

December 12, 2019

REPORT TO: Administration & Finance Executive Committee  
FROM: Elizabeth (Lisa) Slomke, Clerk  
SUBJECT: Procedure By-law Review – Part 1

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## **BACKGROUND INFORMATION**

On October 28, 2019 Committee of the Whole approved that a review/rewrite of the Procedural By-law be undertaken. This report is the first step in that process. Prior to establishing some of the smaller sections of the by-law (i.e. definitions, agenda composition, etc.) Council needs to determine how they want meetings to be established.

## **NEXT STEPS**

Consideration and discussion on the following seven points is encouraged. The Clerk requires direction on a number of matters in order to move forward.

- 1) Currently, the requirement to set the date and time for the Inaugural Meeting still exists in current legislation, the date has been modified to reflect the end of the term being November 14, 2022. The next Council will potentially assume their responsibilities on November 15, 2022, thus my suggestion for the Inaugural Meeting wording based on what other municipalities are doing would be:

### ***INAUGURAL MEETING***

*The Inaugural meeting of Council in an election year shall be held on the first Monday on or after November 15<sup>th</sup> at 7:00 p.m. in Council Chambers. The meeting shall be for the purpose of swearing in the new Council, the appointment of a Deputy Mayor & Chairpersons as well as Councillor appointments to Boards and Committees.*

- 2) Special Meetings are permitted under the Municipal Act, thus wording will be included that reflects such. It is important to note that the items advertised for discussion at the Special Meeting are the only items that can be discussed. Notice of special meetings are permitted by way of e-mail to Members of Council and Administration, website for the public and further upon publishing of agenda for both groups. Council could establish a minimum time (i.e. 24 hours) notice requirement.
- 3) Reference will be included in our procedural by-law respecting meetings being open to the public unless the subject matter being considered is included in section 239 (2) or

239 (3) of the Municipal Act. I am not copying said wording into our Procedural by-law, that way if the Province removes a reason or adds a reason for going in-camera, our by-law would still be relevant and not require an amendment.

#### **CLOSED MEETINGS**

*All meetings shall be open to the public except that a Meeting or part of a meeting may be closed to the public in accordance with Section 238 and 239 of the Municipal Act.*

*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.*

- 4) A discussion needs to take place respecting Electronic Participation. I have included the excerpt from the Municipal Act attached and encourage further discussion on the matter. This option was presented to the previous Council, who chose not to permit electronic participation (report attached). One important note is that at present, the Committee Room has teleconference equipment, but Council Chambers does not (only a phone exists).
- 5) Duties and roles of Members are excerpts from the Municipal Act, thus I suggest reference is made to the appropriate section as the same situation could be in effect as outlined in #3 above.
- 6) Conduct of Members will reference the Code of Conduct (passed February 2019) as well as other legislation and policies of the Town.
- 7) A determination needs to be made respecting the use of Executive Committees and their flow of information on to Committee of the Whole / Council. Current practice is COW/Council meet the second and fourth Monday of each month. We should add wording that indicates July/August/December are only the second Monday (one meeting). Prior to COW/Council, Executive Committees meet the week prior. I have added Schedule 'A' from Boards & Committees by-law which outlines the approved composition of said Executive Committees.

Once a number of these items have been discussed and direction provided then I can move on to other sections.

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### **Electronic participation**

(3.1) The applicable procedure by-law may provide that a member of council, of a local board or of a committee of either of them, can participate electronically in a meeting which is open to the public to the extent and in the manner set out in the by-law provided that any such member shall not be counted in determining whether or not a quorum of members is present at any point in time. 2017, c. 10, Sched. 1, s. 25 (2).

### **Same**

(3.2) The applicable procedure by-law shall not provide that a member of council, of a local board or of a committee of either of them, can participate electronically in a meeting which is closed to the public. 2017, c. 10, Sched. 1, s. 25 (3).