

May 27, 2020

REPORT TO: Administration & Finance Executive Committee

FROM: Elizabeth (Lisa) Slomke, Clerk

SUBJECT: Procedure By-law Review – Part 5

1) 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motion has been read or stated by the Presiding Officer, it shall be deemed to be in possession of Council, but may be withdrawn by the mover and seconder at any time before being voted on with the concurrence of Council.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 "AA" (attached to this report) forms part of this by-law and shall describe the form and standard descriptive characteristics of motions commonly used in Council. (in all cases related to motions, Council of the Town of Fort Frances will defer to Robert's Rules of Order, current edition)

Motion for Reconsideration

23.23 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.

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

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

23.24 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.

23.24.1 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.

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

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

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

23.25.1 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 not made may introduce a motion for reconsideration.

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

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

23.26 Reconsideration – only once

No motion or report shall be reconsidered more than once.

23.27 Reconsideration – not permitted

A matter cannot be reconsidered in the event actions have been taken that, if reversed, would cause undue harm to persons that have relied on the original decision or, in the event that reconsideration would expose the Town of Fort Frances to liability.

- 2) The template was compiled by AMCTO and taken from best practices across the province and is reflective of new legislative changes. More definitions may be added to this list once I pull all the previously considered pieces together into one document.

DEFINITIONS

Abstention

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

Act

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

Adjourn

“Adjourn” in an unqualified manner, means that the adjournment is effective immediately.

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* and appointed by By-law.

Closed Meeting

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

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).

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.

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.

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.

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 an Elected Member of the Council of Town of Fort Frances.

Municipal Corporation

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

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, procedures or generally accepted practices of Council.

Portal

“Portal” means the electronic community gateway used by the Town of Fort Frances to provide the public access, information and notice related to Council, Council meetings and supporting documentation.

Question of Privilege

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

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.

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.

question						
11	Amend a pending motion	S	No	Yes	If motion to be amended is debatable ⁴	Yes
11	Amend an amendment of a pending motion	S	NO	YES	If motion to be amended is debatable ⁵	Yes
12	Postpone Indefinitely	S	No	Yes	Yes	No
13	Main Motion	M	No	Yes	Yes	Yes

⁴ Debate on motion must be confined to *its* merits only, and cannot go into the main question except as necessary for debate of the immediately pending question.

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