

**Subject: Procedure By-law Amendments**

**Department: Corporate Services**

**Division: Clerks**

**Report #: CPS-2023-049**

**Meeting Date: 2023-09-11**

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### **Recommendations**

**That report CPS-2023-049, Procedure By-law Amendments, be received;**

**And that Council pass a By-law to amend By-law 064-2017 being a By-law to govern the proceedings of Council and its Committees including amendments to quorum requirements for committees, consent agenda, removal of question period, and replacement of new business, as outlined in report CPS-2023-049.**

### **Background and Analysis**

Council passed by-law 064-2017 (Procedure By-law) on July 17, 2017, being a By-law to Govern the Proceedings of Council and the Committees thereof. Since the 2022-2026 term of Council commenced, staff have reviewed the Procedure By-law in relation to the needs of Council and the community and wish to highlight some changes for the consideration of Council.

### **Quorum for Committees**

Section 238 of the *Municipal Act, 2001* provides that a municipality shall pass a procedure by-law to govern the calling, place and proceedings of meetings and provides the authority for meetings to be held electronically. Section 238 also provides that the procedure by law may permit a member participating electronically to be counted in determining quorum.

On September 14, 2020, Council amended the Procedure by-law to provide for electronic meetings and to set parameters with respect to quorum when members of Council or committees are participating electronically.

As most advisory committees have now had the opportunity to meet several times in the current term, the feedback received from the committees on the requirement to obtain quorum through physical presence in the meeting room is that it can be problematic. In addition, staff canvased other municipalities regarding quorum requirements for committees, whose members may participate electronically, and found that they had no requirement on how many members could participate virtually.

Based on this research, as well as the information obtained from Town committees, staff recommend that the Procedure by-law be amended, as follows:

Section 3.10.9 currently states: “a physical quorum (a majority of members) at a meeting of Council or committee shall be achieved at the commencement of the meeting and maintained throughout the meeting”.

- Amend to remove the words “or committee”, such that item 3.10.9 would read:

“a physical quorum (a majority of members) at a meeting of Council shall be achieved at the commencement of the meeting and maintained throughout the meeting”.

Section 3.10.6 currently states: “Members wishing to participate electronically for a committee meeting, must provide the Secretary no less than 72 hours notice prior to the scheduled meeting. The request may be facilitated if technology permits and if physical quorum at the meeting location has been established.”

- Amend to delete “and if physical quorum at the meeting location has been established” such that section 3.10.6 would read:

“Members wishing to participate electronically for a committee meeting must provide the Secretary no less than 72 hours notice prior to the scheduled meeting. The request may be facilitated if technology permits.”

### **Quorum for Council**

The physical quorum requirement for Council remains in place. To date, there have not been any issues identified with respect to meeting such requirements. The current framework provides flexibility for up to three members of Council to participate virtually when that need arises.

### **Council Agenda – Consent Agenda**

Currently, several routine and non-controversial items, such as information reports and committee minutes are included as separate items on the Council agenda, each requiring an individual motion. To streamline Council meetings, staff recommend the implementation of a consent agenda within the Council agenda to allow for routine and non-controversial items to be voted on in one motion. Under this format, Council retains

the ability to separate out any of the consent agenda items that require further discussion.

The Procedure By-law currently allows for consent motions. However, to proceed with a consent agenda format, staff recommend amending the Procedure By-law to incorporate the use of the term "Consent Agenda" in sections 6.2 and 7.10.

Section 6.2 would be changed from "Consent Motions" to "Consent Agenda".

Section 6.2.1 would be amended to replace "Consent Motion" with "Consent Agenda" and would read as:

"When preparing the agenda for Council and Committee of the Whole meetings, the Clerk may identify items which are considered to be routine and non-controversial under the heading "Consent Agenda", which matters may be considered by Council and Committee of the Whole as a summary matter in one motion rather than as separate items, unless a member of Council otherwise requests."

Section 6.2.4 currently states: "Items removed from the consent motion at the request of a member of Council will be considered under "New Business"."

