



The Corporation of the Town of Milton

Report To:	Council
From:	Meaghen Reid, Director, Legislative & Legal Services/Deputy Clerk
Date:	May 25, 2020
Report No:	CORS-033-20
Subject:	Procedure By-law Review
Recommendation:	THAT the draft Procedure By-Law attached as Appendix A be considered at the June Council meeting for approval; AND FURTHER THAT staff be authorized to make any minor modifications as deemed necessary prior to Council consideration of the by-law.

EXECUTIVE SUMMARY

- Staff have reviewed the provisions of the Town's existing Procedure By-law, applicable legislation and the procedure by-laws of neighbouring municipalities. This review aligns with the Council direction given on March 25, 2019 to revisit the mandate of Council workshops after the first full year.
- Amendments have been recommended with respect to Council workshops and housekeeping items related to the Inaugural Meeting of Council and revised agendas.
- Staff have also recommended the inclusion of provisions for members to participate electronically in meetings that do not occur during a declared emergency.

REPORT

Background

As part of a comprehensive review of the Town's Procedure By-law, staff have reviewed the provisions of the Town's existing by-law, applicable legislation and the procedure by-laws of neighbouring municipalities.

With respect to the timing, this review of the Procedure By-law aligns with the Council direction given on March 25, 2019 to revisit the mandate of Council workshops after the first full year.



Discussion

Staff reviewed the provisions related to Council workshops, electronic participation and other housekeeping items as part of the Procedure By-law review.

Council Workshops

On March 25, 2019, Council passed a resolution to implement Financial Education Workshops for Council to be held on a quarterly basis. This resolution included a requirement that Council revisit the mandate of the workshops after the first full year in order to ensure that Council's intended outcomes are being achieved. The Town's Procedure By-law was amended to include provisions related to Council Financial Education Workshops.

In accordance with the Town's Procedure By-law, Council workshops provide the opportunity for Council and staff to have informal discussions in an open meeting format where no decisions are made. Over the past year, Council workshops have been held on a quarterly basis and have included discussions related to financial matters, such as reporting, asset management, budget and growth forecasting. In addition, Council workshop agendas have included discussions with respect to infrastructure, service delivery review and Council-staff work plan.

Staff recommend that the Town continues with the inclusion of Council workshops within the Town's Procedure By-law:

- It is being recommended that workshops be referred to as "Council workshops" rather than limited to "Financial Education Workshops" to reflect the broader informal discussions that have taken place in this meeting format, where no decisions are made. It is recommended that the definitions and applicable sections of the by-law be amended to reflect this change. As required, financial matters will continue be included on Council workshop agendas, such as the annual Budget Call report and a review of the proposed annual Capital and Operating Budget.
- For consistency with provisions related to Special Meetings of Council, it is recommended that workshops be called by the Mayor and the Clerk. Under the existing Procedure By-law, these meetings are called by the Town's Chief Financial Officer (CFO). Staff will continue to play a role in identifying topics for discussion and review at workshops.

The remaining provisions relating to the notice of workshops, order of business and confidential session will all remain the same.

Inaugural Meeting of Council

Recent changes to the Municipal Elections Act have changed the term of Council to begin on November 15 in the year of a regular election (previously it was at the beginning of December). As such, staff are recommending that the Inaugural Meeting of Council be held at 7:00 p.m. on the first Monday following November 15 following a regular municipal election.

Revised Agenda

The proposed by-law includes a provision that, after the delivery of the agenda, the Clerk may publish a revised agenda that will incorporate items such as any registered delegations or addenda. The revised agenda would be posted on the website and will be sent to Council electronically.

Electronic participation for members outside of a declared emergency

On March 30, 2020, Council passed a resolution allowing electronic participation for Council during the COVID-19 declared emergency. This was in response to the Province passing the Municipal Emergency Act, 2020, which provided that, during a period where an emergency has been declared under the Emergency Management and Civil Protection Act, a member of council, committee or local board who is participating electronically in a meeting may be counted in determining quorum and can participate electronically in a meeting that is closed to the public.

Despite these recent emergency provisions for electronic participation, the Municipal Act, 2001, has allowed for municipalities to adopt electronic meeting provisions in their procedural by-law, since 2018. However, this has been an option available for municipalities but is not a mandatory requirement.

For meetings that occur outside of a declared emergency, the following Municipal Act requirements exist for electronic participation for members during meetings:

- Members participating by electronic means do not count towards quorum (a majority of members). Therefore, electronic meeting participation for members is only allowed at a properly convened meeting where physical quorum is present in Council Chambers.
- Members participating electronically are not permitted to participate in any confidential sessions of Council during a meeting.
- Council Members participating electronically can vote on any agenda items in open session. Procedures would be required to address matters such as calling of the vote, speaking order and technological requirements.

In order to include electronic participation provisions for meetings, the following wording has been included within the draft by-law:

1. Members may participate in meetings by electronic means subject to the following:



- a. Electronic participation is available only for meetings of Council that take place in Council Chambers. The provision would not apply to workshops or Special Council meetings that take place outside of Council Chambers.
- b. Requests to participate in a meeting by electronic means must be made in writing at least five (5) business days before the meeting.
- c. Members may not participate electronically in any meeting that is closed to the public.
- d. A Member participating electronically in a meeting shall be considered to be present at such meeting but shall not be counted towards quorum.
- e. A Member participating electronically would also be able to vote in open session.
- f. The Chair must be physically present at a meeting.

