



The Corporation of the Town of Fort Frances By-Law 52-23

Being a By-Law to Govern the Procedure for Meetings of Council and Applicable Committees and/or Boards and to repeal By-Law 46-20 as amended.

WHEREAS parliamentary procedures are rooted in principles designed to ensure the fair and efficient disposition of business before a deliberative body; and,

WHEREAS Section 238 (2) further indicates that every municipality and local board shall pass a Procedure By-law for governing the calling, place and proceedings of meetings; and

WHEREAS following the Final Governance Review Council received report AR-23-0276, on June 12, 2023 approving a recommendation to update the Procedural By-Law; and

WHEREAS Council received report AR-23-0310, on June 26, 2023 to review a draft Procedural By-law for the Town of Fort Frances and to repeal the former by-law; and

WHEREAS Public Notice was provided of Council's intent to approve a new Procedural By-Law.

NOW THEREFORE Council for the Corporation of the Town of Fort Frances **HEREBY ENACTS** as follows:

Table of Contents

ARTICLE 1.....	6
SHORT TITLE	6
1. Citation	6
ARTICLE 2.....	6
INTERPRETATION / DEFINITIONS	6
2. Definitions	6
ARTICLE 3.....	9
GENERAL PROVISIONS	9
3.1 Suspension – Rules Regulations – applicable – two-thirds vote	9
3.2 Calculation – two-thirds vote	9
3.3 Parliamentary Authority	9
3.4 Severability	9
3.5 Applicability	9
3.6 Members of Council – notify Clerk - absence	9
3.7 Cell phones/ Smart Phones	9
3.8 Staff at Council Meetings	9
3.9 Consent Agenda – Inclusions	10
ARTICLE 4.....	10
MEETINGS	10
4.1 Inaugural meeting – time – place – held	10
4.2 Regular Council meeting – schedule	10
4.3 Meetings – holidays – by resolution	10
4.4 July, August and December – exception to meetings	10
4.6 Special Meetings	10

4.7	Emergency meeting – written notice not required	11
4.8	Location –Council Meetings	11
4.9	Open – to public – Council – Committees – exception	11
4.10	Closed Items to be included on Open Agenda	11
4.11	Electronic Meetings	12
4.12	Meetings – Termination Hour	13
4.13	Meetings – Continuation – Suspend the Rules	13
4.14	Municipal Elections - meeting time - exception	13
4.15	Cancellation/Postponement of Meeting - Notice by Clerk	13
ARTICLE 5.....		13
ROLES		13
5.1	Council and Head of Council	13
5.2	Chief Administrative Officer, Clerk and Municipal Administration	14
ARTICLE 6.....		14
DUTIES		14
6.1	COUNCIL	14
6.2	Mayor or Chair	14
ARTICLE 7.....		15
CONDUCT DURING MEETINGS		15
7.1	Sovereign – Royal Family – to be respected	15
7.2	Sovereign - Indigenous Peoples – to be respected	15
7.3	Members of Council – Municipal Administration	15
7.4	Decisions of Council – reconsideration	15
7.5	Breach of Rules – expel from meeting	15
7.6	Disorder of Meeting – adjourn – suspend – recess meeting	15
7.7	Power to Expel	15
7.8	Code of Ethics – Confidentiality	16
ARTICLE 8.....		16
RULES OF DEBATE		16
8.1	Mayor or Chair – preserve order	16
8.2	Addressing the Chair	16
8.3	Order – of speaking – determination	16
8.4	Voting – Members – seated – disturbance – prohibited	16
8.5	Speaking – Interruption	16
8.6	Point of Order – Inform Members	17
8.7	Speaking – subject of debate	17
8.8	Speaking – motion read – upon request	17
8.9	Speaking – duration – time limit	17
8.10	Question – motion under discussion –through the Chair	17
8.11	Motion – seconded – before debate	17
ARTICLE 9.....		17
ORDER OF BUSINESS - AGENDA		17
9.1	Agenda – Content	17
9.2	Delivery of Agenda	18
ARTICLE 10.....		18
QUORUM		18

10.1 Call to Order – quorum present	18
10.2 Quorum – not present – time limit	18
ARTICLE 11.....	18
MINUTES	18
11.1 Contents – recorded by Clerk	18
11.2 Included in Agenda	19
11.3 Minutes – confirmation – signing	19
11.4 Minutes – Closed Meeting	19
ARTICLE 12.....	19
DELEGATIONS / DEPUTATIONS/ PRESENTATIONS	19
12.1 Heard – request submitted – deadline – items on agenda	19
12.2 Material – written – submitted for Council – deadline	19
12.3 Delegations / Deputations – requests for action – referred	20
12.4 Delegation / Deputation – deemed – inappropriate for Council	20
12.5 Recording of Delegation / Deputation or Presentations for the Minutes	20
12.6 Repetition - prevented - hearing declined - exception	20
12.7 Appearance - previous - limitation - new information	20
ARTICLE 13.....	21
BY-LAWS	21
13.1 Description – listed on Agenda	21
13.2 Readings – prior to passing	21
13.3 Passed – numbered – dated – signed – seal affixed	21
13.4 Confirmatory By-Law	21
ARTICLE 14.....	21
CORRESPONDENCE	21
14.1 Correspondence	21
14.2 Anonymous Correspondence to Council	21
14.3 At large correspondence, (e.g., resolutions of support, proclamation request etc...)	21
ARTICLE 15.....	21
ADMINISTRATIVE REPORTS	21
15.1 Administrative Reports – Process	21
15.2 Reports - Publicly Posted on Town Portal	22
15.3 Closed Meeting Reports/Agendas	22
15.4 Deadline – material submitted to Clerk	22
ARTICLE 16.....	22
DISCLOSURE OF INTEREST	22
ARTICLE 17.....	23
GENERAL RULES / ALL COUNCIL COMMITTEES	23
17.1 Council may establish Committees	23
17.2 Committees - Defined Appointment	23
17.3 Committee Report Recommendations to Council	23
17.4 Ad-Hoc or Advisory Committees from time to time	23
17.5 Mayor – Ex-officio	23
17.6 Majority – Quorum	23
17.7 Procedure – Modifications	23
ARTICLE 18.....	23

VOTING.....	23
18.1 Vote	23
18.2 Amendment to Motion – Voted on First	24
18.3 Voting – order	24
18.4 Failure to vote – deemed negative	24
18.5 Motion – simple majority – required exception	24
18.6 Equal – motion deemed negative	24
18.7 Recorded – by request – vote announced openly	24
18.8 Division – Separate Vote – each proposal	24
18.9 Members not in their seat – deemed absent	24
18.10	
Chair stating the question	24
18.11 Calculations of 2/3's vote	24
18.12 Announcing – results	24
ARTICLE 19.....	24
PARLIAMETARY PROCESS - MOTIONS.....	24
19.1 Motions in writing	24
19.2 Procedural Motions	25
19.3 Motion to Recess	25
19.4 Disposition of motion	25
19.5 Motion to Defer (later in same meeting)	25
19.6 Motion to Defer (to subsequent meeting)	25
19.7 Motion to Amend	25
19.8 Motion to Withdraw	26
19.9 Ultra Vires Motion	26
19.10 Motion in Possession of Council	26
19.11 Motion under Consideration	26
19.12 Motion put to the Vote	26
19.13 Reconsideration – majority of Council – same meeting	26
19.14 Motion to reconsider adopted	26
19.15 Reconsideration – 2/3 vote – previous decision at subsequent meeting	26
19.16 Reconsideration – only once	26
19.17 Reconsideration – may not be permitted	27
19.18 Succeeding Council – not reconsideration	27
19.19 Notice of Motion at Regular Council Meeting	27
19.20 Deadline to Submit - Notice of Motion to Clerk	27
19.21 When Notice of Motion is Introduced	27
19.22 Notice of Motion Considered at the Next Meeting	27
19.23 Motion to move into Closed Meeting	27
19.24 Motions permitted in Closed Meeting	27
19.25 Moving out of Closed to Regular Meeting to Vote	27
ARTICLE 20.....	28
RESIGNATION / MEMBERS / VACANCIES.....	28
20.1 Resignation – file in writing – Clerk	28
20.2 Filling Vacancy	28
20.3 Appointments to vacancies	28
20.4 Members – not attending – removal	28

ARTICLE 22.....	28
REPEAL / ENACTMENT.....	28
21.1 By-laws – previous	28

ARTICLE 1.
SHORT TITLE

1. Citation

This By-law may be referred to as “THE PROCEDURAL BY-LAW”.

