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# HALDIMAND COUNTY

## Report CLS-04-2020 Procedure By-law Update

For Consideration by Council in Committee on August 25, 2020

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### OBJECTIVE:

To present a revised Procedure By-law incorporating previous amendments, housekeeping efficiencies, changes related to the new administration building and recent legislative changes.

### RECOMMENDATIONS:

1. THAT Report CLS-04-2020 Procedure By-law Update be received;
2. AND THAT a new Procedure By-law, included as Attachment 1 to Report CLS-04-2020, be presented for enactment.

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**Respectfully submitted:** Cathy Case, General Manager of Corporate & Social Services

**Approved:** Craig Manley, MCIP, RPP, Chief Administrative Officer

### EXECUTIVE SUMMARY:

The introduction of a new Procedure By-law is timely due to the need to consolidate previous by-law amendments and introduce certain efficiencies, the need to adjust processes in relation to the new Haldimand County Administration Building and to consider recent legislative amendments. A draft by-law is included as an attachment to this report and illustrates the identified amendments (the final version will have sections re-numbered accordingly.) One item will require Council's direction for further report and inclusion, specifically, the ability for members of Council to vote via proxy.

### BACKGROUND:

Section 238 of the *Municipal Act, 2001* (Act) requires that every municipality shall pass a procedure by-law for governing the calling, place and proceedings of meetings of Council. The current by-law was enacted in 2017 and has been amended three times with some minor changes related to organizational changes, council transition and electronic participation in council meetings during an emergency. With the recent move to the new administration building and the use of the new Council Chamber and related technology, amendments are appropriate to reflect new procedures. Recent legislative changes also authorize Council to hold electronic meetings under any circumstance, not just during emergencies, and to allow for proxy voting for members of Council. Additionally, a few minor housekeeping matters can be addressed through this by-law update.

### ANALYSIS:

The following amendments are recommended and included in the draft by-law attached to this report:

- Reference to the name of the administration building has been updated.

- Closed sessions will be held in the Grand Room rather than in the Council Chamber (when physical distancing is no longer required).
- Authority is delegated to staff to make adjustments to the meeting schedule as required during declared emergencies.
- The Mayor will call Council in Committee (CIC) meetings to order and the Chair of Public Meetings for Planning Applications shall chair that section of the meeting from their regular seat. As the new chamber set-up does not support movement of members throughout the meeting in the same way as in the previous Council Chamber, all members will assume their regular seats throughout the entire meeting.
- Standing to speak at a Council meeting represented a tradition from previous times and is no longer utilized by most councils. This requirement has been removed from the by-law.
- To consolidate certain aspects of Council and CIC meetings, one section of the agenda has been renamed to incorporate all Reports, Inquiries, Announcements and Concerns of Councillors.
- A new section of the agenda titled Motions Arising from Closed Session has been added to provide clarity for the public in cases where motions need to be considered following discussion or advice in closed session.
- While the County's procedures have previously included the requirement for councillors to fill out a form when declaring a pecuniary interest, the legislation was updated in 2017 to enact that requirement and to require that a registry of such declarations be kept. The wording of the draft by-law has been updated to that effect. Section 8.2 of the by-law - Declaring a Pecuniary Interest - has been further amended to reduce redundancy and to include a clause related to a 2017 legislative amendment referencing a situation where council is considering suspension of remuneration of a member of Council following an inquiry by the Integrity Commissioner.
- In order to allow for full discussions to take place at any Special or Emergency Council meeting, the limitation on the number of times each councillor can speak to a motion is removed.
- With the new audio-visual system in place in the Council Chamber, a queueing system exists where members of Council request to speak and once recognized by the chair, turn on their microphone to speak. In the case where a member's issue has precedence over other matters, i.e. questions of privilege or order, the member shall stand in order to be recognized prior to others in the queue. Other matters, such as the deferral of an item are always in order, but do not have precedence, so a member can request to speak as part of the regular queue and once recognized, can proceed with the deferral.
- The by-law will be referred to as the Procedure By-law in order to align with the legislative reference.

### Legislative Amendments

Bill 197, which received Royal Assent on July 21, 2020, included amendments to the Act to allow for the procedure by-law to provide for electronic participation of members of Council at any time, not just during declared emergencies as was legislated earlier this year. The legislation also allows for any member who is participating electronically to be counted in quorum and allowed to participate in open and closed sessions. This potential mechanism could be used by one or several councillors or all members of Council due to various circumstances. The allowance for electronic participation at any time has been incorporated into the draft by-law attached to this report.

Bill 197 also allows for a member of Council to act as a proxy for another member of Council for the purposes of voting. The Act sets out some basic rules about proxy voting, i.e.:

- a proxy can only act on behalf of one member of Council;
- limitations related to conflict of interest;
- a proxy is not to be considered as part of quorum.

The Act also contemplates specific processes being established for proxy voting by each municipality. A factor to keep in mind when considering proxy voting is the accountability and transparency of the decision-making process. If a member of Council is briefed on a matter or reads a report in an agenda, they might feel prepared to indicate their vote to another member appointed as their proxy; however, that vote would not take into account discussion amongst councillors during the meeting, clarification provided by staff, input provided by a delegation or advice provided in closed session. The proxy vote would be a less informed vote than an in-person vote. Proxy voting is not recommended at this time and is not included in the draft by-law attached to this report. If Council wishes to proceed with proxy voting, staff should be directed to report back with further information related to including this mechanism in the by-law.

## **FINANCIAL/LEGAL IMPLICATIONS:**

Not applicable.

## **STAKEHOLDER IMPACTS:**

Not applicable.

## **REPORT IMPACTS:**

Agreement: No

By-law: Yes

Budget Amendment: No

Policy: No

## **ATTACHMENTS:**

1. Draft Procedure By-law