may be less than half plus one of the whole number of members but shall not be less than two.

2.0 INTENT OF BY-LAW

The rules and regulations hereinafter provided shall govern the proceedings of the Council and the Committees thereof. Any part or parts of this By-law may be suspended if agreed upon by a majority of the Members present unless the part or parts is prescribed by statute or law.

3.0 LOCATIONS, MEETING TIMES AND NOTICE

1. The First or Inaugural Meeting of the Council of a local Municipality after a regular election shall be held on the first Tuesday in December, at 7:00 pm in the Town of The Township of Larder Lake Council Chambers.
2. Council shall have regular Council Meetings in the Council Chambers or other designated location on the second and fourth Tuesday of each month at 7:00 p.m. save and except statutory holidays when Council shall meet at the same hour on the following Wednesday.
3. Notice of Council Meetings and Planning Council Meetings and of Committee Meetings shall be given by publication of future meetings in previous Agendas and posting of Meeting Agendas on the Township website prior to the meeting. In the case of Special Meetings notice shall be given by posting of the Agenda on the Township website as soon as is practicable after notice of the Special Meeting has been given and any other notification that is permitted within the timeframe.
4. Council may, by resolution, alter the date and or time of a regular meeting provided that adequate notice of the change is posted on the Township website.

4.0 MEETINGS OF COUNCIL

1. At the hour appointed, when a quorum is present, the Reeve shall call Council to order and if a quorum is not present within fifteen (15) minutes after the hour appointed the meeting shall be cancelled.
2. All regular Council Meetings and special meetings of Council and of Committees and Local Boards shall be open to the public, but a meeting or any part thereof 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 for municipal or local board purposes;
 - d) labour relations or employee negotiations;
 - e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
 - f) the receiving of 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 has authorized a meeting to be closed under another Act.
 - h) related to consideration of a request under the Municipal Freedom of Information and Protection of Privacy Act if Council or Committee or Board is the head of an institution for the purposes of that Act.
 - i) the educating or training of Council or a Committee or a Local Board and at the meeting, and no member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of the Council, Committee or Local Board.
3. All votes of Council shall be open to the public except those votes taken during a meeting or part thereof that is closed to the public in accordance with Section 4.2 of this By-law and if said vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the Town, Committee or Local Board or persons retained by or under contract with the Town, Committee or local board or to rise from closed session.
 4. Before holding a meeting or part of a meeting that is to be closed to the public, Council or a Committee or a Local Board shall state by Resolution the fact of the holding of the closed meeting and the general nature of the matter to be considered at the closed meeting.
 5. With the exception of the Inaugural Session, no person but a Member or support staff shall be allowed to approach the Council during a Session of Council without the permission of the Reeve or Council or unless given deputation status as described in Section 12.
 6. Every meeting of Council shall be deemed to be adjourned at the hour of 11:00 p.m. save and except with the unanimous consent of Council.

5.0 SPECIAL MEETINGS OF COUNCIL

1. The Reeve shall if requested in writing by any three members of Council call a special meeting of Council other than as described in Section 3.0 of this By-law.
2. The Reeve may call a special meeting other than as described in Section 3.0 of this By-law to deal with a matter which is deemed to require immediate action. Notice of such a special meeting shall be given by contacting each Member of Council and verbally advising them of the time and place of the meeting, or notice may be given in writing or via voice recording or via e-mail message.
3. Special meetings require minimum notice of one clear day unless otherwise agreed to by a majority of members to the satisfaction of the Clerk.
4. At special meetings of the Council, no financial decisions shall be made or incurred, unless the same shall be referred to in the notice calling the meeting.

6.0 ROLE OF THE REEVE

1. It is the role of the Reeve as 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 Council;
 - d) to represent the municipality at official functions;
 - e) to carry out the duties of the Head of Council under any Act; and
 - f) to provide overall leadership to the Community Control Group in responding to an emergency as detailed in the Emergency Response Plan for the Town of The Township of Larder Lake.
2. As Chief Executive Officer of the Town, the Head of Council shall:
 - a) uphold and promote the purposes of the municipality;
 - b) promote public involvement in the Town's activities;
 - c) act as the representative of the Town both within and outside the municipality and promote the Town locally, nationally and internationally; and
 - d) participate in and foster activities that enhance the economic, social and environmental well-being of the Town and its residents.

