

THE CORPORATION OF THE MUNICIPALITY OF MISSISSIPPI MILLS

STAFF REPORT

DATE: October 5, 2021
TO: Committee of the Whole
FROM: Cynthia Moyle, Acting Clerk
SUBJECT: New Procedural By-law Report # 1

STAFF RECOMMENDATION:

Motion # 1

THAT, the Committee of the Whole receive the New Procedural By-law for information;

AND THAT, the Acting Clerk amend the draft Procedural By-law with the comments to be reviewed at the next Committee of the Whole Meeting.

BACKGROUND:

Municipalities are required to have in place a procedural by-law for governing the calling, location, and proceedings of meetings (Municipal Act, Section 238(2)). The Municipality of Mississippi Mills last reviewed and amended the Procedural By-law in December 2019. In addition, Council conducted a Service Delivery Review during the summer of 2020 to identify ways to modernize service delivery and make the best use of limited resources. Furthermore, Council has adopted Committee Restructuring with an implementation date of January 1, 2022, which requires changes to the procedural by-law.

Staff felt that revisions to the current procedural by-law were deemed to be major. The new procedural by-law has been updated to reflect the Municipality's operations, best practices, updated terminology, and more consistent wording and processes,

The following key items are included in the new Procedural By-law:

A. Chair at Meetings

- The Chair of each Committee of the Whole shall be appointed for a one (1) year term by the Striking Committee at the first Council Meeting in December.
- One Member of every Working Group and other Committee shall be a Council Member, who will also serve as Chair.

B. Council Meetings

- Council Meetings shall generally be held in the Council Chambers at the Municipal Office, 3131 Old Perth Road, Almonte, on the first and second Tuesday of each month, commencing at 6:00 p.m., as outlined in the Meeting Schedule.

C. Committee of the Whole

- Council shall conduct its business using a Committee of the Whole System. The Committee of the Whole meetings shall be separated into the following three (3) areas of service delivery:

Development & Infrastructure Service

Development & Infrastructure Services shall be responsible for:

- Planning;
- Building Permits and Inspections;
- Public Works (including Utilities);
- Environment (including Climate Change).

Public Safety & Community Services

Public Safety & Community Services shall be responsible for:

- Public Safety;
- Community Services.

Corporate Services

Corporate Services shall be responsible for:

- CAO (including Economic Development);
- Clerk (including Corporate Communications);
- Finance;
- Human Resources;
- Information Technology;
- Outside agencies reporting to Council.

- Committee of the Whole meetings shall generally be held in the Council Chambers at the Municipal Office, 3131 Old Perth Road, Almonte, as outlined in the Council and Committee Calendar, as follows:

First Tuesday

- Council at 6:00 p.m.
- Development & Infrastructure Services – immediately following Council

Third Tuesday

- Council at 6:00 p.m.
- Public Safety & Community Services – immediately following Council
- Corporate Services – immediately following Public & Community Services

- The authority of the Committee of the Whole is limited to the making of recommendations to Council. No decision to take any action or do anything other than matters administrative in nature shall be recognized as emanating from the Committee of the Whole, and all affirmative Committee of the Whole recommendations shall be referred to the next regularly scheduled Council Meeting, generally held two weeks later.

D. Striking Committee

- The Striking Committee shall meet immediately following the Inaugural Meeting to recommend appointments as follows:
 - a) Chairs of the respective Committee of the Wholes will be a one (1) year term, determined by an expression of interest;
 - b) various Committees established by Council, if any; and
 - c) Local Boards and external organizations on which the Council desires or is required to have representation.
- In deliberating, the Striking Committee shall consider the expressed preferences of individual Council Members as well as balancing other considerations such as geographic area, elected/citizen representation, etc.
- Members shall be appointed to the various Committees, Local Boards, and external organizations by resolution unless a by-law is required by an Act or Regulation.

E. Closed Session ("In Camera")

- Except as provided in Section of 239 of the Municipal Act, all meetings of Council, Committee of the Whole, and its Committees shall be open to the public.
- No person shall be excluded from a Meeting except for:
 - a) improper conduct determined by the Mayor/Chair or;
 - b) where a Meeting or portion of a Meeting is closed to all persons other than the Members of that body and those identified to remain in the room.
- The Clerk and/or Deputy Clerk shall remain in the room for all Closed Sessions.
- In accordance with Schedule "B" a Meeting or part of a Meeting may be closed to the public.
- Should it become necessary to address more than one Closed Session matter on one Agenda, each closed matter shall be addressed in a separate Closed Session.
- Council shall move into Closed Session by using the prescribed resolution form in Schedule "B".
- A Meeting shall not be closed to the public during the taking of a vote except where:

a) the vote is for a procedural matter or giving directions or instructions to officers, employees or agents of the Municipality or persons retained by or under contract with the Municipality. Motions shall be stated " THAT (Staff, Solicitor, etc.) are directed as follows:....."

