



The Corporation of the Town of Milton

Report To: Council

From: Meaghen Reid, Director, Legislative & Legal Services/Town Clerk

Date: March 4, 2024

Report No: CORS-006-24

Subject: Procedure By-law Review

Recommendation: THAT the Procedure By-law, included on the March 4, 2024 agenda be considered for approval.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with a comprehensive review of the Procedure By-law for housekeeping purposes. The minor amendments to the proposed by-law will provide greater clarity for definitions and language, better organization of the by-law, continued flexibility to facilitate participation in Council meetings and alignment with legislation.

REPORT

Background

The Town's current Procedure Bylaw 007-2019 was approved with the last term of Council on February 11, 2019. Since that time, this bylaw has been revised several times to accommodate legislative changes to the Municipal Act, 2001, as amended:

- Council amended the Town's Procedural By-law on March 30, 2020, May 11, 2020 and June 22, 2020 to allow for remote meetings of Council, electronic participation of delegations, as well as to set out provisions for remote meetings during and outside of a declared emergency and delegation registrations requirements.
- On August 24, 2020, the Town's Procedure By-law was further updated to allow members of Council and Committees to participate remotely in meetings (in open and closed session) and to be counted towards quorum.
- On July 19, 2021, the Town's Procedure By-law was updated to in order to incorporate a Land Acknowledgement Statement at regular or special Council meetings.

Background

Recent legislation changes have also required staff to review the Town's existing Procedure By-law and ensure that any necessary revisions are reflected in the proposed by-law. Bill 3, the Strong Mayors, Building Homes Act, 2022, received Royal Assent on September 8, 2022, and came into force on November 23, 2022. The Strong Mayor powers were extended on July 1, 2023 to 26 municipalities, including the Town of Milton. Under Part VI.1 of the Municipal Act, 2001 the Mayor has special powers and duties including submitting matters for Council's consideration, or vetoing by-laws, if the Mayor believes it will advance a prescribed Provincial Priority.

Discussion

Staff undertook a comprehensive review of the Town's Procedure By-law, including a review of the provisions of the Town's existing by-law, recent legislation changes and the best practices of comparator municipalities. The proposed amendments to the by-law consist of clarification of language used in the bylaw, addition of relevant definitions and compliance with legislation. As a result, the Town's Procedure By-law has been re-organized and revised for clarity.

The following minor revisions to the by-law are set out below:

New Definitions

The proposed by-law has updated relevant definitions such as: Inaugural meeting, In-person Participation, Livestreaming and Pecuniary Interest to reflect current practices.

Clarification of language and reorganization

Staff reviewed and revised other definitions to provide more clarity for the roles of Acting Chair and Presiding Officer, following recommendation from Staff Report [CORS-074-22](#), and to reflect current meeting practices.

Minor changes were made throughout the by-law to provide clarity on definitions such as quorum, meeting and electronic participation as part of Council meeting process. The electronic participation section of the current by-law underwent significant reorganization, including the removal of outdated paragraphs and redistribution of others to different sections of the by-law. A new section titled "Participation" was added to provide clarity and flexibility to better facilitate participation in Council meetings.



Discussion

In June 22, 2020, a new section titled “Statement by Members” was added to the Procedure By-law directly following Regional Council Update. The proposed wording that “Members are permitted only to speak once, for two minutes of speaking time to discuss community events or topics of community interest, without issuing directives to staff or requesting a staff report” aims to offer clarification regarding the intention of this portion of the meeting agenda and current practice.

New clauses

Two additional paragraphs were incorporated into the “Confidential Session” section with the intent of enhancing and upholding the confidentiality of the sessions that are closed to the public, in accordance with section 239 of the Municipal Act, 2001, as amended. To provide alignment with the Municipal Conflict of Interest Act, 1990, a new paragraph was added addressing that members who have declared a pecuniary interest regarding a matter being discussed on an agenda, and are participating electronically, shall disconnect from the electronic meeting and refrain from any involvement in discussions related to the matter.

A new clause was added to ensure that the Mayor may add an agenda item that requires Council to consider a particular matter that could advance a prescribed provincial priority, as set out in Part VI.1 of the Municipal Act, 2001.

Financial Impact

There is no financial impacts as a result of this report.

Respectfully submitted,

Troy McHarg
Commissioner, Corporate Services

For questions, please contact:
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Attachments

Appendix A - Table of Proposed Changes to Procedure By-law 007-2019

Approved by CAO
Andrew M. Siltala
Chief Administrative Officer

Recognition of Traditional Lands

The Town of Milton resides on the Treaty Lands and Territory of the Mississaugas of the Credit First Nation. We also recognize the traditional territory of the Huron-Wendat and Haudenosaunee people. The Town of Milton shares this land and the responsibility for the water, food and resources. We stand as allies with the First Nations as stewards of these lands.

