

THE CORPORATION OF THE TOWN OF LATCHFORD

BY-LAW NUMBER 2022-026

BEING A BY-LAW TO GOVERN THE CALLING, PLACE AND PROCEEDINGS OF COUNCIL MEETINGS AND THE CONDUCT OF ITS MEMBERS.

WHEREAS pursuant to Section 238(2) of the Municipal Act, R.S.O. 2001, c.25, as amended, every municipality and local board shall pass a procedure by-law for governing the calling, place and procedure of meetings.

NOW THEREFORE the Council of the Corporation of the Town of Latchford hereby enacts as follows:

1. DEFINITIONS:

In the by-law:

“Agenda” and “Order of the Day” shall be considered synonymous.

“Chair” means the person presiding at a meeting.

“Clerk” means the Clerk-Treasurer or the Deputy Treasurer Deputy Clerk of the Corporation of the Town of Latchford.

“Committee” means any Committee established by Council from time to time.

“Committee of the Whole” means a Committee comprised of all members of Council.

“Council” means the Municipal Council of the Corporation of the Town of Latchford.

“Councillor” means a taxpayer of the Corporation of the Town of Latchford who is duly elected or appointed to serve on the Council of the Corporation of the Town of Latchford.

“Deputy Mayor” means the council Member appointed by Council who shall act in the absence of the Mayor and defined as Acting Head of Council in the Municipal Act.

“Emergency” means a significant threat to persons, property or the economy of matters which fall under the jurisdiction of the Corporation of the Town of Latchford.

“Head of Department” means the Clerk-Treasurer, or Deputy Treasurer, Deputy Clerk, the Public Works Superintendent or the Fire Chief.

“In Camera” means a Committee sitting in closed session that is not open to the public.

“Mayor” means the Mayor of the Corporation of the Town of Latchford.

“Meeting” means a regular, special, committee or other meeting of the Council or a local board; a gathering of a quorum of the members during which public business or public policy is discussed, considered or at which any formal action is taken. For the purposes of this definition a social gathering at which a quorum of members of a body many inadvertently be present shall not be deemed a meeting.

“Member” means a member of Council or a Committee, as the case may be.

“Motion” and “Resolution” shall be synonymous, and means a question to be considered by the Council or Committee which is moved, seconded, presented, and is subject to debate. When a Motion is adopted by a majority vote, it becomes a resolution.

1. DEFINITIONS (Continued)

"Municipality" means the Corporation of the Town of Latchford.

"Presiding Officer" is the person presiding at meetings of Council and/or its Committees.

"Quorum" means four members of Town Council or for committees, a majority of its members.

"Roll Call Vote" means a vote as provided for in *Section 244* of the Municipal Act R.S.O. 2001, C.25, as amended.

"Secretary" means recording secretary for a meeting.

"Body" means the Council, Committee of Council, or Board.

2. The rules and regulations contained in this by-law shall be observed in all proceedings of the Council and shall be the rules and regulations for the dispatch of business by council and its committees.

3. COUNCIL AND COMMITTEE MEETINGS:

3.1 **Committee Of the Whole Council meetings will be held via Zoom on the second Tuesday of the month at 6:30 pm regular meetings of Council shall be held in the Latchford Community Recreation Centre on 4th Tuesday of each month at 6:30pm.**

3.2 The inaugural meeting of Council after a regular election shall be held on the 2nd Tuesday in November at 6:30pm in the Latchford Community Recreation Centre.

3.3 All meetings under the jurisdiction of the Corporation of the Town of Latchford shall be open to the public. This shall include council meetings, board meetings, committee meetings, ad hoc committee meetings or meetings of any other body that the Corporation of the Town of Latchford deems necessary to create.

3.4 Council may, by resolution, alter the date and/or time of a regular meeting provided that adequate notice of change is posted.

3.5 The Mayor may, at any time, summon a special meeting.

3.6 The Clerk-Treasurer shall summon a special meeting upon receipt of a petition of the majority of the Council members for the purpose and at the time and date mentioned in the petition.

3.7 In either 3.4 or 3.5 above, 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, and the Clerk shall provide notice of the special meeting immediately following receipt of the summons or petition. In a deemed emergency, no notice is required.

