



## Report to Council

Department: Office of the CAO

Division: Legal and Legislative Services

Date: July 20, 2020

Prepared by: Robert Auger, Town Solicitor, Legal and Legislative Services/Clerk

Report Number: Legal and Legislative Services-2020-09

Subject: Procedural By-Law Amendments and Consolidation

Number of Pages: 59, including attachment

### Recommendation(s)

**That** Legal and Legislative Services-2020-09 Report entitled Procedural By-Law: Amendments and Consolidation prepared by Robert Auger, Town Solicitor, Legal and Legislative Services/Clerk dated July 20, 2020 be received; and

**That** By-Law 1926 being a by-law to provide Rules of Procedure for the Conduct of Meetings of the Municipal Council and its Committees and Boards, be adopted; and

**That** By-Law 1681 and all amendments thereto are hereby repealed.

### Purpose

To consolidate recent amendments made to By-Law 1681 (see By-Laws 1784, 1788, and 1902), to capture requested amendments to the procedural by-law recently passed by resolutions of Council, and to capture various other minor housekeeping changes intended to eliminate inconsistencies or to clarify wording.

## **Background and Discussion**

At the March 19, 2018 Regular Meeting, Council approved By-Law 1681 which repealed the former Procedural By-Law 1592 and among other minor housekeeping changes, added the establishment of the role and duties of the elected office of the Deputy Mayor.

Since the passage of By-law 1681 there have been the following amendments to this by-law:

### **Addition of Section 4.3.1 via amending By-law 1784**

At the February 2, 2019 Regular Meeting, Council received and supported Legal and Legislative Services Report 2019-006 and amending By-Law 1784. By-law 1784 added an additional provision under Section 4.3 Public Presentations and Delegations to allow for a Delegation Request Form to be received no later than 4:30 PM on the Friday immediately preceding the date of the Regular Council Meeting provided the delegation request relates specifically to a matter contained in the published Regular Council Meeting Agenda.

### **Deletion and Replacement of Section 4.2 via amending By-law 1788**

At the February 19, 2019 Regular Meeting, Council received and supported CAO Report 2019-03 and amending By-Law 1788. By-law 1788 was introduced to reflect required legislative amendments pursuant to Section 6.1 of the *Municipal Conflict of Interest Act*. This provision in particular created the establishment of a Conflict of interest registry. Section 4.2 of the Procedural By-Law was deleted in its entirety and replaced with the new provisions regarding the disclosure of a conflict of interest.

### **Addition of Sections 3.11 and 3.12 via amending by-law 1902**

At the March 23, 2020 Special Meeting and in response to the Declared Emergency as a result of the COVID-19 pandemic, Council received and supported Legal and Legislative Services Report 2020-06 and amending By-Law 1902.

Section 238 of the *Municipal Act*, 2001 was amended in March 2020 to provide that , during a time of Declared Emergency under the Emergency Management and Civil Protection Act, Members of Council and committees and Boards could participate in meetings electronically and still count towards Quorum provided the Municipal procedural by-law permitted electronic participation. As a result the procedural by-law was amended accordingly (via amending By-law 1902) to add Sections 3.11 and 3.12 which allow for such electronic participation during a Declared emergency. The new provisions go on to state that it may be possible for council members (but not Committee and Board Members) to participate electronically in meetings (outside of a time of declared emergency) but such participation would be limited to personal emergencies and the electronic participation would not count towards quorum. .

**It is therefore proposed that the amendments made via amending by-laws 1784, 1788 and 1902 be consolidated into new proposed By-law 1926.**

There have further been requested amendments recently passed by Resolutions of Council. The following requested amendments are proposed to be added to new proposed By-law 1926:

#### **Amendment of Schedule “A”**

At the February 3, 2020 Regular Meeting, Council received and supported a Notice of Motion to add the National Anthem “O Canada” at the beginning of Regular Council Meetings (R20-02-031).

#### **Amendment to Youth Council Member provisions**

- At the March 4, 2019 Regular Meeting, Council received and supported a Notice of Motion to allow Youth Members to be appointed and represent youths at Council meetings regardless of the Ward they reside in (R19-03-096). Section 2.5 Youth Members was amended to reflect the preference to appoint one from Ward 4 or Ward 3 and one from

Ward 1 or Ward 2. The term of the appointment was amended from 2 years to the current term of Council.

