



Committee Report

To: Warden Chris Peabody, Chair, and
Members of the Executive Committee

From: Derrick Thomson
Chief Administrative Officer

Date: October 19, 2023

Re: Procedural By-law Review

Staff Recommendation:

That the Procedural By-law, as presented, be recommended for approval.

Background:

In June 2023, the Executive Committee gave direction to proceed with updating the Procedural By-law to facilitate the implementation of a revised council meeting structure. The attached draft Procedural By-law eliminates the standing committee system in favour of adopting a council meeting structure.

Staff's review has resulted in recommending the attached revisions to the Procedural By-law. The following summary is intended to draw Council's attention to the substantive changes to the by-law. The specific wording of each change should be reviewed in the section of the by-law identified in brackets () below.

Layout and Minor Revisions

Changes to the layout and minor revisions have been made throughout the By-law. Major revisions are shown in red font on the attached draft by-law.

Definitions in red font have been updated to provide clarity and now include definitions of lower-tier municipality and weighted vote.

Section 2 - General Provisions

The following provisions have been added:

Severability Clause (2.5) - if one clause is deemed to be invalid, all other clauses remain in effect.

Minor Corrections (2.6) - Clerk is authorized to make minor corrections.

Appointment to County Council (2.7) - each Municipal Clerk shall provide Certificate of Election Results confirming Member has been elected to the position of Mayor and Deputy Mayor, prior to taking seat on County Council.

Section 3 - Meetings

Date of the Inaugural Meeting after an election (3.1) - has been updated to reflect the timing provided in the Municipal Act.

Inaugural Meeting Agendas (3.2 and 3.3) - provide for the election of Warden followed by the election of Deputy Warden.

Meeting Schedule (3.5.b) - the second meeting in July is cancelled, resulting in only one meeting being held in the month of July.

Livestream (3.7) - when meetings are physically open to the public in the Council Chambers, livestreaming of the meeting is offered as a convenience to provide increased access for the public; the meeting shall not be required to pause or end if issues with the livestream arise.

Notice of Special Meetings (3.11 and 3.12) - notice of a special meeting is given to the members at least 48 hours in advance of the meeting. Notice is given to the public at least 24 hours in advance of the meeting.

Section 4 - Roles and Duties

The following clauses have been added:

Individual Authority of Member (4.2) - no member has the authority to direct or interfere with the Administration.

Established Policies (4.3) - Members shall respect and adhere to the policies set by Council.

Council - Liaison with CAO (4.4) - Council Members liaise primarily with the Chief Administrative Officer and Senior Managers as required.

Information by Staff- Members of Council (4.5) - Members may request information from staff who have been assigned the responsibility of providing routine information.

Section 5 - Duties of the Warden or Chair and Deputy Warden

Warden/Chair - Motion and Debate (5.7) - the current requirement for the Chair to leave their seat while participating in debate has been amended. The revision provides that the Chair may remain in their seat while participating in the debate but must leave the Chair if they wish to move a motion.

Duties of the Deputy Warden (5.8) has been added - the Deputy Warden acts in the Warden's absence, acts on behalf of the Warden when requested and has signing authority in the Warden's absence.

Section 6 - Rules of Conduct and Debate

No significant changes.

Section 7 - Quorum

Quorum - not present (7.3) - the time to stand adjourned if a quorum is not present has been increased from fifteen (15) to thirty (30) due to the distance a member must travel.

Permitted Motions without Quorum (7.4) - this section has been added to clarify that a motion to adjourn, or a motion to recess, or a motion to set the time of the next meeting is in order if there is no quorum.

Section 8 - Absence and Vacancies

Deputy Warden also Absent (8.2) - this section has been added to provide a remedy if both the Warden and Deputy Warden are absent. If both are absent, the immediate past Warden will act temporarily as Chair and if there is no immediate past Warden, the Council shall appoint a Chair from among them to serve until the Warden or Deputy Warden arrive.

Members Absent - 3 months - vacant (8.4) - this section has been added to reiterate the *Municipal Act* which provides that a member's seat will be deemed vacant if the member is absent for 3 successive months without the permission of Council, except if the vacancy is due to pregnancy or adoption of a child.

Alternate Council Member - Oath of Office (8.6) - this section has been added to ensure the alternate council member takes the Oath of Office prior to taking a seat on County Council.

Section 9 - Voting

Weighted Vote (9.7) - this section has been added to provide a process to request a weighted vote. A member may request a weighted vote immediately prior to the vote. Each member gets 1 vote per 3500 qualified electors in their respective municipality.

Section 10 - Electronic Participation

No change. Electronic participation by the members continues to be allowed.

