



City of
Peterborough

To: **Members of the General Committee**

From: **John Kennedy, City Clerk**

Meeting Date: **January 21, 2019**

Subject: **Report CLSCLK19-002**
Procedure By-law Amendment

Purpose

A report to propose changes to the City of Peterborough Procedure By-law.

Recommendations

That Council approve the recommendations outlined in Report CLSCLK19-002 dated January 21, 2019, of the City Clerk, as follows:

- a) That the draft Procedure By-law, attached as Appendix A, be approved; and,
- b) That Section 16 of the Municipal Code and By-laws 15-097, 17-168 and 18-105 be repealed.

Budget and Financial Implications

There are no direct budget or financial implications as a result of the recommendations.

Background

The previous Council had been advised that a report would come forward to recommend changes to the Procedure By-law (the “by-law”) based on the requirements contained in Bill 68 (“Bill”), **Modernizing Ontario’s Municipal Legislation Act, 2017**.

The Bill contains three main themes, Accountability and Transparency, Municipal Financial Sustainability and Responsible and Flexible Municipal Government. The Bill, which amended various pieces of legislation including the **Municipal Act 2001**, the **Municipal Elections Act** and the **Municipal Conflict of Interest Act** requires municipalities to update their Procedure By-law in response to these amendments. This report is in response to the requirements in the Bill as well as some changes being brought forward to improve the conduct of business at Council meetings.

Staff from the CAO's Office, Legal Services and Clerk's Office met with members of Council on the Procedural By-law Review Committee to discuss changes to the Procedure By-law. Report CLSCLK19-002 consists of two main areas of changes: amendments to further define/explain existing processes and new additions to the by-law. The following lists the changes and additions and refers to the page of the By-law.

Changes

Appeal Decision of the Chair (pg 22) – This section will be clarified to include the information that the Chair is to vote on appeals to the Chairs decision.

Definitions (pg 3-6) – Various definitions will be added/expanded to ensure that the document is clear. "Reconsideration" will be defined to ensure that it is clear it relates to matters discussed at that meeting. A definition for "Rescind" will be added to discuss a matter already disposed of by that term of Council.

Delegations (pg 15) – The by-law suggests several changes including delegations with presentations requiring technology (including slide decks, audio, video clips), must be provided to the Clerk's Office no later than 11:00 a.m. on the day of the meeting (the deadline is currently the Friday prior to the meeting). Also, staff will electronically circulate the information from delegations as requested but will not provide hardcopies to Council members, staff or the media, unless the copies of the document are provided to staff in the Clerk's Office. Lastly, presentations by delegations will not be posted to the City website, rather they will be distributed electronically to Council upon their request.

Ease of Use – The new by-law is formatted to enable easy use of the document with clearer language and references to sections of the **Municipal Act 2001** to lessen verbiage. and in easily understood language. These changes will make it easier to understand by members of the public who may not be familiar with Council procedures.

Edition of Roberts Rules of Order (pg 29) – The reference to Roberts Rules of Order in the by-law will be clarified to provide the edition number.

Electronic Participation in Meetings (pg 7) – While Bill 68 provides an opportunity for electronic participation in meetings for Council, staff or members of the public. Most municipalities in the province have not opted to permit electronic participation in meetings. Electronic participation is also problematic in that it is only permitted in open

session and would exclude the individual from participating in any closed sessions. Staff do not recommend electronic participation in meetings.

Mayor as Ex-Officio (pg 10) – This section will be clarified to show that the Mayor is Ex-Officio of all committees and can vote at these committee meetings. The Mayor is not permitted however, to be counted towards quorum.

Opening Statement (pg 12) – A land acknowledgement statement is provided for Council's consideration. The statement provided in the draft by-law, if adopted, would be read at Council and standing committee meetings and would replace the current opening statement.