Finally the following is a summary of the other proposed additions to new proposed By-law 1926:

### **Addition of Section 3.6**

The addition of Section 3.6 Committee of the Whole Meetings, permits Council, by resolution in a meeting, to move into a Committee of the Whole meeting. Committee of the Whole facilitates the decision-making process of Council where members of council need to meet to discuss a particular issue in depth. The purpose of a committee of the whole is to relax the usual rules on debate, allowing a more open exchange of views without the urgency of a final vote. Section 3.6.1 states "While sitting as a Committee of the Whole no formal or binding decisions can be taken as the Committee can only make by resolution, recommendations to Council that would still need to be introduced, considered and adopted in a Council meeting to be considered as formal decisions or actions made by Council".

### **Housekeeping Matters**

A number of minor housekeeping matters have been addressed. These changes are primarily intended to eliminate inconsistencies or to clarify wording.

Matters of note would include the following:

- Some Definitions were clarified (see definitions for by-law, committee of the whole, confidential information, disorderly conduct, electronic participation, municipal freedom and protection of privacy act, non-pecuniary interest, pecuniary interest, question of privilege, reports and announcement from council, youth council member).
- Section 3.2.2 is amended to include the provision that Council shall not hold a Regular or Special Meeting on Remembrance Day, unless an emergency meeting has been called.

- Section 3.4.9 clarifies the legislative requirement concerning a report received from a closed meeting investigator and the requirement to pass a resolution at the next regular meeting of council stating how it intends to address the report.
- Section 4.5.1 Report from Administration was amended to provide for verbal reports.
- Section 4.6.7 Correspondence to be received on Consent was amended to permit any item to be moved so as to be considered individually upon request of any Member of Council.
- Renumbering of sections as part of formatting changes.
- Redundant and/or non-essential provisions were deleted (sections 4.1.13 – 4.1.15, 4.1.18, 4.1.21, 4.4.5-4.4.6, 4.5.3, 4.7.2- 4.7.3 were deleted)
- 4.8.1 Reports and Announcements from Council was clarified to provide that such reports, shall be non-controversial in nature with no action or debate arising therefrom.
- 4.10.6 Notices of Motion was amended to clarify and require that Notices of Motion must be presented in writing prior to the start of the meeting.
- 5.1.2-5.1.3 was amended to formalize the role of the Town of Essex Striking Committee.

## **Financial Impact**

There are no financial costs associated with the proposed changes to the Procedural By-Law.

## **Consultations**

None.

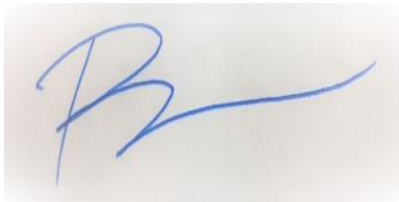
## Link to Strategic Priorities

- ☐ Manage, invest and plan for sustainable municipal infrastructure which meets current and future needs of the municipality and its citizens.
- ☐ Create a safe, friendly and inclusive community which encourages healthy, active living for people of all ages and abilities.
- ☐ Provide a fiscal stewardship and value for tax dollars to ensure long-term financial health to the municipality.
- ☐ Manage responsible and viable growth while preserving and enhancing the unique rural and small town character of the community.
- ☒ Improve the experiences of individuals, as both citizens and customers, in their interactions with the Town of Essex.

## Report Approval Details

Document Title:	Procedural By-Law Consolidation - Legal and Legislative Services-2020-09.docx
Attachments:	<ul style="list-style-type: none"><li>- By-Law 1926 Procedural By-Law Amendment and Consolidation 2020.docx</li><li>- By-Law No. 1681 - Procedural By-Law 3rd Reading.pdf</li></ul>
Final Approval Date:	Jul 14, 2020

This report and all of its attachments were approved and signed as outlined below:



**Robert Auger, Town Solicitor, Legal and Legislative Services/Clerk - Jul 14, 2020 - 10:01 AM**



**Chris Nepszy, Chief Administrative Officer - Jul 14, 2020 - 11:02 AM**