3.8 Notwithstanding the notice requirement set out above, in the event of a bonafide emergency, a meeting may be held as soon as practical following receipt of the summons or petition, and notice may be given by telephone or personal contact as determined by the Clerk.

3.9 Unless otherwise specified in the notice described in paragraph 3.6 a special meeting shall be held in the Latchford Community Recreation Centre.

3. COUNCIL AND COMMITTEE MEETINGS (Continued)

- 3.10 The notice of a special meeting shall specify the purpose of the meeting.
- 3.11 The Mayor shall preside at all meetings of the council.
- 3.12 When the Mayor is absent or refuses to act, or the office is vacant, the Acting Head of Council, as appointed by resolution, shall act in the place of the Mayor, and while so acting, the Acting Head of Council has and may exercise all the rights, powers and authority of the Mayor. At the Inaugural meeting of the new council, Council shall by by-law appoint the Councillor who received the greatest percentage of votes as Deputy Mayor, subject only to the acceptance of the Councillor to this position.
- 3.13 If both the Mayor and Acting Head of Council do not attend a Council meeting, within fifteen minutes after the hour appointed for the opening of the meeting, the members present shall from amongst themselves appoint a presiding officer to act as Chair in place of the Chair until the Chair arrives.
- 3.14 Notwithstanding, paragraph 3.11, the council members may appoint another presiding officer from among themselves for the purpose of chairing a particular meeting.
- 3.15 The Mayor or Acting Head may expel from a meeting anyone who engages in improper conduct.
- 3.16 **Right to Complain & Oversight:** If any taxpayer or officially organized taxpayer group feels that open meeting rules have not been followed, they have the right to make a complaint. The complaint procedure is a two-step process, as follows:

Step 1: A formal complaint may be made to the Clerk-Treasurer. The complaint must be made on the form provided for this purpose and available at the Town Office. The Clerk will then forward the complaint to the next scheduled meeting of council for their consideration. Council will make a ruling on the matter.

Step 2: If the ruling of the Council is not deemed satisfactory by the complainant, the complainant may request the Clerk-Treasurer to forward the complainant to the Municipal Ombudsman.

As the cost of the complaint procedure is borne solely by the Corporation of the Town of Latchford, the complainant is urged to carefully consider this step before proceeding.

Should the complainant decide to proceed, the complaint will be forwarded to the Municipal Ombudsman. A written presentation from the body in question will also be forwarded to the Ombudsman. The Ombudsman shall then make a ruling as to whether open meeting rules were followed.

Remedies & Penalties:

Should the Municipal Ombudsman find there was a violation of open meeting rules; the Ombudsman will make a ruling as to the remedy for the situation

The Municipal Ombudsman will inform the complainant and the Clerk-Treasurer in writing as to the decision.

In the case that the Municipal Ombudsman finds in favor of the complainant all cost associated with the complaint shall be applied to the budget of the offending body. The offending body must demonstrate that it will, on an ongoing basis, make every reasonable effort to follow the open meeting rules in the future.

3. COUNCIL AND COMMITTEE MEETINGS (Continued)

3.16 Right to Complain and Oversight: Continued)

In the case that Municipal Ombudsman does not find in favor of the complainant, all future complaints from that taxpayer or taxpayer group will be investigated to conclude if the complaint is frivolous or vexatious. The taxpayer or taxpayer group retains the right to make a request to the Superior Court of Justice as set out in the Municipal Act.

If the decision of the Municipal Ombudsman is not found to be satisfactory by the taxpayer or taxpayer group, they have the option of making a request to the Superior Court of Justice as set out in the Municipal Act.

4. COMMITTEE MEETINGS

4.1 The Mayor shall be an ex-officio member of all committees.

4.2 Meetings of committees shall be conducted on a monthly basis in a Municipal facility or location deemed appropriate by the Chair.

5. STANDING COMMITTEES

5.1 Municipal business shall be subdivided under the following headings so as to promote the orderly presentation and handling thereof:

- (i) Finance and General Government.
- (ii) Public Works, Infrastructure and Environment.
- (iii) Parks, Recreation and Seniors.
- (iv) Person and Protection to Persons and Property.
- (v) Economic Development.
- (vi) Health and Wellbeing.

