

TRANSCRIPT OF RECORDING

**CITY OF BURLINGTON
COMMITTEE OF THE WHOLE EXCERPT
MONDAY, SEPTEMBER 9, 2024**

1 **11:08** **Excerpt of track Committee of the Whole Monday September 9, 2024**
2 **starts.**

3 STOLTE: Okay, moving on to the rest of our CSSRA regular items. We're going to
4 be looking at Procedure By-law update report CL-01-24. At this time, I'd
5 like to pass it over to Blake Hurley, our Commissioner of Legal and L-,
6 Legislation Services/City Solicitor, who's gonna provide some
7 introductory remarks, please.

8 HURLEY: Uh, thank you, uh, Chair Stolte. Uh, if I could ask, uh, uh, AV to put the-,
9 11:09 a couple PDF slides up on the screen. And I should also note that with me
10 today is, uh, Samantha Yew. Uh, she's feeling a bit under the weather, so
11 is attending, uh, electronically, so both of us will be here to answer, uh,
12 Committee and, uh, Committee's questions on this matter. And if we
13 could go to the next slide, please. So I just wanted to start before we get
14 into, uh, Committee's questions about this, about what the Municipal Act
15 requirements are in relation to a Procedure By-law. So Section 238 (2)
16 and (2.1) of the Municipal Act require that every municipality shall pass a
17 Procedure By-law for governing the calling, place and proceedings of
18 meetings, and for the provision of public notice. And I wanna highlight
19 that those are the only elements of the Procedure By-law that are required
20 by the Act. All other elements are at the discretion of Council. Uh, if we
21 11:10 could go to the next slide, please. So what that means, effectively, is that

22 the City's Procedure By-law should reflect how Council wants its
23 meetings to run. And what I can say about the Procedure By-law that is in
24 front of you, uh, for consideration is that the proposed by-law meets the
25 requirements of the Act and is reflective of Staff's recommended meeting
26 structure and procedure and really how, uh, Committee meetings have
27 been running. I know that in the past while we've had to, uh, sometimes
28 vary from the requirements, the Procedure By-law, which is again a
29 permitted, uh, Council is permitted to do that. Uh, so these Procedure By-
30 law amendments have tried to address this, uh, uh, certain matters that
31 Council will sometimes seek to vary from, and pr-, provided in a way that

1 will provide Committee the ability to move smoothly and flow freely
2 11:11 through the, uh, their meetings using the Procedure By-law. So should
3 Council, after reviewing this or after discussion, wish to add or remove
4 elements, uh, of the by-law, then, uh, Staff would recommend that
5 motions be put forth to do so and, and the reason I say that is that, again,
6 this is Council's by-law. And certainly, there are, uh, certain members of
7 Council or some members of Council that might like certain things and
8 other members of Council who don't like certain things, but ultimately it's
9 a Council decision as to what has to be included in this by-law. So we
10 would suggest that rather than we hear things from, uh, members that we
11 add that might not be supported by all members, we've suggested this
12 occur through, uh, motions, uh, that are needed. We heard comments
13 today from, uh, delegates with respect to the timing. Uh, certainly I, I, I
14 would say that there's no ideal time to, to bring these things, uh, forward,
15 um, due to changes from going back to 2023. We had changes in the
16 11:12 staffing of the Clerk's Department, uh, then we had a new City Manager
17 coming on board with a, a different, uh, vision of how committees would
18 be structured, um, uh, moving away from the three to a Committee of the
19 Whole. And then, um, we had, um, wanted to make sure that we ground
20 truth this with members of Council and meet individually with everyone to
21 make sure that happens. So that certainly has added to the time that, uh,
22 we-, we've, uh, that the reason why this is being brought now and not four
23 or five months ago, but it is before you here now. And I will say that we
24 could certainly, there's calls to defer it, uh, you could kick this further
25 down the road and do much more consultation on it. That certainly is, is a
26 possibility. Again, this is your By-law, uh, and the way you want, uh,
27 11:13 Committee and Council to run. Uh, so Staff is recommending the by-law
28 before you, happy to take questions on it and, uh, consider any input.
29 Thank you.
30 STOLTE: Thank you, Blake. Are there any questions for Staff at this time?
31 Councillor Kearns.

