

Committee of the Whole (Working Session) Report

DATE: Wednesday, June 05, 2019

WARD(S): ALL

TITLE: ADMINISTRATIVE AMENDMENTS TO PROCEDURE BY-LAW 7-2011

FROM:

Nick Spensieri, Deputy City Manager, Corporate Services

ACTION: DECISION

Purpose

This report outlines a series of proposed amendments to Procedure By-law 7-2011 with the intent to improve efficiency and transparency.

Report Highlights

- The Procedure By-law establishes the principles and rules to be used for meetings of Council and its Committees.
- Several amendments to Procedure By-law 7-2011 have been identified to improve efficiency and transparency.
- Proposed amendments include expanded use of the Aboriginal Territorial Acknowledgment, adding Staff Communications and a requirement for written declarations of interest.

Recommendations

1. That the proposed amendments to Procedure By-law 7-2011, outlined in Attachment #1, be approved, and a by-law be enacted to implement the proposed amendments.

Background

The Procedure By-law establishes the principles and rules to be used for meetings of Council and its Committees. The Procedure By-law enhances stakeholder participation,

community involvement and opportunities for valuable input from the public, other stakeholders and relevant experts on matters that come before Council. The amendments proposed in this report continue to build upon the governance model established by the Procedure By-law.

Previous Reports/Authority

[Procedure By-law 7-2011 \(as amended\)](#)

Analysis and Options

Procedure By-law

Section 238(2) of the *Municipal Act, 2001*, provides that every Municipality shall pass a procedure by-law for governing the calling, place and proceedings of meetings.

Procedure By-law 7-2011 was passed on January 25, 2011 to establish the principles and rules to be used for meetings of the Council, Committees of Council and local boards which have not adopted separate rules of procedure.

Aboriginal Territorial Acknowledgment

Since the release of the Truth and Reconciliation Commission report in 2015, many public institutions across Canada have made commitments to reconciliation based on a mutually respectful relationship with Aboriginal peoples. In the spirit of reconciliation, many municipal governments across Canada have adopted territorial acknowledgments to precede Council meetings and other gatherings.

At the June 5, 2017 Council meeting, City of Vaughan Council approved an Aboriginal territorial acknowledgement to be read at the beginning of each Council meeting. When the territorial acknowledgement was approved, it was noted by staff, at that time:

“That Council include this territorial acknowledgement as a standing item to be read at the beginning of subsequent Council meetings, until such a time as the City’s Procedure By-Law is amended to formally include the acknowledgement.”

Procedure By-law 7-2011 was amended in January 2018 to include a requirement that the territorial acknowledgement be read at the beginning of all regular Council meetings. Since that time, it has become a common practice for municipalities to include an Aboriginal territorial acknowledgement at all Council and Committee meetings, and even at Statutory Committee meetings.

It is recommended that the Procedure By-law be amended to require the reading of the Aboriginal territorial acknowledgment at the beginning of every Council, Committee and Statutory Committee meetings.

Communications

Communications for Committee and Council meetings are an important tool for communicating with Members of Council. At times, the volume of communications for a given meeting can be significant, affecting the ability of staff and Council to review each communication. Currently, the Procedure By-law allows for communications to be submitted as late as 2 hours prior to the Committee or Council meeting to be included on the agenda.

Communications received after the 2-hour cut-off for a Committee meeting are presented at the following Council meeting. It has been the practice that communications for Council that fail to meet the 2-hour deadline are directed to the relevant department or staff for consideration.

To ensure that both Members of Council and staff have an opportunity to review all communications, a new submission deadline is proposed. The deadline would be prior to noon on the last business day prior to the commencement of the meeting. Such a deadline would allow Clerk's office staff the time to process the communications, distribute electronically or in hardcopy and post to the City's website. Communications that miss the new deadline would continue to be processed in the same manner as in the past, being forwarded to either the Council meeting or City staff. It is recommended that this requirement with the new submission deadline be included in the Procedure By-law.

Staff Communications

A new type of communication is being proposed, called Staff Communications, in an effort to streamline routine reporting that goes to a Committee. A number of requirements are required to ensure that Staff Communications do not reduce the Committee's or the community's opportunity to review staff reports.