ARTICLE 2.
INTERPRETATION / DEFINITIONS

1. In addition to this by-law, Members of Council are governed by the following documents and legislation:

Municipal Act, 2001
Municipal Conflict of Interest Act, RSO 1990
Municipal Elections Act, 1996
Accessibility for Ontarians with Disabilities Act, 2005
Occupational Health and Safety Act, RSO 1990
Municipal Freedom of Information and Protection of Privacy Act, RSO 1990
Planning Act, RSO 1990
Human Rights Code, RSO 1990
Municipal Code of Conduct By-law
Staff / Council Relations Policy

Members of Council shall be familiar with the above-noted documents and legislation and shall rely upon them when making decisions and exercising their powers.

2. **Definitions**

Abstention

“Abstention” means a refusal to vote either for or against a proposal.

Addition to Agenda

“Addition to Agenda” means an urgent matter requiring immediate action or attention, typically involving a deadline date that cannot be met if the item is not added to a certain agenda.

Act

“Act” means the *Municipal Act, 2001*, as amended from time to time.

Ad Hoc Committee

“Ad Hoc Committee” means a committee appointed by Council which membership is composed of a majority of members of the public, or a minority of Members of Council and is not bound by Closed Meeting rules under the Municipal Act. Ad Hoc Committees may be formed from time to time, to act on a temporary or singular issue and shall be discontinued by Council when their recommendations upon the specified initiative or matter have been provided, and dealt with by Members of Council and further recommendations are no longer required.

Advisory Committee

“Advisory Committee” means a Committee appointed by Council which membership is composed of a majority of members of the public, or a minority of Members of Council and is not bound by Closed Meeting rules under the Municipal Act. Advisory Committees may be formed to act in an advisory capacity to Council on strategic issues during the full term of Council.

Chair

“Chair” means the Mayor or Deputy Mayor or Chairperson being the person in a meeting who is actually presiding at the time that the meeting is being held.

Chief Administrative Officer

“Chief Administrative Officer”, means the Chief Administrative Officer (CAO) of Town of Fort Frances designated by By-law.

Clerk

“Clerk” means the Municipal Clerk of the Corporation of the Town of Fort Frances or Deputy Clerk in the absence of the Clerk, or those who have been designated by the Clerk who shall have the powers and duties of the Clerk on behalf of the Town.

Committee

“Committee” means a Committee, Sub-Committee, Standing Committee that has a continuing existence from one term of Council to another or similar entity established by Council, which has at least 50 percent of the members are also members of Council. Such Committee is bound by the Closed Meeting rules under the Municipal Act.

Confirmatory By-law

“Confirmatory By-law” means by-law to confirm all of the actions of Council during the meeting as intended to be legal and binding.

Consent Agenda

“Consent Agenda” Prior to the consideration of reports and recommendations, the Council shall determine which such items require separate consideration. All items not requiring separate consideration shall be disposed of by one Motion prior to consideration of individual reports.

Council

“Council” means Elected Members of Council of the Town of Fort Frances whom were elected by registered voters or who have been appointed by virtue of a vacancy.

Debate

“Debate” means a discussion to put forth reasons for or against, in which a difference of opinion may be expressed.

Deputation

“Deputation” means a request in writing by an individual/group/organization who is not a member of Council or staff, who wishes to appear before a regular meeting of Council and address the Members, typically relating to an issue or item on the meeting agenda.

Deputy Mayor

“Deputy Mayor” – means the Member of Council appointed by way of resolution at the Inaugural Meeting who may act in the mayor’s absence and while so acting, such member has and may exercise all rights, powers and authority of the Mayor.

Electronic Participation

“Electronic Participation” – means participation by members in which members are not physically present in the designated meeting location and participate remotely either by video conferencing, teleconference or any other electronic means in which it allows them to participate in an audio and or visual manner. Members, staff and the public are able to hear the Member(s) participating by electronic means and the Member(s) participating by electronic means are able to hear other Members, staff and the public.

In-Camera or (Closed Meeting)

“In Camera or Closed Meeting” - means a meeting, or part of a meeting, that is closed to the public to consider matters authorized under the Municipal Act or other enabling Statute.

Local Board

“Local Board” means a municipal service board, public library board, board of health, police services board, planning board, or any other board commission, committee, body, or local authority established or exercising any power under any Act with respect to the affairs or purposes of one or more municipalities, excluding a school board and a conservation authority.

Meeting

“Meeting” means any regular, special, or other meeting of a Council, of a local board or of a committee of either of them where a quorum of Members is present, and

Members discuss or otherwise deal with any matter in a way that materially advances the business or decision-making of the Council, local board or committee.

Members

“Members” means a member of the Council of Town of Fort Frances or a member of a local board or committee of the municipality.

Motion

“Motion” means a question or a recommendation to be considered by the Council or a Committee which is moved, seconded, presented, read and is subject to debate. When a motion is adopted, it becomes a resolution.

Municipal Corporation

“Municipal Corporation” means the Corporation of the Town of Fort Frances.

Notice

“Notice” means a written, printed, published, verbal, electronic or posted notification or announcement to the public generally, but does not include notice given to specified persons

Petition

"Petition" means a document addressed to the Council of the Town of Fort Frances that contains the printed name and address and signature of the petitioner, is legible, produced in ink, and contains on each page a clear description of the matter being brought forward (following the Ontario government guidelines) and that the petition once submitted to the Clerk becomes a record that is publicly available. See sample attached as Appendix C.

Point of Information

“Point of Information” means a request through the Chair, for information relevant to the business at hand, but not related to parliamentary procedure.

Point of Order

“Point of Order” may be called to bring attention to:

- Breaches of the rules of order of Council.
- Difficulty in continuation of the meeting.
- Improper, offensive or abusive language.
- Notice that the discussion is outside the scope of the motion or the notice of motion.
- Irregularities in the proceedings.

Presentation

“Presentation”

1. The formal recognition of a visiting delegate or;
2. An address from a consultant on behalf of the municipality to present information; interim or final results or a study or;
3. An invitation extended by Mayor and Council

Presiding Officer

“Presiding Officer” means the person presiding over a meeting, who may also be referred to as Chair / Chairperson.

Question of Privilege

“Question of Privilege” means a matter that a Member considers to question their integrity or the integrity of Council, which relates to the rights and privileges of the assembly or any of its Members to be brought up for possible immediate consideration because of its urgency.

Quorum

“Quorum” means a majority of the Members of Council, subject to the provisions of the Municipal Conflict of Interest Act, 1990, as amended.

Recorded Vote

“Recorded Vote,” means the recording of the name and vote of every member by the Clerk on a motion during a Council meeting.

Resolution

“Resolution” means a motion that has been resolved by Council.

Standing Committee

“Standing Committee” means a committee appointed by Council that has a continuing existence from one term of Council to another.

Seal

“Seal” means the authenticating seal of Town of Fort Frances.

