

October 1, 2020

REPORT TO: Administration & Finance Executive Committee

FROM: Elizabeth (Lisa) Slomke, Clerk

SUBJECT: Procedure By-law Review – 2nd DRAFT

This report covers the second full draft of the Procedural By-law. I have incorporated the feedback gathered at the last Administration & Finance Executive Committee. Changes have been made to the body of the by-law as well as the appendices based on that feedback.

There is one main item that has not been agreed upon, that being the wording related to speaking duration for Members. I have included item 8.9 below as it presently reads in the 2nd Draft Procedural By-law. The last request from the committee was to look for simpler wording. I would say approximately 70% of the municipal by-laws I reviewed use the same (or very similar) wording to 8.9 but after an extensive search I offer a suggestion that incorporates various points in simpler language.

8.9 Speaking – duration – time limit

No Member of Council shall speak more than once to the main question and no longer than three (3) minutes on any question, except in explanation of a material part of her/his debate, which may have been misunderstood, but they may not introduce new matter. A right of reply may be allowed to a Member who has made a substantive motion to Council, and no Member shall speak to the same question or in reply, without permission of Council.

MY SUGGESTION:

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 Council and only after all other members so desiring have spoken.

There was a discussion at the last meeting about petitions and a request to permit electronic petitions. I have included the information found on the House of Commons (Federal Government) website pertaining to petitions. I noticed that their electronic

version is submitted by clicking on the website, thus requiring completion (in the preferred manner). I support offering electronic petitions but I would rather the Town of Fort Frances move to a similar process as the House of Commons and require that someone complete using our template (similar to filing a complaint). I doubt that this offering can be made available in time for the completion of this Procedural By-law nor would I suggest that it be placed in a position of importance above several other projects ongoing. Might I suggest that the Clerk's Office collaborate with our IT staff to research and potentially create an electronic petition offering in the future. Additionally, I suggest that the petition wording (definition) be streamlined so as not to exclude electronic submissions, then once it is available we simply flip the switch and no procedural by-law amendments are required.

Next steps include preparation of a 'Table of Contents' to assist locating certain components of the Procedural By-law.

Finally, notice of 'Intention to Consider a new Procedure By-law' (sample included) will be posted in the local newspaper, website and facebook.



PETITIONS

 [SIGN IN](#)

Electronic Petitions – Guide and Terms of Use

What is an E-petition?

An **electronic petition** ("**e-petition**") is used to draw attention to an issue of public interest or concern and to request that the House of Commons, the Government of Canada, a Minister of the Crown, or a Member of the House of Commons take or refrain from some action. A person preparing and submitting such a request is known as a **petitioner**.

E-petitions must meet certain requirements established by the rules and practices of the House. The Clerk of Petitions, a non-partisan House of Commons employee, holds the authority to certify that these requirements have been met.

Petitioners cannot directly present a petition to the House of Commons; only a Member of Parliament (MP) is able to do so. To have a petition posted on the House of Commons petitions website and eventually presented to the House, it must be authorized for online publication by an MP.

Signing an E-petition

You can search for a petition that is of interest to you by going to the petitions website and searching by keyword, subject, petition number (in the format "e-123") or by the name of the MP who has agreed to authorize its online publication.

To be a signatory:

- you must be a citizen or resident of Canada (no age minimum);

- you may not use an email address or a device with an IP address associated with the Government of Canada or the Parliament of Canada;
- you must provide certain information so that your identity may be validated by the House of Commons;
- you must accept the Terms of Use.

The information that you will need to provide as a signatory is:

- your name;
- valid email address (note: an email address may only be associated with one signatory);
- if living in Canada, province or territory, and postal code;
- if not living in Canada, country you are currently residing in; and
- telephone number.

After providing this information, you will **receive an automated email prompting you to confirm your signature**. This confirmation must be provided for your signature to be counted. **You may only sign a given e-petition once**. The Clerk of Petitions has the right to reject any signature of which the validity is in doubt.

Creating and Submitting an E-petition

Creating an Account

The first step towards creating an e-petition is to create an account on the petitions website. You may not use an email address or a device with an IP address associated with the Government of Canada or the Parliament of Canada.

A petitioner must provide certain basic contact information and confirm Canadian citizenship or residency, as well as agree to the Terms of Use, as specified later in this document. The information an e-petitioner needs to provide is the following:

- full name;
- city;
- country;
- province or territory, and postal code (if currently residing in Canada);
- telephone number; and
- valid email address.

Once your contact information has been submitted, a message with an embedded hyperlink will automatically be sent to your email address, prompting you to confirm the creation of your account.

Creating a Petition – Format and Content

Note: A petitioner may only have one e-petition open for signature in his or her name at any one time.

A standardized template exists to assist you in your drafting and to ensure that the following guidelines for the text of a petition are respected:

Addressee

The petition must be addressed to one of the following:

- "the House of Commons" or "the House of Commons in Parliament assembled";
- "the Government of Canada";
- a Minister of the Crown; or
- a Member of the House of Commons.

Text

The text of a petition is essentially a request, also called a "prayer", that the addressee take or avoid some concrete action to remedy a grievance. It must be clear and direct, phrased as a request, and not a demand, and no longer than 250 words.

The petition may also include a more detailed description of the grievance or a statement of opinion, but these alone cannot be received as a petition. URLs or any other link or web-based reference are not permitted.