5.2 All Council meetings shall be open to the public.

6. AD HOC COMMITTEES

6.1 Ad Hoc Committees may be appointed by council from time to time to consider specific matters.

6.2 A motion appointing a Committee shall include:

- (i) the name of the committee;
- (ii) the members of the Committee;
- (iii) the purposes and objectives of the Committee;
- (iv) the date by which the Committee shall report to Council; and
- (v) the term of the Committee.

6.3 Unless otherwise stated in the motion crating the Ad Hoc Committee, the term of the Ad Hoc Committee will not extend beyond the term of the Council by which it was created.

6.4 Ad Hoc Committee meetings shall be arranged in accordance with the policy of Council as determined from time to time.

6.5 Committees of Council is designated by the mayor and approved by resolution and shall provide a written report of that committees activities /accomplishments on a monthly basis.

6. AD HOC COMMITTEES (Continued)

- 6.6 Each Ad Hoc Committee, at its first meeting, shall elect a Committee Chair from among its members and shall arrange its own schedule of meetings.
- 6.7 An Ad Hoc Committee Chair may be removed by a vote of a majority of the Ad Hoc Committee but no such Motion shall be in order unless preceded by a Notice of Motion.
- 6.8 If a Chair of any Ad Hoc Committee is not present within fifteen minutes from the time of the opening of the Committee meeting, the members present shall by resolution elect another member of the Ad Hoc Committee to preside and that member shall discharge the duties of the Presiding Officer for that meeting, or until the arrival of the Ad Hoc Committee Chairman.
- 6.9 Members may be Councillors or members of the general public.

7. IN CAMERA

- 7.1 Notwithstanding paragraph 5.2, an in-camera meeting of Council or a Committee may be closed to the public if the subject matter being considered is one of the following matters as set out in Section 239(2) of the Municipal Act:
- (i) the security of property of the municipality or local board;
 - (ii) personal matters about an identifiable individual, including municipal or local board employees;
 - (iii) a proposed or pending acquisition or disposition of land by the municipality or local board;
 - (iv) labour relations or employee negotiations;
 - (v) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
 - (vi) advice that is subject to solicitor- client privilege, including communications necessary for that purpose;
 - (vii) a matter in respect of which a council, board, committee or other body may hold a closed meeting under another act.
- 7.2 A meeting shall be closed to the public if the subject matter relates to the consideration of a request under the Municipal Freedom of Information and Privacy Act if the council, board, commission or other body is the head of an institution for the purpose of the Act.
- 7.3 No resolutions may be passed at a closed meeting. Recommendation on a subject may be made for a resolution to be tabled in an open meeting.
- 7.4 Notwithstanding paragraph 7.3, and in accordance with Section 239 (6) of the Municipal Act, a meeting may be closed to the public during a vote if,
- (i) Section 239 (2) or (3) of the Municipal Act permits or requires the meeting to be closed to the public; and
 - (ii) The vote is for a procedural matter or for giving direction or instructions to officers, employees or agendas of the municipality, local board or committee or either of them or persons retained by or under a contract with the municipality.
- 7.5 Before all or part of a meeting is closed to the public, the Council shall state by resolution:
- (i) the fact of the holding of the closed meeting and the general nature of the matter to be considered at the closed meeting; or

7. IN CAMERA (Continued)

- (ii) in the case of a meeting under Section 239 (3.1) of the Municipal Act, 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.

7.6 Meeting or sessions which are closed to the public shall be referred to as "In Camera Sessions".

8. MINUTES – RECORD OF MEETING

In accordance with Section 239(7) of the Municipal Act, all meetings under the jurisdiction of the Corporation of the Town of Latchford, i.e., regular council meetings, special council meetings, board meetings, committee meetings, ad hoc committee meetings or any other body that the Corporation of the Town of Latchford deems necessary to create shall record without note or comment all resolutions, decision and other proceedings. Minutes of all meetings shall be given to Clerk for consideration by council.