7.0 ROLE OF COUNCIL

It is the role of Council:

- a) to represent the public and consider the well-being and interests of the Town;
- b) to develop and evaluate the policies and programs of the Town;
- c) to determine which services the Town 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;
- e) to ensure the accountability and transparency of the operations of the Town, including the activities of the senior management of the Town;
- f) to maintain the financial integrity of the Town; and
- g) to carry out the duties of Council under any Act.

8.0 CONDUCT OF MEMBERS OF COUNCIL AND GUESTS

1. No member shall use offensive words or unparliamentarily language in or against the Council or against any member, staff or guest.
2. No member shall disturb another, or the Council, staff or guest, by any disorderly conduct disconcerting to the speaker or the assembly.
3. No member shall speak on any subject other than the subject in debate.
4. The Chair may call a member to order while speaking, whereupon the member called to order shall be silent on the matter and shall not further speak until the point of order is determined, unless it be to appeal the decision of the Chair.
5. When the Chair is putting a question, no member shall walk out of, or across the Council Chamber, nor when a Member is speaking shall any other member hold discourse or interrupt the speaker except to a question of order, nor pass between the speaker and the Chair.
6. No member shall leave a meeting without first obtaining permission from the Reeve or presiding officer.
7. No member shall be permitted to retake their seat after being ordered to vacate, having committed a breach of any rule of the Council, until the next meeting and without making an apology to Council.
8. When a member is speaking, no other member shall pass between him/her and the Chair or interrupt him except to raise a point of order.
9. No person shall be allowed to address Council or speak in debate without permission of the Reeve or presiding officer.
10. Any member may require the question or motion under discussion to be read at anytime during the debate, but not so as to interrupt the member while speaking.

9.0 AGENDA

1. The Clerk shall prepare agendas of Council and Committee meetings as assigned.
2. Agendas for all regular meetings of the Municipal Council shall be made public on the Friday prior to the regular scheduled council meeting.
3. Insofar as practicable, Council agendas, along with supporting material, shall be prepared and made available to members on the Friday prior to a regular meeting.
4. Individuals and/or groups wishing to appear before Council at a regular meeting shall advise the Clerk no later than 4:30pm on the Thursday prior to the meeting and the Clerk may make a determination as to deferral of delegations to a subsequent meeting.
5. Written reports of officers shall, insofar as is practicable, be made available to Council by 4:30pm on the Monday immediately preceding regular meetings.
6. The Clerk shall have prepared and printed for the use of the members at the regular meetings of council, an agenda under the following headings:
 - 1) Meeting called to order
 - 2) Adoption of the current agenda

- 3) Declaration of Pecuniary Interest - as defined in the Municipal Conflict of Interest Act. Where a member has a pecuniary interest in any matter, including that of a spouse, child or parent and is present at a meeting of Council or Committee at which the matter is the subject of consideration, the member:
 - i) shall, prior to any consideration of the matter at the meeting, verbally disclose the interest and its general nature;
 - ii) shall not, at any time, take part in the discussion or, or vote on, any question in respect of the matter;
 - iii) shall not, at any time, attempt, either on his or her own behalf or while acting for, by or through another person, in any way whether before, during or after the meeting to influence the voting on any such question;
 - iv) shall immediately leave the meeting or part of the meeting during which the matter is under consideration and remain absent from it where the matter is under consideration during closed session; and
 - v) where the interest of a member has not been disclosed by reason of the member's absence from a meeting wherein the matter was discussed, the member shall disclose the interest at the next Council or Committee meeting attended by the member.
- 4) Confirmation of Minutes of last Meeting
- 5) Confirmation of Accounts
- 6) Committees and Delegations
- 7) Report Committee
- 8) Letters and Communications
- 9) Unfinished Business
- 10) New Business
- 11) Motion to move to an in-camera (closed) session
- 12) Motion to move out of an in-camera (closed) session
- 13) Set date of next Council Meeting
- 14) To Pass a By-law to Confirm Proceedings of Council
- 15) Adjourn Meeting

10.0 ORDER OF BUSINESS

1. Agendas shall be generally formatted but modifications to the matters to be included or the order of business may be affected without requiring amendment to this By-Law.
2. The Chair or designate of each Committee submitting a report shall field questions regarding same during discussions of that report as may be required.
3. When any matter listed on the agenda is left undisposed of at the time of adjournment, either for want of a quorum or otherwise, such matter(s) shall be considered at the next meeting of the Council.

