

July 27, 2020

REPORT TO: Administration & Finance Executive Committee

FROM: Elizabeth (Lisa) Slomke, Clerk

SUBJECT: Procedure By-law Review – Part 6

1) **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) 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 inconsistencies exist, the current edition of “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.

2) **DUTIES**

6.1 COUNCIL

6.1.1 Preparation of Members to Council Meetings

Members of Council shall come prepared to every meeting where their participation is required, by having read all the material supplied, including agendas and staff reports, to facilitate discussion and the determination of action at the meeting.

Whenever possible, the Members(s) shall make inquiries to 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.

6.2 Mayor and Chairperson

6.2.1 Open Meeting – call to order

The Mayor or Chairperson 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 Chairperson 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 Chairperson 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/Chair – Participating - Introduction of a motion and debate

The Mayor or Chairperson 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 Deputy Chairperson to Chair the meeting. Should the Deputy 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 Chairperson 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 Chairperson 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 Chairperson 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 Chair

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

3) 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 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.

7.3 Decisions of Council – criticized – reconsideration

No Member shall criticize any decision of the Council except for the purpose of moving that the question be reconsidered.

7.4 Breach of Rules – expel from meeting

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

7.5 Disorder of Meeting – adjourn – suspend – recess meeting

It shall be the duty of the 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.

7.6 Power to Expel

The Mayor or other Presiding Officer may expel any person for improper conduct at a meeting.

7.7 Code of Ethics – Confidentiality

7.7.1 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, 2002*; and direction to municipal Administration in accordance therewith, shall then be reported publicly by Council, to the extent that the public interest permits.

7.7.2 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) Violation of regulation

Any violation of process to this regulation will result in exclusion of the offending Council Members, requiring a two-thirds vote, from future closed meetings of Council and that Member shall no longer be provided with correspondence, materials or information proposed to be dealt with by Members of Council at a closed meeting.

b) Exclusion – closed meetings

The determination of whether or not a violation of process to the closed meeting provisions of this By-law and the length of the exclusion from closed meetings, if so determined, shall be made by Council at a closed meeting and the issues shall be considered by Council prior to the affected Members being excluded from any closed meeting by a two-thirds vote. The results of Council's deliberation shall be reported out publicly.

c) Separate Resolution – per Member

If the purported violation of the process to the closed meeting provisions of this By-law by more than one Member is to be considered, a separate resolution of Council with respect to each affected Members is to be considered.

d) Member not permitted to vote

Notwithstanding Section 7.7.2 (c), the Member affected shall not be permitted to vote on a motion respecting his/her purported violation of the closed meeting provision of the Procedural By-law, his/her exclusion from closed meetings, or the length of any such exclusion.

e) 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.

f) 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.

g) 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.

h) 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.

4) CONSENT / CORRESPONDENCE

15.1 Items – considered for inclusion

All items to be considered for the Consent portion of the Agenda shall be determined by the Clerk.

15.2 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.

15.3 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.

15.4 Committee Reports – Executive Committees

Executive Committee reports brought before Council for approval shall be included under the Consent Agenda.

15.5 Consent Agenda – Inclusions

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

5) RESOLUTIONS

16.1 Resolutions – consecutively numbered

All resolutions presented to the Council shall be consecutively numbered for each term of Council.

6) REPORTS / COMMUNICATION

17.1 Written – legible

Every administrative report to be presented to the Council shall be prepared, with an identifiable recommendation (where appropriate).

17.2 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 Thursday preceding the date of the next meeting, in order to be included on the final Agenda.

7) DISCLOSURE OF INTEREST

18.1 Disclosing – Members responsibility

All Members shall govern themselves at any meeting in accordance with the current legislation respecting any disclosure of interest they may have in accordance to the “*Conflict of Interest Act*”. It is further the responsibility of all Members to identify and publicly disclose any interest.

18.2 Disclosing – no influencing

The Members shall disclose the interest including the general nature thereof, prior to any consideration of the matter and shall not take part (with the exceptions as noted under Sec.5.2 (1) of the “*Conflict of Interest Act*” in the discussion of, or vote on any question in respect of the matter and shall not attempt in any way whether before, during or after the meeting to influence the voting on any such question.

18.3 Members – leave of meeting – In Camera

Where the meeting is not open to the public, the Member shall immediately leave the meeting or the part of the meeting during which the matter is under consideration.

18.4 Members – absent from meeting

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.

18.5 Declaration – recorded – minutes

The declaration of interest shall be provided in a written statement to the Clerk or the Secretary of Committee or local board (as the case may be) and shall be recorded in the minutes or report of the meeting and where the meeting was opened to the public, the general nature of such declaration.

18.6 Declaration – record – meeting closed to the public

Where the declaration of interest is made on a matter that is not open to the public, the Members shall provide in a written statement to the Clerk or the Secretary of Committee or local board (as the case may be), declare the interest, but not the general nature of that interest and shall be recorded in the minutes of the next meeting that is open to the public.

18.7 Maintaining Registry

A Registry shall be kept by the Clerk on every written statement made by Members of the general nature of the declared interest, the Registry shall be available for public inspection.

8) NEW BUSINESS

21.1 New Business – filing time – inclusion to Agenda

New Business items that are filed with the Clerk prior to 12 noon on the Thursday prior to the next regular meeting, shall be included on the printed agenda for general release.

The next step in the Procedural By-law process is to put all the AFEC reports into one by-law and present to Administration & Finance Executive Committee as a draft. There will need to be some advertising completed (in compliance with the Notice By-law) of the development/implementation of a new Procedural By-law.