9. NOTICE OF MEETINGS

9.1 All meetings under the jurisdiction of the Corporation of the Town of Latchford, i.e., council meetings, special council meetings, board meetings, committee meetings, ad hoc committee meetings or any other body that the Corporation of the Town of Latchford deems necessary to create shall be declared a minimum of forty-eight (48) hours prior to the date of the meeting. Notice of such meeting is to be posted in accordance with the Notice By-law No. 604/04 of the Corporation of the Town of Latchford.

9.2 In the case of an emergency a meeting may be held without the required forty-eight (48) hours prior notice. For this purpose, emergency is to be defined as a significant threat to persons, property or the economy of matters which fall under the jurisdiction of the body. The majority of the quorum of members of the body must vote by simple majority in favor of declaring the issue to be dealt with worthy of emergency designation.

10. AGENDAS AND SUPPORTING MATERIAL

10.1 The Clerk-Treasurer shall prepare agendas of Council meetings as assigned.

10.2 Insofar as is practicable, Council agendas, together with supporting material, shall be prepared and emailed to members of council by 3:00 p.m. on the Friday prior to a regular meeting.

10.3 Individuals or groups wishing to appear before council as a delegation at a regular meeting shall advise the clerk not later than 12:00 noon on the Wednesday prior to the regular meeting and the Clerk-Treasurer may make a determination as to deferral of delegations to a subsequent meeting. The number of delegations on one agenda will be limited to two.

10.4 Written reports of Committees, insofar as is practicable, shall be made available to the Clerk by 12:00 noon on the Friday prior to the regular council meeting.

10.5 Agendas shall be generally formatted as follows, but modifications to the matters to be included or the order of business may be affected without requiring amendment to this by-law.

- (i) CALL TO ORDER AND MAYORAL COMMENTS;
- (ii) ADOPTION OF THE AGENDA;
- (iii) DECLARATION OF PECUNIARY INTEREST/ CONFLICT OF INTEREST;

10. AGENDAS AND SUPPORTING MATERIAL (Continued)

- (iv) ADOPTION MINUTES OF PREVIOUS COUNCIL MEETINGS;
- (v) PUBLIC MEETING (IF REQUIRED);
- (vi) DELEGATIONS (IF REQUIRED);
- (vii) COUNCIL COMMITTEE REPORTS;
- (viii) CORRESPONDENCE – ACTION ITEMS
- (ix) CORRESPONDENCE – INFORMATION ITEMS
- (x) ONGOING BUSINESS
- (xi) NEW BUSINESS;
- (xii) BY-LAWS;
- (xiii) IN CAMERA SESSION;
- (xiv) SET MEETING DATES;
- (xv) ADJOURNMENT.

- 10.6 The business of Council shall be taken up in the order as listed on the agenda unless otherwise decided by the Mayor or Acting Head of Council.
- 10.7 When notice of a meeting of council, a board, a committee, an ad hoc committee, or any other body that the Corporation of the Town of Latchford deems necessary to create is made, an agenda must be posted. Only business posted on the agenda may be dealt with. If a matter is introduced at a meeting it shall not be dealt with at that meeting. If deemed worthy, it may be included in the agenda for the next meeting of the body.
- 10.8 Additions to the agenda may be made under emergency conditions. The majority of the quorum of members of the body present must vote by simple majority in favor of declaring the issue to be dealt with worthy of emergency designation.

11. NO QUORUM

If a quorum is not present one-half hour after the time appointed for a Council Meeting or Committee Meeting, the Clerk shall record the names of the members present and the meeting shall stand adjourned until the date of the next regular meeting or until rescheduled.

12. CURFEW

Council and Committee meetings shall stand adjourned at 9:30 p.m. but business may be continued upon a resolution passed by unanimous vote.

