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# HALDIMAND COUNTY

## Report CLE-11-2023 Procedure By-Law Update

For Consideration by Council in Committee on October 10, 2023

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### OBJECTIVE:

To present a revised Procedure By-law incorporating procedural efficiencies and providing updated and clear language.

### RECOMMENDATIONS:

1. THAT Report CLE-11-2023 Procedure By-law Update be received;
2. AND THAT a revised Procedure By-law, included as Attachment 1 to Report CLE-11-2023, be presented for enactment.

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**Approved:** Cathy Case, Chief Administrative Officer

### EXECUTIVE SUMMARY:

The introduction of a revised Procedure By-law provides clarity and efficiency for Council and the public. Reviewing the by-law at least once during each term of Council is recommended to ensure that the by-law is current and accessible. Where changes are recommended, a report is brought forward for Council's consideration.

### 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 version of the Procedure By-law was enacted in August 2020, incorporating previous amendments, some updates related to the new administration building and a few general housekeeping amendments. The by-law was amended in November 2022 to incorporate the addition of the Land Acknowledgement to meeting agendas.

It is advisable for the Procedure By-law to be reviewed at least once during each term of Council to ensure that it is up to date with legislative requirements and with local procedural needs and practices. This report addresses recommended changes that reflect updated language and procedural efficiencies.

### ANALYSIS:

A red-lined version of the draft Procedure By-law is included as Attachment 1 to this report to illustrate amendments as they relate to the existing by-law. Many of the amendments are minor and housekeeping in nature, reducing redundancy and utilizing plain language. Other amendments codify and formalize practices that have been in place over many years, in order to provide clarity. The

following substantive amendments are noted here and included in the draft by-law attached to this report:

- The wording in **Part 3** is amended to directly reflect the wording in section 224, 225 and 226.1 of the Act.
- A new clause **6.4.3** has been added to reference Special Meetings of Council being scheduled for singular or time-sensitive matters as necessary.
- When Council first met virtually due to the pandemic, virtual delegations were not allowed. As electronic meetings have evolved, it is important to allow for regular virtual participation for public meetings, etc., so the wording in **6.8.2** has been adjusted and an additional clause – **6.8.4** has been added to accommodate virtual participation of delegations. Staff are working on technical and process enhancements to make this option accessible for the public.
- The Moment of Silence observed at the beginning of Council meetings is suggested to be renamed Moment of Reflection. (**8.1.1**).
- For both the Council agenda (**8.1.1**) and the CIC agenda (**19.2.1**), an additional item has been added close to the end of the agenda titled "Motion of Receipt". This is intended as one motion encompassing all items to be received throughout the meeting, i.e. correspondence from delegations, presentations from staff, consultants or delegations, etc., rather than having a separate motion to receive correspondence after each item. The single motion will list multiple items from throughout the meeting.
- As members of Council are aware, CIC meetings are a less formal meeting where business is first presented and discussed, and Council meetings are more formal, and involve the adoption of recommendations and enactment of by-laws. As such, the practice has been that agenda items at CIC meetings are regularly moved around to accommodate an individual's attendance at the meeting (County Solicitor, councillor who may arrive late or need to leave early, etc.), or efficiency due to some other related issue. Section **8.1.2** specifically requires that any change in the order of business requires a majority vote at Council meetings. Also, wording has been added to section **19.1** in order to provide clarity on CIC items moving around within an agenda.
- As there is currently no efficient manner for anyone to register as a delegation to an item that by-passes CIC and goes directly to Council, Section **8.3.5** has been added to provide a mechanism for that situation.
- In sections **8.3.10** and **19.3.9**, there is a new clause disallowing anyone from registering as a delegation to speak to a report from the Integrity Commissioner (IC) or from the Ombudsman. (Haldimand County has not appointed a separate Ombudsman, but any resident can reach out to the Ontario Ombudsman to express a concern about some action or inaction on the part of the County. In the case where the issue is serious enough, the Ombudsman could undertake an investigation and follow up with a report to Council on the matter.) Both of these positions have legislated processes to follow and in the case where they make a recommendation to Council on a matter that has come before them, it's not appropriate for delegations to provide input on the matter, over and above what is being recommended to Council. If a resident is involved in the complaint, they will have opportunity to comment to the IC or Ombudsman as part of the investigation process.
- In section **10.8**, additional points have been added concerning public decorum to disallow members of the public from: wearing hats; using devices to record meetings, and displaying items of demonstration in Council Chamber. These points reflect past practice and provide clarity. The addition of wording asking a member of the public to leave the meeting if they fail to cease such activity in section **10.9** also reflects past practice.
- Reference to the Mayor recording the results of the vote is being removed from clause **15.6** as we no longer use written motions at Council.

- Traditionally, by-laws have been enacted through two motions – one for the first and second reading, and another for the third and final reading of the by-law. This tradition mirrored the provincial requirement for multiple readings, however, there is no legislative requirement for three readings of municipal by-laws – except for certain matters being enacted under the Drainage Act. As a rule, we will dispense with the two motions and enact by-laws in a single motion, in order to be more efficient. When necessary, we will prepare specific motions for approval of a drainage by-law through separate motions at separate meetings, as is required by legislation. (**Part 17**)
- It has always been practice that if a delegation appeared to speak to a matter, they could not register to speak again on the same matter, unless the situation or circumstances had changed, thus resulting in a renewed decision being required from Council. An additional clause (**19.3.8**) has been added to clarify the practice. The delegation will need to provide sufficient proof of material change, or alternatively, staff will confirm that there has been material change to a matter.
- The Number and Gender reference in the by-law has been removed, as wording is gender neutral, and the plurality reference is not significant to this by-law.

One additional note about meetings that has not been incorporated into the Procedure By-law relates to a meeting of two or more municipal councils. Section 236 (2) of the Act indicates “a meeting of the councils of two or more municipalities for the consideration of matters of common interest may be held within any one of those municipalities or in a municipality adjacent to any of them”. For instance, in a situation where Haldimand County and Norfolk County need to meet on a matter of common interest, they are authorized to do so. The Procedure By-law for the host municipality should govern the meeting procedures, and any decisions arising from the meeting should be formally adopted by each municipality at a subsequent Council meeting.

## **FINANCIAL/LEGAL IMPLICATIONS:**

Not applicable.

## **STAKEHOLDER IMPACTS:**

Clarity of processes and plainer language within the by-law provides for a more accessible resource for Council and for the public.

## **REPORT IMPACTS:**

Agreement: No

By-law: Yes

Budget Amendment: No

Policy: No

## **REFERENCES:**

1. [Municipal Act, 2001](#)

## **ATTACHMENTS:**

1. Draft Procedure By-law