Language

A petition must be respectful, use temperate language, and not contain improper or unparliamentary language. It should not contain disrespectful or offensive language with respect to the Crown, Parliament, or the courts. It may not include charges made against the character or conduct of Parliament, the courts, or any other duly-constituted authority. The e-petition must be written in either English or French.

Subject of the Petition

Federal jurisdiction

The petition must concern a subject that is within the authority of the Parliament of Canada, the House of Commons, or the Government of Canada. A petition must not concern a purely provincial or municipal matter.

Sub judice

The petition may not concern a matter that is *sub judice*, i.e., a matter that is the subject of legal proceedings or currently before the courts.

Similar petitions

Two e-petitions that are substantially the same may not be open for signature at the same time. An e-petitioner whose e-petition is substantially the same as another may wait for the first e-petition to close or may amend his or her e-petition to make it distinctive. A search function is available on the website to identify existing e-petitions.

Steps to Have an E-petition Published

Before you begin collecting signatures from the general public, the steps listed below must be completed. You will receive an email advising you when the petition progresses through each step.

1. Identify supporters:

- When you draft your petition, you will be prompted to identify at least five potential supporters (Canadian residents or citizens), but no more than ten, and provide their email addresses. **You may not identify**

yourself as a supporter since you are the petitioner.

- Supporters must provide certain basic contact information and must also accept the Terms of Use. An email address associated with the Government of Canada or the Parliament of Canada may not be provided as contact information for supporters.
- The first five supporters to back your petition will be automatically added as **signatories** to the petition when it is posted for signature online. They will also receive email updates concerning the petition's progress.

2. Choose the length of time for which your e-petition will remain open for signature (30, 60, 90 or 120 days). This may not be modified after you submit your e-petition.

3. Invite any Member of Parliament to authorize the online publication of the e-petition:

- Once five individuals agree to support your petition, it is sent to the Member, who will have 30 days to make a decision. If they have not responded within 30 days or refuse the request, you will be prompted to invite another MP to carry out this role. You will have a total of five such opportunities, if necessary;
- The MP whom you identify to authorize the online publication of the e-petition will be provided with your contact information and may contact you by email or by telephone before responding to your request. **In accepting to authorize its online publication, a Member is not necessarily agreeing with the opinions or request set out in the e-petition;**
- In the event the MP you identified ceases to be a Member before an e-petition is published on the website, the Clerk of Petitions will contact you and invite you to select another Member.

4. Examination by Clerk of Petitions:

- Once an MP has agreed to authorize the online publication of your e-petition, it will be examined by the Clerk of Petitions to ensure that its form and content respect the rules and practices of the House. This includes validating your signature and those of the supporters.
- If the petition meets the requirements, it will be translated and published on the petitions website for signature by the general public. This step will be done on a first-come, first-served basis, usually within three to five working days from the receipt of the Member's authorization. An email is sent to the petitioner to inform them when their petition is published on the website.
- If the text does not meet the set requirements, the Clerk of Petitions will contact the petitioner via email, explaining the grounds for rejection. A copy of this email will also be sent to the five supporters and to the MP who authorized the online publication of the e-petition. The petitioner may then decide to amend the text of his or her petition, but the submission process must start anew.

Certification and Presentation of a Petition

Once the deadline for signing a petition has closed (i.e., after 30, 60, 90 or 120 days), the Clerk of Petitions will proceed with a final validation of signatures. If there are at least 500 valid signatures, the Clerk of Petitions will issue a certificate to the MP who authorized the online publication of the petition. It can then be presented to the House by any MP. A record of this presentation will appear in the Journals for that day and the petitioner, supporters and signatories of the petition will be advised by email after its presentation.

If an e-petition has not garnered the minimum number of signatures by the closing date, it will proceed no further, but will remain visible online.

Government Responses to Petitions

The Standing Orders (the rules governing the House of Commons) require the government to respond within 45 calendar days to every petition presented to the House of Commons.

The petitioner, supporters, signatories, and the MP who authorized the online publication of the e-petition will be notified by email when the response is tabled in the House. A copy will also be found on the petitions website along with the original petition.

Prorogation and Dissolution

At **prorogation** (the period of time between two sessions of a Parliament), the petitions website remains active and petitioners may continue to submit petitions and gather signatures. However, certified petitions may not be presented to the House until the opening of the new session. Any outstanding government responses to petitions presented in the previous session must be tabled in the new session.

The **dissolution** of Parliament (the end of a Parliament triggering a general election) terminates the e-petitioning process. The petitions website closes at dissolution and all e-petitions not yet presented to the House are withdrawn, and the obligation for the government to respond to those petitions also lapses. All petitioners will receive an email informing them of the status of their petition. Should a petitioner wish to pursue an issue in the form of an e-petition in the next Parliament, they must start the process anew approximately three weeks after the general election, when the petitions website reopens. Any signatures gathered prior to dissolution may not be reused; signatories who wish to support a similar petition in the new Parliament will have to sign again.

Terms of Use

The MP authorizing the online publication of an e-petition is not necessarily supporting its content. No one shall promote an e-petition by using the Member's name without his or her written consent.

During the e-petition process, the collecting of personal information by the House of Commons on this website is kept to the strict minimum in order to ensure the integrity of the process. Personal information provided by a petitioner, supporter and signatory must be accurate and up-to-date. The use and provision of false information is prohibited.

The House of Commons reserves the right to close an account, or to remove an e-petition or a signature from an e-petition at any time if it determines that the integrity of the e-petition process has been compromised or that these Terms of Use have been breached.