Section 6.2.4 would be amended to re-establish the place on the agenda for addressing separated items after the consent items are voted on and will read as:

"Items removed from the consent motion at the request of a member of Council will be considered immediately following the vote on the consent motion."

### **Council Agenda – Question Period**

Question period is listed as a standing item on the Council agenda and is intended for members of the public to ask questions to Council and in turn staff.

Section 7.8 of the Procedure By-law outlines:

#### **"7.8 Question Period**

7.8.1 A person on his/her own behalf, or as a spokesperson for a delegation, may ask questions of Council during the public question period time.

7.8.2 A person addressing Council with a question may speak for not more than three (3) minutes, except with the leave of Council."

Staff recommend that the Procedure by-law be amended to delete section 7.8 for a few reasons. Question Period allows for a person to ask Council and/or staff questions on any matter, which is problematic as no prior notice is provided to the public on any new item raised and provides staff no ability to be prepared with accurate and complete information.

In addition, there are more effective and timely opportunities for the public to engage with Council and staff outside of Council meetings, which include:

- registering as a delegate with respect to any matter, up to one week prior to a Council meeting
- registering as a delegate with respect to a matter listed on the agenda, up to 10:00 a.m. on the morning of a Council meeting
- with leave of Council - registering as a delegate with respect to a matter listed on the agenda, after the 10:00 a.m. Council deadline
  - Section 7.6.1 outlines that a person may address Council with their permission
- Council – Public Meetings
- Public Information Centre
- Mayor’s Town Hall
- Email, phone, in person discussion
- Social media

### **Council Agenda – New Business**

New Business is listed as a standing item on the Council agenda, to provide Council members the opportunity to make announcements with respect to upcoming events or community topics. As such, staff recommend an amendment to the Procedure By-law that changes “New Business” to “Announcements” to better align with the intent of the section, provide clarity to the public on the expectation of announcements, while ensuring that new items are not introduced without prior notice.

In addition, Section 7.10 currently includes cumbersome and unnecessary procedures with respect to:

- consent items (already discussed in this report)
- addendum items
  - Not required, as the Clerk’s division publishes an addendum agenda as part of regular process
- introduction of other business
  - Not required, as members do this through a notice of motion

Staff recommend that the Procedure By-law be amended to focus section 7.10 on Announcements and to delete above noted procedures that are better addressed through other sections of the by-law.

Section 7.10 currently states:

“7.10.1 Any items for consideration, either removed from the Consent Motion to be dealt with separately, or not listed on the original Agenda, shall be considered under “New Business” in the following order:

- i. Items removed from Consent Motion to be dealt with separately
- ii. Addendum items
- iii. Other business

7.10.2 Members of Council may submit to the Clerk any item under New Business, iii. Other Business, up to 10:00 a.m. of the day of the meeting.

7.10.3 The Clerk shall place such item(s) on a Revised Agenda and shall post such Revised Agenda in the notice case outside the Second Street entrance to the municipal offices and on the Town website as early as possible on the day of the meeting.

7.10.4 All items raised under Other Business that require Council action shall be considered as Notice of Motion for consideration at the next meeting pursuant to Section 7.12 (Notice of Motion at Meeting).

7.10.5 Notwithstanding Section 7.10.4, a member may request that the matter be dealt with immediately and unless any member objects it shall be deemed that Council concurs with the request.

7.10.6 Should a member of Council object to dealing with a matter immediately, Council may consider a motion to waive the notice requirements by a two thirds vote of the members present.

Section 7.10 would be amended to read:

**“7.10 Announcements**

Council members may make announcements with respect to upcoming events or community topics.”

As a result of the amendment to “Announcements” at section 7.10 of the Procedure By-law, other changes would be required as noted below:

Section 7.12 currently states:

**“Notice of Motion at Meeting**

7.12.1 A member who presents a written Notice of Motion to the Clerk to be read at any regular meeting must be present during the reading of the notice.

7.12.2 A written copy of the motion must be presented to the Clerk who will place it on the Council Agenda for the next meeting.