- Confidential discussion during a Closed Session shall be limited to the issue declared.
- No Member, Staff or other person present during a Closed Session shall in any way, notify, distribute or make available to any person or other body, by any means, any reports or items, or disclose the nature or content of any documents or of discussions regarding any matters that are confidential or that have been obtained or considered in a closed session without approval of such release by Council.
- No Member, Staff or other person present, other than the Clerk or Deputy Clerk, shall take notes during Closed Session.
- Upon returning to open session, the Chair shall rise and report the following:
 - a) a statement resulting from the Closed Session;
 - b) declarations of pecuniary interest during the Closed Session.
- The Clerk shall be responsible to secure and maintain a confidential record of all original documentation distributed or presented, relating to Closed Sessions.
- A separate set of Closed Session Minutes shall be kept for each Closed Session.
- Copies of any confidential documents, including Minutes, circulated during the Meeting shall be returned to the Clerk at the end of the Closed Session and destroyed.
- Minutes of Closed Sessions shall be circulated by the Clerk at the next Closed Council Meeting for adoption. The adoption of the Minutes is a procedural matter and does not affect the validity or affect the resolutions recorded in the Minutes.
- The Minutes and Closed Session materials shall be kept in a secure and confidential location under the control of the Clerk and shall only be open to those in attendance at the Meeting, to others approved by the Council or as legislated.
- Where practical, Closed Sessions shall be scheduled at the end of the Meeting.
- All Members and Staff have a personal obligation to the Municipality to treat identified documents in confidence and not to use them in any manner or to the detriment of the Municipality.

- The obligation to keep information confidential shall continue after the Member ceases to be a Member of Council or a Committee or Staff ceases to be employed by the Municipality.
- Closed Session Minutes shall be prepared and shall be signed by the Mayor or Chair; and either by the Clerk or Deputy Clerk.
- Closed Sessions shall be audio recorded and retained as per the Municipality's Record Retention Schedule and secured by the Clerk. The recordings shall not be considered the official record of the Meeting.
- Should the Municipality receive a report from the Municipality's Closed Meeting investigator reporting his or her opinion, and the reasons for it, that a Meeting or part of a Meeting that was the subject matter of an investigation appears to have been closed to the public contrary to Section 239 of the Municipal Act, 2001, as amended, or to this by-law, the Municipality shall pass a resolution stating how it intends to address the report.

F. Electronic Participation in Meetings

- Any member of Council may participate in any open or closed Council, Special, Emergency, or Committee meeting electronically and be counted for the purpose of establishing a quorum.
- A member who joins a meeting via electronic participation partway through the Meeting shall advise the Chair and Clerk of their attendance at the Meeting.
- A member who is participating electronically in a meeting who, for any reason, will no longer be attending the Meeting prior to adjournment shall advise the Chair and Clerk of their absence from the Meeting.
- In accordance with Section 4.5 and pursuant to the Municipal Conflict of Interest Act, R.S.O. 1990, c M.50, as amended, the member who has declared a pecuniary interest regarding a matter being discussed, are participating electronically, shall disconnect and leave the electronic Meeting and not participate in any way with respect to the matter in question.
- Delegations may participate in an electronic meeting via videoconferencing software and/or other technology methods deemed appropriate by the Clerk's Department and in accordance with the rules set out in **Section XX**.

G. Presentations

- Presentations shall be assigned to a Council Agenda and only assigned to a Council of the Whole Agenda if time-sensitive.
- Presentation of the long service awards shall occur at a meeting in the month of June.
- Presentation of retirement certificates of appreciation shall occur at the first Council meeting following the Employee's retirement date.

- Ceremonial presentations will be scheduled by the Clerk in consultation with the Mayor at the earliest Council Meeting following the request.
- Council may recess if required for the purpose of photographs.

H. Committee Reports to Council

- Every Committee of the Whole and the Striking Committee shall report to Council.
- The Committee Chair will offer a report for approval which shall contain an "A" section for information and a "B" section requiring action by Council.
- The "A" section of reports will be read-only when the Chair of the Committee is directed by Council, by unanimous consent, to do so.
- Recommended motions for information only may be included in Section "A" of the Report.
- The "B" section of reports will be read by the Chair of the Committee in its entirety unless otherwise requested or directed by Council, by majority consent, not to do so.
- Prior to the adoption of a Committee report, any Member may request that an item be separated for consideration or to be voted on separately.
- When a request to separate an item from the report is accepted by the Chair, a motion to consider the separated item as recommended by the Council, will be the next order of business prior to the adoption of the remaining report.

I. Quorum

- If no quorum is present fifteen (15) minutes after the time appointed for a Meeting of Council or Committee, the Clerk shall record the names of the Members present, and the Meeting shall stand adjourned until the date of the next Meeting; regular, special or emergency.

J. Adjournment

- All Meetings shall adjourn no later than 10:00 p.m., unless a Motion to proceed beyond 10:00 p.m. is approved.
- No Meetings shall proceed beyond the hour of 10:30 p.m.

DISCUSSION:

N.A.

FINANCIAL IMPLICATIONS

There are no additional financial impacts for the adoption of the new procedural by-law.

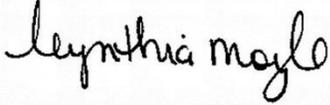
SUMMARY

The Procedural By-law requires public notice in advance of any amendments.

ATTACHMENTS

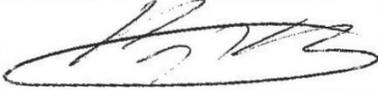
- Draft Procedural By-Law
- By-Law 19-127, dated December 2019

Respectfully submitted,



Cynthia Moyle
Acting Clerk

Approved by,



Ken Kelly
Chief Administrative Officer