In **creating an account or submitting an e-petition**, the petitioner must accept the following:

- An e-petition must be created and submitted in good faith and must not include, among other things:
 - false names or any information you know to be false;
 - potentially libelous or defamatory statements;
 - information protected by a court order (e.g., the identities of children in custody disputes);
 - matters that are the subject of legal proceedings;
 - impertinent or improper matters; or

- disrespectful or offensive language with respect to the Crown, Parliament or the courts.
- The petitioner is solely responsible for the content of the e-petition.
- It is the petitioner's responsibility to inform potential supporters that some of their personal information will be inputted in the e-petition system and used to contact them when an e-petition is submitted by the petitioner.
- Any draft e-petition saved on this website, including information relating to supporters, may be consulted by the House of Commons' authorized personnel at any time.

A breach of these Terms of Use may amount to contempt of the House of Commons.

Privacy of Personal Information

The House of Commons is committed to follow best practices related to the protection of personal information collected, used, disclosed, transmitted and preserved as part of the e-petition process.

The personal information provided on this website will be subject to the following:

- The House of Commons' authorized personnel will have access to the personal information of a petitioner, supporter and signatory, and may use it to contact them or to validate their identity to ensure the integrity of the e-petition process. Data may be used for statistical purposes.
- The petitioner and supporters of an e-petition will be provided with automatic email updates on the various stages of the said e-petition, while signatories will be asked if they wish to subscribe to those emails, for each petition signed.

In **creating an account and submitting** an e-petition:

- The MP authorizing its online publication will have access to the petitioner's personal information until that MP declines the e-petition.
- Upon publishing an e-petition on this website, the complete name, city, province or territory, and country of the petitioner will be permanently published along with the text of each e-petition on the website.
- The petitioner's other personal information will be safeguarded on the House of Commons' servers. An account may be deleted by the petitioner, provided that the petitioner does not have an active e-petition. In deleting an account, the personal information collected for the creation of the account will also be deleted, except for that information permanently published with a petition.

In **supporting or signing** an e-petition:

- None of the personal information provided to the House of Commons by a supporter or a signatory will be published on this website.
- The signature of the supporter or the signatory will be added to the total number of signatures garnered by the e-petition and a general breakdown of signatures by province and territory will appear and remain on the website along with each e-petition.
- Supporters' and signatories' personal information collected through the petitions website will be safeguarded for a duration of six months after the e-petition becomes inactive, or until the dissolution of a Parliament, whichever is earlier, after which it will be destroyed by the House of Commons' authorized personnel.

Use of Cookies

- The House of Commons uses cookies, a feature offered by web browsers, to collect anonymous data and track the browsing habits of users who visit its website. More specifically, when a user visits the petitions website and wants to create a user account or to initiate, support, or sign an e-petition, the website automatically recognizes the domain name, IP address, web browser version, operating system, and other relevant data about the user's computer and the site the user visited that linked to our site.
- Most browsers are configured to use cookies as a default setting. Users can reconfigure their browser options to block cookies, or to receive a notification when cookies are used. However, users who have chosen to disable cookies will not have access to some features of our website.

For Further Information

Clerk of Petitions
 Room 314-C, West Block
 House of Commons
 Tel: 613-992-9511
 Fax: 613-947-7626
 Email: PMB-AED@parl.gc.ca

Last revised: September 2019

Appendix A – Sample Format of an Electronic Petition

PETITION TO THE

*[A petition must be addressed to one of the following – **select one:**]*

- House of Commons
- House of Commons in Parliament assembled
- Government of Canada
- Prime Minister/Minister of *[name of ministry]*
- Member of Parliament *[name of Member of Parliament]*

WHEREAS

*[This section is optional: you may here state facts or opinions (known as grievances) supporting your request. A petition may include many grievances, but keep in mind that **it may not contain more than 250 words.**]*

WE, THE UNDERSIGNED,

[Here you may identify, in general terms, who the petitioners are. For example: "We the undersigned citizens (or residents) of Canada"; "electors of (name of electoral district)"; "residents of the Province of (name)"; "residents of the City (or Village, etc.) of (name)".]

CALL UPON THE

*[Indicate whom you would like to take action on your request. It is usually the same addressee as above, but it may be different – **select one:**]*

- House of Commons
- House of Commons in Parliament assembled
- Government of Canada
- Prime Minister/Minister of [*name of ministry*]
- Member of Parliament [*name of Member of Parliament*]

TO

*[Set out the request by stating succinctly what **action** the petitioners wish the addressee to take or refrain from taking.]*

Disclaimer regarding petitions



HOUSE OF COMMONS
CHAMBRE DES COMMUNES
CANADA

The path of an E-PETITION

petitions.ourcommons.ca

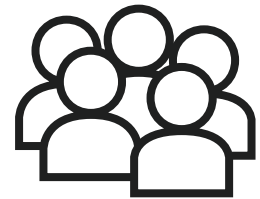
Create a
petitioner's account



Write and submit
a draft



Support of five Canadian
citizens or residents of Canada



Open for signature
on the website for
30, 60, 90 or 120 days



Preliminary review by the
clerk of petitions



Authorization by a
member of Parliament



Certification by the clerk of
petitions if there are at least
500 signatures



Presentation to the
House of Commons



Tabling of a
government response





[Home \(www.ola.org/en\)](http://www.ola.org/en) » [Get involved \(www.ola.org/en/get-involved\)](http://www.ola.org/en/get-involved) » Petitions

Find information about COVID-19 measures at the Legislative Assembly of Ontario (www.ola.org/en/covid-19).
(www.ola.org)

Petitions

A petition is a document that is addressed to the Legislative Assembly of Ontario and signed by at least one person. It asks the Legislature to act on or change its position on an issue. A petition can be submitted by an individual or a group.

