



## The Corporation of the Town of Tecumseh

Corporate Services & Clerk

**To:** Policies and Priorities Committee

**From:** Laura Moy, Director Corporate Services & Clerk

**Date to Council:** January 28, 2020

**Report Number:** CS-2020-02

**Subject:** Procedural By-Law Review

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### Recommendations

It is recommended:

**That** Report CS-2020-02 regarding a review of the Procedural By-law No. 2017-62 and recommended revisions **be received**;

**And that** the recommended revisions to the Procedural By-law in the Report **be accepted**;

**And further that** consideration be given to appointing a Committee of Council to review and recommend any further revisions to the Procedural By-law.

### Background

At the August 8, 2017, Regular Meeting of Council, Corporate Services Report 26/17 was presented to Council regarding a Procedural By-law Review and recommended revisions, resulting from the *Modernizing Ontario's Municipal Legislation Act, 2017* (Bill 68) which received Royal Assent on May 30, 2017. Bill 68 changes came into effect in phases and amended the *Municipal Act, 2001*, *Municipal Elections Act*, *Municipal Conflict of Interest Act* (Acts), and other legislation under three key themes: 1) enhance municipal accountability and transparency, 2) promote municipal financial sustainability; and 3) help ensure responsive and flexible municipal governments.

As a result of the amendments made by Bill 68 to the Acts, changes to the Town's Procedural By-law were recommended under Corporate Services Report 26/17 and subsequently approved by Council through the adoption of Procedural By-law No. 2017-62 (By-law) at their September 12, 2017 meeting.

As previously mentioned, changes to the Acts by Bill 68 came into effect in phases. The purpose of this report is to recommend further revisions to the Procedural By-law as the other amendments have come into effect. Additionally, the Procedural By-law has been reviewed and amendments are being recommended to reflect current practices, to provide clarity and for meeting efficiencies.

## Comments

For the purpose of this report and clarity, sections of the Acts and/or Bill 68 which may be referenced in this report, and taken directly from the Acts, will be shown in italics.

Recommended amendments to the Procedural By-law have been indented, where possible, and identified in blue where new language has been proposed to be added.

Section 4 A of the By-law describes when and where the **Inaugural Meeting of Council** will be held following a municipal election. The By-law currently states that the Inaugural Meeting will be held in the Council Chambers at Town Hall. In light of the limited seating capacity in the Chambers, the 2018 Inaugural Meeting was relocated to the Ciociaro Club of Windsor. In order to provide greater flexibility in determining where the Inaugural Meeting may be held, the following revision is recommended:

The Inaugural Meeting of Council, after the 2022 regular election and regular elections thereafter, shall be held on the first Tuesday that next follows November 15 at 7:00 pm in the Council Chambers of the Tecumseh Town Hall located at 917 Lesperance Road, *or at an alternate location determined by resolution of Council.*

The following amendment by Bill 68 to subsection 239(2) of the *Municipal Act, 2001* have come into effect and add the following subject matters for which a **meeting may be closed** to the public. They are also recommended to be added to the By-law in paragraph 4 f) (2):

- h) information explicitly supplied in confidence to the municipality or local board by Canada, a province or territory or a Crown agency of any of them;*
- i) a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization;*
- j) a trade secret or scientific, technical, commercial or financial information that belongs to the municipality or local board and has monetary value or potential monetary value; or*
- k) a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.*

A new paragraph regarding **prolonged absence** is suggested to be added to the By-law in keeping with Section 259 (1)(c) of the *Municipal Act, 2001* which states that “*The office of a member of council of a municipality becomes vacant if the member... is absent from the meetings of council for three successive months without being authorized to do so by a resolution of council.*”

*The office of a Member becomes vacant if the Member is absent from the meetings of Council for three (3) successive months without being authorized to do so by a resolution of Council.*

*This section does not apply to vacate the office of a Member if the absence is a result of the Member's pregnancy, the birth of the Member's Child or the adoption of a child by the Member.*

The foregoing is also in keeping with the Pregnancy and Parental Leave for Members of Council Policy No. 100.

The eScribe software, which is used to prepare meeting minutes and agendas, is programmed to have "Roll Call" first in the **Order of Business**. Administration must currently manually adjust agendas and minutes to be consistent with the By-law. It is therefore recommended that Sections 8 C, D and E of the By-law, which set out the Order of Business for meetings of Council; special, public and closed meetings and Committees and Local Boards, be amended to have "Roll Call" as this first item of business followed by the other business items as currently listed.

The Order of Business for meetings of Council is also recommended to be revised to add "Report Out on Closed Meeting" as the third business item and immediately after calling the meeting to order. Council must report out, at the next open meeting after a closed meeting, on any business carried out in closed session and any direction that may have been given to Administration.

Section 14 E of the By-law describes how **Delegations** may request to present a matter before Council and when such requests may be denied by the Clerk, in consultation with the CAO and Mayor.

When administering requests for delegations at a regular meeting regarding matters that will be considered; or if a matter already has been considered at a public meeting, the following paragraph is recommended to be added to assist the Clerk in responding to such requests:

*The Clerk may refuse, or postpone, a delegation when there has been, or will be, at least one (1) public meeting held at which the public was, or will be, provided the opportunity to make formal presentations on that subject matter.*

In order to keep Council informed of delegation requests that are denied, or postponed, the following new paragraph is also recommended:

*In the event that a delegation request is refused, the Clerk shall provide to the person(s) in writing the reasons for the refusal with a copy to Council.*

This report provides revisions to the By-law identified by Administration. There may be matters which Council may wish to consider reviewing, or providing further direction to Administration.

As an example, Council may wish to consider the new provision in Section 238 (3.1) of the *Municipal Act* which permits that a:

"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. This new provision does not

however include participation electronically in a meeting which is closed to the public.”

A separate report has been prepared under CS-2020-05 for Council to consider appointing an alternate member to County Council, as now permitted under Section 268 of the *Municipal Act, 2001*.

In order to provide greater opportunity for review of the By-law by Council Members and the new provisions of the *Municipal Act* (i.e. electronic participation in meetings), consideration could be given to appointing a Committee of Council to undertake the review with support from the Clerk’s Office.

## Consultations

AMCTO  
AMO  
Ministry of Municipal Affairs and Housing

## Financial Implications

There are no financial implications from the proposed changes to the Procedural By-law.

## Link to Strategic Priorities

Applicable	2019-22 Strategic Priorities
<input type="checkbox"/>	Make the Town of Tecumseh an even better place to live, work and invest through a shared vision for our residents and newcomers.
<input checked="" type="checkbox"/>	Ensure that Tecumseh’s current and future growth is built upon the principles of sustainability and strategic decision-making.
<input type="checkbox"/>	Integrate the principles of health and wellness into all of Tecumseh’s plans and priorities.
<input checked="" type="checkbox"/>	Steward the Town’s “continuous improvement” approach to municipal service delivery to residents and businesses.
<input checked="" type="checkbox"/>	Demonstrate the Town’s leadership role in the community by promoting good governance and community engagement, by bringing together organizations serving the Town and the region to pursue common goals.

## Communications

Not applicable ☒

Website ☐ Social Media ☐ News Release ☐ Local Newspaper ☐

This report has been reviewed by Senior Administration as indicated below and recommended for submission by the Chief Administrative Officer.

Prepared by:

Laura Moy, Dipl. M.M., CMMIII HR Professional  
Director Corporate Services & Clerk

Recommended by:

Margaret Misek-Evans, MCIP, RPP  
Chief Administrative Officer

**Attachment  
Number**

**Attachment  
Name**

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Procedural By-law with tracked proposed revisions