Table of Proposed Changes to the Consolidated Procedure By-law 007-2019

APPENDIX A

Procedure Bylaw Section	Current By-law Wording	Proposed Change and or Wording	Rationale for Change
PART 1 – Definitions 1.1	“Acting Mayor” means a member who has been appointed by by-law, based on a monthly rotation, to act as the Mayor in his or her absence and to act as the Presiding Officer for the portion of the meeting not chaired by the Mayor.	“Acting Mayor” means a member who has been appointed by a resolution, based on a monthly rotation, to act as the Mayor in his or her absence.	Clarification of language to reflect current practice
PART 1 – Definitions 1.5	“Electronic Participation” means participation in a meeting from a remote location by such electronic means or service as determined and provided by the Clerk, and “participate electronically” has a corresponding meaning;	“Electronic Meeting Participation” shall mean remote participation in a meeting via electronic means, including video and telephone participation.	Clarification of language to reflect current practice
PART 1 – Definitions NEW		“Inaugural Meeting” means the first meeting of Council after a regular election.	New addition to align with legislation
PART 1 – Definitions NEW		“In-Person Participation” shall mean the participation in a meeting while being physically present at a meeting location.	New addition to reflect current practice
PART 1 – Definitions NEW		“Livestreaming” means the broadcast of a meeting in real-time	New addition to reflect current practice
PART 1 – Definitions	“Meeting” means any regular, special or other meeting of Council, as the context requires, where:	“Meeting” means any regular, special or other meeting of Council, as the context requires, with in-person and/or electronic participation, where:	Clarification of language to reflect current practice

Table of Proposed Changes to the Consolidated Procedure By-law 007-2019

Procedure Bylaw Section	Current By-law Wording	Proposed Change and or Wording	Rationale for Change
PART 1 – Definitions NEW	New clause to add	“ Pecuniary Interest ” shall mean a direct or indirect Pecuniary Interest within the meaning of the Municipal Conflict of Interest Act, R.S.O.1990, chapter M.50, as may be amended.	New addition to align with legislation
PART 1 – Definitions	“ Presiding Officer ” means the person presiding over a meeting, who may also be referred to as “Chair”.	“ Presiding Officer ” means the member of Council presiding over or acting as chair of a meeting, based on the established rotational basis, and while the Mayor or Acting Mayor is present the entire meeting. The Presiding Officer may also be referred to as “Chair.”	Clarification of language to reflect current practice
PART 1 – Definitions	“ Quorum ” is a majority of the total number of voting members currently on Council.	“ Quorum ” is a majority of the total number of voting members currently on Council whether participating in the meeting in-person or electronically.	Clarification of language to reflect current practice
PART 3 – Duties and Roles 3.1.1 c	preside over a portion of Council meetings, specifically the opening, ceremonial and consent portion of the meeting, unless unavailable, in which case the Acting Mayor shall be the Presiding Officer	preside over a portion of Council meetings not presided over by the rotational Presiding Officer. Such portions of the meeting presided over by the Mayor may include the opening, announcements, amendments to the agenda and disclosures of pecuniary interest portion of the meeting.	Clarification of language to reflect current practice
PART 3 – Duties and Roles 3.1.2	Only the elected Mayor shall wear the Chain of Office. save and except if the Mayor resigns his office and Council appoints a new Mayor from its own ranks.	Only the elected Mayor shall wear the Chain of Office.	Clarification of language to align with best practice

Table of Proposed Changes to the Consolidated Procedure By-law 007-2019

Procedure Bylaw Section	Current By-law Wording	Proposed Change and or Wording	Rationale for Change
PART 3 – Duties and Roles 3.1.3	When the office of the Mayor is vacant, or when the Mayor is unable to carry out the duties of that office through illness or otherwise, or when the Mayor is absent from the office in the course of duty, or on vacation or on an approved leave, there shall be an Acting Mayor who shall have all the powers and duties of the Mayor as prescribed in the Municipal Act, S.O. 2001, as amended.	When the office of the Mayor is vacant, or when the Mayor is unable to carry out the duties of that office through illness or otherwise, or when the Mayor is absent from the office in the course of duty, or on vacation or on an approved leave, there shall be an Acting Mayor who shall have all the powers and duties of the Mayor as prescribed in the Municipal Act, S.O. 2001, as amended. However, if the Mayor is not present for the meeting, the Acting Mayor shall be the Presiding Officer shall preside over or act as Chair for all portions of the meeting	Clarification of language to reflect current practice
PART 3 – Duties and Roles 3.3.1	The Mayor shall be the Presiding Officer at all Council meetings, as described in Section 3.1.1. (c), unless unavailable in which case the Acting Mayor shall be the Presiding Officer.	The Mayor shall be the Presiding Officer at all Council meetings, as described in Section 3.1.1. (c), unless unavailable, in which case the Presiding Officer shall be the Chair.	Clarification of language to reflect current practice
PART 3 – Duties and Roles 3.3.2	The Acting Mayor shall be the Presiding Officer for the portion of the meeting not chaired by the Mayor and this shall be based on a rotation of the members as per the Acting Mayor by-law.	The Presiding Officer shall be the Chair (or preside) over the portions of the meeting not chaired by the Mayor or all portions of the meeting in the absence of the Mayor. The Town Clerk shall maintain the list of rotating, monthly Presiding Officers (Chair) for Council meetings and revise this list, as necessary, when Members of Council express interest in having their names added and removed from the monthly rotation throughout the term of Council.	Clarification of language to reflect current practice
PART 4 – Participation New Section			New section to reflect current practice including electronic participation in meeting procedure

