



The Corporation of the Town of Tecumseh

Legislative & Clerk Services

To: Mayor and Members of Council

From: Robert Auger, Director Legislative Services & Clerk

Date to Council: June 27, 2023

Report Number: LCS-2023-19

Subject: Town of Tecumseh New Procedural By-Law

Recommendations

It is recommended:

That Report LCS-2023-19 entitled “Town of Tecumseh New Procedural By-Law”, **be received;**

And that the recommended revisions to the Procedural By-Law as outlined in Attachment 1 to Report LCS -2023-19 **be accepted;**

And further that By-Law 2023-076 **be presented for first and second reading** at the June 27, 2023 Regular Meeting of Council.

Executive Summary

The current version of Procedural By-Law 2022-13 was adopted back in February 11, 2020 but was subsequently amended in 2020 to permit electronic participation in meetings during the COVID-19 pandemic declared emergency and again in 2022 to permanently allow for electronic participation in meetings. This By-Law governs the proceedings of Council and its committees/local boards, the conduct of members and the calling of meetings (Procedural By-Law).

Earlier this year, Council appointed a Procedural By-Law Subcommittee to review the Procedural By-Law and recommend revisions if necessary.

Listed in this report is a summary of the recommended changes to the Procedural By-Law, which is found in full as Procedural By-Law 2023-076 in the By-Law section of the Agenda.

Background

On June 22, 2021, the Policies and Priorities Committee received Report CS-2021-13 which reported on a review of the Procedural By-Law by a Review Subcommittee (the ‘Subcommittee”) Law struck in 2021. At that time the Subcommittee recommended the following changes to the Procedural By-Law:

- Electronic participation in meetings when there is not a declared emergency;
- Proxy Voting for Members;
- Implementation of the electronic voting module in eScribe;
- Reduction of delegate speaking time; and
- Streamlining the way communications are placed on the Agenda to allow for efficiencies in agenda production time.

Later in 2021 and continuing until May of 2022, the Clerk’s Department Service Delivery Review (SDR) was conducted by WSCS Consulting (WSCS) with final report out in May 2022. Part of the SDR was an assessment and provision of feedback relating to the Town’s current Procedural By-Law.

On May 10, 2022, Council received and supported the findings of the SDR which included feedback resulting from the consultants review of the Procedural By-law. . The Clerk’s department commenced implementation of many SDR recommendations but deferred those related to the Procedural By-law to the new term of Council.

On February 14, 2023, Council for the 2022-2026 term received and supported Report LCS-2023-01 entitled Procedural By-Law Subcommittee which recommended the convening of a Subcommittee to again review the current Procedural By-Law, together with the recommendations of the previous Subcommittee and the feedback received from the SDR. Council accordingly appointed the Mayor, Councillor Tania Jobin and Councillor Alicia Higgison to serve on the 2023 Subcommittee and carry out the mandate of this Subcommittee in consultation with the Clerk’s department.

Comments

The Procedural By-Law Subcommittee held meetings on three occasions: March 3, March 31 and May 5, 2023, with the Director of Legislative Services/Clerk and the Deputy Clerk, Manager of Legislative Services. The format at each meeting was decidedly an informal roundtable to allow for free discussion on the current By-Law and the council meetings. Discussions were held on the changes to the By-Law that had been recommended or suggested in the past; and a review of the procedural approach of other Council bodies together with general discussion on the current state of municipal Council meetings, and some of the latest challenges or issues. The Clerk, as facilitator, brought up for discussion various Procedural By-Law topics, including items arising from the SDR, and each of the respective Council members themselves shared their experiences both as a Councillor and as members serving on other Councils, boards and committees.

In regard to the recommendations of the Subcommittee from the last term of Council, the current Subcommittee was supportive of the recommendations surrounding electronic participation; revisions to the delegate rules; and streamlining Council communications for the agenda. With respect to proxy voting and the implementation of an electronic voting module, the Subcommittee agreed to not move forward with those initiatives at this time and remain with the status quo. The general sentiment from the Subcommittee was that with the electronic participation allowances, assigning a proxy did not seem relevant or necessary.

