

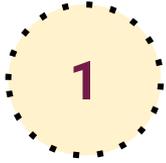
Changes to Sections 3.4 and 3.5 of the City's Procedural By-law

Governance Review Sub-Committee

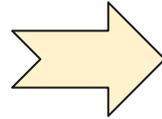
August 24, 2021

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3.4 - Special Meetings of Council



It's clear that the Procedural By-law can *limit* the ways in which the Mayor can call a "special meeting"; those limits should remain in place and should be more clearly defined



Why does this matter?

If the Procedural By-law is written too broadly it will be interpreted in a way that serves to *permit* rather than *limit* "special meetings"

What the *Municipal Act* says

Calling of meetings

240 Subject to the procedure by-law passed under section 238,
(a) the head of council may at any time call a special meeting; and
(b) upon receipt of a petition of the majority of the members of council, the clerk shall call a special meeting for the purpose and at the time mentioned in the petition. 2001, c. 25, s. 240.

What the *Procedural By-law* says

1. In addition to scheduled Council meetings, the Mayor may, at any time, summon a special meeting of Council **by giving written direction to the Clerk stating the date, time, and purpose of the special meeting.**

What the *Procedural By-law* says

2. **The Clerk shall summon** a special meeting of Council when requested to do so in writing by a majority of Members of Council.

What the *Procedural By-law* says

3. **The Clerk** shall give each Member of Council, or their designated staff, notice of a special meeting of Council **at least 2 days before** the time appointed for such meeting ...

What today's proposal says

7. Notwithstanding subsection 3.4(3), on **urgent and extraordinary occasions**, with the consent of the majority of all the Members of Council, recorded in the Minutes, a special meeting of the Council may be called by the Mayor **without notice** to consider and deal with such **urgent and extraordinary** matters.

Why this should be reconsidered

- One-off rules to address individual circumstances make for **bad policy**; policy should be based on sound research and should be evidence-based; there is no evidence, that I have seen, that demonstrates why this policy should be implemented

Why this should be reconsidered

- There is already a provision for "urgent" and "extraordinary" circumstances; it's called an **emergency meeting** and it is also already provided for in the *Municipal Act*

Why this should be reconsidered

- Creating another class of "emergency" weakens the legal definition of an emergency and requires additional definitions to outline how "urgent" and "extraordinary" differ; it dilutes the seriousness of an emergency and **limits the public and Council's access** to "urgent" and "extraordinary" matters

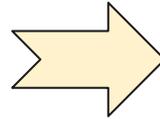
Why this should be reconsidered

- By removing the timeline for notice, this will allow the Mayor to call a meeting that may exclude some from attendance due to it being called immediately; this power should only be employed for *bona fide* emergencies and nothing else

3.5 - Meetings of Council for Emergencies

2

The definition of an "emergency" in the City's Procedural By-law is not adequate and does not clearly outline the context for an emergency and when an emergency meeting is needed



Why does this matter?

Because there are no limits placed on the **timing** around an emergency or language that would limit any abuse of this provision

What the *Procedural By-law* says

“emergency” means a situation or an impending situation that constitutes a danger of major proportions that could result in serious harm to persons or substantial damage to property and that is caused by the forces of nature, a disease or other health risk, an accident or an act whether intentional or otherwise; (“situation d’urgence”) - **this is from the *Emergency Management and Civil Protection Act* (though this is not stated in the By-law)**

What the *Procedural By-law* says

1. Despite any other provisions of this By-law, a meeting of Council for an emergency may be called by the Mayor, without written notice, to deal with an emergency, **provided that an attempt has been made by the Clerk to notify Members of Council about the meeting as soon as possible and in the most expedient manner available.**

Why this should be reconsidered

- There is a limit on the meeting in the By-law that currently states, based on a broad interpretation, that an emergency meeting can be called **provided** that the Clerk has notified people in the most expedient way possible; **great** but there is no other limit placed on this

Why this should be reconsidered

- While the definition in the by-law is good, it's in the bylaw without context and without a suggestion about its **proximity to the next Council meeting – i.e. is it necessary to call a Monday emergency meeting when there's a regular meeting on a Friday**

Why this should be reconsidered

- While the definition is clear, who makes the call as to whether or not the **subject of the emergency meeting** conforms to the definitions? **Who determines** if something is a *bona fide* emergency? Shouldn't Council be able to nullify such a called meeting if it can accurately determine it's not an emergency?

Summary

- While the definition in the by-law is good, and I personally recommended it when I submitted my suggested revisions, it's in the bylaw without context and without providing a suggestion about the **proximity to the next Council meeting**