Preparing a petition

To be presented to the Legislative Assembly, a petition must meet the following rules:

- It must ask for an action that is within the jurisdiction of the Legislative Assembly.
- It must use clear and respectful language.
- The text of the petition must be at the top of every page of signatures.
- All signatures must be original. They must be written directly on the petition.
- Each petitioner must print his or her name and address and sign his or her name under the text of the petition.
- Petitioners must be residents of Ontario.
- The petition must be addressed to the Legislative Assembly of Ontario.
- The petition must be written, typewritten, or printed. Emailed, faxed, photocopied, or online petitions are not allowed.

Presenting a petition

MPPs present petitions to the Legislative Assembly. Petitioners must arrange for an MPP to present their petition.

Any MPP, except cabinet ministers and the Speaker of the House, can present a petition. The Chief Government Whip may present a petition on behalf of cabinet ministers.

Petitions can be presented to the House or tabled with the Clerk.

Presenting a petition to the House

MPPs can present a petition during regular meeting of the House. These presentations are recorded in Hansard and the official record of proceedings (Votes and Proceedings).

Tabling a petition with the Clerk of the Legislative Assembly

An MPP can file a petition with the Clerk at any time during a parliamentary session. These presentations are recorded only in the Votes and Proceedings.

The government's response to a petition

The government must file a response within 24 sitting days of the presentation of the petition. They give the response to the Clerk and the MPP who presented the petition.

The Clerk keeps an index of petitions that are presented during the parliamentary session. The index includes:

- a short description of the subject of the petition
- the date the petition was presented
- the MPP who presented the petition
- the date the Clerk received a response to the petition

Document attachments

-

Sample petition

([www.ola.orghttps://www.ola.org/sites/default/files/common/petition-sample-en.pdf](https://www.ola.org/sites/default/files/common/petition-sample-en.pdf))

Was this page helpful?

THE CORPORATION OF THE TOWN OF FORT FRANCES

BY-LAW NO. XX~20

A BY-LAW TO GOVERN THE PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF THE TOWN OF FORT FRANCES

WHEREAS, The *Ontario Municipal Act, 2001*, authorizes the Council of every municipality to pass By-laws for governing the proceedings of its Council, the conduct of its Members and the calling of meetings: 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;

WHEREAS, on this specific date, Council approved a report from E. Slomke, Clerk as recommended by the Administration & Finance Executive Committee to implement a new Procedural By-law for the Town of Fort Frances and to repeal the former by-law;

NOW THEREFORE BE IT RESOLVED, THAT THE COUNCIL OF THE CORPORATION OF THE TOWN OF FORT FRANCES ENACTS AS FOLLOWS:

ARTICLE I SHORT TITLE

1. Citation

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

ARTICLE II 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.

Act

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

Deputy Mayor

“Deputy Mayor” means the Member of Council appointed by resolution to act from time to time in the place and stead of Mayor.

Ad Hoc Committee

“Ad Hoc Committee” means a committee appointed by Council 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 to act in an advisory capacity to Council on operational and strategic issues during the full term of Council.

Chair

“Chair” means the Mayor or Deputy Mayor or Chairperson is 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 Clerk of Town of Fort Frances authorized by the *Municipal Act, 2001* and appointed by By-law.

Committee of the Whole

“Committee of the Whole” means a meeting of Elected Members of Council, the device to enable the Members to give detailed consideration to a matter(s) under consideration and greater means to discuss the matter(s).

Consent Agenda

“Consent Agenda” means the portion of the Agenda which consists of items that do not require separate discussion, including, but not limited to: routine staff reports which have received recommendation from their appropriate Executive Committee, these items will be considered under one motion unless a Member requests separate consideration.

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.

Electronic Participation

“Electronic Participation” shall mean participation in a meeting from a location other than that at which the meeting is physically being held by means of telephone, internet or other electronic as may be decided upon by Council from time to time.

Executive Committee

“Executive Committee” means a committee representing one of the divisions of the Town, which meets regularly to provide recommendations to Council and is comprised of three members of Council, the Mayor as ex-officio and Administrative Staff.

Friendly Amendment

“Friendly Amendment” means the motion under debate is amended with the consent of the mover and seconder and without the requirement for an amending motion to be made.

In-Camera

“In Camera” means a meeting or portion of a meeting closed to the general public.

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.

Municipal Corporation

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

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. Appendix D.

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” means a matter that a Member considers to be a departure from or contravention of the rules or procedures of 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 Members 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 the Municipal Council or local board or committee, subject to the provisions of the *Municipal Conflict of Interest Act, RSO 1990*, as amended.

Recorded Vote

“Recorded Vote,” means the making of a written record of the names and the vote of each Member who votes on a formal question.

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 III 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 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.

ARTICLE IV 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 7:00 p.m., in Council Chambers at the Civic Centre, 320 Portage Avenue 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 & Chairpersons as well as Councillor appointments to Boards and Committees.

