



SUBJECT: Procedure By-law Amendments

TO: Committee of the Whole

FROM: Legislative Services

Report Number: CL-01-24

Date to Committee: September 9, 2024

Date to Council: September 17, 2024

Recommendation:

Enact a by-law to repeal and replace Procedural By-law 31-2021 as amended as attached as Appendix B to Office of the City Clerk report CL-01-24; and

Approve the Committee of the Whole meeting chair rotation for the remainder of the 2022-2026 term of Council attached as Appendix C to Office of the City Clerk report CL-01-24.

PURPOSE:

Vision to Focus Alignment:

- Building more citizen engagement, community health and culture
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Executive Summary:

The purpose of this report is to seek approval to repeal and replace the current Procedure By-law. The proposed Procedure By-law will address legislative and corporate changes while providing additional clarity for implementation by Council and staff.

Background and Discussion:

Proposed Procedure By-law Amendments

Section 238 of The *Municipal Act, 2001, SO 2001, c. 25*, as amended (the “Municipal Act”) provides that every municipality and local board shall pass a procedure by-law governing the calling, place, and proceedings of meeting. The City’s current procedure by-law has been in place since 2021, with four amendments approved by Council in 2021, 2022 and 2023.

The purpose of this report is to recommend the adoption of a number of Procedure by-law changes to address legislative and corporate changes, including:

- Update the by-law to include the new Committee of the Whole structure, and the standing committees established through [Mayoral Decision 2023-07](#)
- Add the [Pipeline to Permit Committee](#), approved in November 2023
- Include procedures related to Bill 3, Strong Mayors, Building Homes Act, 2022 (also known as “Strong Mayors”);
- Include references to new or updated City procedures and policies including the Public Conduct Policy and Closed Session Protocol;
- Update the by-law to reflect the recent changes to the City’s organizational structure; and
- Propose changes to improve processes established in the by-law.

A summary of the changes is included as a table in Appendix A, and as a version of the proposed Procedure By-law with tracked changes in Appendix B. Due to the number of proposed changes, the by-law brought forward for passage at Council will repeal and replace the existing Procedure By-law as opposed to amending the existing by-law.

The Procedure By-law review began in late 2022 with a routine staff review of the by-law to see if changes were required for the new term of Council. The Clerk’s office conducted a series of interviews with Council, the City Manager and other relevant staff to assess the overall effectiveness of the current Procedure By-law. This information was collected and used to determine proposed changes which were brought forward in a Council Workshop in February 2024.

At the Council workshop, staff brought forward a series of potential changes to the by-law that were discussed and either informally agreed upon or rejected by Committee. At the Council Workshop, staff were directed to incorporate feedback from the workshop into a Procedure By-law amendment:

Direct the City Clerk to bring an amended Procedure By-law to the Corporate Services, Strategy, Risk and Accountability Committee by the end of Q3 2023,

incorporating feedback from the February 27, 2023, Council Workshop Committee meeting.

Due to a number of changes including staffing, reprioritization, new legislation, committees and corporate structure, the Procedure By-law amendments were delayed to ensure that any factors that required further consideration were included in the proposed Procedure By-law. Additionally, the current review of the by-law has considered comments and recommendations from a 2023 engagement survey, members of Council, the public, and various staff since the conclusion of the workshop in this review.

Passing the proposed Procedure By-law will clarify requirements for meetings and provide a necessary update to reflect the changes that have occurred since the Council Workshop. Staff will continue to assist Council with the application of the by-law at meetings.

Committee of the Whole Chairing Schedule

In addition to the Procedure By-law, staff are also seeking Council approval of a monthly chairing schedule for Committee of the Whole, attached as Appendix C. In the proposed schedule, each Councillor will chair on a monthly rotation in the order of their Ward, starting with the Mayor. Committee of the Whole will have one Chair and once Clerk per meeting, eliminating the rotation between Chairs under each department section. This is a staff-initiated change based on feedback received regarding the chairing of Committee of the Whole.

Council approval is required for this change as the 2024 chairing schedule was established through [Mayoral Decision 2023-08](#) in October 2023. The authority to appoint Chairs and Vice Chairs of Committees was delegated to members of Council in April 2024 through [Mayoral Decision 07-2024](#). The following condition applies to any changes to the Chair/Vice Chair:

1. That any recommended change to chairs/vice-chairs be discussed first with the existing chair/vice-chair, and is subject to their agreement regarding the change, subject to Guidance section 2 below; and
2. That any finding or recommendations arising from an Integrity Commissioner (IC) investigation of a violation of the Council Code of Good Governance overrides Guidance section 1, and would be dealt with in the normal course of Council dealing with an IC report and recommendation.

Staff have engaged with the Mayor and most Councillors individually regarding this change and are seeking approval prior to the October Committee of the Whole meeting to allow the new chairing schedule to take effect for the October Committee of the Whole meeting.

Strategy/process/risk

The Procedure By-law update will address legislative and corporate changes while providing additional clarity for by-law implementation by Council and staff. Council and Committee meetings may be subject to investigation by the Ombudsman if a complaint is filed alleging contraventions of the by-law.

Options Considered

With each Procedure By-law amendment, Legislative Services undertakes a comprehensive review of how the By-law is performing as a whole. Specifically, staff review overall compliance, provisions that might provide ambiguity, meeting efficiency, and administration of the By-law. Staff will continue to monitor the effectiveness of the Procedure By-law and bring forward amendments as required to ensure the by-law continues to be consistent with legislative requirements and Council practices.

Financial Matters:

Not applicable.

Climate Implications:

Not applicable.

Engagement Matters:

The Office of the City Clerk conducted a survey on 'Get Involved' which was open between June 1 and August 14, 2023. A total of 101 responses were received. Feedback was collected from the survey and considered as part of the review. Additionally, staff conducted individual interviews with Councillors throughout the review process.

Conclusion:

Staff recommend that Council enact the proposed Procedure By-law, attached as Appendix B, to repeal and replace current Procedure By-law 31-2021, effective October 1, 2024. Additionally, staff recommend approval of the new Committee of the Whole Chair schedule.

Respectfully submitted,

Samantha Yew

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Solicitor

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Appendices:

- A. Table of Changes to the Procedure By-law
- B. Proposed Procedure By-law
- C. Proposed Committee of the Whole Chairing Schedule

Report Approval:

All reports are reviewed and/or approved by Department Director, the Chief Financial Officer and the Commissioner of Legal and Legislative Services/City Solicitor.