Other Business (pg 4) – The definition of Other Business will be provided in the new by-law. A motion should not be passed under Other Business at Council meetings other than to request information from staff, or if the matter is extremely time sensitive in nature. Instead, raising an issue at General Committee allows members of the public to provide comment on the matter when it comes to the Council meeting. This process will make the decisions of Council more open and transparent. Other Business is an area of the agenda where members can make announcements regarding upcoming events or items of particular interest.

Pecuniary Interest (pg 14) – As a result of the changes enacted in Bill 68, it is now required that Council members must submit their declarations of Pecuniary Interest in writing as well as stating it at the meeting. The municipality has to have this information available for public reference.

Presentations by Invitation (pg 16) – Formal presentations made by groups/agencies to Council or standing committee by invitation, shall be limited to 10 minutes. These presentations will be posted to the City website following the meeting. Limiting these presentations to 10 minutes is common practice and is intended to ensure the meeting times are kept under control.

Repeal Section 16 of Municipal Code (pg 30) - The City's Procedure By-law currently exists in the Municipal Code, a document prepared in 1991 in the format of a book. Municipal Codes were intended to be the single source for municipal practices and procedures. The City of Peterborough code was prepared by Municipal World and was last updated in 1994. Since 1994, the code has been maintained by 'cut and paste' and handwriting information on the pages. As a result, when the opportunity arises, the relevant sections of the code are repealed, and this is the reason for recommendation b). Several times in the past number of years Council has passed by-laws and amended the Code to repeal those sections at the same time. The by-laws then stand on their own and eventually there will be no Municipal Code.

Suspension of the Rules (pg 23) – The section will be clarified that the decision to suspend the rules shall be undertaken with due consideration. Suspension of the rules, except in the rarest of circumstances, permits deviation from the established rules

which is not open or accountable governance.

Additions

Code of Conduct (pg 11) – In accordance with the requirements of Bill 68, a Code of Conduct for Council is to be established. This code will be referred to in the Procedure By-law.

Council Voting (pg 20) – It is recommended that voting at Council meetings for the approval of reports and by-laws be handled in the same manner as all other motions. These motions will be made in public and require a mover and a seconder.

Lost Motions from Standing Committees (pg 25) - The current process records the motions passed at General and Finance Committees as reports which go forward to Council for approval. The suggested change is to bring forward both the carried and lost motions. With the new report format, Council and a delegate can address an issue that was defeated at standing committee level if they so choose.

Petitions (pg 16) – A section will be added to the by-law to indicate how petitions will be dealt with at meetings where they are presented. A new category entitled “Public Participation” will group this item with several others to make the by-law easier to use by the public.

Reconsideration and Motion to Amend/Rescind a Resolution (pg 25) – The current by-law requires a 2/3 vote “to reconsider any matter already disposed of by the same Council”. In regular parliamentary practices, Reconsideration is used to reconsider an item dealt with at the same meeting. A Motion to Amend/Rescind a Resolution is the motion that should be used to look back at a decision passed at a previous meeting by the same or previous Council. The definitions of these two motions will be clearly stated in the new by-law, which will ensure the motions are used correctly. Motions forwarded to Council from Standing Committees are not Motions to Amend/Rescind a Resolution. The Motion to Amend or Rescind a Resolution would be introduced at a Council meeting, not a Standing Committee meeting. If the motion to Amend or Rescind a Resolution specifies the matter be dealt with at a future meeting e.g. the next Council meeting, a majority vote is sufficient to revisit the matter. If the matter was voted on and passed in the affirmative, the details of the Motion to Amend or Rescind would be placed on a future Council agenda, as specified by the date in the motion. Where the Notice of Motion and the matter are intended to be dealt with at the same Council meeting. A two-thirds vote is required to revisit the matter. If a two-thirds vote is achieved to revisit the matter, the Motion to Amend or Rescind a Resolution will be dealt with by a majority vote.

Summary

The changes recommended in this report are intended meet the requirements of new legislation, to address and improve usability of the by-law and to address changes

requested by the Procedural By-law Review Committee.
Submitted by,

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City Clerk

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Attachments:

Appendix A – Draft Procedure By-law