Table of Proposed Changes to the Consolidated Procedure By-law 007-2019

Procedure Bylaw Section	Current By-law Wording	Proposed Change and or Wording	Rationale for Change
PART 4 – Council Meetings 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	Inaugural Meeting: means the first meeting of Council in any Council term, as defined by the Municipal Elections Act, 1996, S.O. 1996, c. 32, as amended;	Clarification of language clarification to align with legislation
PART 4 – Council Meeting 4.4 a.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.	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 unavailable, rotating monthly Presiding Officer shall be Chair	Clarification of language to reflect current practice
PART 4 – Confidential Session	New clause added	Members participating electronically shall remain visible to all Members during a confidential session. To maintain the confidentiality of the session Members are required to be in a private space, when possible and utilize headsets to guarantee that the discussion remains inaudible to anyone else.	New addition to reflect best practice
Part 4 – Confidential Session	New clause added	No member shall use an electronic device to broadcast, record or otherwise publish or distribute audio, video or photographs of any session that is closed to the public.	New addition to reflect best practice
Part 4 – Electronic Participation Section		Electronic participation section paragraphs deleted as no longer applicable or moved into other areas of the bylaw.	Deletion for housekeeping purposes

Table of Proposed Changes to the Consolidated Procedure By-law 007-2019

Procedure Bylaw Section	Current By-law Wording	Proposed Change and or Wording	Rationale for Change
Part 6 – Council Agendas 6.5	New clause added	Notwithstanding 6.4, the Mayor may add an agenda item that requires Council to consider a particular matter that could advance a prescribed provincial priority.	New addition to align with legislation
PART 7 – Agenda Announcements / Amendments / Special 7.3		Upon request of the Mayor’s office, the Clerk shall place on the Council agenda, civic recognition/awards to be presented at the meeting.	Clarification of language to reflect current practice
PART 7 – Meeting Proceedings 7.4.4	New added	Pursuant to the Municipal Conflict of Interest Act, members who have declared a pecuniary interest regarding a matter being discussed on an agenda, and are participating electronically, shall disconnect and leave the electronic meeting and not participate in any way with respect to the matter in question. Once the matter has been dealt with by Council, the Clerk shall contact the member and invite them to rejoin the meeting.	Clarification of language to reflect current practice
PART 7 – Presentation / Delegation 7.7.2	Persons wishing to address Council shall provide a written request on the prescribed form to the Clerk no later than the day of the meeting at 10:00 a.m. The Clerk shall reject all delegation requests received after this time.	Persons wishing to address Council, by electronic means, or in person shall submit a written submission to the Clerk no later than 12:00 p.m. (noon) two days before the Meeting. If the Meeting is on a Monday, requests to delegate shall be submitted by 12:00 p.m. (noon) on the Thursday before the meeting.	Clarification of language to reflect current practice

Table of Proposed Changes to the Consolidated Procedure By-law 007-2019

Procedure Bylaw Section	Current By-law Wording	Proposed Change and or Wording	Rationale for Change
PART 7 – Statement by Members 7.10 a	Members are permitted only to speak once and are restricted to two (2) minutes of speaking time.	Members are permitted only to speak once, for two minutes of speaking time to discuss community events or topics of community interest, without issuing directives to staff or requesting a staff report.	Clarification of language to reflect current practice
PART 7 – Presiding Officer’s Announcements 7.11	<p>Members shall be permitted to provide the Clerk with a statement regarding upcoming events within the Town of Milton that they would like to bring to Council’s attention in advance of the meeting.</p> <p>The Presiding Officer shall read the list of upcoming events at the Council meeting, without discussion or debate, and such upcoming events shall not be reflected in the minutes of the meeting.</p>	Deleted	Deletion for housekeeping purposes, to reflect current practice