In consultation with the Information Technology (IT) Division, staff will work to incorporate electronic participation in the meeting through one singular platform for audio and video participation when meetings are held in Council Chambers. Integration with the AV system and current live stream recording in Council Chambers is the recommended option, so that members of the public (both at home and in Council Chambers), staff and Council are able to clearly identify, see and hear all participating members who are present physically and electronically. Also, this solution could provide opportunities to integrate meeting management workflow software for Council meetings in future.

In addition to the by-law provisions above, the Legislative and Legal Services Division, in coordination with the IT Division, would prepare procedural provisions and best practices for electronic participation of members, which would include things such as: determining speaking order, putting motions to a vote, connectivity, etc.

The costs associated with the integration of electronic participation into the existing AV system and the live Council Meeting feed for live-streaming are as follows:

- \$500 one time initial set up fee
- \$250 per meeting where at least one Council member is participating (fee will not apply for meetings where there is no electronic participation)

Assuming 15 Council meetings per year, this would result in increased operating costs of \$4,250 should there be electronic participation for each meeting. Due to the current uncertainties related to COVID-19, this estimate is based on the assumption that we may need to accommodate electronic participation for all scheduled Council meetings in 2021.

Financial Impact



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The proposed amendments to the Procedure By-law would result in an annual increase to the operating budget of approximately \$4,250 related to the cost of electronic participation for meetings and will be included within the 2021 Operating Budget.

Should this process be implemented during 2020 the financial impact will be managed within the 2020 approved budget of the Legislative and Legal Services Division.

Respectfully submitted,

Troy McHarg
Commissioner, Corporate Services / Town Clerk

For questions, please contact: Nina Lecic, Manager of Phone: Ext. 2131
 Legislative and Legal
 Services/Deputy Clerk

Attachments

Appendix A - Draft Procedural By-law Amendment

CAO Approval
Andrew M. Siltala
Chief Administrative Officer

THE CORPORATION OF THE TOWN OF MILTON

BY-LAW NO. XXX-2020

BEING A BY-LAW TO AMEND BY-LAW 007-2019, AS AMENDED BEING A BY-LAW TO PROVIDE FOR THE RULES OF ORDER OF COUNCIL AND ITS COMMITTEES

WHEREAS section 238, of the Municipal Act, 2001, as amended, requires that every municipality and local board shall pass a procedure by-law for governing the calling, place and proceedings of meetings and that the by-law shall provide for public notice of meetings;

AND WHEREAS Council deems it desirable to amend By-Law 007-2019, as amended;

NOW THEREFORE the Council of the Corporation of the Town of Milton hereby enacts as follows:

1. **THAT** Part 1 – Definitions of By-law 007-2019 be repealed and replaced with the following:
 - 1.24 “Workshop” means a meeting of Council where the purpose is for members of Council to discuss matters in an informal venue. No resolutions shall be passed at a workshop, with the exception of procedural motions.
2. **THAT** Part 4 – Council Meetings of By-law 007-2019 section 4.4A.1 be repealed and replaced with the following:
 - 4.4A.1 The date and times of the workshops shall be determined by Mayor and the Clerk. An agenda for each workshop shall be posted in accordance with Section 4.9.1 of this by-law. The Mayor shall act as Chair at Council workshops, unless it is determined by the Mayor that the Acting Mayor shall act as Chair.
3. **THAT** Part 4 – Council Meetings of By-law 007-2019 section 4.2.1 be repealed and replaced with the following:
 - 4.2.1. The Inaugural Meeting of Council be held at 7:00 p.m. on the first Monday following November 15 following a regular municipal election.
4. **THAT** Part 3.4 - Clerk of By-law 007-2019 be amended with the following addition to Section 3.4.1. directly following paragraph (f)
 - (e) the Clerk may produce, wherever possible, a revised agenda, which will be posted on the website and distributed to members electronically.

5. **THAT** Part 4 – Council Meetings of By-law 007-2019 be amended with the addition of Section 4.13:

4.13.1 Electronic Participation – Scope of Participation

Electronic participation would be available only for meetings of Council that take place in Council Chambers. The provision would not apply to workshops or Special Council meetings that take place in a location outside of Council Chambers.

4.13.2 Electronic Participation – Quorum

All members who participate electronically shall be considered present at the meeting but shall not count towards determining quorum.

4.13.3 Electronic Participation – Clerk

The Clerk or designate shall be present during any meeting in which members are participating electronically.

4.13.4 Electronic participation – Notice to Clerk

Requests from members to participate electronically must be made to the Clerk in writing at least five (5) business days before the meeting.

4.13.5 Electronic participation – Mayor / Acting Mayor

The Mayor or Acting Mayor shall not participate electronically at a meeting while acting as Chair of the meeting.

4.13.7 Electronic participation – Confidential Session Meetings

Members shall not participate electronically in any meeting that is closed to the public.

4.13.8 Electronic participation – Voting

A member participating electronically would also be able to vote in open session.

6. **THAT** all other provisions of By-law No. 007-2019, as amended, remain in full force and effect.

7. **AND THAT** this By-law shall come into force and effect and take on the date of its passing

PASSED IN OPEN COUNCIL ON _____, 2020.

Gordon A. Krantz Mayor

Meaghen Reid Deputy Clerk