



REPORT TO COUNCIL

To: **Mayor Schaffer and Councillors**

Subject **Council Procedure Bylaw Amendment No. 3034**

Report #: 17-055

From: K. Kenney Corporate Officer

File #: 3900-00

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Date: November 8, 2017

RECOMMENDATION:

THAT the bylaw cited as "Council Procedure Bylaw, 2013, Amendment No. 2 Bylaw, 2017, No. 3034" be read a first time.

THAT the bylaw cited as "Council Procedure Bylaw, 2013, Amendment No. 2 Bylaw, 2017, No. 3034" be read a second time.

THAT the bylaw cited as "Council Procedure Bylaw, 2013, Amendment No. 2 Bylaw, 2017, No. 3034" be read a third time.

PURPOSE:

The amendments will update the Council Procedure Bylaw to comply with Section 124 (2)(g) (timeframe in which to hold Inaugural Council Meeting), indicate that closed meetings will be considered part of a special council meeting rather than a regular council meeting and remove redundant and contradictory clauses with respect to meeting procedures.

POLICY:

Section 124 of the Community Charter (Attachment 1) requires Council to establish, by bylaw, the general procedures to be followed by Council and Council Committees in conducting their business. One of the procedures that must be established by bylaw is the date of the Inaugural meeting following an election.

Section 127 of the Community Charter (Attachment 2) sets out the notice requirements for Regular and Special Council meetings.

COMMENTS/ANALYSIS:

It is important that the Council Procedure Bylaw be reviewed on a regular basis to ensure compliance with current provincial legislation and to ensure procedures outlined in the bylaw actually work in practice. Accordingly a review of the bylaw was recently undertaken.

The rationale for the various proposed amendments is as follows:

Section 2 Definitions

The proposed additional wording is intended to add clarification as to the origin of definitions used throughout bylaw.

Section 5 Inaugural Meeting

In 2016, the province changed the date for local government elections from November to October, it therefore changed the Community Charter to require that Council hold its Inaugural Council meeting within the first 10 days of November following a general local election. This necessitates an amendment to the Procedure Bylaw to change the date of the Inaugural Council meeting to be the first Monday in November rather than December as it currently reads.

Section 6 Time, Location and Adjournment of Meetings

There are different public notification requirements for Regular and Special Council meetings. Council's closed meetings are currently referred to as being Regular Meetings of Council; however, the public notification process undertaken for these meetings is more consistent with Special Council meeting requirements. It is therefore proposed that Section 6 Time, Location and Adjournment of Meetings of the Council Procedure Bylaw be amended to reflect actual practice and refer to Closed meetings as being Special Council meetings.

Section 11 Designation of Councillor to Act in Place of Mayor

The proposed amendment is intended to remove redundant wording from this section.

Section 18 Agenda

In 2013, when the Council Procedure Bylaw was last amended, "Adoption of the Agenda" was added to the Order of Business section with the expectation that should there be late items of business that were of an urgent nature, they could be added to the agenda through a majority vote of Council to adopt the agenda as amended.

Under Parliamentary rules, this procedure is meant to prevent new items being dealt with at a meeting that have been brought up on the spur of the moment and for which members have not had time to familiarize themselves in order to make an informed decision. The proposed amendment to Section 18 Agenda of the Procedure Bylaw is intended to clarify how late items may be added to the Agenda.

Section 20 Order of Business

The order of business listed in this section is for Regular Council meetings. Public Hearings are separate meetings which are called to order and adjourned by Council and for which separate minutes are prepared. The proposed amendment is to reflect that Public Hearings do not form part of Regular Council meetings.

Section 24 Notice of Motion

The purpose of a Notice of Motion is to advise Council of a member's intent to bring forward a motion/resolution for consideration at a future meeting. Clauses one and two of this section in the Procedure Bylaw contradict the manner in which new items are to be added to the Agenda as defined in Section 18 of the Procedure Bylaw. Accordingly these clauses are proposed to be deleted.

BUDGET IMPLICATIONS:

Section 124 of the Community Charter states that a Procedure Bylaw may not be amended unless Council first gives public notice in a local newspaper one each week for two consecutive weeks describing the proposed changes in general terms. The cost for publication of two ads is approximately \$400.

ALTERNATIVES:

Council may decide not to proceed with some or all of the proposed amendments that are not legislatively required, or propose other amendments for consideration.

Respectfully Submitted,



Kelly Kenney, Corporate Officer

Attachment(s):

1. Section 124 of the Community Charter
2. Section 127 of the Community Charter
3. Council Procedure Bylaw, 2013, Amendment No. 2 Bylaw, 2017, No. 3034
4. Red line version of consolidate copy of Council Procedure Bylaw, 2013

CHIEF ADMINISTRATIVE OFFICER'S COMMENTS:

I support the recommendation.



Francis Cheung, P. Eng.
Chief Administrative Officer

Section 124 of Community Charter

Procedure bylaws

- 124 (1) A council must, by bylaw, establish the general procedures to be followed by council and council committees in conducting their business.
- (2) Without limiting the matters that may be dealt with under this section, a council must, by bylaw, do the following:
- (a) establish rules of procedure for council meetings, including the manner by which resolutions may be passed and the manner by which bylaws may be adopted in accordance with Division 3 [*Bylaw Procedures*] of this Part;
 - (b) establish rules of procedure for meetings of council committees;
 - (c) provide for the taking of minutes of council meetings and council committee meetings, including requiring certification of those minutes;
 - (d) provide for advance public notice respecting the time, place and date of council committee meetings and establish the procedures for giving that notice;
 - (e) identify places that are to be public notice posting places for the purposes of section 94 [*public notice*];
 - (f) establish the procedure for designating a person under section 130 [*designation of member to act in place of the mayor*];
 - (g) establish the first regular council meeting date referred to in section 125 (1) [*council meetings*] as a day in the first 10 days of November following a general local election.
- (3) A bylaw under this section must not be amended, or repealed and substituted, unless the council first gives notice in accordance with section 94 [*public notice*] describing the proposed changes in general terms.

Section 127 of Community Charter

Notice of council meetings

127 (1) A council must

(a) make available to the public a schedule of the date, time and place of regular council meetings, and

(b) give notice of the availability of the schedule in accordance with section 94 [*public notice*] at least once a year.

(2) Subject to subsection (4), notice of a special council meeting must be given at least 24 hours before the time of meeting by

(a) posting a copy of the notice at the regular council meeting place,

(b) posting a copy of the notice at the public notice posting places, and

(c) leaving one copy for each council member at the place to which the member has directed notices be sent.

(3) The notice under subsection (2) must include the date, time and place of the meeting, describe in general terms the purpose of meeting and be signed by the mayor or the corporate officer.

(4) Notice of a special council meeting may be waived by unanimous vote of all council members.