

Presented To:	City Council
Presented:	Tuesday, Sep 25, 2018
Report Date	Tuesday, Sep 04, 2018
Type:	Managers' Reports

Request for Decision

New Council Procedure By-law

Resolution

THAT the City of Greater Sudbury approves the proposed changes to the City's Council Procedure By-law, as outlined in the report entitled "New Council Procedure By-law", from the General Manager of Corporate Services, presented at the City Council meeting on September 25, 2018;

AND THAT staff be directed to prepare the required by-laws.

Relationship to the Strategic Plan / Health Impact Assessment

This report supports the key pillar of "Responsive, Fiscally Prudent, Open Governance".

Report Summary

This report recommends the approval of a new Council Procedure By-law to take effect concurrent with the commencement of the new term of Council on December 1, 2018.

Financial Implications

There are no financial implications associated with this report.

Signed By

Financial Implications

Jim Lister
Manager of Financial Planning and
Budgeting
Digitally Signed Sep 7, 18

Recommended by the Department

Kevin Fowke
General Manager of Corporate
Services
Digitally Signed Sep 11, 18

Recommended by the C.A.O.

Ed Archer
Chief Administrative Officer
Digitally Signed Sep 11, 18

Background

The *Municipal Act, 2001*, requires that every municipality and local board have a procedure by-law which governs the calling, place and proceedings of meetings. Procedure by-laws are an essential tool guiding all aspects of the setting and conduct of meetings for a council. Over time, municipalities have developed and adapted by-laws that work best for their particular circumstances with a view to ensuring that meeting processes are efficient, orderly and promote good discussion and decision making.

The City's current Council Procedure By-law was passed approximately seven years ago and, while it has served us well during that time, it could benefit from some updates and improvements. A regular review of the by-law was included on the implementation plan for Council's Strategic Plan and this report advances the completion of that objective. As part of the process to revise the by-law, the City Solicitor and Clerk obtained and reviewed by-laws from a number of other municipalities in order to gain a better understanding of best practices in place in those municipalities. Earlier this year, the City Solicitor and Clerk, together with the General Manager of Corporate Services, consulted individually with a number of members of Council to gather any input they may have regarding Council procedure. This input, along with input received or accumulated from staff, was invaluable to the generation of a new draft during the Summer months.

The proposed new Council Procedure By-law is attached to this report in draft form for Council's review. While the document is still constructed and ordered in a way similar to the current by-law there are many changes, some of which are minor in nature. Wherever possible, more efficient wording has been used and redundancy removed. A number of paragraphs have been combined for efficiency and convenience. The result is a proposed by-law that is more concise and user friendly than its predecessor.

Members of Council are encouraged to review the draft by-law in its entirety, however, some of the more significant changes being recommended are summarized below as follows:

Changes to Enhance Meetings and Agenda Preparation and Composition

- Temporary suspension of the rules of procedure to be by two-thirds majority vote rather than unanimous (Article 2.04).
- Amendment or repeal of procedure by-law to be by majority vote rather than two-thirds (Article 2.05).
- Authorization for the Clerk to make administrative corrections to minutes, by-laws and resolutions for the purpose of ensuring that they accurately reflect the proceedings (Article 2.09).
- Ability for Acting Deputy Mayor based on calendar month rotation to assist with other duties of Deputy Mayors where Deputy Mayors are unavailable (Article 3.08).
- Description of the role of a Chair (Article 4.01).

- Agendas will only be provided electronically unless paper copies are specifically requested by Members of Council and delivery shall only be to Members' offices at Tom Davies Square (Article 6.03).
- Reorganization of the order of some agenda items such as Members' Motions and Presentations by staff (Article 7.06).
- Other than for visiting dignitaries invited by Members, Community Delegations for any meeting shall be limited to two and shall relate to issues of municipal jurisdiction.
- Presentations by staff have been moved to later in the agenda immediately prior to Managers' Reports.
- Question period shall permit each Member to ask up to two questions for matters of municipal jurisdiction. Announcements have been removed (Article 18.01).
- In the event of an adjournment, prior to the adjournment being effective, the Members shall consider the By-laws and a resolution to deal with any Addendum on the agenda, where such items have not already been addressed (Article 21.04).
- The starting vote for each subsequent recorded vote shall alternate in ward order provided that each vote will end with the Chair (Article 29.05).

Changes Related to Committees

- Chairs and Vice-Chairs to be selected for term of Council rather than on an annual basis unless a Committee chooses to appoint for a shorter duration (Article 4.02).
- The portion of the current procedure by-law which contains the mandate and composition of Committees of Council has been removed and will appear in a separate By-law for Committees of Council and Advisory Panels, to be passed concurrently with the new Procedure By-law. The only significant change to the Committee mandates is that the Committee of Management for Pioneer Manor as required by the *Long Term Care Homes Act, 2007* is being included in the mandate of the Community Services Committee. In other words, elements previously dealt with by the Committee of Management will be included in meetings of the Community Services Committee and will be subject to ratification by City Council.
- The ability for Councillors that are not members of committees to participate but not vote on committees, with the exception of matters that involve public hearings in which case the consent of the Committee shall be required (Articles 9.10 and 31.09).

Changes Related to Motions

- Notices of Motion are renamed to Members' Motions (Article 11) and will be dealt with earlier in the meeting immediately after Community Delegations. Members' Motions will be included on agendas where provided in writing to the Clerk by 12 p.m. on the Monday two weeks prior to the meeting. Where a Member wishes to bring forward a motion for which notice has not been given (i.e. does not appear

on the agenda), it will be dealt with under Members' Motions after the motions for which notice has been given have been addressed. Motions for which notice has not been given will only be dealt with in circumstances of an urgent nature where the Members agree by two-thirds vote to dispense with notice.

- Motions to refer shall be debatable as to the advisability of the referral to such other body (Article 19.09).
- Motions to defer shall be debatable as to the advisability of the postponement of the matter being considered (Article 19.10).
- Motions to reconsider (Article 30) shall only be required to reconsider the core purpose and intent of a decision made in the last twelve months. Decisions that are beyond twelve months may be amended, varied or repealed by simple majority at the discretion of Council.

New Workshop Provision

- Workshops (Article 28) have been added for independent matters that relate to training and education and shall not require quorum. The agenda content for Workshops shall be limited to the educational content referenced and shall not deal with any matters that materially advance the business or decision-making of Council or a Committee.

Should Council approve the resolution, subject to any direction from Council, the draft Procedure By-law and the By-law respecting Committees of Council and Advisory Panels will be presented for passage by Council in November and would take effect on December 1, 2018 concurrent with the commencement of the new term of Council. This will allow for orientation of the new Council on the new procedures in December of 2018.

References

Current Procedure By-law 2011-235

https://www.greatersudbury.ca/content/div_clerks/documents/Procedure%20by-law%20%202011-235.pdf