Section 11 - Order of Business (11.1) - this section creates the format of the Council Agenda and in effect eliminates the standing committee section. For each council meeting the agenda will be as follows:

1. Call to Order
2. Additions, Deletions, Amendments to the Agenda
3. Declaration of Pecuniary Interest
4. Public Notice
5. Announcements
6. Adoption of Minutes
7. Public Meeting
8. Delegations
9. Reports - for Information
10. Reports - for Direction
11. Motions and Notice of Motions
12. By-laws
13. Communication (including Minutes of Boards & Committees)
14. Closed Session
15. Report from Closed Session
16. Confirmation of Proceedings
17. Adjournment

Section 12 - Declaration of Pecuniary Interest

No change.

Section 13 - Minutes

No change.

Section 14 - Delegations and Presentations

The Procedural By-law establishes the rules for Council Members to follow and as well, it establishes the rules for Delegations and Presentations. The additional provisions for Delegations and Presentations assist in creating manageable agendas and ensuring the business of the Corporation is dealt with in an efficient and effective manner during each meeting. The following sections have been added or amended:

Deadline - written delegation (14.2) - a requirement to submit written delegations by noon five (5) business days prior to the meeting has been added to ensure the written submission is posted with the agenda.

Presentation - time limit (14.4) - presentations by invited guests such as the auditor or a consultant hired by the County will be limited to a 20 minutes presentation.

Delegations - previously heard (14.5) - this section has been changed from limiting a person from making a delegation once every six (6) months on the same topic, to:

“Individuals addressing Council for subsequent times on the same topic, must only present new information during subsequent delegations. New information is deemed to be information that Council has not previously heard.”

Majority Vote - hear any person (14.7) - delegations not on the agenda may be heard with a majority vote of council.

Delegation - statements - unsubstantiated (14.8) - Member may raise a point of order to bring necessary corrections or clarifications to the comments or statement made by the Delegation.

Delegation - deemed inappropriate for Council (14.9) - the Clerk may refuse a delegation request if deemed inappropriate for Council. The Clerk's refusal may be appealed to the Warden and the ruling of the Warden shall be final. Council shall be advised by email of the ruling.

Delegation - Decorum (14.10) - Delegations shall conduct themselves with decorum and shall treat all meeting participants with respect and courtesy.

Section 15 - Notice of Motion

Motion to be written (15.2) - All Notices of Motion shall be in writing, signed by the mover and filed with the Clerk by noon seven (7) business days prior to the meeting.

Section 16 - By-laws

No significant changes.

Section 17 - Petitions and Communications

Deadline - material submitted - to the Clerk (17.2) - petitions and communication must be submitted seven (7) business days prior to the meeting to be added to the agenda.

Section 18 - Point of Order/Privilege

Procedure to Raise a Point of Order (18.1 and 18.2) - the procedure to raise a point of order and point of privilege have been added for clarity.

Section 19 - Motions

Section 19 has been expanded to provide greater detail of the types of motions and rules associated with using the various types of motions. For example, a **Main Motion** introduces a substantive matter to the assembly for decision. May only be made when no other motion is pending. Requires a seconder, is amendable, is fully debatable, requires a majority vote to adopt, and may be reconsidered.

Section 20 - Committees

Reference to all Standing Committees (Executive, Corporate Services, Museum etc) have been removed.

Committee - create - mandate (20.1) - this section gives Council the authority to create committees and requires Council to approve terms of reference for each committee.

Committee - Procedures (20.2) - Committees shall follow the Procedural By-law unless separate Rules of Procedures have been approved by the Clerk.

Striking Committee (20.10) - this is a new section that creates a Striking Committee.

The Striking Committee of Council shall be comprised of the Warden, the Deputy Warden and one member of Council appointed by the Warden. The Striking Committee shall have a Terms of Reference, including a mandate and defined responsibilities approved by Council. In addition to other responsibilities, the Striking Committee shall be responsible for recommending appointments to Boards, Committees, and external organizations.

Section 21 - Boards - this section was created for ease of reference with respect to the appointments to Grey Bruce Board of Health and Bruce County Public Library Board.

Section 22 - Term of Office and Nominations

This section establishes the term of office for the Warden and Deputy Warden to be one (1) year. The process to elect the Warden remains unchanged. After the Warden has been elected and has taken the Oath of Office, the same process used to elect the Warden will be used to elect the Deputy Warden. The Deputy Warden will be elected at the same inaugural session as the Warden and will have the same term as the Warden.

Section 23 - Notice Provisions

No changes.

Section 24 - Taping or Recording Meetings

No changes.

Section 25 - Conflict

No significant change.

Section 26 - Repeal and Enactment

The current By-law 2022-043 will be repealed.

The By-law comes into effect on the date of passing.

Financial/Staffing/Legal/IT Considerations:

There are no financial, staffing, legal or IT considerations associated with this report.

Interdepartmental Consultation:

None.

Link to Strategic Goals and Elements**Report Author:**

Linda White, Clerk

Departmental Approval:**Approved for Submission:**

Derrick Thomson

Chief Administrative Officer