4.2 Regular Council meeting – schedule – designated – time

Regular Council meetings, shall be held on the Second and Fourth Mondays of each month, to immediately follow the Committee of the Whole meeting, at such place within the Town of Fort Frances designated for such purpose by the Council and shall be held in accordance with the schedule of meetings of Council and the Committees of Council as prepared by the Clerk.

4.3 Committee of the Whole - meeting

Committee of Whole Meetings shall be held on the second and fourth Mondays of each month, commencing at 5:30 p.m., to discuss in a less formal setting, matters that are under consideration and to which the matter is then referred to Members of Council at its Regular Council meeting for action.

4.4 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.

4.5 July, August and December – exception to meetings

Notwithstanding the provisions of Section 4.2 and 4.3 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 Committee of the Whole and 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 mentioned in the petition.

4.6.3 Notice – by Clerk

The Clerk shall give all Members 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 – Committee of the Whole and Council Meetings

All Committee of the Whole and 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 the Committee of the Whole and Council and its executive 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 – to public – resolution

Prior to holding a meeting, which is closed to the public, Council or the Committee shall pass a resolution stating the purpose of the holding of the closed meeting and including the general nature of the matter to be considered at the closed meeting as required in section 239 (4) of the *Municipal Act, 2001*.

4.11 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.

4.12 Orientation Meeting

Orientation meetings of the Council, shall be considered as an information meeting to newly elected Members of Council in order to provide Members with the general process of what an elected Member could reasonably expect such as but not limited to; the Inaugural meeting process; how many committees they may be appointed to; process of a council meeting; protocol; corporate policies; code of conduct; payroll; overview of the budget process, and any other matter the Administration may deem required.

4.13 Electronic Meetings

The Council may provide that a Member of Council, of a Local Board or of a Committee of either of them, can participate electronically in a meeting, which is open to the public as set out in Appendix A and B.

4.13.1 Electronic Meetings – Quorum

Any Member, who participates through electronic means, during a public meeting, shall not at any point in time, be counted in determining whether or not a quorum of Members is present.

4.13.2 Electronic Meeting – closed to the public

No Member shall participate in a meeting, through electronic means, when the meeting is closed to the public.

4.14 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, unless otherwise ordered by a unanimous vote of members present.

4.15 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.

**ARTICLE V
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.

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 VI 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 No. 3.32.

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 VII 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 as outlined in the Town of Fort Frances Code of Conduct by-law.

7.3 Decisions of Council – reconsideration

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

7.4 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.

7.5 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.

7.6 Power to Expel

The Mayor or Chair 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, 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.

7.7.2 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) 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 VIII 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.

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 of Council shall speak more than once to the main question and no longer than three (3) minutes on any question, except in explanation of a material part of her/his debate, which may have been misunderstood, but they may not introduce new matter. A right of reply may be allowed to a Member who has made a substantive motion to Council, and no Member shall speak to the same question or in reply, without permission of Council.

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. There shall be no debate on the information provided. As the spokesperson for Council, the Mayor has more latitude respecting speaking length and topics.

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 IX 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.

Committee of the Whole Agenda:

- 1) Call to Order
- 2) Disclosure of Pecuniary Interest
- 3) Delegations/Deputations
- 4) Council Reports on Board & Committee Activity
- 5) Consent Agenda
- 6) Administration and Finance Matters
- 7) Community Services Matters
- 8) Planning and Development Matters

- 9) Operations and Facilities Matters
- 10) General Matters
- 11) Information items
- 12) Adjournment

Council Agenda:

- 1) Call to Order
- 2) Territorial Acknowledgement
- 3) Moment of Meditation
- 4) Disclosure of Pecuniary Interest
- 5) Consent Agenda
- 6) Approval of Council Minutes
- 7) Approval of Committee of the Whole Minutes
- 8) Resolutions from Tonight's Committee of the Whole Meeting
- 9) By-laws
- 10) New Items
- 11) Information correspondence
- 12) Minutes of Local Boards and Committees
- 13) In Camera Items
- 14) Resolutions required as a result of In Camera discussions
- 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 than 48 hours, preceding the scheduled Committee of the Whole or Council Meeting. Exceptions to the delivery of an agenda may be allowed due to Statutory or Civic holidays and for Special / Emergency meetings.

ARTICLE X 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.

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 XI COMMITTEE OF THE WHOLE (COW)

11.1 Committee of the Whole – Chair

When the Council enters in a meeting of the Committee of the Whole, the Chair shall Chair the meeting and maintain order. The Mayor then takes its place as a Member of the Committee.

ARTICLE XII MINUTES

12.1 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) To record, without note or comment, all resolutions, decisions and other proceedings of the Council.
- e) 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.
- f) If required by any Members present at a vote, to record the name and vote of every Member voting on any matter or question.

12.2 Included in Agenda

Minutes of the last regular meeting of Council, Committee of the Whole 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 to all Members, it is understood that the minutes have been read.

12.3 Minutes – confirmation – signing

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

ARTICLE XIII DELEGATIONS / DEPUTATIONS

13.1 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 Committee of the Whole, with those delegations / deputations having submitted their request in writing to the Clerk by 12 noon on the Thursday 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 E.

13.2 Material – written – submitted for Council – deadline

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

13.2.1 Presentations – budget or financial statements

Presentations (including those of a ceremonial nature) or the annual budget presentation or presentation of Consolidated Financial Statements by the municipal Auditor shall be heard at the beginning of a Committee of the Whole meeting.