As a result, the following are the major changes recommended for the Procedural By-Law:

- The addition of a Consent Agenda;
- Definitions relating to the role of the Deputy Mayor and the role of Council Members at the meetings;
- The addition to the agenda of an opportunity for members to provide an update from County Council and/or other Local Boards and Committees;
- The opportunity to consider and adopt By-Laws, if necessary, at Special Meetings of Council;
- Further flexibility for the Clerk in setting or moving the Order of Business on Agendas;
- The addition of a Confirmatory By-Law for Special Meetings of Council;
- The flexibility upon notice to switch meetings from in-person to electronic only;

- Further clarifications and rules surrounding Delegations and attendance at the meetings;
- Further clarifications to reflect practices already in place relating to the passage of By-Laws and the receipt of Communications on the Agenda; and
- Various other clarifications on rules or procedural matters including Notices of Motion, New Business items, Recorded Votes and Motions.

Listed below is a more detailed summary of each of the major recommended changes to the Procedural By-Law cumulatively arising from this Subcommittee, the Clerk and the feedback arising from the SDR:

1. Consent Agendas

The purpose of a Consent Agenda is to streamline or facilitate an otherwise heavy or voluminous agenda and save precious Council time for addressing those items that require further discussion, debate or deliberation. Routine, informational reports or items generally understood to be of a non-controversial nature are identified and grouped together for approval as one common motion not requiring further discussion or debate. Under the proposed change, the Clerk in consultation with the Chief Administrative Officer (CAO) will present on the agenda those items recommended to be dealt with as part of a 'Consent Agenda'. The Mayor or Chair will then provide the Members with an opportunity at the meeting to remove any items from the proposed Consent Agenda that they wish to speak to or which they otherwise feel should be dealt with or addressed separately as a part of the regular agenda. If a Council member has declared a pecuniary interest in a matter proposed for the Consent Agenda then that matter would be pulled from the Consent Agenda items and returned to its usual spot on the regular agenda.

2. Role of Deputy Mayor and Council Members

The current By-Law details the role of Head of Council and the Councillors but it fails to describe the role of the Deputy Mayor. Similarly, the current Procedural By-Law describes the Mayor/Deputy Mayor role while presiding over a Council meeting but it does not describe the role of each Council member while at the meetings. The new proposed By-Law provides this additional detail by describing the Deputy Mayor's ongoing supportive role of the Mayor and the role of acting in place of the Mayor when required. The role of each Council Member is provided in greater detail including the expectations as to preparation for the meetings and being supportive of all decisions that are made by Council as a whole.

3. Update from County Council and Boards/or other local Boards and Committees

Both the Mayor and Deputy Mayor represent the Town at the County of Essex meetings of County Council. In addition, certain members of our Council serve on the various County Committees and Regional Boards. This proposed addition of having an update from County Council/Committees/Boards to the regular meeting agendas provides an opportunity for these members to update all of Council and the public on matters being considered at such meetings which have or may have an impact on the Town.

4. Adoption of By-Laws at Special Meetings of Council

The current By-Law does not procedurally allow for the consideration and passage of By-Laws at Special Meetings of Council. This addition to the Procedural By-Law will provide Council with the ability at a Special Meeting of Council to consider and pass a By-Law if there is urgency associated with it as determined in consultation with the Mayor/CAO.

5. Order of Business

The new proposed By-Law provides flexibility for the Clerk in changing or revising the Order of Business for an agenda without the need to obtain a resolution of Council. For example, the Clerk will now have the ability to move an administrative report up in the agenda order if there is a delegation/presentation associated with the same matter.

6. Confirmatory By-Law

A Confirmatory By-Law is a By-Law passed at the conclusion of Council meetings, confirming the actions of Council taken at that meeting and any previous meetings which did not have a confirmatory By-Law. The adoption of a Confirmatory By-Law covers each resolution and other actions taken, so that every decision of Council at the meeting shall have the same force and effect as if each and every one of them had been the subject matter of a separately enacted By-Law. The proposed new Procedural By-Law provides for a Confirmatory By-Law to be passed at Special Council Meetings in addition to the regular meetings.

7. Procedural changes relating specifically to Delegations, the holding of Meetings and Attendance at meetings

While the Procedural By-Law provides for hybrid meetings (with participation in said meeting by-way of both in-person or electronic attendance) the new proposed By-

Law reinforces that the intent is to, as much as possible, host and hold the meetings in-person. Other procedural revisions to delegations and attendance include:

a) Holding of Meetings

Under the proposed changes, the Clerk in consultation with the Mayor and CAO, will have the ability upon 2 days notice to require any meeting to be hosted and held in electronic format only. As well the Clerk, again in consultation with the Mayor and CAO, will also have the ability to require any delegation to appear electronically at a meeting and not in-person. These provisions were designed to provide for flexibility where and when warranted including potentially for safety and/or security reasons.

b) Delegations and Attendance at Meetings

Delegates will be expected to appear in-person at the meeting unless they live or work out of the County and/or require accommodation to appear electronically due to personal circumstances or emergency.