11.0 COUNCIL MINUTES

1. The Minutes of Council shall record the place, date and time of meeting.
2. The name of the Chairperson and record of attendance of the Members.
3. The reading, if requested, correction and adoption of the minutes of the prior meetings.
4. All other proceedings of the meeting without note or comment.
5. All Minutes of Council shall be made available to the public on the Friday prior to the next regular scheduled council meeting.

12.0 CORRESPONDENCE, COMMUNICATION AND PETITIONS

1. Correspondence shall be referred by the Reeve and/or Clerk to the appropriate Committees at their regular meetings or after presentation to the Council, whichever comes first. Correspondence for which no action has been directed nor discussion taken place shall be deemed to have been received by Council.
2. Correspondence addressed to the Council may be presented by a member in their place.
3. When any correspondence, application or proposition presented by a member is referred to any Committee, such member shall be duly notified of the meeting or meetings of the Committee at which the same is to be heard, considered or resolved upon.
4. Every communication, including a petition designed to be presented to the Council, shall be legibly written or printed and shall not contain any obscene or improper matter or language and shall be signed and dated by at least one person, filed with the Clerk, and shall include an address and telephone number where return correspondence or contact is to be directed.

13.0 DEPUTATIONS

1. Any person desiring to present information orally on matters of fact or to make a request of Council shall give notice in writing to the Clerk by 4:00pm on the Thursday prior the regular meeting stating the purpose of the Deputation. All request to be heard by Council shall be signed.
2. Deputations/Delegations may be heard by leave of Council shall be limited in speaking to not more than ten (10) minutes except a delegation consisting of more than five (5) persons shall be limited to two (2) speakers, each limited to speaking not more than ten (10) minutes. Persons requesting to appear before Council shall be advised of the time limitation in advance of their presentation.
3. The Clerk or designate may direct that a deputation be received by a Committee for Committee consideration and recommendation to Council on a particular matter rather than addressing Council directly.

14.0 COMMITTEE OF THE WHOLE

1. The Rules of the Council as provided for in this By-law shall be observed in Committee of the Whole and in the procedure of Committees of Council, excepting the Rules relating to the vote being recorded. The Clerk or designate or Committee Secretary shall record in the Minutes all Resolutions and amendments to Reports or By-laws as made in Committee of the Whole or Committee for subsequent consideration by Council.

2. Whenever it shall be resolved for Council to move into Committee of the Whole upon any questions, the Reeve shall appoint another member as Chair for Committee purposes unless permission to remain is given by a majority of Council.

3. A Motion in Committee of the Whole to rise and report on a matter or matters to Council, or to rise and beg leave to sit again on a matter or matters without reporting to Council, shall be in order and shall be decided without debate.

15.0 BY-LAWS AND AGREEMENTS

1. Every By-law and / or Agreement, other than Agreements for which signing authority has been delegated by By-law, shall be circulated to members of Council as referred to in section 8.0.1 k) of this By-law, and by such circulation to Council members shall be deemed to have been made known to the public.

2. Every By-law and / or Agreement shall be introduced by Motion or leave, specifying the title thereof, or on recommendation of an adopted report or by an order from Council.

3. By the one Motion, By-laws are to be considered read the number of times as required at that session of Council and shall be discussed, committed or amended forthwith.

4. Every By-law shall be deemed to be considered in Committee of the Whole subsequent to the reading of the Motion and prior to a vote being called on the Motion.

5. When a By-law is being considered in Committee of the Whole, it may be debated clause by clause or as otherwise considered advisable by the Chair and members of Council.

6. Every By-law once passed and / or Agreement once authorized shall be dated and duly signed and sealed by the Reeve or presiding officer at the meeting and Clerk or designate.

7. Any By-law that is not circulated to members of Council as referred to in section 9.0 of this By-law shall be by Motion read a first time, read a second time, referred to Committee of the Whole and with the support of a majority of Council read a third time and passed.

16.0 MOTIONS / RESOLUTIONS

1. After a Motion has been Moved and Seconded, and placed under the direction of the Reeve or Chair, it shall be considered to be in the possession of the Council but may be withdrawn with the consent of the Mover and the support of a majority of Council.

2. Every Motion as herein provided when duly Moved and Seconded shall be read by the Reeve or Chair in the precise form in which it was introduced and in which it will be recorded in the Minutes and the question shall then be open for discussion and consideration.

3. Prior to a question being voted on, each member present in the Council Chamber shall take their seat and shall vote unless they have declared a pecuniary interest pursuant to the Municipal Conflict of Interest Act.

