

TOWN OF FORT FRANCES

BY-LAW NO. 34/95

(Being a by-law to govern the proceedings of Council, the conduct of its members and calling of meetings.)

**WHEREAS** pursuant to Section 55 of the Municipal Act, R.S.O. 1990 Chapter M.45, as amended by the Planning and Municipal Statute Law Amendment Act, 1994 every Council and local board shall adopt a procedure by-law to govern the calling, place and proceedings of meetings; and

**WHEREAS** pursuant to Section 102 of the Municipal Act, R.S.O. 1990 Chapter M.45, every Council may pass by-laws to govern the conduct of its members; and

**WHEREAS** by resolution passed May 8, 1995 Council approved a recommendation from the Administration and Finance Executive Committee to implement a new by-law to establish and adopt rules of procedure for meetings of Council and the conduct of its members.

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

1. (a) The rules and regulations contained in this by-law shall be observed in all proceedings of the Council and shall be the rules and regulations for the dispatch of business by Council and its committees.
- (b) Robert's Rules of Order shall prevail where applicable in all circumstances not covered by this by-law.

Council Meetings

2. The inaugural meeting of Council after a regular election shall be held at 7:30 p.m. on the first Monday in December following the election.
3. After its inaugural meeting, the Council shall meet on the second and fourth Mondays of each month, unless otherwise ordered by special motion, or unless such Monday is a public holiday, in which case the Council shall meet on the next day following which is not a holiday. All meetings shall open at 7:30 p.m.
4. Council may, by resolution, alter the date and/or time of a regular meeting provided that adequate notice of the change is posted in the municipal office. Notice may also be published in a local newspaper and/or broadcast locally over radio and cable television.
5. (a) The Head of Council may at any time summon a special meeting of Council on 48 hours notice to the Members of Council, or upon receipt of the petition of the majority of the Members of the Council, the Clerk shall summon a special meeting for the purpose and at the time mentioned in the petition. Forty-eight hours notice of all special meetings of Council shall be given the Members through the Clerk's office. The only business to be dealt with at a special meeting is that which is listed in the notice of the meeting.
- (b) Notwithstanding the notice requirement set out above, in the event of a bonafide emergency the meeting may be held as soon as practicable following receipt of the summons or petition, as the case may be, and notice may be given by telephone or personal contact as determined by the Clerk.



- (c) Unless otherwise specified in the notice described in Paragraph 5(b) above, a special meeting shall be held in the Council Chambers.

#### Acting Mayor

- 6. The position of Acting Mayor shall be appointed by the Mayor from among the six Councillors-at-Large and approved by resolution at the Inaugural Meeting of a newly elected Council. The appointment is for a one year term and subsequent appointments shall be made annually and approved by resolution of Council.

The Acting Mayor shall perform all the duties of the Head of the Council and may exercise all the rights, power and authority of the Head of the Council while so acting.

#### Calling of the Meeting to Order and Quorum

- 7.
  - (a) As soon after the hour fixed for the holding of the meeting of the Council as a quorum is present, the Head of Council shall take the Chair and call the meeting to order.
  - (b) For the purpose of meetings of the Council, a quorum shall be a majority of the total Members.
  - (c) If no quorum is present one-half hour after the time appointed for a meeting of the Council, the Clerk shall record the names of the Members present and the meeting shall stand adjourned until the date of the next regular meeting.

#### Absence of Head of Council

- 8. Should the Mayor or Acting Mayor not attend within fifteen (15) minutes after the time appointed for a meeting of the Council, the Clerk shall call the Members to order and if a quorum is present, a Councillor shall be chosen who shall preside until the arrival of the Mayor or Acting Mayor and in the continued absence of the Mayor or Acting Mayor, the Member so appointed shall continue as the Presiding Officer.

#### Open Meetings

- 9.
  - (a) All Council and Committee of the Whole meetings shall be open to the public;
  - (b) Notwithstanding Paragraph 9(a) above, a meeting of Council or a Committee of the Whole of Council may be closed to the public if the subject matter being considered relates to:
    - i) the security of the property of the municipality;
    - ii) personal matters about an identifiable individual, including municipal employees;
    - iii) a proposed or pending acquisition of land for municipal purposes;
    - iv) employee negotiations or labour relations;
    - v) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality;



