

April 15, 2020

REPORT TO: Administration & Finance Executive Committee

FROM: Elizabeth (Lisa) Slomke, Clerk

SUBJECT: Procedure By-law Review – Part 3

- 1) Proceedings including debate rules, order of speaking, interruptions, speaking durations should be considered and discussed to ensure that members understand the intent and clarification can be sought. Further, a review of the voting process and quorum needs to be completed.

RULES OF DEBATE

8.1 Chair – preserve order

The Mayor/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 Chair.

8.3 Order – of speaking – determination

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

8.4 Voting – Members – seated – disturbance – prohibited

When the Chair calls for the vote on a motion, each Member shall occupy their seat and shall remain there until the 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 Chair or interrupt the speaker except to raise a question of privilege, appeal from the decision of the Chair or raise a point of order.

8.6 Point of Order – Inform Members

It shall be the duty of the 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 5-10 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.

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.

VOTING

22.1 Chair need not vote

The Chair shall vote as any other Member when the vote is to be recorded. In all other cases, the Chair, 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.

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 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 when called upon by the Clerk; and any failure to vote by a Member who is not disqualified shall be deemed to be a negative vote, and the Clerk shall 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 9 to 4 would satisfy a two-thirds vote because doubling 4 would give you 8 and 9 is more than 8. (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.

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 Chair shall call the Members to order.

10.2 Quorum

A majority of the Members elected (50% +1) shall constitute a quorum.

10.3 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.

10.6 Quorum – Municipal Conflict of Interest – remedy for lack

Where the number of Members who, by reason of the provisions of the ***Municipal Conflict of Interest Act***, are disabled from participating in a meeting is such that at that meeting the remaining Members are not of sufficient number to constitute a quorum, then despite any other general or Special Act, the remaining number of Members shall be deemed to constitute a quorum, provided that such a number is not less than two (2).

- 2) The Procedural By-law should outline the process we follow for preparation, review and approval of minutes.

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 presiding officer 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, shall be

distributed via e-mail to members of Council and listed on the agenda to be approved by Council. By prior distribution of the minutes to all Members, it is understood that the minutes have been read.

12.4 Minutes – confirmation – signing

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

3) By-law Review

To proactively manage this by-law review, it is desirable to set a review date. Therefore, a review of this by-law shall be performed in the year following a Municipal Election in order to maintain its accuracy and applicability. Should legislation that governs this Procedure By-law change prior to the year of a Municipal Election, the by-law shall be reviewed and revised accordingly.

Outstanding items to be discussed at a future meeting include:

- Committees
- Motions and order (including reconsideration)
- By-laws
- Vacancies / Notice of absence
- Adjournment
- Definitions