

Summary of the Proposed Revisions

SECTION 1 - DEFINITIONS

- *Added the following definitions, in order to define the new terms when they appear in the by-law:*

“Advisory Committee” means a group of appointed citizens established by Council for the purpose of providing advice on matters that are related to the specific mandate of the committee.

“Hearing” means a Meeting or hearing in a proceeding to which the *Statutory Powers and Procedure Act* applies.

“Main Motion” means a proposal by a member that begins the process of making any decision for consideration of Council or a Committee, that is moved by a member and seconded by another member.

“Procedural Motion” means any motion concerning the manner or time of consideration of any matter before the Council or the Committee, as opposed to the substance thereof, and includes, without limitation, the following: a motion to adjourn; to call the question; to go into committee of the whole; to recess; to refer; to defer; to go into a closed meeting; to suspend the rules of procedure and to lift.

“Sub-Committee” means a Committee established by Council, comprised of some Members of Council and in certain circumstances also citizen members. Sub-Committees report up to an assigned Standing Committee with members of Sub-Committees being appointed by Council.

“Task Force” means a temporary ad hoc group of appointed citizens established by Council for the purpose of providing advice on matters related to a specific mandate of the task force.

- ***Elaborated** on following definitions, in order to further define the term when they appear in the by-law:*

“Motion” means a proposal by a member for the consideration of Council or a Committee included in the published agenda, that is moved by a member and seconded by another member. ***A Motion may be Procedural or Substantive in nature.***

SECTION 2 – APPLICATION

- *Added to provide clarity surrounding which procedures are relevant for Hearings*
- 2.3** Notwithstanding any other provisions of this By-Law, where Council or a Committee convenes for the purpose of holding a Hearing, the provisions of the relevant statute, the *Statutory Powers Procedure Act*, R.S.O. 1990, c. S.22, as amended or re-enacted from time to time, together with any procedures and practices established by the Council or Committee, shall govern the Hearing, as applicable.

SECTION 3 – COUNCIL MEETINGS

- *As per the Municipal Election Act, the four-year term begins on November 15th in the year of a regular election, therefore, section 3.1(1) is being amended to reflect that change.*
- *As the Inaugural meeting is the meeting when members of Council-Elect take their declarations of Office and are required to sign those declarations in the presence of a witness, the type of meeting noted in Section 3.1(2) has been amended to an In-Person meeting only.*
- *During an Emergency Section 3.1(3) would permit a Hybrid or a Virtual meeting, if all of the requirements of the Act can be satisfied, which include the declarations. Therefore, where declarations can be taken remotely this would be an option.*

3.1 First Council Meeting

- (1) The First Meeting of Council shall be held at a time and place to be fixed by the Clerk provided that it shall not be held later than 31 days after the term of Council commences.
- (2) The IN-PERSON Proceedings of the First Meeting of Council shall include:
 - (a) Ceremonial - special address by guests;
 - (b) Filing of Declarations of Office in accordance with the provisions of the Act;
 - (c) Council appointments to Committees, boards and agencies; and
 - (d) Confirming By-law.
- (3) Despite subsection 3.1(2), and provided all requirements of the Act relating to the First Meeting of Council can be satisfied, the First Meeting of Council may be held as a VIRTUAL or HYBRID proceeding in the event of an Emergency.

SECTION 4 - COMMITTEE OF THE WHOLE

- *Added the process to be followed during the consideration of the Standing Committee and Selection Committee Reports if a member requests a separate vote on a matter; if a member puts forward an amendment and the process to be followed if the amendment is contrary to the main motion within the Committee Report:*

4.2 During the consideration of Standing Committee Reports and Selection Committee Reports a member may:

- (a) request that a matter contained within the Committee Report be voted on separately at Council;
- (b) amend a matter contained within the Committee Report;
 - (i) in the event, an amendment is considered to be contrary to the main motion within the Committee Report, Council will follow the following process:
 1. The main motion within the Committee Report shall be voted upon;
 - (a) if the vote result is deemed to be Carried, the matter is considered closed; and
 - (b) if the vote result is deemed to be lost, the amendment considered to be contrary to the main motion within the Committee Report, may be introduced if duly moved and seconded.