- vi) a matter in respect of which Council or a Committee of the Whole of Council has authorized a meeting to be closed under an Act of the Legislature or an Act of Parliament;
  - vii) the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.
- (c) Notwithstanding Paragraph 9(a) above, a meeting of the Council or a Committee of the Whole of Council shall be closed to the public if the subject matter being considered relates to the consideration of a request under the Municipal Freedom of Information and the Protection of Privacy Act, if the Council is designated as head of the institution for the purposes of that Act.
- (d) Before all or part of a meeting is closed to the public, the Council shall state by Resolution:
  - i) the fact of the holding of the closed meeting; and
  - ii) the general nature of the matter to be considered at the closed meeting.
- (e) Subject to subsection (f) a meeting shall not be closed to the public during the taking of a vote.
- (f) Despite subsection (e) a meeting may be closed to the public during a vote if,
  - i) Subsection 9(b) permits or requires a meeting to be closed to the public; and
  - ii) the vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the municipality or persons retained by or under contract with the municipality.
- (g) Meetings or session which are closed to the public shall be referred to as in-camera meetings or sessions.

#### Agendas and Supporting Material

- 10. (a) The Clerk shall prepare agendas of Council and Committee of the Whole of Council meetings as assigned.
- (b) Insofar as is practicable, Council agendas, along with supporting material, shall be prepared and made available to members on the Thursday prior to the week in which the meetings are scheduled.
- (c) Written reports of officers shall, insofar as is practicable, be distributed to Council with the agenda except as otherwise provided by Council.
- (d) Individuals or groups wishing to appear before Council at a regular meeting shall advise the Clerk, in writing, not later than noon on the Thursday prior to the meeting and the Clerk may make a determination as to deferral of delegations to a subsequent meeting.
- (e) Agendas shall be formatted generally as follows but modifications to the matters to be included or the order of business may be effected without requiring amendment to this by-law.

## Regular Meeting of Council

- 1) Call to Order
- 2) Prayer
- 3) Identification of Non-agenda Items
- 4) Disclosure of Pecuniary Interest
- 5) Delegations/Deputations
- 6) Consent Agenda
- 7) Approval of Council Minutes
- 8) Approval of Committee of the Whole of Council Minutes
- 9) Resolutions from Tonight's Committee Meeting
- 10) By-Laws
- 11) New Items
- 12) Items Previously Considered
- 13) Information Correspondence
- 14) Minutes of Local Boards and Committees
- 15) Non-agenda Items
- 16) Adjournment

## Council in Committee of the Whole

- 1) Call to Order
- 2) Identification of Non-agenda Items
- 3) Disclosure of Pecuniary Interest
- 4) Delegations/Deputations
- 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) Items Previously Considered
- 12) In-camera
- 13) Information Items
- 14) Non-agenda Items
- 15) Adjournment

- (f) The business of the Council shall be taken up in the order as listed on the agenda unless otherwise decided by Council.
- (g) There shall be included in the agenda, for meetings of Council and Committee of the Whole of Council, a consent agenda. Items or issues appearing on the agenda which have been identified as being eligible to be dealt with under the consent agenda ie. not requiring any discussion during the meeting, shall be dealt with by a single resolution formatted appropriately in the affirmative.

Minutes

11. The Clerk shall record the following information for the purpose of the official Minutes:
- place, date and time of the meeting;
  - name of the Presiding Officer;
  - members present;
  - member declaring an interest and the general nature thereof as disclosed;
  - any public deputation and the name of the person/group;
  - recorded votes of Council;
  - all other proceedings of the meeting without note or comment.



Declaration of Interest

12. In accordance with the Municipal Conflict of Interest Act, R.S.O. 1990, c.M.50, any Member required to do so by the provisions of that Act, shall disclose any direct or indirect pecuniary interest and state the general nature of such interest; and it shall be recorded by the Clerk accordingly.

Petitions and Communications

13. Every communication, including a petition designed to be presented to the Council, shall be legibly written or printed and shall not contain any obscene or improper matter or language and shall be signed by at least one person and filed with the Clerk.

Curfew

14. Council and Committee of the Whole of Council meetings shall stand adjourned no later than the hour of ten (10) o'clock in the evening, unless otherwise ordered by a unanimous vote of members present.