The rules governing Staff Communications are proposed as follows:

- a. shall be for information purposes only and shall not include any recommendations for Committee
- b. not required to be related to an item on the agenda
- c. shall be listed under the heading 'Staff Communications' on the Committee agenda
- d. may be called for discussion, however no decisions shall be made by Committee other than a request for further information, or that Committee directs that a staff report be prepared for a future Committee meeting

- e. deadline for submitting a Staff Communication to the Office of the City Clerk for inclusion on an agenda shall be noon on the Friday prior to the meeting. Addendums shall not be permitted.

Declaration of Interest

Bill 68, Modernizing Ontario's Municipal Legislation Act, 2016, a new section 5.1 of the *Municipal Conflict of Interest Act* (MCIA) that requires a Member of Council to file a written statement after the member discloses a pecuniary interest under section 5.

In addition, the MCIA under new section 6.1, requires municipalities and local boards to establish and maintain registries that keep copies of statements filed under section 5.1 and of declarations recorded under section 6.

It is recommended that:

- a. A Member who has declared an interest in an item being discussed shall file with the City Clerk a written statement of the interest declared and its general nature, when the interest is declared or as soon as possible afterwards
- b. The City Clerk maintain a registry of declarations of interest filed by the Members and that registry shall be available for public inspection during normal business hours, and a summary of the declarations shall be posted on the City's website

A declaration of interest form has been prepared and City Clerk's staff will work with the Members of Council to implement this requirement as necessary.

Deputation Requests

Deputations unrelated to an item on a Committee agenda require a detailed written request that must be submitted to the City Clerk's Office by noon on the Tuesday, of the second week prior to the meeting. This timing no longer meets the needs of staff, as all deputation requests are considered at the Agenda Review meeting. It is recommended that the following revision be made to the Procedure By-law:

- a. A detailed written request shall be submitted to the City Clerk's Office by noon on the Tuesday, of the third week prior to the meeting

The deputation request form includes the deadline for each Committee of the Whole meeting scheduled for the year.

Inaugural Meeting

The current Term of Council will run from December 1, 2018 to November 14, 2022, as a result of changes to the *Municipal Elections Act, 1996*. Starting in 2022, the term of

office will begin on November 15. This requires an amendment to the Procedure By-law which currently requires that the inaugural Council meeting be held on the first Tuesday in December.

It is recommended that the date of the inaugural Council meeting be changed to the first Tuesday following November 15 of an election year.

Calling of Special Council Meetings

The Procedure By-law includes provisions for the calling of an emergency Council meeting with less than 24 hours of notice. Currently, an emergency Council meeting can be called at the direction of “the Mayor or the Deputy Mayor”. This is somewhat ambiguous as it permits either the Mayor or Deputy Mayor to provide the direction. The protocol for calling an emergency Council meeting can be clarified by specifying a linear relationship for the Mayor and Deputy Mayor. The following revision is recommended:

- a. In circumstances of an emergency, the Mayor, or in the absence of the Mayor, the Deputy Mayor, may direct that the City Clerk summon a special meeting of Council on less than 24 hour notice.

Document Templates

Document templates are currently included as attachments to the Procedure By-law. Those documents include the following:

- a. Sample Terms of Reference for Ad Hoc Committee and Sub Committee
- b. Member’s Resolution Format
- c. Staff Report Template
- d. Committee Agenda Format
- e. Committee of the Whole (Public Hearing) Agenda Format
- f. Council Agenda
- g. Committee Report to Council

As these documents are attachments to a by-law, changes to them should be approved by Council. It is recommended that the Procedure By-law not include these documents as attachments, and that those documents be in a form satisfactory to the City Clerk.

Changes to these standard documents will be overseen by the City Clerk. Consultation with the appropriate parties, including Council, the City Manager and staff will be undertaken prior to any changes.

Financial Impact

There are no financial impacts resulting from the proposed amendments to the Procedure By-law.

Broader Regional Impacts/Considerations

Not Applicable

Conclusion

The proposed amendments to Procedure By-law 7-2011 are intended to improve efficiency and transparency. The amendments proposed in this report continue to build upon the governance model established by the Procedure By-law and should Committee agree that the amendments represent an enhancement to the existing Procedure By-law, the proposed amendments can be adopted.

For more information, please contact: Todd Coles, City Clerk, x.8281

Attachments

1. Proposed Amendments to Procedure By-law 7-2011

Prepared by

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