



# MEMO

**To:** Don MacLeod, Chief Administrative Officer

**Date:** December 11, 2017

**From:** Karen Martin, Clerk

**Number:** 2017-173

**Subject:** Township of Zorra's Procedural By-law Update

**File:** P11 Provincial Legislation/Bill 68

**Council Meeting Date:** December 19, 2017

**Agenda Item:** **7(e)**

## RECOMMENDATION:

**That Council pass a resolution to receive Notice of amendments to the Township's Procedural By-law;  
And That Council direct Township staff to provide public notice that the Council of the Township of Zorra intends to amend Procedural By-law 2004-05 at its January 16, 2018 Council meeting;  
And that Council direct Township staff to make the necessary amendments to Procedural By-law 2004-05.**

## BACKGROUND:

At the November 21, 2017 Council meeting a report was brought to Council outlining policy and procedural changes from Bill 68. The Township is required to update the Procedural By-law to reflect the legislative updates.

The Township's Procedural By-law states that:

"This By-law is not to be amended or repealed except by a majority of all Members of Council present at a regularly scheduled meeting. No amendment or repeal of this By-law is to be considered at any meeting of the Council unless notice of the proposed amendment or repeal was given at a previous regular meeting of the Council and the Council may not waive such notice." This Report is considered providing the required notice of proposed amendments to Council.

Furthermore, The Township's Notice By-law states that the Township must provide public notice of its intention to pass the by-law.

## COMMENTS:

As per the Township's Procedural By-law, Township Staff are providing proposed updates to the By-law, which will come forward at the January 16, 2018 Council meeting. The following amendments (shown in yellow) are proposed and reflect legislative amendments from Bill 68 as well as housekeeping amendments and clarification:

Corporation of the Township of Zorra

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**New Definition of Meeting (Effective January 1, 2018)**

- “meeting” means any regular, special or other meeting of a council, of a local board or of a committee of either of them, where,
  - (a) a quorum of members is present, and
  - (b) members discuss or otherwise deal with any matter in a way that materially advances the business or decision-making of the council

Township Staff are recommending the Procedural By-law be updated to include the above definition in Section 2.0 DEFINITIONS, Item 1.11.

**New Closed Meeting Exceptions (Effective January 1, 2018)**

Increased exceptions to be used to move into closed meetings include:

- Information explicitly supplied in confidence by Federal or Provincial Governments;
- Trade secret or scientific, technical, commercial, financial, labour relations information, supplied in confidence, which if disclosed could reasonably be expected to prejudice significantly the competitive position or interfere significantly with contractual or other negotiations of a person, group or organization
- Trade secret/scientific, technical, commercial or financial information that belongs to the Municipality or local board and has monetary value or potential monetary value
- Position, plan, procedure, criteria or instruction to be applied to any negotiations carried on, or to be carried, by or on behalf of the municipality or local board

Township Staff are recommending the Procedural By-law be updated with the following in Section 4.0 COUNCIL AND COMMITTEE MEETINGS, Item 4.7 Closed Meetings:

*Meetings of Council or Committees thereof may be closed to the public pursuant to Section 239 (2), (3) and (3.1) of the Municipal Act.*

It is important to note that the last of the amendments set out above has received particular criticism from interested third parties for being too broad and prone to potential misuse and abuse. Given Council's commitment to reduced number of closed meetings, staff do not anticipate that the additional discretionary reasons for closed meetings will have an effect on our current practices or the frequency of closed meetings.

**Electronic Participation in Council Meetings (January 1, 2018)**

The legislation states:

*The applicable procedure by-law may provide that a member of council, of a local board or of a committee of either of them, can participate electronically in a meeting which is open to the public to the extent and in the manner set out in the*

*by-law provided that any such member shall not be counted in determining whether or not a quorum of members is present at any point in time. The applicable procedure by-law shall not provide that a member of council, of a local board or of a committee of either of them, can participate electronically in a meeting which is closed to the public.*

Council does not have to provide this for Council meetings, it is merely an option. At this time Township staff are not recommending the inclusion of electronic participation in our Procedural By-law. Additional procedures and IT equipment would be required to effectively pursue this option. Township Staff will continue to review this option and report back to Council as required.

### **Housekeeping Procedural By-law Amendments**

- Section 4.1 Frequency & Place - All meetings are to be held in the Council Chamber at the Township Municipal Building unless Council by resolution directs otherwise, in which case a notice shall be posted in the Municipal Office (*adding the following*) **and on the Township website** advising of the time and place.
- Section 5.1 – Quorum – Add the following: **When a majority of members has disclosed an interest under the Municipal Conflict of Interest Act, the remaining number of members at that meeting shall be deemed to constitute a quorum, provided such number is not less than two.**
- Section 5.2 – Absence of Chair – Subject to the provisions of any other Act to the contrary, where the Mayor does not attend at the time appointed for the meeting of Council or committee, the Deputy Mayor shall assume the Chair or, in his/her absence, the Clerk shall call the Members to order and the Council members, by resolution, shall appoint a Chair from among themselves, and he or she has the same authority as the absent person would have had if present, **while presiding at meetings.**
- Section 7.5 Delegations & Staff Appointments– Any Individual or group wishing to present information to Council shall advise the Clerk by **4:30 p.m.** (removing 5:00 p.m.) on the Wednesday prior to the regular meeting of Council or Committee.

Notwithstanding the provisions of Section **3.1** (removing 7.13), the Council or Committee may, at their sole discretion via a resolution, entertain delegations with less notice.

- Section 7.7 Reports from Staff/Correspondence Requiring Direction – Correspondence, reports, petitions and communications shall be deposited with the Clerk by **4:30 p.m.** (removing 5:00 p.m.) on the Wednesday prior to the regular meeting of Council.  
All correspondence, reports, petitions and communications received after **4:30 p.m.** (removing 5:00 p.m.) on the Wednesday preceding the meeting shall be given to the Mayor and, if of an urgent nature, it shall be brought before Council and considered, if approved by a resolution of Council.

- Section 7.9 Notice of Motion – Update and Simplify wording.
- Section 8.2 Advisory & “Ad Hoc’ Committees – Remove listing of such Committees.
- Section 8.4 Structure – The Mayor shall sit “ex officio” on all Committees of the Township **and may attend all meetings and shall have full voting privileges but shall not be counted for the purposes of quorum.**

A resolution is required for Council to accept Notice of amendments to the Township’s Procedural By-law and to direct staff to provide public notice of said amendments and prepare the necessary amending by-law.

#### FINANCIAL IMPLICATIONS

N/A

#### LINK TO STRATEGIC PLAN

Maintaining up to date policies and procedures as per current legislation would support the following goal and action in the Strategic Plan:

**Goal** We are an **engaged** community that values all members and actively encourages involvement, engagement, openness and transparency.


**Action:** By improving and updating Township procedures under Bill 68.

#### ATTACHMENTS

None.

Submitted by:

Approved by:



Karen Martin  
Clerk



Don MacLeod  
Chief Administrative Officer