**ARTICLE 3.
GENERAL PROVISIONS****3.1 Suspension – Rules Regulations – applicable – two-thirds vote**

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 order and dispatch of business of all Council meetings and in Committees, provided that the rules and regulations contained herein may be suspended by a two-thirds (2/3) vote of Members present and voting, in any case for which provision is not made herein and shall not be debatable or amendable.

3.2 Calculation – two-thirds vote

The Calculation of two-thirds (2/3) vote shall be rounded upwards to the next highest (full / nearest whole number) decimal.

3.3 Parliamentary Authority

The governing legislation, the Procedural By-law, or any standing or special rules of order adopted by Town of Fort Frances **shall** govern the procedures of the Council. Where procedural inconsistencies exist which are not addressed by the governing legislation, “Robert’s Rules of Order, latest Edition” shall be the parliamentary authority, which governs the proceedings of the Town of Fort Frances.

3.4 Severability

If any provision or provisions of this By-law shall be held to be invalid, illegal, un-enforceable or in conflict with the law of any jurisdiction, the validity, legality and enforceability of the remaining provisions shall not in any way be affected or impaired thereby.

3.5 Applicability

The rules and regulations contained within this By-law shall be observed in all proceedings of the Council of the Corporation of the Town of Fort Frances, Local Boards and Committees, and shall be the rules and regulations for the order and conduct of business therein.

3.6 Members of Council – notify Clerk - absence

Members of Council are requested to notify the Clerk when the member is aware that he/she will be absent from any meeting of Council or for any duration that may interfere with the business of Council.

The office of a member of Council will become vacant if the member is absent from the meetings of Council for three successive months without being authorized to do so by a resolution of Council. This is in accordance with Section 259 (1)(c) of the Municipal Act, 2001, as amended, with exception of Maternity / Parental Leave.

3.7 Cell phones/ Smart Phones

All phones are required to be turned to vibrate during all Council and Committee meetings. This applies to all Members, Staff, Media and the public.

3.8 Staff at Council Meetings

Senior Leadership Team Members who have agenda items to present are expected to attend the Council meeting unless otherwise requested by the CAO. If a member wishes a Senior Leadership Team Member, or other staff member who does not have an agenda item to attend a meeting, the member shall so notify the CAO by 12 noon on the working day prior to the meeting to make such request. It is the sole discretion of the CAO to direct that staff person to attend.

3.9 Consent Agenda – Inclusions

Inclusions into the Consent Agenda may be, but not limited to, proclamations and staffing reports.

3.9.1 Items for discussion – routine

All items listed under the Consent Agenda shall contain routine matters which are not controversial in nature and which do not require further discussion.

3.9.2 Request to separate – consent item

Should a Member of Council wish to discuss any matter listed under the Consent Agenda, the Member shall ask immediately upon the Mayor (Chair) calling the Consent items, at which time the Member shall request that the item be separated and dealt with independently.

ARTICLE 4. MEETINGS

4.1 Inaugural meeting – time – place – held

The Inaugural Meeting of the Council, following a regular election, shall be considered Council's first meeting and shall be held on the first Monday on or after November 15th in an election year, as determined by the Clerk, beginning at 5:30 p.m., in accordance with the *Municipal Elections Act, 1996*. This meeting shall be for the purpose of swearing in the new Council, the appointment of a Deputy Mayor as well as Councillor appointments to Boards and Committees.

4.2 Regular Council meeting – schedule

Regular Council meetings, shall be held on the Second and Fourth Mondays of each month and shall start at 5:30 p.m.

4.3 Meetings – holidays – by resolution

When the meeting scheduled for its regular day and time falls on a Statutory or civic holiday, in which case the Council shall meet at the same hour on the next following day, which is not a Statutory or civic holiday, unless otherwise provided by resolution of the Council.

4.4 July, August and December – exception to meetings

Notwithstanding the provisions of Section 4.2 of this By-law, there shall be one meeting of Council in the months of July, August and December, the meeting shall be held on the second Monday of each month. Should the meeting fall on a Statutory or civic holiday, the Council shall meet at the same hour on the next following day, which is not a Statutory or civic holiday.

4.6 Special Meetings

4.6.1. Special meetings – Mayor

In addition to Council meetings, the Mayor may at any time summon a Special meeting of Council by giving direction to the Clerk stating the date, time and purpose of the Special meeting.

4.6.2 Special meeting – Members of Council

Upon receipt of the petition of the majority of the Members, the Clerk shall summon a Special meeting for the purpose and at the date and time stated in the petition.

4.6.3 Notice – by Clerk

The Clerk shall give all Members a minimum of 24 hours' notice of a Special meeting of Council before the time appointed for such meeting.

4.6.4 Delivery Notice

Notice may be given by delivering a notice to Member(s), by electronic mail or by telephone. Notice to the public shall be by way of website / portal via agenda publication.

4.6.5 Nature of Business – Notice

The written or verbal notice shall indicate the nature of the business to be considered, date, time and place of the Special meeting.

4.6.6 No other business

No business other than that indicated in the written or verbal notice shall be considered at the Special meeting.

4.6.7 Special meeting – place

All Special meetings of Council shall be held at the Civic Centre, 320 Portage Avenue, unless an alternative location is specified in the notice of meeting.

4.7 Emergency meeting – written notice not required

Notwithstanding any other provision of this By-law, an Emergency meeting may be held, without written notice, to deal with an emergency or extraordinary situation, provided that an attempt has been made by the Clerk or her/his designate to notify the Members about the meeting as soon as possible and in the most expedient manner available.

4.8 Location –Council Meetings

All Council meetings shall be held within the Council Chambers located at the Civic Centre, 320 Portage Avenue. In the event of an Emergency being declared by the Head of Council or any other Lead Agency as identified within the “*Emergency Management and Civic Protection Act*” within the confines of a declared emergency, where the Civic Centre is not accessible, the Council shall be asked to meet at an identified location accessible by all Members of Council.

4.9 Open – to public – Council – Committees – exception

Meetings of Council and committees, shall be open to the public with the exception of those meetings or part of a meeting which may be closed as provided for under Section 239 (2, 3 and 3.1) of the *Municipal Act, 2001*.

4.9.1 Meetings open to public – Record

All Meetings open to the public shall be recorded without note or comment on all resolutions, decisions and other proceedings and kept for archival purposes.

4.10 Closed Items to be included on Open Agenda

Before Council moves into a closed meeting, a public motion authorizing the closed meeting and stating the general nature of the matter or matters to be considered at the closed meeting shall be passed; no additional matters shall be considered by Council at the closed meeting.

4.10.1 Motions permitted in Closed Meeting

A vote may not be taken at a meeting which is closed to the public, with the exception of motions for procedural matters such as confirming minutes and adjourning the meeting, as well as written motions for giving directions or instructions provided such direction is not a decision by the Council.

4.10.2 Moving out of Closed to Regular Meeting to Vote

Members shall adjourn from the Closed Meeting and reconvene in the Open Meeting to report from the Closed Meeting and to vote, if necessary, on any motion. Such motions pertaining to direction and action from the Closed Meeting shall provide as much detail as possible for reporting out to the Open Meeting, and if applicable, identifying the specific staff position required to follow-up on the recommended course of action set out by Council, as the case may be, from the Closed Meeting.

4.10.3 Confidential Matters

Members are to ensure that confidential matters disclosed to them during meetings closed to the public, are kept confidential. No member, officer or employee of the Corporation shall disclose the content of the matter or substance of the deliberations of a Closed Meeting, unless expressly authorized to do so by Council as required by law or to respond or make disclosures to the extent necessary in respect of any legal proceeding or requirement.

Any Member, who contravenes the confidentiality clause, may be subject to penalties in accordance with the previously adopted "**Code of Conduct**" by-law.