Delegates will need to formally register with the Clerk's Department if they wish to speak at a meeting of Council. While that is not a new rule per se, delegations who have not registered and have not agreed to abide by the prescribed "Delegation Request & Requirements Form" will not be allowed to speak at the meeting.

Timelines for becoming a Delegation have been relaxed such that a delegation for a special meeting or a delegate to speak to a specific item on the published regular agenda need only register 24 hours ahead of such meeting.

Delegations looking to speak at a public statutory meeting will still need to register with the Clerk and agree to abide by the referenced "Delegation Request & Requirements" Form however such delegations can register to speak as late as 3 p.m. on the day of the meeting.

Members of the public attending in person at a Council meeting will also be required to sign-in with the Clerk and agree to abide by the "Delegation Request & Requirements" Form.

Members of the public at the meeting will be prohibited from bringing into Council chambers any foreign objects, noise making devices, placards or signs and any cell phones or smart phones that have not been set on mute.

8. Committees

The proposed new By-Law provides clarifications on various committee matters including the process in the selection of committee members, committee vacancies, the requirement of Terms of Reference to be approved by Council and identification of Council's two current standing committees.

9. Clarification regarding certain motions

The current By-Law did not provide apt descriptions on some of the motions that Council is likely to encounter during their proceedings. The new Procedural By-Law provides additional clarity on some of these motions including a Motion to Reconsider a previous decision of Council.

Additionally, a provision was also added to clarify that any procedural matters not specifically addressed in this By-Law shall be addressed by resort to the rules of parliamentary procedure contained in Robert's Rules of Order.

10. Notices of Motion

The current By-Law does not provide any guidance surrounding the use of Notices of Motion. The main purpose of a notice of motion is to provide greater transparency to the public concerning potential actions that Council may take. Instead of introducing a matter for the first time and actioning it all at the same meeting the general intent of a Notice of Motion is to provide advance notice to the public at a Council meeting advising that Council will consider or possibly action the item at the next Council meeting.

The Notice, which does not require a seconder, and is not debatable shall first be read at the meeting under the Notice of Motions section of the agenda and shall outline the actionable intention of the proposed motion. The Notice of Motion as presented will then be considered by Council at the next subsequent regular meeting of Council. However, if such Notice of Motion was provided to the Clerk with enough time in advance to allow inclusion on the published agenda (such that the public has 5 days advance notice of the motion) then in these circumstances, if Council by resolution so wishes, that particular Notice of Motion could be considered and actioned at the same meeting.

11. New Business

The new proposed By-Law provides clarification that New Business items should only be actioned by resolution if the matter is considered minor and/or urgent in that the matter needs to be actioned prior to the next regular Council meeting.

12. Voting

The new proposed By-Law provides further clarification on the voting process in order to properly reflect how Council currently considers and passes its By-Laws. Another point of clarification made in the new proposed By-Law is further procedural guidance on how a recorded vote is conducted and to allow for a recorded vote prior to asking the question (as opposed to only as a re-count function which is how the current Procedural By-Law reads).

The balance of the changes reflect minor amendments recommended out of the SDR or amendments intended to improve the overall clarity of the By-Law.

In Attachment 1 to this Report is a draft version of the new proposed Procedural By-Law 2023-076 in which all major changes have been highlighted in yellow for review and reference purposes. It is proposed or recommended that Council only give provisional passage to this By-Law (first and second reading) at the June 27, 2023 regular meeting so that the Clerk has the opportunity to receive further feedback or suggestions from Council as a whole at this meeting and bring back the final revised version of the By-Law for a proposed third and final reading at the July 11, 2023 regular Council meeting.

Consultations

Chief Administrative Officer
Procedural By-Law Subcommittee

Financial Implications

There are no anticipated financial implications associated with this Report.

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 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:

Robert Auger, LL.B.
Director Legislative Services & Clerk

Reviewed by:

Jennifer Alexander, MPA
Deputy Clerk & Manager Legislative Services

Reviewed by:

Christina Hebert, BA (Hons), MA, Dipl. M.A.
Deputy Clerk - Clerks Services & Policy Advisor, Christina Hebert

Recommended by:

Margaret Misek-Evans, MCIP, RPP
Chief Administrative Officer

Attachment Number	Attachment Name
1	Proposed Procedural By-law, Mark-up Version