13. DUTIES OF THE MAYOR

It shall be the duty of the Mayor or Acting Head of Council:

- (i) To open the meeting by taking the chair and calling the members to order;
- (ii) to announce the business before Council in the order in which it is to be acted upon;
- (iii) to receive and submit, in the proper manner, all motions presented by the members;
- (iv) to put to a vote all questions which are moved and seconded, or necessarily arise in the course of the proceedings, and to announce the result;
- (v) to decline to put to vote motions which infringe upon the rules of procedure;
- (vi) to enforce on all occasions the observance of order and decorum among the members;
- (vii) to call by name any member persisting in breach of the rules of order of the Council thereby ordering the member to vacate the municipal building;

13. DUTIES OF THE MAYOR (Continued)

- (viii) to authenticate by signature all by-laws, resolutions, and minutes of the Council;
- (ix) to inform the Council when necessary or when referred to for the purpose, on a point of order or usage;
- (x) to select the members of Council who are to serve on committees;
- (xi) to represent and support the Council, declaring its will and implicitly obeying its decisions in all things;
- (xii) to ensure that the decisions of Council are in conformity with the laws and by-laws governing the activities of the municipal corporation;
- (xiii) to adjourn the meeting without question in the case of grave disorder arising in the Municipal building;
- (xiv) To order any individual or group in attendance at the meeting to cease and desist any behaviour which disrupts the order and decorum of the meeting and to order the individual or group to vacate the Municipal building where such behaviour persists.

14. CONDUCT OF MEMBERS OF COUNCIL AND GUESTS

14.1 No member or guest shall:

- (i) use offensive words or unparliamentarily language in or against the Council or against any member, staff or guest;
- (ii) disturb another, or the Council, staff or guest, by any disorderly conduct disconcerting to the speaker or the assembly;
- (iii) speak on any subject other than the subject in debate;
- (iv) resist the rules of Council or disobey the decisions of the Mayor, or Acting Head of Council on questions of order or practice or upon the interpretation of the rules of Council;
- (v) no member of council shall leave a meeting without first obtaining permission from the Mayor or Acting Head of Council;
- (vi) 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; or
- (vii) Interrupt the member who has the floor except to raise a point of order.

14.2 The Mayor and/or any council member shall not be absent from any regular Council meeting without reasons satisfactory to the Mayor and could be subject to a penalty.

14.3 No person shall be allowed to address Council or speak in debate without permission of the Mayor or Acting head of Council.

15. MOTIONS/RULES OF DEBATE

15.1 A motion must be formally seconded before the question can be put or a motion recorded in the minutes.

15.2 When a motion is presented to Council in writing it shall be read, or, if it is an oral motion, stated by the Mayor or Acting Head of Council. Motions shall be numbered sequentially preceded by the last two digits of the year, commencing at the first meeting of each year.

15.3 A motion to amend shall:

- (i) be presented in writing;
- (ii) be dealt with by Council before the main motion;
- (iii) not be further amended more than once provided that further amendment may be made to the main motion;
- (iv) be relevant to the main motion;
- (v) Not propose a direct negative to the main motion.

15. MOTIONS/RULES OF DEBATE (Continued)

- 15.4 Once read or stated by the Mayor or Acting Head of Council, a motion may not be withdrawn without the consent of the majority of the members.
- 15.5 Immediately prior to voting on a motion, the Mayor or Acting Head of council shall state the question in the precise form it is to be recorded in the minutes, including any amendments to the question.
- 15.6 After a motion as amended is finally put, no member shall speak to the question nor shall any other motion be made until after the vote is taken and the result is declared.
- 15.7 Members shall not speak more than once to the same question without the consent of the Mayor or Acting Head of Council.
- 15.8 On an unrecorded vote, the manner of determining the decision on a motion shall be at the discretion of the Mayor or Acting Head of Council and may be by voice, show of hands, standing or otherwise.
- 15.9 Where a vote is taken for any purpose and a member requests, before or after the vote, that the vote be recorded, each member present, except a member disqualified from voting by any Act, shall in an order determined by the Mayor or Acting Head of Council, announce their vote openly, and any failure to vote by a qualified members shall be deemed to be a negative vote and the Clerk shall record each vote.
- 15.10 The Mayor or Acting head of Council, except where disqualified to vote, may vote on all questions and when so doing, shall vote last.
- 15.11 Except where expressly provide in Statute, any question on which there is an equality of votes shall be deemed to be defeated.
- 15.12 (i) Unless otherwise authorized by the Mayor or Acting Head of Council all members, staff and guests shall address Council through the Chair and only when recognized to do so.
- (ii) When two or more members seek to address Council, the Mayor or Acting Head of Council shall designate the member who may speak first.
- 15.13 Any member may require the question or motion under discussion to be read at any time during the debate but not so as to interrupt a member while speaking.
- 15.14 The following matters and motions may be introduced orally without written notice and without leave except as otherwise provided by these rules:
- (i) a point of order or personal privilege;
 - (ii) presentation of petitions;
 - (iii) to defer temporality;
 - (iv) to postpone indefinitely or to a specific day; or,
 - (v) To move the previous question (immediate vote on the main motion).
- 15.15 The following motions may be introduced without notice and without leave but such motions shall be in writing and signed:
- (i) to refer;
 - (ii) to adjourn;
 - (iii) to amend; or,
 - (iv) To suspend the rules of procedure.
- 15.16 Except as provided in paragraph 15.11 all motions shall be in writing and signed by the mover and seconder.
- 15.17 The Clerk and other officers may introduce matters to be dealt with by motion subject to the notice provision set out in Paragraph 3.7.