4.11 Electronic Meetings

Electronic Meetings: Council may, as provided for in The Municipal Act, 2001, establish a Meeting to be held electronically, in full or in part, via electronic means (including telephone, video conferencing, or via means of the internet) and with or without in-person attendance. All articles of this by-law relating to conduct of meeting, agendas, voting, debate etc. apply to an electronic meeting in the same form as a meeting held in person outside from the items detailed below.

(a) **Electronic Meetings** – Any regular or special Meeting of Council, including a meeting of, Regular Council, Council (Public Meeting), Advisory Committee, Ad Hoc Committee, Standing Committee may be conducted by Electronic Meeting, in accordance with this Article. The expectation is that every reasonable effort will be made by Council to physically be in attendance. Council Members participating electronically to the Regular Council meeting shall be limited to not more than three consecutive electronic meetings in a row. The limitation (not more than three meetings) identified in Appendix (A) does not apply in the following circumstances:

1. A declared emergency by any level of government and or
2. Restrictions or guidelines set out by the Northwestern Health Unit, the Ontario Provincial Police, Province of Ontario and the Municipal Emergency Control Group
3. By prior Council approval via a resolution

(b) **Such meetings may be Closed Session** – An Electronic Meeting may include a Closed Meeting, which shall be conducted in the absence of the public and in accordance with exceptions outlined in The Municipal Act, 2001.

(c) **Quorum**– Members attending and present during an Electronic Meeting shall be counted for purposes of quorum at the commencement of the meeting and at any point in time during the Meeting.

(d) **Voting** – Members shall be entitled to vote through a vote recorded by the Clerk or designate as if they were attending the Meeting in person, during an Electronic Meeting. All voting, during an Electronic Meeting, shall take place by each Member audibly stating "yea" or "nay" in response to the Clerk calling their name in order.

(e) **Interruption in Communication** – If there is an interruption in the communications link to any Member who is participating electronically in a Meeting, the Clerk may:

(1) decide on a short recess until it is determined whether or not the link can be re (1) established with no more than two (2) attempts; or

(2) continue the Electronic Meeting and treat the interruption in the same manner as if the Member who is physically present leaves the room.

(3) where communication to all members participating electronically and the connection to the public is interrupted and unable to be resolved, the meeting shall be adjourned and rescheduled.

(g) **Public Notice of Electronic Meeting** – A public notice of an Electronic Meeting shall include sufficient information as to provide the public with a means to electronically access the open session meeting of such Electronic Meeting, in addition to any other applicable detailed notice requirements as required by policy or legislation.

(h) **Deputations**– Meetings shall permit public deputations electronically (Appendix B) by way of written submission received (Appendix D), which shall be submitted to the Clerk’s Office in accordance with the timeframe established in section 13.1, and shall be provided to Members at the Meeting.

4.12 Meetings – Termination Hour

No item of business shall be considered at a meeting of the Council, after the hour of 10:00 p.m. CST.

4.13 Meetings – Continuation – Suspend the Rules

Should the Members of Council reach the hour of 10:00 p.m. CST, and they wish to continue the ongoing meeting until additional items listed on the Agenda have been dealt with, a Motion to *Suspend the Rules of Order (Sec. 3.1)* of this By-law shall be introduced and a two-thirds (2/3’s) vote of the Members present and voting shall be required.

4.14 Municipal Elections - meeting time - exception

Notwithstanding any other provision of this by-law, in the month in which a regular municipal election is held, the Council shall not meet in that month, unless required in accordance with Section 4.6.

4.15 Cancellation/Postponement of Meeting - Notice by Clerk

Any meeting may be cancelled or postponed and re-scheduled to a day, time and place. Such changes shall be given in the form of a written notice by the Clerk, provided at least 24 hours’ notice can be given, or if known in advance.

If the 24 hour advance notice cannot be provided for whatever reason, the Clerk shall attempt to notify the Members and the general public as soon as possible and in the most expedient manner available.

ARTICLE 5.

ROLES

5.1 Council and Head of Council

Details relating to the role of Council and the Head of Council are contained within the *Municipal Act, 2001*, sections 224 and 225 respectively.

5.1.1 Individual Authority – not provided

No individual Council Member may direct any Member of staff to perform such duties that have not been authorized by resolution of the Council.

5.1.2 Established Policies – Members – respect

Members of Council shall respect and adhere to the Policies set by the Council and under no circumstances take it upon themselves individually to circumvent established policies.

5.1.3 Council – liaison with CAO

Council Members will liaise with the Chief Administrative Officer on any given matter concerning the municipality and further, it is encouraged that the Mayor be copied on said correspondence as part of the leadership role outlined in the *Municipal Act, 2001*.

5.1.4 Information – by Staff – Members of Council

Council Members are encouraged to request information directly from the CAO or Divisional Managers / Senior Managers when possible.

5.1.5 Questions – operational concerns – complaints

Questions or issues surrounding operational concerns or complaints, excluding basic issues covered in Section 5.1.4 shall be directed to the Chief Administrative Officer, who will then direct the questions or issues to the appropriate Manager.

5.2 Chief Administrative Officer, Clerk and Municipal Administration

Details relating to the roles of the Chief Administrative Officer (CAO), Clerk and Municipal Administration are contained within the *Municipal Act, 2001*, sections 229, 228 and 227 respectively.

ARTICLE 6.

DUTIES

6.1 COUNCIL

6.1.1 Preparation of Members to Council Meetings

Members of Council shall come prepared to meetings, by having read all the material supplied, including agendas and Administration reports, to facilitate discussion and the determination of action at the meeting. Whenever possible, the Members(s) shall obtain clarification from Management regarding materials supplied in advance of the meeting.

6.1.2 Interference – directed to administration

No Members(s) shall have the authority to direct or interfere with the performance of any work by Administration of the municipality. All inquiries shall be directed through the office of the Chief Administrative Officer as outlined in the Council/Staff Relations policy .

6.2 Mayor or Chair

6.2.1 Open Meeting – call to order

The Mayor or Chair shall preside over the conduct of meetings, 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, subject to an appeal to the Council or Committee, as the case may be.

6.2.2 Speakers – recognized

The Mayor or Chair shall recognize any Member of Council or Committee (as the case may be) who wishes to speak and determines the order of the speakers.

6.2.3 Motions – received – submitted – results announced

The Mayor or Chair shall receive and submit in the proper manner, all motions presented and put to vote all questions, which are duly moved, and to announce the result.

6.2.4 Mayor or Chair – Participating - Introduction of a motion and debate

The Mayor or Chair may speak and/or vote on any question, but if they wish to make a motion, they **shall** first leave the Chair by designating the Vice Chairperson to Chair the meeting. Should the Vice Chairperson be absent, by designating another Member to act in their stead until such time as the motion(s)

and any amending motion to the main question have been decided upon and after which they shall resume the Chair.

6.2.5 Debate – enforcing the rules – restrains Members

It shall be the duty of the Mayor or Chair to restrain the Members, within the rules and procedures when engaged in debate.

6.2.6 Decorum – order – enforced

It shall be the duty of the Mayor or Chair to enforce on all occasions the observance of order and decorum among the Members.

6.2.7 By-laws – resolutions – minutes - authentication

It shall be the duty of the Mayor or Chair to authenticate, by her/his signature when necessary, all By-laws, resolutions and minutes approved by the Council.

6.2.7 (a) Authentication – refusal by Mayor or Chair

In the event that the Mayor or Chair refuses or is unable to authenticate any document as identified in section 6.2.7, the Vice Chairperson shall have the authority to sign on her/his behalf.

ARTICLE 7.

