

Background Report

Report From: Dawn Mittelholtz, Manager, Legislative Services/Clerk

Meeting Date: October 28, 2024

Subject: Proposed Procedural By-law

Background/Analysis

The 2024 Business Plan included an update to the Procedural By-law to change the Council Meeting Structure to no longer include the Committee of the Whole. A proposed Procedural By-law has been updated to make these changes, provide additional clarity on certain procedural matters, and make housekeeping improvements. This report provides a synopsis of the major changes and provides the required notice of Council's consideration to adopt the by-law at the next Council Meeting.

To assist the Council in their review of the updated Procedural By-law, two copies have been provided. The first is a clean version with the edits made for ease of reading and the other is a redlined version with deletions struck through with a red font colour, and additions highlighted in yellow. To avoid more highlighting than necessary, any instances where a word from the current Procedural By-law has been replaced several times with a new word that was added to Definitions, the change was made without highlighting it. An example of this is replacing Mayor and/or Chair with Presiding Member.

The updated Procedural By-law includes several housekeeping improvements for consistent and simplified language, alignment with legislation, and deletion of redundant or superfluous sections. An additional improvement includes links to governing legislation when referenced.

Definitions – several new definitions have been added to the By-law to align with or reference governing legislation and create needed clarity around terms included in the By-law. These new definitions either existed in the current By-law or were used to replace other words throughout the By-law.

Committee of the Whole and Planning Meetings – throughout the By-law there are several additions and deletions to ensure proper structure and clarity with the removal of the Committee of the Whole and the designation of the third Monday of the month for a Council Meeting focused on Planning Act related matters. Removing the Committee of the Whole from the By-law is not complicated but requires thoroughness and several minor changes. Although the Town has used the third Monday of the month for Planning Act matters for several years, recent Procedural By-law amendments changed this from the form of a Planning Committee Meeting to a Regular Council Meeting. This updated Procedural By-law adds language to better reference

the Planning Act and adds clarity around Public Meetings, what may be on these Agendas, and the public participation opportunities.

Closed Meetings and Roles of Members and Officers – as many Procedural By-laws throughout the Province have done for years, the current by-law copied, verbatim, from the Municipal Act, 2001, (the Act) the reasons for going into a Closed Meeting and the duties for members of Council and Municipal Administration. Some municipalities have moved away from this practice to avoid instances where the Procedural By-law may fall out of alignment with the Act. Additionally, this practice is redundant and unnecessary as the governing legislation always applies. These sections remain in the Procedural By-law, but reference the appropriate section of the Act, rather than copy them. Where the Town has added to the Duties of Members or Officers, they continue to be included in this updated By-law. The By-law was updated throughout to include the term Municipal Administration to collectively refer to any municipal employee or officer, as is defined in the Act under section 227.

Public Participation – in the By-law, changes were made throughout to ensure all participants have an expectation to treat all other participants with respect and follow good meeting decorum. This update also allowed for consolidation and alignment with the rules of procedures relative to Open Forum, Delegations, and Public Meetings. The intention is to simplify the document but with minimal changes to how a member of the public may address Council. For greater clarity, Open Forum, Delegations, and Public Meetings were more fully defined to understand where each participation opportunity may be used.

Legislative Alignment – where needed, language in the document was updated to ensure alignment with Provincial legislation. The most frequent use of this was including Local Boards when referencing Committees. This aids the municipality if the Procedural By-law is challenged but also gives assurances that the Town follows governing legislation. To further this alignment and enforceability, the General Provisions section was added to lessen the potential for ambiguity and errors in interpretation.

Electronic Participation – although the use of electronic means to participate in a Council meeting is not new, the sections relative to participation for Members of Council, Committees, and Local Boards, the Municipal Administration, and the public have been refined concerning the rules of procedure when participating through electronic means. Such changes include, among other things, how members indicate their vote, what happens if the online connection fails, and when Municipal Administration may be able to assist with connectivity or other technological issues.

Three Readings of a By-law – procedurally, the Town does not actually give three readings of a by-law, and this historic language served no real purpose except for the preservation of traditional parliamentary language. Members of Council and the public have questioned the use of this language, and several municipalities have done away with this practice. It is recommended that Town adopt by-laws, going forward, in one Motion, except where otherwise required by legislation. An example of where this would be required is the Drainage Act which requires a Provisional By-law to start drainage work but is then given a third and final reading when the work is completed, and the final assessments are calculated.

Consent Agenda – a section has been added to permit the use of a Consent Agenda where reports or other items may be considered collectively under one Motion. The intent of a Consent Agenda is that the items included do not require discussion for approval. Examples include the endorsement of a resolution from another municipality, receiving a report for information, or the approval of a routine report that has not substantively changed since the last time the report was approved by Council. Members of Council will have the opportunity to indicate when a report should be removed from the Consent Agenda, such as clarifying questions or if they otherwise feel the matter requires discussion among Members, other than an expression of agreement or endorsement.

Communications, Petitions, and Proclamations – improvements were made to the Communications and Petitions section to provide greater clarity on what can or cannot be included on the Council Agenda. Required Information for Petitions was added to assist the public in ensuring they are providing Council with a meaningful document that clearly demonstrates the opinions of those who signed the petition and assurances that those who signed have full disclosure of its inclusion on the public record. Another addition is procedures for receiving Proclamations which was not previously defined but is consistent with what the Town has done to date.

Order – although not highlighted in the Procedural By-law, the order of the provisions in the document was refined to permit a logical flow and grouping of information.

To transition to this new meeting structure, the By-law is proposed to come into force and effect on January 1, 2025. As has been done with other major policy changes at the Town (i.e. Purchasing Policy), staff will monitor the use of the updated Procedural By-law and if further changes are required, a staff report will be brought back to the Striking Committee in 2025 for further consideration.

Linkages

- Strategic Plan Alignment: Pillar 3: Building Valued Relationships
- Business Plan Alignment: Corporate Services Major Initiative

Financial Impacts/Source of Funding

No costs or revenue are associated with this report

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