Duties of the Mayor

15. It shall be the duty of the Head of Council or other Presiding Officer:
- (a) to open the meeting by taking the chair and calling the members to order;
  - (b) to announce the business before Council in the order in which it is to be acted upon;
  - (c) to receive and submit, in the proper manner, all motions presented by the members;
  - (d) to put to a vote all questions which are moved and seconded, or necessarily arise in the course of the proceedings, and to announce the result;
  - (e) to decline to put to vote motions which infringe upon the rules of procedure;
  - (f) to enforce on all occasions the observance of order and decorum among the members;
  - (g) to call by name any member persisting in breach of the rules of order of the Council, thereby ordering the member to vacate the Council Chambers.
  - (h) to authenticate by signature all By-Laws, Resolutions and Minutes of the Council;
  - (i) to inform the Council, when necessary or when referred to for the purpose, on a point of order or usage;
  - (j) to select the members of Council who are to serve on Committees;
  - (k) to represent and support the Council, declaring its will and implicitly obeying its decisions in all things;
  - (l) to ensure that the decisions of Council are in conformity with the laws and by-laws governing the activities of the municipal Corporation;



- (m) to adjourn the meeting without the question being put in the case of grave disorder arising in the Council Chambers;
- (n) to order any individual or group in attendance at the meeting to cease and desist any behaviour which disrupts the order and decorum of the meeting and to order the individuals or group to vacate the Council Chambers where such behaviour persists.

#### Conduct of Members of Council and Guests

16. No Member shall speak disrespectfully of the Reigning Sovereign, or of any of the royal family, or of the Governor-General, the Lieutenant-Governor of any province, or any member of the Senate, the House of Commons of Canada or the Legislative Assembly of the Province of Ontario.
17. No member shall:
  - (a) use offensive words or unparliamentary language in or against the Council or against any member, staff or guest;
  - (b) disturb another, or the Council, staff, or guest, by any disorderly conduct disconcerting to the speaker or the assembly;
  - (c) speak on any subject other than the subject in debate;
  - (d) walk across or out of the Council Chambers when the Mayor is putting the question on a resolution;
  - (e) speak beside the question in debate;
  - (f) disobey the rules of Council or the decisions of the Head of Council, other presiding officer or of Council on questions or order or practice or upon the interpretation of the rules of Council;
  - (g) leave a meeting without first obtaining permission from the Head of Council or presiding officer;
  - (h) be permitted to retake their seat after being ordered to vacate, having committed a breach of any rule of the Council, until the next meeting and without making an apology to Council;
  - (i) interrupt the member who has the floor except to raise a point of order.
18. No person except members and officers of the Council shall be allowed to come within the bar during the sittings of the Council without permission of the Mayor or presiding officer.
19. No person shall be allowed to address Council or speak in debate without permission of the Head of Council or other presiding officer.

#### Motions

20. Subject to Paragraph 21 and insofar as is practicable, notice of motions, except those listed in Paragraphs 24 and 25, shall be given in writing to the Clerk not later than noon on the Thursday preceding the next regular meeting so that the matter may be included in the Council agenda package.
21. Any motion may be introduced without notice if Council, without debate, agrees on a majority vote to dispense with notice.

22. A motion must be formally seconded before the question can be put or a motion recorded in the minutes.
23. When a motion is presented in Council in writing it shall be read, or, if it is an oral motion, it shall be stated by the Head of Council or presiding officer before debate.
24. The following matters and motions may be introduced orally without written notice and without leave except as otherwise provided by these rules:
  - (a) a point of order or personal privilege;
  - (b) presentation of petitions;
  - (c) to lay on the table (to defer indefinitely)
  - (d) to postpone indefinitely or to a specific day;
  - (e) to move the previous question (immediate vote on the main motion).
25. The following motions may be introduced without notice and without leave but such motions shall be in writing and signed:
  - (a) to refer;
  - (b) to adjourn;
  - (c) to amend;
  - (d) to suspend the rules of procedure.
26. Except as provided in Paragraph 24 all motions shall be in writing and signed by the mover and seconder.
27. The Clerk and other officers may introduce matters to be dealt with by motion subject to the notice provisions set out in Paragraph 20.
28. A motion to amend shall:
  - (a) be presented in writing;
  - (b) be dealt with by Council before a previous amendment or the main motion;
  - (c) not be further amended more than once provided that further amendment may be made to the main motion;
  - (d) be relevant to the main motion;
  - (e) not propose a direct negative to the main motion.
29. Once read or stated by the Head of Council or presiding officer a motion may not be withdrawn without the consent of the majority of the members.

#### Voting on Motions

30. Immediately prior to voting on a motion, the Head of Council or presiding officer shall state the question in the precise form it is to be recorded in the minutes, including any amendments to the question.
31. After a motion as amended is finally put, no member shall speak to the question nor shall any other motion be made until after the vote is taken and the result is declared.