CONDUCT DURING MEETINGS

7.1 Sovereign – Royal Family – to be respected

No Member shall speak disrespectfully of the reigning Sovereign or of any of the Royal Family or of the Governor General, the Lieutenant Governor or any Provincial representative or any Members of the Senate, the House of Commons of Canada or the Legislative Assembly of the Province of Ontario.

7.2 Sovereign - Indigenous Peoples – to be respected

All Members shall recognize, respect and affirm all Indigenous and the treaty rights of Indigenous peoples bestowed upon them throughout the conduct of business.

7.3 Members of Council – Municipal Administration

No Member shall speak disrespectfully nor shall they use offensive words in or against Members of the Council or any Member thereof including Municipal Employees as outlined in the Town of Fort Frances Code of Conduct by-law.

7.4 Decisions of Council – reconsideration

Members shall respect and uphold decisions of the Council except for the purpose of moving that the question be reconsidered.

7.5 Breach of Rules – expel from meeting

Members shall refrain from any and all harmful conduct to the Municipality. No Member shall breach the rules of the Council, or a decision of the Mayor or Chair or Council as a whole on questions of order or practice, or upon the interpretation of the rules of Council. In the case where a Member persists in any such breach after having been called to order by the Mayor or Chair, the Mayor or Chair may order that Member leave her/his seat for the duration of the meeting of the Council. Should the Member apologize, then they may be permitted to retake their seat.

7.6 Disorder of Meeting – adjourn – suspend – recess meeting

It shall be the duty of the Mayor or Chair to adjourn the meeting without the question being put or to suspend or recess the sitting for a time to be named if considered necessary because of grave disorder arising in the meeting.

7.7 Power to Expel

The Mayor or Chair may expel any person for improper conduct at a meeting.

7.8 Code of Ethics – Confidentiality

7.8.1 In-Camera subjects – public interest

Upon completion of any “In-Camera” council meetings, the decisions of the Council with respect to any of the items listed within Section 239 (2) of the *Municipal Act, 2001*; and direction to municipal Administration in accordance therewith, shall then be reported publicly by Council, to the extent that the *Municipal Act, 2001* and the public interest permits.

7.8.2 Council Response – In-Camera enquiries

The response of Council Members to enquiries about any matter dealt with during an “In-Camera” closed meeting, prior to it being reported publicly, shall be “***This matter is still under advisement***” “***no comment***”, or words to that effect.

a) Release of Information

The release of any information about matters dealt with by Council at a closed meeting shall be by the Mayor or her/his delegate only upon direction of the majority of Council.

b) Members – expressing personal position

Notwithstanding Section 7.7.2 (b), unless council by vote determines otherwise, upon the public disclosure of any report discussed at an “In-Camera” meeting, (closed to the public), any individual Member may express their own personal position on the item, but shall not refer to or discuss the specific positions or opinions (written or verbal) of other Members or of municipal administration or staff.

c) No public release – documents

Agendas or any items thereon for consideration by Council at a meeting closed to the public shall not be released to the public.

d) Obligation – confidentiality

It is the obligation of each Member of Council to keep information confidential and this obligation continues even after the Member ceases to be an elected Member of Council.

ARTICLE 8. RULES OF DEBATE

8.1 Mayor or Chair – preserve order

The Mayor or Chair shall preserve order and decorum and decide questions of order subject to an appeal to the Council/Committee by any Member.

8.2 Addressing the Chair

Any Member, previous to speaking on any motion, shall indicate their desire to speak by the raised hand and shall not speak until recognized by the Mayor or Chair.

8.3 Order – of speaking – determination

The Mayor or Chair shall recognize the Members in the order they indicate their desire to speak; be acknowledged by the Mayor or Chair; and shall address all questions ***Through the Chair***.

8.4 Voting – Members – seated – disturbance – prohibited

When the Mayor or Chair calls for the vote on a motion, each Member shall occupy their seat and shall remain there until the Mayor or Chair has declared the result of the vote, and during such time, no Members shall walk across the room to speak to any other Members or make any noise or disturbance.

8.5 Speaking – Interruption

When a Member is speaking, no Member shall pass between the speaker and the Mayor or Chair or interrupt the speaker except to raise a question of privilege, appeal from the decision of the Mayor or Chair or raise a point of order.

8.6 Point of Order – Inform Members

It shall be the duty of the Mayor or Chair to inform the Members on any point of order. Any member may appeal the ruling of the Mayor or Chair by moving a motion to appeal. The motion to appeal must be seconded. If seconded the question is, then taken from the Mayor or Chair and vested with Council as a whole for a final decision.

8.7 Speaking – subject of debate

No Member shall speak on any subject other than the subject that is currently being debated.

8.8 Speaking – motion read – upon request

Any Member may require a motion under discussion to be read at any time during the debate but not so as to interrupt a Member while speaking.

8.9 Speaking – duration – time limit

No Member may speak to the same matter more than once or in reply for any longer than three (3) minutes except to give an explanation to the motion that may have been interpreted incorrectly or with permission of the Chair and only after all other members so desiring have spoken.

8.9.1 Speaking – duration – Council Committee - representative

Members of Council who wish to provide an update relating to Boards / Committees to which they have been appointed, shall at the appropriate time within the Agenda and upon recognition by the Chair, speak for five (5) minutes maximum. For committees in which more than one member is appointed, only one member shall provide an update.

The following shall not be permitted as a verbal report:

- Personal attendance at Local events.
- Details surrounding activities of a Local Board/Committee/Volunteer or an Organization where a member is involved but were not appointed by Council.
- Personal views on current events that are not part of the Council agenda.

There shall be no debate on the information provided.

As the spokesperson for Council, the Mayor has more latitude respecting speaking length and topics. The Mayor may provide a brief verbal report on activities/meetings attended as Mayor of the Town of Fort Frances being the main spokesperson to the community, municipal organization and to other levels of government.

8.10 Question – motion under discussion –through the Chair

A Member may concisely ask a question through the Chair only for the purpose of obtaining information relating to the motion under discussion.

8.11 Motion – seconded – before debate

All motions shall be seconded before it is debated and voted on.

ARTICLE 9.

ORDER OF BUSINESS - AGENDA

9.1 Agenda – Content

The Business of the Council shall in all cases, be taken up in the following order, once the Mayor or Chair has brought the meeting to order, unless otherwise decided by a vote of two-thirds of the Members present and voting.

Council Agenda:

- 1) Call to Order
(Declaration of pecuniary interest – closed session)
- 2) Territorial Acknowledgement

- 3) Disclosure of Pecuniary Interest
- 4) Delegations/Deputations
- 5) Presentations
- 6) Correspondence / Proclamation
- 7) Council Reports on Boards and Committee Activity
- 8) Consent Agenda
 - Determination of Items Requiring Separate Discussion
 - Approval of meeting minutes / receive minutes of local boards and committees
- 9) Reports
 - a. Administration and Finance Division
 - b. Community Services Division
 - c. Planning and Development Division
 - d. Operations and Facilities Division
 - e. Economic Development
- 10) By-laws
- 11) Notice of Motion / Motion to Reconsider
- 12) Closed Session
- 13) Report out from Closed Session
- 14) Confirmatory By-Law
- 15) Adjournment

9.2 Delivery of Agenda

The agenda shall be delivered by electronic transmission to each Member of Council and posted on the Town website (portal) by the Clerk's Office no later the Thursday at 4:00 p.m., preceding the scheduled Council Meeting. Exceptions to the delivery of an agenda may be allowed due to Statutory or Civic holidays and for Special / Emergency meetings.

ARTICLE 10. QUORUM

10.1 Call to Order – quorum present

As soon after the hour fixed for holding the meeting of the Council, as there is a quorum present, the Mayor or Chair shall call the Members to order. A quorum for meetings for the purpose of Council shall be a majority of the members, or the presence of at least four (4) Members.