13.2.2 Presentations – time limit

Council shall hear delegations / deputation for information purposes only, and delegations / deputations shall be limited to a maximum of ten (10) minutes. The Auditor's presentation is permitted a maximum of thirty (30) minutes due to the detailed nature of the information.

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.

13.2.3 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.

13.3 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.

13.3.1 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.

13.4 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.

**ARTICLE XIV
BY-LAWS**

14.1 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.

14.2 Form – typewritten – compliance – relevant Act

Every By-law when introduced shall be in typewritten form and shall comply with the provisions of any relevant Act.

14.3 Readings – prior to passing

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

14.4 Purpose – effect – explained upon request

Any Member may request that the purpose and effect of any particular By-law be explained, and the Clerk or any other Town Official having knowledge thereof may provide such explanation.

14.5 Debate – amendment

A By-law may be debated or amended before final adoption by Council.

14.6 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.

**ARTICLE XV
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.

ARTICLE XVI RESOLUTIONS

16.1 Resolutions – consecutively numbered

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

ARTICLE XVII 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.

ARTICLE XVIII 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 with the *Municipal Conflict of Interest Act, RSO 1990*. 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 *Municipal Conflict of Interest Act, RSO 1990* 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, who is in conflict, 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 viewing.

**ARTICLE XIX
COMMITTEES**

19.1 Appointment – Committee Chair and Vice Chair

Members of the Committee shall appoint the Chair and Vice-Chair. Additional information respecting the Executive Committees and other Boards/Committees can be located in the ‘Boards and Committees By-law’.

Executive Committees

19.2 Composition – all Members

An Executive Committees shall have Council representation appointed by resolution.

19.3 Names

The following Committees shall be known as the Executive Committees of Council:

- a) Administration & Finance Executive Committee
- b) Planning & Development Executive Committee
- c) Operations & Facilities Executive Committee
- d) Community Services Executive Committee

19.4 Meetings – Notice of Delivery

It shall be the duty of the Executive Committee to ensure that the minutes of their last regular meeting together with an agenda containing reports to be considered is made available to each Member a minimum of 48 hours preceding the day of the holding of any called meeting.

19.5 Rules – observed in all meetings

The rules governing the procedures of the Council and the conduct of its Members shall be observed in meetings of the Executive Committees in so far as they are applicable.

**ARTICLE XX
GENERAL RULES / ALL COUNCIL COMMITTEES**

20.1 Committees - Defined

Committees of Council shall be defined as meeting all of the following criteria:

- a) Committee must be appointed by Council in accordance with its Procedural By-law;
- b) Committee shall report to and/or be responsible to Council as a governing body; and
- c) 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.

20.2 Committee appointments of Members of Council

Members of Council shall be selected to sit on various Boards and Committees of Council by the Head of Council and appointed by resolution 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.

20.3 Appointment – Committees

Public members of Committees of Council are appointed as outlined within the ‘Boards and Committees By-law’.

20.4 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.

20.5 Majority – Quorum

A majority (50% +1) of all Members of a Committee shall constitute a quorum.

20.6 Absence – Chair

In the absence of the Chair, the Vice-Chairperson shall preside, and in the absence of both the Chair and the Vice-Chairperson, one of the other Member shall be elected to preside, who shall discharge the duties of the Chair during the meeting or until the arrival of the Chair.

20.7 Committee matters – referred to Council

No order or authority to do any matter or thing shall be recognized as emanating from any Committee, and all Committee matters shall be referred to the Council and approved before becoming effective.

**ARTICLE XXI
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.

**ARTICLE XXII
VOTING**

22.1 Chair need not vote

The Chair (or Mayor) shall vote as any other Member when the vote is to be recorded. In all other cases, the Chair (or Mayor), may (but is not obliged to) vote whenever his/her vote will affect the result – that is, he/she may vote either to break or to cause a tie; or, in the case of a two-thirds vote requirement, he/she may vote either to cause or to block the attainment of the necessary two-thirds vote. See table with examples of motions (Appendix C).

22.2 All questions – exception – disqualified

Every Member present at a meeting, with the exception to Section 22.1, when a question is put, may vote thereon unless disqualified to vote on the question.

22.3 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.

22.4 Motion – simple majority – required exception

The vote required to pass a motion shall be a majority (50% +1) except as otherwise provided in this By-law or by Statute or by *Robert’s Rules of Order, latest Edition*.

22.5 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.

22.6 Show of hands – exception – recorded vote

The manner of determining the desire of the Council on a motion shall be by show of hands.

22.7 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.

22.8 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.

22.9 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.

22.10 Chair stating the question

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

22.11 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.

22.12 Announcing – results

The Chair shall announce the result of every vote.

ARTICLE XXIII PARLIAMENTARY PROCESS - MOTIONS

23.1 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.

23.2 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.

23.3 Withdraw a Motion

The mover and seconder may withdraw a motion at any time prior to it being read by the Presiding Officer.

23.4 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 seconder at any time before being voted on with the concurrence of Council.

23.5 Motion under Consideration

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

23.6 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.

23.7 Descriptive Characteristics of Motions

Appendix C forms part of this by-law and shall describe the form and standard descriptive characteristics of motions commonly used in Council. (in all cases Council of the Town of Fort Frances will defer to *Robert's Rules of Order, latest Edition*)

Motion for Reconsideration

23.8 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.

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

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

23.9 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.

23.9.1 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.

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

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

If 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.