32. On an unrecorded vote, the manner of determining the decision on a motion shall be at the discretion of the Head of Council or presiding officer and may be by voice, show of hands, standing or otherwise and any failure to vote by a qualified member except a member disqualified from voting by any Act shall be deemed assent.
33. Where a vote is taken for any purpose and a member requests, before or after the vote, that the vote be recorded, each member present, except a member disqualified from voting by any Act, shall, in an order determined by the head of Council or presiding officer, announce their vote openly, and any failure to vote by a qualified member shall be deemed to be a negative vote and the Clerk shall record each vote.
34. The Head of Council or presiding officer, except where disqualified to vote, may vote on all questions and when so doing, shall vote last.
35. Except where expressly provided in Statute, any question on which there is an equality of votes shall be deemed to be defeated.
36. Subject to Subsection 9(f) no vote shall be taken by ballot or any other method of secret voting and every vote so taken is of no effect.

#### Rules of Debate

37. Unless otherwise authorized by the Head of Council or presiding officer, all members, staff and guests shall address Council through the chair and only when recognized to do so.
38. When two or more members seek to address Council, the Head of Council or presiding officer shall designate the member who may speak first.
39. Members shall not speak more than once to the same question without the consent of the Head of Council or presiding officer.
40. Any member may require the question or motion under discussion to be read at any time during the debate but not so as to interrupt a member while speaking.

#### Points of Order and Privilege

41. The Head of Council or presiding officer shall preserve order and decide questions of order.
42. The Council, if appealed to, shall decide the question without debate and its decision shall be final.

#### By-Laws

43. No By-law shall be presented to Council unless the subject matter has been considered and approved by Council.
44. Every By-law shall be introduced upon motion by a member specifying the title of the By-law.
45. Every By-law when introduced shall be in typewritten form and shall contain no blanks except as may be required to conform to accepted procedure or to comply with provisions of any Act.
46. On a single motion of Council, one or more by-laws may be introduced, as in Section 44 above, and be given the first, second and third readings. At the



discretion of Council, on condition that said by-law(s) is/are not being amended, oral reading of the by-law(s) by the Clerk may be dispensed with and the by-law(s) be "taken as read".

47. Every By-law shall be given three readings prior to passage.
48. The first reading of a By-law shall be decided without amendment or debate.
49. By-laws may be given three readings on the same day except when requested otherwise by motion of the majority of the members present or as otherwise provided in law.
50. Council may, prior to the second and third reading of any by-law introduce any change or amendment to the by-law.
51. Upon passage, By-laws shall be numbered, signed by the presiding officer and embossed with the seal of the Corporation.
52. Any proposed By-law may be referred to a Committee, Department Head or other officer for review and comment, including the solicitor for the Corporation.

#### Reconsideration of Council Decision

53. After any question has been decided, the following shall prevail:
  - (a) Any member of Council may give notice after the question was decided for a reconsideration of the question at any regular meeting of the Council.
  - (b) A vote to reconsider must be carried by no fewer than four members of Council.
  - (c) Subsections a) and b) of this section apply to all questions decided during the term of the current Council and all questions decided within the previous twelve (12) months.

#### Proceedings in Committee of the Whole

##### 54. **General**

Members of the Committee of the Whole of Council shall consist of a quorum or more of Mayor and Council. Such members of Council may meet from time to time in addition to the times specified in this by-law, as a Committee of the Whole, for the purpose of considering any matter or thing referred to or brought before the Committee for consideration and/or report. The Mayor may call a Committee of the Whole meeting at any time and, when so requested by a majority of the members of the Council, shall call a meeting of the Committee of the Whole. Twenty-four (24) hours notice of all special meetings shall be given to the Members by the Clerk's office, stating the purpose of the meeting and matters to be considered.

##### 55. **Dates and Times**

Committee of the Whole of Council meetings shall be held at 5:30 p.m., on the second and fourth Mondays of every month, preceding the Regular Meetings of Council.



**56. Chairperson and Vice-Chairperson**

The positions of Chairperson and Vice-Chairperson of Committee of the Whole of Council shall be on a rotation basis throughout the duration of the term of Council among the six Councillors whereby each Councillor shall be appointed to a term of six months as Vice-Chairperson followed by a term of six months as Chairperson. The order of selection shall be as determined by the Mayor and approved by resolution of Council at the Inaugural Meeting of a newly elected Council.

**57. Rules in Committee of the Whole**

All rules as described above for regular Council meetings shall apply where and when applicable, in Committee of the Whole.