10.2 Quorum – not present – time limit

If there should be no quorum present within fifteen (15) minutes after the time fixed for holding the meeting of the Council, the Clerk shall take down the names of the Members present and the meeting shall stand adjourned until the date of the next regular meeting.

ARTICLE 11. MINUTES

11.1 Contents – recorded by Clerk

The Clerk shall prepare and cause the minutes to be taken of each meeting of Council and which shall include:

- a) The place, date and time of the meeting
- b) The name of the Chair or officers and the record of the attendance of the Members
- c) Members who enter after the commencement of a meeting or leave prior to adjournment, the time shall be so noted in the minutes
- d) Identify all members participating electronically
- e) Any public deputation including the name of the person/group / presentations
- f) To record, without note or comment, all resolutions, decisions and other direction to staff of the Council
- g) To record all publicly declared conflict of interests made by Members and identify that the Member has recused itself from discussion or vote on the declared matter when the subject matter is brought up for debate

- h) If required by any Members present at a vote, to record the name and vote of every Member voting on any matter or question (recorded vote)
- i) Notices of Motions
- j) Proclamations
- k) Time of Adjournment

11.2 Included in Agenda

Minutes of the last regular meeting of Council, and of all Special or Emergency Council meetings held subsequent to the last regular meeting, may be included in the agenda and approved by Council. By prior distribution of the minutes (within the distributed agenda) to all Members, it is understood that the minutes have been read.

11.3 Minutes – confirmation – signing

Once the minutes have been adopted, they shall be signed by the Mayor or Chair and the Clerk.

11.4 Minutes – Closed Meeting

Closed Meeting Minutes shall be formatted with a confidential watermark so they are distinguishable from Regular Minutes.

For the purpose of a Closed Meeting, the Clerk or Recording Officer shall record the following, without note or comment:

- a) The starting time of the closed meeting and fact of the holding;
- b) All those in attendance;
- c) Any Declarations of Pecuniary Interest & general nature thereof;
- d) The general nature of the matter considered at the closed meeting;
- e) Approval of previous Closed Minutes
- f) Personal information shall not be recorded;
- g) The disposition of the matter;
- h) Reports/recommendations to be moved into Open Meeting for a vote;
- i) The concluding time of the closed meeting.

ARTICLE 12.

DELEGATIONS / DEPUTATIONS/ PRESENTATIONS

12.1 Heard – request submitted – deadline – items on agenda

Persons desiring to address Council for the purpose of making a delegation / deputation with respect to items for Council consideration that fall under the council’s mandate shall be heard at the Regular Council meeting, with those delegations / deputations having submitted their request in writing to the Clerk by 12 noon on the Wednesday preceding the meeting, being heard first, in the order in which such requests are received by the Clerk in the form attached hereto as Appendix D.

12.2 Material – written – submitted for Council – deadline

Written material to be distributed to Council shall be submitted to the Clerk by 12 noon on the Wednesday preceding the meeting.

12.2.1 Presentations

Presentations, including those of a ceremonial nature, the annual budget presentation or presentation of Consolidated Financial Statements by the municipal Auditor or other consultant / contract or invited guest by Council shall be heard at the beginning of a Regular Council Meeting.

12.2.2 Scheduling Presentations

1. All requests for Presentations must be made in writing to the Clerk by Wednesday at 12:00 p.m. along with all material / reports to be presented to Council prior to the Monday meeting, at which the person wishes to appear.
2. The subject matter of the Presentation must meet the definition of Presentation described in this By-Law.

4. For a Presentation of quarterly reporting, study results, or a consultant / contractors on behalf of the Municipality, the time limit is 20 (twenty) minutes. The time limits for Presentations do not include the time within which Members may question the Presenter.
5. There shall be no more than 2 presentations on one Agenda.

a) **Spokesperson – delegation / deputation**

An organized body wishing to address Council as a delegation / deputation, regardless of the number of spokespersons shall be limited to a maximum of ten (10) minutes.

12.2.3 Restrictions and permission

Delegations / deputation shall not be permitted to appear before Council for the sole purpose of generating publicity for an event, or to promote their business.

a) **Number of Delegations / Deputations – meetings**

On any given scheduled Council meeting, there shall be a maximum of three (3) combined delegation / deputations permitted to speak for a maximum time allotment of 30 minutes (10 minutes maximum each).

b) **Time Schedule – questions**

Council Members shall be permitted a question period for each presentation and/or delegation / deputation of a maximum five (5) minutes. Members shall be permitted to ask questions of delegates but shall not make statements nor enter into debate with such persons.

12.3 Delegations / Deputations – requests for action – referred

Delegations / deputations, which request action to be taken by the Council, shall be referred to Administration, by majority vote, for a recommendation to be presented at a future Meeting.

12.3.1 Delegations / Deputations – no immediate decision

Under no circumstances, shall a decision from Members of Council be made on a request by a Delegation / Deputation at the same meeting the Delegation / Deputation has been heard.

12.4 Delegation / Deputation – deemed – inappropriate for Council

When it is deemed inappropriate that a delegation / deputation address Council, the Clerk shall so notify the applicant/group and Council with a supporting explanation.

12.5 Recording of Delegation / Deputation or Presentations for the Minutes

The Clerk or designate shall record, without note or comment, a brief summary of a public deputation where no written deputation is presented, including the name of the person/group represented. Where a written deputation is presented it shall be duly noted in the Minutes that a written deputation was received, and filed with the Clerk for the public record.

12.6 Repetition - prevented - hearing declined - exception

In order to avoid repetition and to ensure an opportunity for the expression of different points of view but except as required by law, the Mayor or Deputy Mayor may decline to hear any person who has an identifiable common interest or concern with any other person who has already appeared and spoken at the meeting.

12.7 Appearance - previous - limitation - new information

Any person appearing before Council who has previously appeared before Council on the same subject matter, shall be limited to providing only new information in their second and subsequent appearances.

ARTICLE 13.

BY-LAWS

13.1 Description – listed on Agenda

All By-laws, together with a brief description shall be listed on the agenda for the meeting at which they are to be read.

13.2 Readings – prior to passing

Every By-law caption shall be read prior to it being passed and endorsed by the Council.

13.3 Passed – numbered – dated – signed – seal affixed

Every By-law passed by the Council shall be numbered and dated, and shall be sealed with the Seal of the Municipal Corporation and signed by the Mayor and Clerk and shall be kept by the Clerk in the Clerk's office or any other place appointed for that purpose.

13.4 Confirmatory By-Law

The proceedings at every open and special meeting of Council shall be confirmed by by-law at the regular meeting of Council to which it applies . This action is required so that every decision of the Council at that meeting and every resolution adopted at such meeting 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. A confirmatory by-law, when introduced, shall be taken as having been read and shall be voted on without debate.

ARTICLE 14.

CORRESPONDENCE

14.1 Correspondence

All items received from the General Public being a local group and or resident of the Town of Fort Frances in writing, will be included on the Consent portion of the Council agenda as determined by the Clerk.

All matters or concerns received that are operational in nature and or governed within a Municipal Policy or By-law shall be addressed in accordance with the established policy or By-Law.

14.2 Anonymous Correspondence to Council

Correspondence received by the Town addressed to Council with no name and contact information attached to such correspondence will not be circulated to Council or filed for record.

14.3 At large correspondence, (e.g., resolutions of support, proclamation request etc...)

addressed to Mayor and Council shall be circulated / copied to Council via email. Any Member of Council may request to have any at large correspondence they have received by email, to be placed on an agenda for discussion or consideration by notifying the Clerk. Should a Council Member wish to have the item added to the agenda the request must be submitted to the Clerk by Wednesday at 12:00 p.m. prior to the Monday meeting.

ARTICLE 15.