SECTION 5 – COMMITTEE MEETINGS

- *For consistency purposes during the budget process, we have included sub-sections that refer to the appointment of the Mayor or a Councillor as the Chair and Vice-Chair of the General Issues Committee Budget meetings for the budget year, with an option to have them Chair and Vice-Chair the meetings for more than one budget year.*

5.2 Appointment of Committee Chairs and Vice Chairs

- (6) Despite subsection 5.2(1)(c) the role of Chair of the General Issues Committee Budget meetings may be chaired by the Mayor or a Councillor with an understanding of financial reporting for the budget year. Despite subsection 5.2(1)(a) and (b) the Chair of the General Issues Committee Budget meetings may serve for more than one year in a Council term.
- (7) The role of Vice-Chair of the General Issues Committee Budget meetings may be vice-chaired by a Councillor with an understanding of financial reporting for the budget year. Despite subsection 5.2(1)(a) and (b) the Vice-Chair of the General Issues Committee Budget meetings may serve for more than one year in a Council term.

- *As the current composition of the Emergency & Community Services Committee has been insufficient to acquire quorum on a number of occasions during this term of Council, the minimum number of members of Council has been increased from 5 to 7 members of council, as follows:*

5.3 Standing Committee Membership

- (4) Emergency & Community Services Committee shall be comprised of a minimum of 7 Members of Council.
- *Staff Presentations have been moved up on the agenda under Delegation Requests, with Delegations being separated out from 'Public Hearings/Delegations' and moved up, under Staff Presentations, so that the delegations can be heard immediately following the Staff Presentations.*

5.11 Order of Business

- (1) The general Order of Business for the IN-PERSON / VIRTUAL / HYBRID scheduled meetings of Committees, unless amended by the Committee in the course of the meeting, shall be as follows:
 - (a) Ceremonial Activities
 - (b) Approval of Agenda
 - (c) Declarations of Interest
 - (d) Approval of Minutes of Previous Meeting
 - (e) Communications
 - (f) Delegation Requests
 - (g) Staff Presentations
 - (h) Delegations
 - (i) Consent Items
 - (j) Public Hearings
 - (k) Discussion Items
 - (l) Motions
 - (m) Notice of Motions
 - (n) General Information/Other Business

- (o) Private and Confidential
- (p) Adjournment

5.12 Delegations

- *As Council does not place communications respecting labour relation matters, conduct of member(s) of staff and matters before another body on a Standing Committee Agenda, the same should apply to delegations, therefore, the following sub-section (10) under 5.12 was added:*

(10) Delegations respecting labour relation matters, conduct of a member(s) of staff and matters before another body (i.e. Police Services Board) will not be placed on a Committee Agenda and will be forwarded forthwith by the City Clerk to the relevant City Department or body for consideration and appropriate action.

- *As Council does not place communications which are in substance an allegation of a violation of the Code of Conduct or the Municipal Conflict of Interest Act by a member of Council or any member of a local board on a Standing Committee Agenda, the same should apply to delegations, therefore, the following sub-section (11) under 5.12 was added:*

(11) Delegations which are in substance an allegation of a violation of the Code of Conduct or the *Municipal Conflict of Interest Act* by a member of Council or any member of a local board will not be placed on a Committee agenda and the delegate will be advised of the informal and formal mechanisms for bringing such allegations to the attention of the Integrity Commissioner.

- *As a Standing Committee member may add the delegation request on a Standing Committee Agenda, if they so wish, subsections 5.12(10) and 5.12(11) have been added to the existing section noting subsection 5.12 (12), as follows:*

(12) Notwithstanding subsections 5.12(9), 5.12(10) and 5.12(11), a Standing Committee member may add the delegation request on a Standing Committee Agenda.

SECTION 9 – MEETINGS CLOSED TO THE PUBLIC

- *Sections 9.1 and 9.2 have been added to clarify that all meetings are open to the public and only “Committees” where at least 50% of the members are also members of Council can go into closed session; with 9.3 being amended to reflect the new section 9.1.*

9.1 Except as provided in this Section 9, all Committee and Council meetings shall be open to the public.

9.2 For the purpose of Sections 9.3, 9.5, 9.6 and 9.7, “Committee” shall mean any committee of which at least 50% of the members are also members of Council.