**Other Committees**

58. The Mayor shall be ex-officio, a member of all Committees, the members of which are appointed by the Mayor and Council.

59. Executive Committees shall be as follows:

Administration and Finance  
Community Services  
Planning and Development  
Operations and Facilities

60. Members of the Executive Committees shall be appointed annually by the Mayor and approved by resolution of Council.

61. Members of the Advisory Committees shall be appointed annually by the Mayor and approved by resolution of Council.

62. The structure and mandates of the Executive Committees and various Advisory Committees are as set out in Town of Fort Frances By-Law No. 21/94, as it may be amended from time to time.

**Procedures for Public Meetings to Consider an Official Plan and/or Zoning Amendment**

63. The Clerk is to record date, time, place, reason for meeting, and persons in attendance, together with the following:

- Mayor to advise why public meeting is being held;
- Clerk to read the Notice giving dates that it appeared in the newspaper;
- Mayor to ask if anyone wishes to receive written notice of the adoption of the By-law(s) to leave name with Clerk;
- Mayor to ask if there are any questions;
- Mayor to ask if anyone wishes to speak in favour of or in opposition to the amendment(s);
- Mayor to ask if there are any questions;
- Mayor to advise that the by-law(s) will be considered later during the regular meeting of Council, or otherwise as circumstances dictate;
- Mayor to declare public meeting closed.

**General**

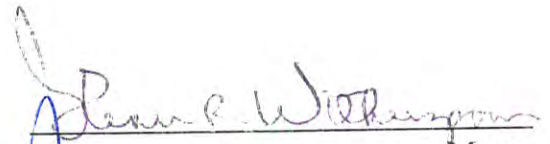
64. In all matters and under all circumstances the members shall be guided by and shall have regard to the Municipal Conflict of Interest Act or its successor act upon proclamation.

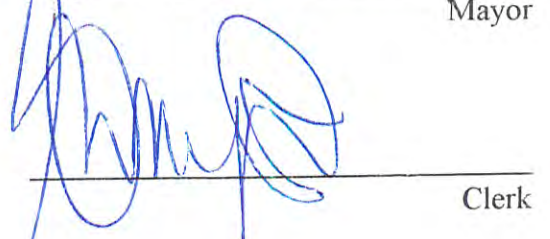


65. Individuals or groups which are listed on an agenda or are otherwise approved to appear before Council pursuant to Paragraph 10(d) shall be limited to not more than fifteen (15) minutes except that a delegation consisting of more than five (5) persons shall be limited to two (2) speakers, each limited to speaking not more than ten (10) minutes.
66. Following a regular or new election, the Clerk shall provide each member of Council with a copy of this By-law, including any amendments thereto.
67. Any procedure under this By-law which is discretionary and not mandatory under statute may be suspended with the consent of a majority of the members present.
68. No amendment or repeal of this By-law or any part thereof shall be considered at any meetings of the Council unless notice of the proposed amendment or repeal is given at a previous regular meeting of the council and the waiving of notice is prohibited.
69. That By-Law No. 899, By-Law No. 3/70, By-Law No. 26/90, By-Law No. 30/95 and all other by-laws of the Town of Fort Frances herebefore enacted to establish and adopt rules of procedures for meetings of Council and the conduct of its members be hereby rescinded.

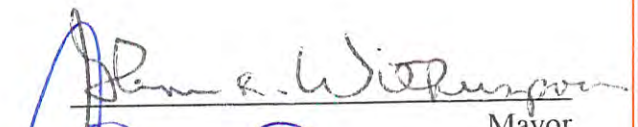
That this by-law shall come into force and take effect on the final passing thereof.

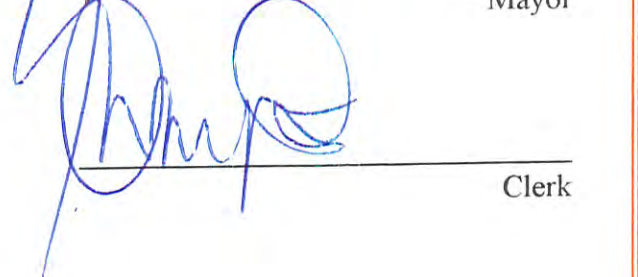
**READ A FIRST AND SECOND TIME ONLY** in open Council this 23rd day of May, 1995.

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Clerk

**READ A THIRD TIME AND FINALLY PASSED** in open Council this 28th day of August, 1995.

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Clerk