ADMINISTRATIVE REPORTS

15.1 Administrative Reports – Process

All staff reports shall be completed by staff in the format identified by the Clerk.

Staff reports with the exception of Closed Meeting Reports, shall be uploaded by the applicable department to the Document Centre on ICompass.

The CAO or alternate will then approve final report versions (or otherwise reject) together with the applicable information, attachments, etc. to allow the information to be released to Council for viewing/printing.

Recommendations contained in the reports shall form the basis of the proposed motions on the agenda.

15.2 Reports - Publicly Posted on Town Portal

Open administrative reports shall be attached to the appropriate agenda.

15.3 Closed Meeting Reports/Agendas

Closed Meeting Reports shall be so marked confidential and attached to the closed agenda and circulated to Council prior to the regular Council.

15.4 Deadline – material submitted to Clerk

Every report, which deals with a matter on the Agenda, shall be delivered to the Clerk no later than 12 noon on the Wednesday preceding the date of the next meeting, in order to be included on the final Agenda.

ARTICLE 16.

DISCLOSURE OF INTEREST

16.1 Declaration of Pecuniary Interest – Duty of Member

Members shall comply with the Municipal Conflict of Interest Act, and in accordance

with the Act any Member shall disclose any direct or indirect pecuniary interest as follows:

- (a) shall, prior to any consideration of the matter at the meeting, disclose the interest and the general nature thereof;
- (b) shall leave the Council Chambers or meeting Room;
- (c) shall not attempt in any way whether before, during or after the meeting to influence the voting on any such question;
- (d) shall not take part in the discussion of, or vote on any question in respect of the matter;
- (e) members shall provide a written statement of the interest and its general nature in the prescribed electronic Conflict of Interest Tracker within the ICompass module in the prescribed form and must be filed with the Clerk

either before the meeting or immediately following the meeting.

- (f) Where a Member is absent from a meeting, which includes a matter on which they have an interest, the Member shall disclose this interest at the next public meeting they attend.

16.1.1 A member who has declared a pecuniary interest in a matter may move, second and vote on:

- a) The confirmatory by-law for the meeting in which the interest was declared and;
- b) Adopting the minutes of the meeting in which the interest was declared.

16.1.2 All Declarations shall be recorded by the Clerk accordingly in the Minutes:

The Clerk shall maintain a registry of statements filed under Section 16.1 and records made under Section 16.1 of this bylaw which shall be available for public inspection on the Website. Should the declaration by a Council Member be made In Closed Session, the general nature the of the interest shall be included on the written submission to the Clerk but shall be omitted in the public record or in the minutes to maintain the confidentiality of the session.

16.1.3 No Member shall request any staff member for their opinion or to comment on whether or not:

the Member has a Pecuniary Interest, whether direct or indirect. Members may request advice from the appointed Integrity Commissioner with respect to their obligation under the Municipal Conflict of Interest Act as outlined in the adopted Council Code of Conduct Policy / Integrity Commissioner Inquiry Protocol.

ARTICLE 17.

GENERAL RULES / ALL COUNCIL COMMITTEES

17.1 Council may establish Committees

Council may establish Committees. Terms of Reference shall be established by By-Law.

17.2 Committees - Defined Appointment

- a) Committee appointment shall consist of only Council Members and shall be made by resolution of Council at its Inaugural Meeting, or as required from time to time.
- b) Committee must be part of the Town's budget with finances subject to Town policies (i.e.) not an outside body with its own bank account, purchasing policies etc.
- c) Members of Council shall be selected to sit on various Boards and Committees (within the community also known as external boards and committees) Council is not responsible for the creation of any terms of reference for external boards and committees. A Council Member is selected by the Head of Council appointed by resolution of Council at its Inaugural meeting held at the beginning of a new term of office. Appointments shall be for the term of Council unless the By-law specifies a shorter time and where a re-appointment may be made.

17.3 Committee Report Recommendations to Council

Department Leads with the responsibility of that area, or the CAO, shall present the report recommendations to the Regular Council Meeting for ratification whether supported or rejected.

17.4 Ad-Hoc or Advisory Committees from time to time

While Ad-Hoc or Advisory Committees are not bound by the Closed Meeting rules in the Municipal Act, Ad-Hoc and Advisory Committees shall meet in public.

- a) When Council establishes any Ad-Hoc or Advisory committees it shall be done by first a resolution and shall set both the mandate and term of the Committee.
- b) Appointments to Committees shall be done by way of resolution
- c) Terms of reference shall be established by By-Law

17.5 Mayor – Ex-officio

The Mayor shall be an ex-officio Member of all Council Committees and may provide input on all questions before the Committee, but shall not vote or be counted in the formation of a quorum unless another appointed member is absent.

17.6 Majority – Quorum

A majority of all Members of a Committee shall constitute a quorum.

17.7 Procedure – Modifications

The rules governing the procedure of the Council and the conduct of its members shall be observed in Committee meetings with the necessary modifications as set out in the established Terms of Reference.

ARTICLE 18.

VOTING

18.1 Vote

The Mayor and all Members present are required to vote by a CLEAR show of hands when a question is put forth, unless they have declared a Pecuniary Interest on a particular item.

18.2 Amendment to Motion – Voted on First

A motion to amend and amendment to a motion shall be voted on first.

18.3 Voting – order

Voting on the main motion and amending motions shall be conducted in the following order:

- a) A motion to amend a motion to amend the main motion;
- b) A motion (as amended or not) to amend the main motion; and
- c) The main motion (as amended or not).

18.4 Failure to vote – deemed negative

Failure to vote by a Member present at the meeting at the time of the vote and who is not disqualified to vote shall be deemed to be a negative vote.

18.5 Motion – simple majority – required exception

The vote required to pass a motion shall be a majority except as otherwise provided in this By-law or by Statute.

18.6 Equal – motion deemed negative

In the case of an equal division of votes on a motion, the motion shall be deemed to have been decided in the negative and defeated for want of a majority.

18.7 Recorded – by request – vote announced openly

Where a vote is taken for any purpose and a Member requests' immediately prior or immediately subsequent to the taking of the vote that the vote be recorded, each Member present, except a Member who is disqualified from voting, shall announce her/his vote openly; and any failure to vote by a Member who is not disqualified shall be deemed to be a negative vote, and the Clerk shall call for and record each vote.

18.8 Division – Separate Vote – each proposal

At the request of a Member of Council, a motion containing **distinct proposals** that can be acted upon individually may be divided, and a separate vote shall be taken upon each individual proposal.

18.9 Members not in their seat – deemed absent

A Member not in their seat when the question is called by the Chair is not entitled to vote on that question and in the case of a recorded vote, shall be recorded as absent.

18.10 Chair stating the question

Immediately preceding the taking of the vote, the Chair shall state the question in the form introduced.

18.11 Calculations of 2/3's vote

A two-thirds vote means that two thirds (2/3) of the votes cast determine the vote.
(example)

- A vote of 5 to 2 would satisfy a two-thirds vote because doubling 2 would give you 4 and 5 is more than 4. (or)
- Multiply 2 times the number of Members present and voting and then divide by 3.

ALWAYS round up your number.

18.12 Announcing – results

The Chair shall announce the result of every vote.

ARTICLE 19.

PARLIAMENTARY PROCESS - MOTIONS

19.1 Motions in writing

Except as provided elsewhere in this by-law, all motions shall be in writing and shall be signed by the mover and seconder.

19.2 Procedural Motions

In Council, the following procedural motions may be introduced verbally, without notice and without leave, except as otherwise provided by this by-law:

- a) A point of order or privilege;
- b) To close debate;
- c) To adjourn;
- d) To suspend the rules of procedure;
- e) To table
- f) To postpone definitely (deferral motion with a specified date/meeting);
- g) To refer;
- h) To amend;
- i) To postpone indefinitely (deferral motion without specifying a date/meeting);
- j) Any other procedural motion.