9.3 A meeting of Council or a Committee or part thereof may be closed to the public if the subject matter being considered is:

- *Section 9.8 has been added to reflect the votes permitted during Closed Session:*

9.8 A vote may be taken during a meeting that is closed to the public pursuant to Sections 9.3, 9.4 and 9.5, if the vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the municipality, local board or committee of either of them or persons retained by or under a contract with the municipality or local board is permitted.

SECTION 13 – GENERAL

- *Section 13.6 and 13.7 have been added to address conflicts that may arise between this by-law and the Act, as well as a Committee's Terms of Reference and this by-law:*

13.6 In the event of a conflict between the provisions of this By-Law and the Act, or any other legislation, the provisions of the Act and legislation shall prevail, to the extent of the conflict.

13.7 In the event of a conflict between the provisions of this By-Law and the Terms of Reference for any Sub-Committee, Advisory Committee or Task Force, the provisions of this By-law shall prevail, to the extent of the conflict.

Appendices

Appendix A – General Issues Committee

Appendix A has been amended to add the following under Specific duties shall include:

- To consider recommendations of any Sub-Committees and/or Task Forces which report directly to the General Issues Committee
- To consider Citizen Committee Report recommendations of any Advisory Committee which reports directly to the General Issues Committee

Appendix B – Board of Health

Appendix B has been amended to add the following under Specific duties shall include:

- To consider recommendations of any Sub-Committees and/or Task Forces which report directly to the Board of Health
- To consider Citizen Committee Report recommendations of any Advisory Committee which reports directly to the Board of Health

Appendix C – Public Works Committee

Appendix C has been amended to add the following under Specific duties shall include:

- To consider Citizen Committee Report recommendations of any Advisory Committee which reports directly to the Public Works Committee

Appendix D – Planning Committee

Appendix D has been amended to reflect the Ontario Land Tribunal (OLT) under Specific duties shall include:

- To advise and assist Council in any matters arising from the work of the Committee of Adjustment in considering applications for consent and minor variance under the *Planning Act*, including possible City participation at any Ontario Land Tribunal (OLT) Hearings to consider the appeal of Committee of Adjustment decisions

Appendix D has been amended to add the following under Specific duties shall include:

- To consider Citizen Committee Report recommendations of any Advisory Committee which reports directly to the Planning Committee

Appendix E – Emergency & Community Services Committee

- *As the current composition of the Emergency & Community Services Committee has been insufficient to acquire quorum on a number of occasions during this term of Council, the minimum number of members of Council has been increased from 5 to 7 members of Council, as follows:*

COMPOSITION

The Emergency & Community Services Committee shall be comprised of a minimum of 7 members of Council, plus the Mayor as ex-officio.

Appendix E has been amended to delete the following under General and add the following under Specific duties shall include:

General:

To report and make recommendations to Council on matters relating to:

- ~~Advisory Committees that report to the Emergency & Community Services Committee~~

Specific duties shall include:

- To consider Citizen Committee Report recommendations of any Advisory Committee which reports directly to the Emergency & Community Services Committee

Appendix F - Audit, Finance & Administration Committee

- *The Audit, Finance & Administration Committee has been delegated the authority to hearings on complaints made pursuant to Section 20 of the Development Charges*

Act, 1997 and Section 257.85 of the Education Act, therefore, the following has been added:

Delegated Authority:

- To hold hearing on complaints made pursuant to Section 20 of the *Development Charges Act, 1997* and Section 257.85 of the *Education Act*.

Appendix F has been amended to add the following under Specific duties shall include:

- To consider Citizen Committee Report recommendations of any Advisory Committee which reports directly to the Audit, Finance & Administration Committee
- To consider recommendations from the City Auditor as per the Office of the City Auditor Charter (Schedule F1 to Appendix F).

Appendix J - HEARING PROCEDURES FOR SECTION 20 DEVELOPMENT CHARGES ACT, 1997 COMPLAINTS AND SECTION 257.85 EDUCATION ACT COMPLAINTS

Appendix J has been removed from the Procedural By-law as Development Charges Act and Education Act Complaints is a Tribunal and would fall under the Statutory Powers Procedures Act.