

# Ontario East Municipal Conference

## PARLIAMENTARY BUSINESS

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### BEST PRACTICE ACCOUNTABILITY AND TRANSPARENCY

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# BASIC REVIEW

- Question and Answers to Procedural Process
- REVIEW of Basic Motions and their use and interpretation
- Role of a Chair

## Motion for: ***“RECONSIDERATION”***

- A motion has passed and later in that same meeting, a Member wishes to re-visit (reconsider) the same question.
- Motion to reconsider can only be moved by a Member who voted on the prevailing side.
- (no notice required)

## Motion to: *“RENEW”*

- When a motion has been previously defeated (in another meeting)
- May not be introduced more than once in a 12 month period (Safe and except with a new election)
- When re-introduced it Requires two-thirds vote unless previous notice has been provided

## Motion to:

### *“AMEND SOMETHING PREVIOUSLY ADOPTED”*

- May be introduced as a motion to bring back a previously adopted decision
- Requires a two-thirds vote if previous notice not provided
- Can be introduced by any Member regardless of previous vote
- Cannot be considered if actions of the original vote has begun or third party has been notified

## Motion to: *“Lay on the Table”*

- **(may be said to Postpone Temporarily)**
- Enables the assembly to lay the pending question aside temporarily when something else of immediate urgency has arisen or when something else needs to be addressed before consideration of the pending question is resumed.
- Not debatable or amendable.

Motion to:

*“Postpone to a certain time”*

- To put off, within limits to a **definite** day, meeting, hour or certain event
- May debate the motion to postpone, not the main question being postponed
- The motion to DEFER should be avoided.

## Motion to: *“Postpone indefinitely”*

- That the assembly decline to take a position on the main question. Its adoption kills the main motion for the duration of the session and avoids a direct vote on the question.
- Must be introduced prior to any amendments made to the original motion.
- May be debated



## Motion to: *“REFER”*

- To send a pending question to a relatively small group of selected persons or committee so that the question may be carefully investigated and put into better condition for the assembly to consider
- The motion must include which committee it is referred to and the reasons it is being sent.
- Motion to refer may be debatable and amendable

## Motion to: “*Substitute*”

- Motion to substitute is used when a particular sentence or paragraph needs to be rewritten for better clarification.
- Substitution **MUST** remain germane to the original intention.
- May be debated and amended

## *“Point of Order !!! vs Point of Privilege”*

- Point of Order is called by any Member who believes that the rules of order have been violated
- Member must indicate what the Point of Order is to the Chair
- The Chair MUST clarify or obtain clarification to the Point of Order
- If a violation has occurred, the Chair MUST correct the violation and rule on the point of order
- If Members disagree with the Chair's ruling, any Member may call for an appeal and the appeal must be seconded
  - The assembly would then immediately vote on the appeal

- **Point of Privilege – Personal or as a whole**
  - is called by a Member if they believed that:
  
- **All Members' privilege is in question (ie)**
  - Too hot in meeting room and they wish to raise the air condition
  
- **Personal privilege**
  - The Minutes wrongly reflect a decision or position taken by the Member
  - The Member has been personally targeted by someone in meeting

# VOTING

- **Recorded Vote** – any Member can request, either before the vote or after the vote has been taken, that the vote be recorded, each member present, except a member who is disqualified from voting by any Act, shall announce his or her vote openly and the Clerk shall record each vote.
- **Failure to vote** – a Failure to vote by a Member who is present at the meeting at the time of the vote and who is qualified to vote shall be deemed to be a **negative vote**.

# VOTING

- **ALL VOTES** shall be **open to the public** (unless an exception is provided under Closed Meeting requirements).
- No Vote shall be taken by **ballot** or by any other method of secret voting, and every vote so taken is of no effect.
- **Tie Vote** – shall be deemed to be lost....

# COMMITTEES

- COMMITTEES of Council
  - Legal meeting (majority Council Members)
  - Opened to the Public
  - All business reported publicly
- AD HOC Committees
  - Appointed by Council
  - Less than majority of Members of Council
  - May include appointments of citizens to sit on Committee
  - Created for one specific project – reports and dissolves

# Duties of a Chair

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- **START at Time indicated on the Agenda** – Critical for Transparency and Accountability - and NOTICE requirements - CALL the meeting to order – after confirming quorum is present
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- Announce in proper sequence (orders of the day – agenda)
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- Recognize members who are entitled to the floor.
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- State and put to vote all questions that legitimately come before the Council as motions or that may otherwise arise through the course of the meeting.
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- Protect the Council from dilatory motions
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- ENFORCE the rules relating to debate, order and decorum
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- Decide all questions of order
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- Respond to inquiries of members ON parliamentary procedures or factual information bearing on the business of the Council
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# ROLE OF THE CHAIR

(but not limited to the following)

- May VOTE on all matters
- Rule on Points of Order and Points of Privilege
- Determine Time limits for Invited Presentations
- Expelling a Member or public for disorderly conduct
- Relinquish the Chair to Deputy Mayor or Appointed Acted Mayor or vice-chair or other (for debate)
- Guide AMENDING motions
- Call a recess
- Can state relevant facts for clarification on a matter

# CHAIR MAY NOT

(but not limited to the following)

- DEBATE from the Chair
- ADD Additional items to a “Special Meeting” called for a specific purpose
- Contradict any section of the Adopted Procedural By-law
- Suspend any rule of the Procedural By-law without 2/3’s vote or unanimous consent from Members of the Council

## QUESTIONS

1. Can I leave an ongoing meeting?
2. Can I debate a citizen appearing as a delegation?
3. Can a Member comment or interrupt while another Member has the floor?
4. Can a Member speak on one matter as many times as they wish?
5. Can personal devices be used in the meeting to record?
6. Can the Chair re-organize Agenda items?
7. Can a non Committee Member sit around a Committee's meeting table?
8. We have no Chair but have quorum – is meeting cancelled?
9. Can we lose quorum due to a conflict of interest?
10. Ongoing meeting and Chair has a late arrival – does the Chair immediately take over the meeting?

## ANSWERS

1. You must notify the Chair before or at the moment.
2. No debate, but may ask questions – through the Chair.
3. Member **must** be recognized by the Chair and **may not interrupt**.
4. A Member, after recognized by the Chair, may speak up to 5 minutes and an additional 5 after everyone has had an opportunity to speak.
5. NO (sec.5.9.2) p.15
6. With approval of the Members
7. NO (Sec.8.9.3) p.29
8. Quorum constitutes a meeting (sec.6.6) p.20
9. No (2 or more) p. 21 (sec.6.6.7)
10. Waits until business has been dealt with and can assume the chair.

## QUESTION

1. A Member is absent from meeting where they have an interest. Must they still declare the interest?
2. Must you report in open session, actions taken in closed session.
3. Is there a process to have a motion heard?
4. Can a Member try to stop debate?
5. Can further questions or debate take place after the call of the vote?
6. Can a recorded vote be taken after the vote is taken?
7. Is there a significance to being a mover or seconder of a motion?

## ANSWER

1. Yes must declare the interest at the next meeting they attend.
2. Yes, immediately following closed session.
3. Yes. Member files with the Clerk and it's added to Agenda, or introduce a Notice of Motion to be heard at the next meeting.
4. Yes, by introducing a motion to "call the question"
5. NO Yes – immediately prior or after the vote is taken.
6. Mover may vote against the motion but may not speak against the motion while a seconder is simply implies a desire to have the question debated.
7. Yes – only to the form and to ensure that it correctly implements the decision that it intends to implement.

**QUESTIONS?**