19.3 Motion to Recess

A recess may be declared by the Chair or moved by a member.

A motion to recess shall:

- a) include the proposed length of recess
- b) not be amended;
- c) not be debated; and

Where a recess is declared, the Chair shall announce the length of the recess.

19.4 Disposition of motion

Every motion in Council must be voted on and either carried, defeated, or deferred

before any other motion (other than a motion to amend), can be introduced; deferred; amended, etc.

19.5 Motion to Defer (later in same meeting)

This motion provides a mechanism whereby a motion can be set aside and taken up

again at any time later in the meeting by moving a procedural motion to resume

consideration of the matter.

- Motion is not debatable
- Is not amendable
- Approval by majority

19.6 Motion to Defer (to subsequent meeting)

This motion enables the discussion of a substantive issue to be put off to a subsequent meeting.

- Motion shall state the substantive issue and the date and/or time of the postponement
- Is debatable only with respect to the date and time
- Must have a seconder
- Amendments restricted to the stated date/and or time
- Approval by majority.

19.7 Motion to Amend

- Shall not negate the main motion;
- Shall receive disposition of Council before a previous amendment or the question;
- Shall not be further amended more than once, provided that further amendment may be made to the main question;
- Shall be relevant to the question to be received;
- Shall not be received proposing a direct negative to the question;
- Shall be put in the reverse order to that in which it is moved.

19.8 Motion to Withdraw

A motion shall only be withdrawn by the Mover and Second, and only with the consent of the majority of Council.

19.9 Ultra Vires Motion

Council shall not consider a motion that is ultra vires (beyond its power of authority).

19.10 Motion in Possession of Council

After a motion has been read or stated by the Presiding Officer, it shall be deemed to be in possession of Council, but may be withdrawn by the mover and second at any time before being voted on with the concurrence of Council.

19.11 Motion under Consideration

When a motion is under consideration, no other motion shall be received except a procedural motion or a motion to amend.

19.12 Motion put to the Vote

After a motion has been put to vote by the Presiding Officer, no member shall speak to the motion nor shall any other motion be made until after the vote is taken and the result has been declared.

19.13 Reconsideration – majority of Council – same meeting

Any matter decided upon by the Council, may be reconsidered at the same meeting that it was originally dealt with, by majority vote of Members present and voting.

19.13.1 Any Member voting on the prevailing side of the original vote, or one who did not vote may introduce a motion for reconsideration.

19.13.2 There shall be no discussion on the main question permitted until the motion for reconsideration is adopted.

19.14 Motion to reconsider adopted

If a motion to reconsider has been adopted, it temporarily nullifies the previous decision and places the meeting back at the point prior to taking the vote on the original motion as adopted.

19.14.1 If a motion to reconsider has been adopted at a meeting, then consideration of the original main motion (as adopted) shall become the next order of business.

19.14.2 The main motion originally voted on is once again pending; procedurally, it is considered a newly made motion.

19.15 Reconsideration – 2/3 vote – previous decision at subsequent meeting

A motion to reconsider a previous decision of Council at a subsequent meeting, requires an affirmative vote of 2/3's of the members present.

19.15.1 Any member who was present at the meeting and who voted in the majority (prevailing side) when the decision was made or who was not present at the meeting when the decision was made may bring a motion to reconsider.

19.15.2 There shall be no discussion on the main question permitted until the motion for reconsideration is adopted.

19.15.3 If a motion to reconsider has been adopted, follow steps outlined in 19.14

19.16 Reconsideration – only once

No motion or report shall be reconsidered more than once at any meeting (during the term of Council).

19.17 Reconsideration – may not be permitted

A matter may not be reconsidered in the event that Council is made aware that the motion or by-law has been implemented resulting in legally binding commitments as of the date the motion to reconsider is moved.

19.18 Succeeding Council – not reconsideration

When a question or matter is brought before a succeeding Council, it shall be deemed to be new business and not a matter of reconsideration.

19.19 Notice of Motion at Regular Council Meeting

Upon notice to the Clerk a member may introduce a new matter by way of notice of motion. The notice of motion shall be read at a meeting of Council and then shall be placed on the next regular Council meeting Agenda by the Clerk, unless the Member otherwise states a specific Council meeting date

19.20 Deadline to Submit - Notice of Motion to Clerk

A Member may introduce a Motion, other than a Motion to Reconsider, at a Meeting regarding a matter that would not otherwise be considered by Council at such Meeting, by delivering a written copy of the Motion to the Clerk, not later than 12:00 noon of the Wednesday preceding the Meeting.

19.21 When Notice of Motion is Introduced

A notice of motion when introduced is not moved or seconded but the motion shall be moved and seconded at the subsequent meeting, at which time it is then debatable/amendable.

19.22 Notice of Motion Considered at the Next Meeting

The Clerk shall print the Motion in full in the agenda for the next regular Meeting of the Council

a. Consideration

A notice of Motion shall not be considered or otherwise disposed of by the Council unless the Member who moves the Motion is in attendance at the Meeting.

b. Seconded - by any Member - seconder

Any Member may agree to second a notice of Motion

c. If the notice of Motion is not seconded the Mayor shall state the next item of business on the agenda without discussion or debate.

19.23 Motion to move into Closed Meeting

Prior to Council resolving into a Closed Meeting for one of the reasons in accordance with the Act as noted above, Council shall state by motion:-

- a) the fact of holding the Closed Meeting and the provision under the Act;
- b) the general nature of the matter to be considered.

19.24 Motions permitted in Closed Meeting

A vote may not be taken at a meeting which is closed to the public, with the exception of motions for procedural matters such as confirming minutes and adjourning the meeting, as well as written motions for giving directions or instructions provided such direction is not a decision by the Council.

19.25 Moving out of Closed to Regular Meeting to Vote

Members shall adjourn from the Closed Meeting and reconvene in the Open Meeting to report from the Closed Meeting and to vote, if necessary, on any motion. Such motions pertaining to direction and action from the Closed Meeting shall provide as much detail as possible for reporting out to the Open Meeting, and if applicable, identifying the specific staff position required to follow-up on the recommended course of action set out by Council, as the case may be, from the Closed Meeting.

ARTICLE 20.
RESIGNATION / MEMBERS / VACANCIES

20.1 Resignation – file in writing – Clerk

A Member of Council may resign from office by providing a written notice, filed with the Clerk of the Corporation within which they were elected, subject to provisions under Section 260 of the *Municipal Act, 2001*.

20.2 Filling Vacancy

If a vacancy occurs in the office of a Member of Council, the Council shall, fill the vacancy in the manner selected, subject to Section 263 of the *Municipal Act, 2001*.

20.3 Appointments to vacancies

Subject to Section 263 of the *Municipal Act, 2001*, where a vacancy occurs amongst a seat of the Mayor and/or Councillor, the Council at its next meeting, shall declare the office to be vacant (except if a vacancy occurs as a result of death, then permitted two meetings to declare).

20.4 Members – not attending – removal

The office of any Member of Council of the municipality becomes vacant if the Member is absent from the meetings of Council for three (3) successive months, without being authorized to do so by a resolution of council.

ARTICLE 22.
REPEAL / ENACTMENT

21.1 By-laws – previous

All previous By-laws or sections thereof regulating the proceedings of Council shall be and are hereby repealed; and without limiting the generality of the foregoing, including By-law 46-20 as amended, is hereby repealed.

ENACTED and **PASSED** this 10th day of July, 2023.

Original signed by:
Gabrielle Lecuyer, Municipal Clerk

Original signed by:
Andrew Hallikas, Mayor