



Staff Report

Administration – Town Clerk

Report To: COW-Finance, Admin, Fire, Legal, Community Services
Meeting Date: March 13, 2023
Report Number: FAF.23.015
Title: Procedural By-law Review
Prepared by: Corrina Giles, Town Clerk

A. Recommendations

THAT Council receive Staff Report FAF.23.015, entitled “Procedural By-law Review”;

AND THAT Council considers the proposed revisions to the Procedural By-law as noted in this staff report, and provides direction on any additional suggested revisions;

AND THAT Council directs staff to proceed to a Public Meeting to receive comments on the proposed revisions to the Procedural By-law.

B. Overview

The provisions of the Procedural By-law 2022-76, requires that the Procedural By-law shall be reviewed in the first year of each new term of Council.

C. Background

Attachment #1 to this staff report is the current Procedural By-law 2022-76. Staff are seeking input from Council as to whether additional revisions being proposed by members of Council to the Procedural By-law are sought at this time, and to consider the staff recommended revisions below.

In accordance with the Town’s “Provision of Notice and Manner of Giving Notice to the Public Policy, POL.COR.07.03” a Public Meeting is required to receive public comments in response to any proposed amendments to the Procedural By-Law, following which a staff report is provided to Council including a compilation of the comments received.

D. Analysis

Staff are seeking input from Council on the following suggested revisions to the Procedural By-law.

1. First or Inaugural Meeting of the Council (paragraph 3.1)

Currently, paragraph 3.1 reads as follows:

- 3.1 The First or Inaugural Meeting of the Council of a local municipality following the **2022** regular election and subsequent elections, shall be held on the first Monday following November 15, at 11:00 a.m., in the Town of The Blue Mountains Council Chamber.

Staff recommend removing reference to “following the 2022 regular election, and subsequent elections” as this phrase is no longer relevant.

2. Closed Session Recording (paragraph 4.10)

Just prior to the pandemic, the Procedural By-law was revised to include a paragraph noting that closed sessions will be recorded when the infrastructure is available. It is noted that with members attending electronically, recording the meeting securely through Teams is not possible. Staff recommend removing this paragraph from the Procedural By-law. Staff confirm that the official minutes of the Closed Session meetings are the minutes as adopted by Council and retained in the Clerks Department.

- 4.10 When the infrastructure is available, Closed Sessions shall be recorded and securely archived so that a digital record is available should it be required by the Closed Meeting Investigator or Integrity Commissioner. Inability to record a meeting will not prohibit the meeting from commencing or continuing. The official minutes of the Closed Session meeting shall be the minutes as adopted by Council, and retained in the Clerks Department. Council members that participated in the Closed Session are permitted to view the Closed Session video recording in the presence of the Clerk.

3. Electronic Participation (paragraph 4.13.b)

At the December 12, 2022 Council Meeting, Council waived the provisions of the Procedural By-law to allow Council members to participate electronically in all open and closed session meetings until July 11, 2023 and to be counted in quorum.

Currently, the Procedural By-law provides limitations on the number of meetings that a member may participate in electronically as noted in the Procedural By-law excerpt below.

4.13.b Council, Committee of the Whole, and Council Meeting, Public Meetings:

- i) Electronic participation is not permitted in a Closed Session unless the municipality is in a declared state of emergency as referenced in Section 4.14;
- ii) Any member participating electronically will be counted in determining a quorum in open meetings of any Council, Committee of the Whole, or Council Meeting, Public Meetings;
- iii) No more than three Council Members may be absent from or participating

- electronically in any Council Meeting, Committee of the Whole Meeting, or Council Meeting, Public Meeting;
- iv) Any Council Member participating electronically shall have their camera turned on for the duration of the meeting;
 - v) On a semi-annual basis, each Council Member may participate electronically in no more than four (4) Council, Committee of the Whole Meeting, or Council Meeting, Public Meeting, calculated from January to July, and from August to December each year;
 - vi) Council Members are required to submit a written request to the Clerk at least one week in advance of the meeting to which they wish to attend electronically. The Clerk will review the written request and respond immediately ensuring that a quorum of Council will be present for the meeting. The Clerk is required to monitor Council Member attendance, including any requests to appear electronically. Late requests will be granted at the discretion of the Clerk;
 - vii) Requests to appear electronically, in excess of that referenced in paragraph vi) above, will be submitted in writing to the Clerk noting the reason for the request. Such requests will be considered by Council in a Closed Session, and if granted will be confirmed by resolution in open session.

Staff are seeking direction from Council as to whether the limit on the number of meetings a member may participate in virtually should continue, or if this limit should be revised or removed entirely, and if members may attend Closed Session meetings virtually.

4. Public Comment Period (paragraph 13.6)

Currently, the Procedural By-law notes that if a person is unable to personally attend the meeting, or during periods where an emergency has been declared to exist in the municipality, that the person shall provide their Public Comments to the Clerk in advance of the meeting to read on behalf of the author.

As staff and the Public are more experienced in attending meetings virtually, staff are recommending that the Public have an opportunity to provide their Public Comments virtually or in person, removing the requirement for the Clerk to read comments on behalf of the author.

E. Strategic Priorities

1. Communication and Engagement

We will enhance communications and engagement between Town Staff, Town residents and stakeholders

2. Organizational Excellence

We will continually seek out ways to improve the internal organization of Town Staff and the management of Town assets.

F. Environmental Impacts

None

G. Financial Impacts

Staff time to author the staff reports, public meeting notice and revised Procedural By-law.

Cost to advertise the Public Meeting Notice in the newspaper approximately \$350.

H. In Consultation With

Chief Administrative Officer

Deputy Clerk

I. Public Engagement

If Council directs that changes to the Procedural By-law should be considered, a follow up report will be provided to Council to identify the proposed changes. The following is a proposed timeline for Council information if an additional staff report is not required:

- March 13, 2023 Committee of the Whole – Initial staff report FAF.23.015 Procedural By-law Review seeking Council direction;
- March 27, 2023 Council – recommendation from Committee of the Whole considered by Council
- March 28, 2023 Public Meeting Notice posted;
- April 6, 2023 Public Meeting advertised in the Collingwood Connection, and posted to the Town website;
- April 18, 2023 Public Meeting to receive comments on the proposed revisions to the Procedural By-law;
- May 15, 2023 Committee of the Whole – Followup report to the Public Meeting, attaching comments received in response to the Public Meeting;

May 29, 2023 Council – recommendation from Committee of the Whole considered by Council, and related By-law Any comments regarding this report should be submitted to Corrina Giles, Town Clerk, townclerk@thebluemountains.ca.

J. Attached

1. Procedural By-law 2022-76

Respectfully submitted,

Corrina Giles
Town Clerk

For more information, please contact:
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Report Approval Details

Document Title:	FAF.23.015 Procedural By-law Review.docx
Attachments:	- 2022-76 Procedural By-law.pdf
Final Approval Date:	Mar 1, 2023

This report and all of its attachments were approved and signed as outlined below:

Shawn Everitt - Mar 1, 2023 - 10:14 AM