7.12.3 A motion of which Council has received notice shall be placed on the agenda for the date on which it is scheduled for debate. If not moved at the meeting for which it is scheduled, by the person who gave notice, it shall be

deemed to be withdrawn unless an alternative time for the motion to be debated is given.

7.12.4 Notices of Motion for future consideration shall be received without comment or debate by any member.”

Section 7.12 would be deleted and replaced with:

**“Notice of Motion at Meeting**

7.12.1 A member who presents a written Notice of Motion to the Clerk to be read at any regular meeting must be present during the reading of the notice.

7.12.2 A written copy of the motion must be presented to the Clerk who will place it on the Council Agenda for the next meeting.

7.12.3 A motion of which Council has received notice shall be placed on the agenda for the date on which it is scheduled for debate. If not moved at the meeting for which it is scheduled, by the person who gave notice, it shall be deemed to be withdrawn unless an alternative time for the motion to be debated is given.

7.12.4 Notices of Motion for future consideration shall be received without comment or debate by any member.

7.12.5 A member may request that the matter be dealt with immediately and unless any member objects it shall be deemed that Council concurs with the request.

7.12.6 Should a member of Council object to dealing with a matter immediately, Council may consider a motion to waive the notice requirements by a two thirds vote of the members present.”

Section 7.9 currently states:

**“Unfinished Business**

Any item of business which was discussed by the Council earlier in the same meeting or at a prior meeting, but not disposed of, may be raised again at any subsequent regular or special meeting of the Council when "Unfinished Business" is called for under the order of procedure.”

Section 7.9 would be deleted in its entirety, as this is not a practice that Council follows.

Section 7.3.4 currently states:

**“Agenda/Order of Business**

The Clerk shall have prepared and provided for the use of members at the regular meetings of Council, an agenda under the following headings:

1. Call to Order
2. Approval of Agenda
3. Disclosures of (Direct or Indirect) Pecuniary Interest
4. Closed Meeting
5. Opening Meeting – 7:00 p.m.
6. Singing of National Anthem
7. Land Acknowledgement
8. Announcement by Chair
9. Rise and Report
10. Adoption of Minutes of Previous Council Meetings
11. Presentations, Petitions and/or Delegations
12. Staff Reports
13. Correspondence
14. Committee/Board Minutes
15. Notice of Motion Prior to Meeting
16. Notice of Motion at Meeting
17. New Business
18. Question Period
19. By-laws
20. Adjournment

The Clerk may add, delete or modify agenda item headings to facilitate the orderly conduct of a meeting.”

Section 7.3.4 would be amended to add “Consent Agenda”, replace “New Business” with “Announcements”, and remove “Question Period”, and would read as:

“The Clerk shall have prepared and provided for the use of members at the regular meetings of Council, an agenda under the following headings:

1. Call to Order
2. Approval of Agenda
3. Disclosures of (Direct or Indirect) Pecuniary Interest
4. Closed Meeting
5. Open Meeting
6. Singing of National Anthem
7. Land Acknowledgement
8. Announcement by Chair
9. Rise and Report
10. Adoption of Minutes of Previous Council Meetings
11. Presentations, Petitions and/or Delegations
12. Consent Agenda
13. Staff Reports

14. Correspondence
15. Notice of Motion Prior to Meeting
16. Notice of Motion at Meeting
17. Announcements
18. By-laws
19. Adjournment

The Clerk may add, delete or modify agenda item headings to facilitate the orderly conduct of a meeting.”

Should Council wish to implement any or all of these changes, staff will amend the Procedure By-law to reflect these changes.

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## **Strategic Alignment**

### **Strategic Plan**

Strategic Goal: Community Vitality

Objective: Vibrancy

### **Sustainable Neighbourhood Action Plan**

Theme: N/A

Strategy: N/A

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## **Notice Provisions**

The Town’s Notice Policy requires that notice be placed on the Town’s website and published in a newspaper at least once, prior to the meeting at which the matter is to be considered, or prior to the holding of a public meeting.

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## **Financial Impact**

None.



Respectfully submitted

Reviewed by

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Prepared by

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**Attachment:**        1. Procedure By-law