23.10.1 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.

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

23.10.3 If a motion to reconsider has been adopted, follow steps outlined in 23.24.

23.11 Reconsideration – only once

No motion or report shall be reconsidered more than once at any meeting.

23.12 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.

**ARTICLE XXIV
RESIGNATION / MEMBERS / VACANCIES**

24.1 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*.

24.2 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*.

24.3 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).

24.4 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 XXV
REPEAL / ENACTMENT**

25.1 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 34/95 as amended, is hereby repealed.

25.2 Effective date

This By-law shall come into effect on the xx day of _____, 2020.

E. Slomke
Clerk

J. Caul
Mayor

Appendix A

Electronic Participation at Executive Committee Meetings

1. Committee members should dress (if video conference) and act as though in attendance in person. Committee members are responsible for ensuring there is no background noise at their location that would interfere with the meeting – we encourage the member to source a quiet location to connect from. Additionally, microphone shall be muted when member is not speaking.
2. Committee members wishing to attend a meeting electronically shall advise the Chair and Committee secretary by 3 p.m. on the day prior to the scheduled meeting. The Chair shall attend in person, with all other committee members permitted to participate electronically for Executive Committee meetings.
3. The Chair is permitted to attend electronically if requested but will delegate chair responsibilities to the Vice-chairperson.
4. Any costs associated with attending electronically shall be borne by the Committee member.
5. Committee members must connect electronically with the Municipality no later than 15 minutes prior to the commencement of the Committee meeting. If unable, there is no guarantee that we may be able to facilitate your connection.
6. Committee members attending electronically may leave a meeting early, however, it is expected that members will attend a sufficient length of time to warrant the additional effort required by the Municipality to facilitate electronic attendance.
7. Committee members must announce their departure prior to leaving the meeting. If electronic connection is lost during a meeting, no effort will be made by the Municipality to reconnect and the member attending electronically shall be considered to have left the meeting at the point of disconnection.
8. The Chair shall be cognizant of all members whether attending in person or electronically and may establish provisions as to order of Committee members speaking to facilitate flow and pace of meeting.
9. Members attending electronically shall verbally announce their vote when called upon by the Chair.
10. Committee members attending electronically may not be able to see all other Committee members, presentation by delegations, etc. and the Municipality is not responsible for trying to accommodate this.
11. Committee members are responsible for providing their own method of transmission to the Municipality. The Municipality will make a virtual meeting link and phone number available for Executive Committee meetings.

Appendix B

Electronic Participation at Meetings during Emergencies

1. Should an emergency be declared in accordance with the *Emergency Management and Civil Protection Act*, electronic participation may be allowed for a member of Council, local board or of a committee of any of them in accordance with Section 238 (3.3.) of the *Municipal Act, 2001*. This includes Advisory Committees, Executive Committees, Committee of the Whole, Council and Local Board meetings. During this time, members participating electronically may be counted in determining whether a quorum of members is present and may participate electronically in a meeting that is closed to the public.
2. Where the Rules of Procedure conflict with the need to facilitate electronic participation, the Chair, in consultation with the Clerk shall have the authority to modify the Rules of Procedure to ensure members can effectively participate in the meeting.
3. Notice to members shall be provided electronically via e-mail and/or agenda publication. Notice may also be provided by telephone or personal contact in case of an emergency. Public notice shall be deemed delivered upon completion of agenda publication.
4. The meeting shall begin with a roll call to determine who is participating.
5. Should a delegation request be received during an emergency and the Clerk believes that the request can be facilitated, their presentation will be provided to the Clerk to be included on the agenda. Link instructions will be provided to the requesters by the Clerk. The remainder of the delegation rules as set out in this by-law shall apply.
6. Electronic participation of Staff may also be facilitated.
7. Members should dress (if video conference) and act as though in attendance in person. Members are responsible for ensuring there is no background noise at their location that would interfere with the meeting – we encourage the member to source a quiet location to connect from. Additionally, microphone shall be muted when member is not speaking.
8. The Chair (and Mayor) will attend on site in order to sign minutes.
9. Members must connect electronically with the Municipality no later than 15 minutes prior to the commencement of the meeting. If unable, there is no guarantee that we may be able to facilitate your connection.
10. Members attending electronically may leave a meeting early, however, it is expected that members will attend a sufficient length of time to warrant the additional effort required by the Municipality to facilitate electronic attendance.
11. Members must announce their departure prior to leaving the meeting. If electronic connection is lost during a meeting, no effort will be made by the Municipality to reconnect and the member attending electronically shall be considered to have left the meeting at the point of disconnection.
12. The Chair shall be cognizant of all members whether attending in person or electronically and may establish provisions as to order of members speaking to facilitate flow and pace of meeting.
13. Members attending electronically shall verbally announce their vote when called upon by the Chair.
14. Members attending electronically may not be able to see all other members, presentation by delegations, etc. and the Municipality is not responsible for trying to accommodate this.
15. Members are responsible for providing their own method of transmission to the Municipality. The Municipality will make a virtual meeting link and phone number available for meetings.

