

January 20, 2020

REPORT TO: Administration & Finance Executive Committee

FROM: Elizabeth (Lisa) Slomke, Clerk

SUBJECT: Procedure By-law Review – Part 2

- 1) Some consideration needs to be given respecting general meeting matters as follows. Further in-depth discussion respecting electronic meetings should take place to establish conditions should Council proceed with permitting electronic participation. When the legislation provides for Council to 'set out the manner' it provides each municipality the ability to put rules/restrictions in place that best suit their own community needs. I have outlined a number of items (on separate page) to consider, related to rules/restrictions for electronic meetings.

ARTICLE IV MEETINGS

4.14 Confidential Matters

Members are to ensure that confidential matters disclosed to them during meetings closed to the public, are kept confidential. No member, officer or employee of the Corporation shall disclose the content of the matter or substance of the deliberations of a Closed Meeting, unless expressly authorized to do so by Council as required by law.

Any Member, who contravenes the confidentiality clause, may be subject, by majority vote of the Council, to penalties in accordance to Section 7.10 of the Procedural By-law and of the previously adopted "**Code of Conduct**" policy.

4.15 Orientation Meeting

Orientation meetings of the Council, shall be considered as an information meeting to newly elected Members of Council in order to provide Members with the general process of what an elected Member could reasonably expect such as but not limited to; the Inaugural meeting process; how many committees they may be appointed to; process of a council meeting; protocol; corporate policies; code of conduct; payroll; overview of the budget process, and any other matter the Administration may deem required.

4.16 Electronic Meetings

The Council may provide that a Member of Council or of an Executive Committee of either of them, can participate electronically in a meeting, which is open to the public.

(SET OUT THE MANNER)

4.16.1 Electronic Meetings – Quorum

Any Member, who participates through electronic means, during a public meeting, shall not at any point in time, be counted in determining whether or not a quorum of Members is present.

4.16.2 Electronic Meeting – closed to the public

No Member shall participate in a meeting, through electronic means, when the meeting is closed to the public.

4.17 Meetings – Termination Hour

No item of business shall be considered at a meeting of the Council, after the hour of 10:00 p.m. CST, unless otherwise ordered by a unanimous vote of members present.

4.18 Meetings – Continuation – Suspend the Rules

Should the Members of Council reach the hour of 10:00 p.m. CST, and they wish to continue the ongoing meeting until additional items listed on the Agenda have been dealt with, a Motion to *Suspend the Rules of Order (Sec. 3.1)* of this By-law shall be introduced and a two-thirds (2/3's) vote of the Members present and voting shall be required.

- 2) Agenda preparation is an important component of meeting procedures. The Order of Business provides the Chair with steps in order to keep the meeting on track and ensures that the business being considered is moved along in an orderly fashion. Discussion and directions are required at this stage of the Procedural By-law review/rewrite. I have included some recommended changes to our existing order that better reflect current practice and comments made to me.

ARTICLE IX ORDER OF BUSINESS - AGENDA

9.1 Agenda – Content

The Business of the Council shall in all cases, be taken up in the following order, once the Chair has brought the meeting to order, unless otherwise decided by a vote of two-thirds of the Members present and voting.

Committee of the Whole Agenda:

- 1) Call to Order
- 2) ~~Identification of Non-agenda Items~~
- 3) Disclosure of Pecuniary Interest
- 4) Delegations/Deputations

****add – Reporting by Members of Council (34/95-E)**

- 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

Council Agenda:

- 1) Call to Order
- 2) ~~Prayer~~ (Silent Prayer or Moment of Silence)
- ** add – recognition of treaty land**
- 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~~
- **add – In-Camera Items (move to Committee Room)**
- **add – Resolutions required as a result of In-Camera Discussions**
- 16) Adjournment

9.2 Delivery of Agenda

The agenda shall be delivered by electronic transmission to each Member of Council and posted on the Town website by the Clerk's Office no later than 48 hours, preceding the scheduled Committee of the Whole or Council Meeting. Exceptions to the delivery of an agenda may be allowed due to Statutory or Civic holidays and for Special / Emergency meetings.