15. MOTIONS/RULES OF DEBATE (Continued)

15.18 Council may employ a confirming by-law prior to adjournment for the purpose of validating decisions or direction given which is minor in nature and not set out in a by-law or resolution.

16. POINTS OF ORDER AND PRIVILEGE

16.1 The Mayor or Acting Head of Council shall preserve order and decide questions of order.

16.2 The Council, if appealed to, shall decide the question without debate and its decision shall be final.

17. BY-LAWS

17.1 No by-law shall be presented to Council unless the subject matter has been considered and approved by Council.

17.2 Every by-law shall be introduced upon motion by a member specifying the title of every by-law.

17.3 Every by-law when introduced shall be in typewritten form and shall contain no blanks except as may be required to conform to accepted procedure or to comply with provision of any Act.

17.4 Every by-law shall be given three readings prior to passage.

17.5 The first and second readings of a by-law shall be decided without amendment or debate.

17.6 By-laws may be given three readings on the same day except when requested by motion of the majority of the members present or as otherwise provide in law.

17.7 Upon passage, by-laws shall be numbers, signed by the Mayor or Acting Head of Council and the Clerk and embossed with the seal of the Corporation.

17.8 Any proposed by-law may be referred to a Committee, Department Head or other officer for review and comment, including the solicitor for the Corporation.

18. GENERAL

18.1 When the Mayor of Council is absent on a temporary basis, under no circumstances shall the Council make a decision regarding capital spending unless provision for the capital spending is included in the estimate for that given year as approved by by-law, or unless the expenditure is required as the result of an emergency.

18.2 In all matters and under all circumstances, the members shall be guided by and shall have regard to the Municipal Freedom of Information and Protection of Privacy Act, R.R.O. 1990.

18.3 Individuals or groups which are listed on an agenda or are otherwise approved to appear before council shall, subject to paragraph 10.3, be limited to not more than fifteen (15) minutes, except that 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.


18.4 Following a regular or new election, the Clerk shall provide each member of Council with a copy of the by-law, including any amendments thereto.

GENERAL (CONTINUED)

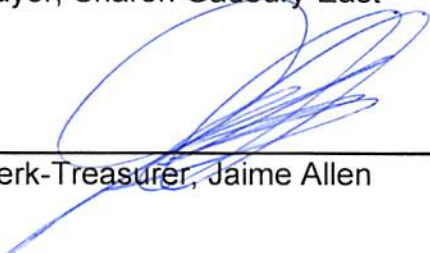
- 18.5 Any procedure under this by-law which is discretionary and not mandatory under statute may be suspended with the consent of a majority of the members present.
- 18.6 No amendment or repeal of this by-law or any part thereof shall be considered at any meeting of the Council unless notice of the proposed amendment or repeals is given at a previous regular meeting of the Council and the waiving of notice is prohibited.
- 19. **This bylaw shall come into effect immediately upon passing.**

READ a **first**, **second** and **third** time and **finally** passed on the 22nd Of November 2022.

Dated at Latchford this 22nd day
Of November 2022



Mayor, Sharon Gadoury-East



Clerk-Treasurer, Jaime Allen