Ranking	MOTION	CLASS ¹	IN ORDER WHEN ANOTHER HAS THE FLOOR	MUST BE SECONDED	DEBATABLE	AMENDABLE	VOTE REQUIRED FOR ADOPTION	CAN BE RECONSIDERED
1	Fix the time to which to Adjourn	P	No	Yes	No	Yes	Majority	Yes
2	Adjourn	P	No	Yes	No	No	Majority	No
3	Recess	P	No	Yes	No	Yes	Majority	No
4	Privileged Question	P	Yes, but should not interrupt a person who has begun to speak, unless unavoidable	No; but if the question of privilege thereby raised is in the form of a motion, the motion must be seconded.	No	No	Admissibility of question is ruled upon by Chair	No
5	Orders of the Day	P	Yes	No	No	No	Must be enforced on demand of one member unless set aside by a two-thirds vote	no
6	Lay on the Table	S	No	No	No	No	Majority	Negative vote only ²
7	Previous Question	S	No	Yes	No	No	Two-Thirds	Yes; but if vote was affirmative, only before any vote has been taken under it. ⁴
8	Limit or Extend Debate	S	No	Yes	No	Yes	Two thirds	Yes: but if vote was affirmative only unexecuted part of order ⁴
9	Postpone to a certain time	S	No	Yes	Yes	Yes	Majority unless it makes a question a special order.	Yes ³
10	Commit, Refer or Recommit a pending	S	No	Yes	Yes confined to its merits only	Yes	Majority	If committee has not begun work on the matter

¹ Classification Symbols: M – main motion; S – subsidiary motions; P – privileged motions; I – incidental motions; B – motions that bring a question again before the assembly; B/B – incidental main motions classed with motions that bring a question again before the assembly.

² A negative vote on this motion can be reconsidered only until such time as either (a) progress in business or debate has made it essentially a new question, or (b) something urgent has arisen that was not known when the assembly rejected the motion.

³ A negative vote on this motion can be reconsidered only until such time as progress in business or debate has made it essentially a new question.

Sample Petition

I/We the undersigned, petition to the Council of the Town of Fort Frances as follows:

[illegible]

page | 25

REQUEST FOR DELEGATION / DEPUTATION BEFORE
COUNCIL OF THE TOWN OF FORT FRANCES

ALL DELEGATIONS / DEPUTATIONS ARE REQUIRED TO PROVIDE A WRITTEN
SUBMISSION PRIOR TO THE AGENDA DEADLINE

All written or electronic submissions and background information for consideration by Council must be submitted to the Clerk’s Office by 12 noon on the Thursday preceding the meeting. Electronic submissions should be submitted in Microsoft Power point, Microsoft word or PDF format. As per the Procedural By-law, there is a maximum of three (3) deputations allowed per meeting and delegates are given ten (10) minutes to make their presentation.

Preferred Meeting Date: _____

I am requesting a delegation / deputation to speak:

- a) ☐ On my own behalf; or
- b) ☐ On behalf of a group / organization / association (if b) please state name of group below)

Will you be providing an electronic formatted presentation? ☐ Yes ☐ No

Name of Speaker (s) – A delegation / deputation wishing to appear before Council shall be limited to a total speaking time of ten (10) minutes (regardless of the number of speakers listed). Please state name of speaker(s) below.

Subject of Presentation

Please describe below the subject matter of the requested delegation / deputation in sufficient detail to provide the Town of Fort Frances a means to determine its content and define how the matter aligns with Council’s mandate / strategic priorities. All material needs to be provided to the Clerk by 12 noon on the Thursday prior to the meeting.

(use a separate sheet of paper if not enough space allowed here)

Reason why this delegation / deputation is important to Council and to the municipality:

Date of Request: _____ Signature of Speaker: _____

Address: _____

Telephone / Fax Numbers: _____

E-mail Address: _____

Scheduling will be at the discretion of the Clerk and will be confirmed prior to the meeting deadline. There are no guarantees that by requesting a certain date(s) your delegation / deputation will be accepted, as prior commitments may make it necessary to schedule an alternate date suggested by the Clerk.

Individuals who submit letters and other information to Council should be aware that any personal information contained within their communications may become part of the public record and made available through the Council Agenda process.

Personal information on this form is collected under the legal authority of the Municipal Act, S.O., 2001, Chapter 25, as amended. The information is collected and maintained for the purpose of creating a record that is available to the general public pursuant to Section 27 of the Municipal Freedom & Protection of Privacy Act. Questions about this collection should be directed to the Clerk’s Office.

Clerk’s Office Contact:

Elizabeth (Lisa) Slomke, AOMC, Clerk
320 Portage Avenue
Fort Frances, ON P9A 3P9
1-807-274-5323 ext. 1215
lslomke@fortfrances.ca

**NOTICE is hereby given to the Residents of the
TOWN OF FORT FRANCES**

“Intention to Consider a new Procedure By-law”

Take Notice that Council of the Town of Fort Frances intends to consider a new Procedure By-law, which governs the proceedings of Council and its Boards and Committees. Council will receive a staff report outlining the proposed by-law at their Committee of the Whole meeting scheduled for Tuesday October 13, 2020 beginning at 5:30 p.m. (held virtually).

A by-law to adopt the proposed Procedure By-law will be considered by Council at its Regular Meeting on Monday October 26, 2020 beginning at 5:30 p.m. (held virtually).

Connection details for both meetings can be located at the top of the meeting agenda or by requesting same from the Clerk's Office. Comments regarding the proposed procedure by-law will be received by Elizabeth (Lisa) Slomke, Municipal Clerk by October 21st, 2020 at 1-807-274-5323 ext. 1215 or by e-mail at lslomke@fortfrances.ca.

Elizabeth (Lisa) Slomke
Municipal Clerk