- 3) Public participation is encouraged and facilitated via the Delegation / Deputation section on the agenda. A discussion should take place respecting time limits, restrictions and debate.

ARTICLE XIII PRESENTATIONS / DELEGATIONS / DEPUTATIONS

13.1 Heard – request submitted – deadline – items on agenda

Persons desiring to address Council for the purpose of making a verbal presentation with respect to items for Council consideration that fall under the council's mandate shall be heard at the Committee of the Whole, with those delegations having submitted their request in writing to the Clerk by 12 noon on the Thursday preceding the meeting, being heard first, in the order in which such requests are received by the Clerk.

13.2 Material – written – submitted for Council – deadline

Where possible, written material to be distributed to Council shall be submitted to the Clerk by 12 noon on the Thursday preceding the meeting and the notice shall specify clearly the business to be presented and who the spokesperson(s) shall be.

13.3.1 Presentations – ceremonial or financial statements

Presentations of a ceremonial nature or the annual presentation of Consolidated Financial Statements by the municipal Auditor shall be heard at the beginning of a Committee of the Whole meeting. The Auditor's presentation does not have to adhere to the time limits imposed.

13.3.2 Presentations – time limit

Council shall hear any presentation for information purposes only, and presentations shall be limited to a maximum of ten (10) minutes.

a) Spokesperson – presentation and/or delegation

An organized body wishing to address Council as a presentation and/or delegation, regardless of the number of spokespersons shall be limited to a maximum of ten (10) minutes.

13.3.3 Restrictions and permission

Presentations and/or Delegations shall not be permitted to appear before Council for the sole purpose of generating publicity for an event, or to promote their business.

a) Number of Presentations and/or Delegations – meetings

On any given scheduled Council meeting, there shall be a maximum of three (3) combined presentation(s) and/or delegation(s) permitted to speak for a maximum time allotment of 30 minutes (10 minutes maximum each).

b) Time Schedule – questions

Council Members shall be permitted a question period for each presentation and/or delegation of a maximum five (5) minutes. Members shall be permitted to ask questions of delegates but shall not make statements nor enter into debate with such persons.

13.6 Delegations – requests for action – referred

Delegations, which request action to be taken by the Council, shall be referred to Administration, by majority vote, for a recommendation to be presented at a future Meeting.

13.6.1 Delegations – no immediate decision

Under no circumstances, shall a decision from Members of Council be made on a request by a Delegation at the same meeting the Delegation has been heard.

13.8 Delegation – deemed – inappropriate for Council

When it is deemed inappropriate that a delegation address Council, the Clerk shall so notify the delegation and Council with a supporting explanation.

Outstanding Items to be discussed at future meeting include the following:

- Definitions
- Proceedings (i.e. debate, voting, reconsideration, etc.)
- Review of By-law (timetable)

Items to Consider – Rules/Restrictions – Electronic Participation

- What situations will electronic participation be permitted? (i.e. Executive Committees, Committee of the Whole, Council or combination thereof or not at all)
- What does the members' authority to participate electronically include? (i.e. listen only, listen and discuss only, listen discuss and vote)
- How do we address technological issues? – at this time I suggest we try using teleconference as both the Committee Room and Council Chambers have phone connections.
- What is the frequency and purpose of permitting electronic participation? (disability, work out of town, medical illness/treatment, conference, etc.) Who says yes?
- How many members can participate electronically? - the legislation says they don't count as quorum.
- What is the process of requesting electronic participation? – how much time in advance of the meeting.
- Can the Chair participate electronically?
- Can a member participating electronically join late?
- What happens if communication link is lost during the meeting, does the meeting pause until connection is re-established? Or is a lost connection the end of participation.
- Who bears the costs associated with electronic participation (i.e. long distance charges, equipment upgrades if necessary)
- Other:
 - participating member must be using a device with muting capability
 - participating member is not counted in quorum, therefore technically not in attendance and rules respecting vacancies still apply (section 259. (1) (c) of the Municipal Act limits vacancies to three consecutive months).