4. A motion to amend when duly moved and seconded:
 - a) May be presented verbally or in writing;
 - b) Shall receive disposition of Council before the original question;
 - c) Shall not be amended more than twice before voting;
 - d) Shall be relevant to the question to be received;
 - e) Shall not be received proposing a direct negative to the question;
 - f) May propose a separate and distinct disposition of a question;
 - g) May propose to separate two or more components contained in the original question.
5. After a question is deemed to be finally put by the Reeve or Chair no member shall speak to the question nor shall any other motion be made until after the vote is taken and the result has been declared.
6. The decision of the Reeve as to whether the question has been finally put shall be final, except on appeal by any member, upon which the decision of a majority of Council shall be conclusive.
7. Any member may require any question to be repeated from the Chair prior to the voting on such question.
8. 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 with the Chair voting last.
9. A failure to vote under Clause 8., above, 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.
10. The Reeve shall declare the vote on all questions and should his/her declaration be stated by any member to be in doubt, the Reeve shall require the vote to be retaken in an alternative manner and the results of this vote shall be final.
11. A tie vote shall be declared to be a lost vote.

17. NOTICE OF MOTION

1. A member may introduce a notice of motion directly to a Council or Committee meeting, following which a copy of the motion shall be filed with the Clerk and the motion shall form part of the next Council Agenda for discussion. Following such notice there shall be no debate or discussion on the motion until it is contained in an Agenda or unless agreed upon by a vote of a majority of the members present.

18.0 RULES OF DEBATE

Head of Council or Chairperson

In directing the course of debate, the Head of Council or Chairperson shall:

- i. Designate the Member who has the floor when two or more Members raise their hand to speak,
- ii. Preserve order and decide questions of order.
- iii. Read all motions presented in writing and state all motions presented verbally before permitting debate on the question, except when otherwise provided in this by-law.

Council

In addressing the Council, no member shall:

- i. Speak disrespectfully of Her Majesty the Queen or any of the Royal Family, or of the Governor-General, Lieutenant-Governor or any member of the Senate, the House of Commons of Canada, or the Legislative Assembly of Ontario;
- ii. Use indecent, offensive or insulting language in or against the Council or any member thereof;
- iii. Speak beside the question in debate;
- iv. Criticize any decision of Council except for the purpose of moving that the question be reconsidered;
- v. Disobey the rules of Council or a decision of the Head of Council or Chairperson of the Council on questions of order or practice, or upon the interpretation of the rules of Council.

19.0 RECONSIDERATION

A motion to reconsider a Resolution entered upon the Minutes shall not be received or put unless agreed upon by vote of a majority of the Members present prior to the question being considered and any motion to reconsider shall be considered a main motion.

20.0 PROCEDURAL APPEALS

1. Any member may raise a point of order.
2. The Chair shall decide all questions of order and the decision of the Chair shall be final, subject to appeal, with the Chair retaining the option of putting any question of order to Council and in such instances the decision of Council shall be final. Upon appeal of any decision of the Chair the question of order shall be decided by Council and the decision shall be final.

21.0 COMMITTEES

1. The Council shall at its first Session in December nominate and elect the following Standing Committees in the manner and composition as follows:
 - a) Public Works Committee – Two members all being members of Council.
 - b) Finance and Administration Committee - Two members all being members of Council.
 - c) Recreation Committee - Two members all being members of Council.
 - d) Social and Fire Services - Two members all being members of Council.
2. The Rules of Procedure for Committee operation shall be those contained in this By-law unless otherwise prescribed by statute or law.
3. Standing, Advisory and Ad-hoc Committees wholly within the sphere of the jurisdiction of Council may be established, revised, disbanded and replaced as Council deems necessary. All members of such Committees shall be qualified electors within the municipality.
4. The order of election of Committees shall be alphabetical by Committee name as shown on the attached Schedule “B” which is hereby declared to form part of this By-law.

5. The Head of Council shall be an ex-officio member of all Town Standing, Advisory and Ad-hoc Committees where not otherwise prohibited by any Act and shall have full voting privileges when in attendance at any meeting thereof but shall not have the privilege of raising new business or adding any matter to a previously completed meeting Agenda.

READ THREE TIMES AND PASSED IN OPEN COUNCIL this 3rd day of February, 2009.

John Roddick/Reeve

Anne Kmyta /Clerk-Treasurer