1 KEARNS: I'd just like to hear from Staff what the implication would be for a deferral
 2 through to October possibly, um, using the words, uh, that a
 3 recommendation that a motion put forward for any changes that we'd like
 4 to see. I've got about three pages of notes, uh, that I don't know if this
 5 Committee wants to go through one by one in terms of, uh, potential
 6 motions. So Kelvin, I'm very excited about that. Uh, so what would be
 7 the implications further to my e-mail on Friday if we were to defer by, uh,
 8 11:14 one month?

9 HURLEY: Thank you. Through the Chair, uh, certainly a deferral, uh, is a
 10 possibility. I think the first deferral we could look at is whether or not this
 11 should be for deferred to Council and whether or not, uh, those changes
 12 can be considered during that timeframe. I-, if we are to defer and, and I
 13 think one of the delegates had mentioned this as well is that the, uh, one
 14 item that could be, uh, dealt with at this time is an amendment to the
 15 existing by-law to reflect the Pipeline to Permit Committee. If you were
 16 to do that, then the deferral could take place, whether it's October, whether
 17 it's November, whether it's December, uh, we could certainly talk about an
 18 ideal or appropriate time for that, but that would be the mechanism to do
 19 that. So I-, I'd suggest first that Committee would want to consider
 20 whether or not if a deferral is necessary, first of all, and then whether or
 21 not a deferral to Council would be the appropriate time to consider any
 22 matters or motions in between, uh, from today, uh, and, and reflect them at
 23 11:15 Council. And if not, then, uh, look to an amendment to the By-law to
 24 reflect P2P to have Council approve this September cycle and then defer it
 25 further for further discussion, uh, and to a upcoming Committee,
 26 Committee, whether that's October, uh, I know we've heard, I think, from
 27 a Council Bentivegna today, there's some, some absences that will take
 28 place at the October round of meetings. So whether or not November
 29 might be the, the better time for that.

30 KEARNS: Okay. And just to confirm, so I did, um, quickly check the Municipal,
 31 um, Act and we can't use a temporary by-law for this type of procedural

1 thing. It's only limited to land use and other matters, correct?

2 HURLEY: Uh, through the Chair, that's correct. This wouldn't be a temporary by-

3 law. This would be an amendment to our existing Procedure By-law. Uh,

4 and just to back up for clarity, what's being proposed to, uh, by Staff to

5 Committee and Council is a new Procedure By-law. This would repeal

6 11:16 the existing Procedure By-law and introduce a new Procedure By-law. If

7 we're talking about making an amendment to deal with Pipeline to Permit,

8 for example, that would be an amendment to the existing Procedure By-

9 law with a deferral on the rest to come back in the form of a new by-law at

10 some point.

11 KEARNS: Okay, I think I'm at two, but my follow up to that one would have been,

12 does that include the terms of reference remaining unchanged if a

13 amendment is made to the Procedure By-law, does it also carry through to

14 the terms of reference for P2P and keep them solid, but allow it to be

15 recognized under the Procedure By-law.

16 HURLEY: Through the Chair and, uh, the City Clerk may want to weigh in on this

17 one as well. Uh, through the Chair, the Procedure By-law does not

18 identify, uh, P2P at this point, and so that would need to occur in order to,

19 11:17 I, I shouldn't say, need to occur. Ideally, that would occur and be reflected

20 in the Procedure By-laws or operating on side our Procedure By law, and

21 not just simply calling Standing Committee, um, uh, Standing Committee

22 meetings in accordance with the Municipal Act. Uh, and Sam, I'll turn it

23 to you as to the terms of reference as it relates to the P2P Committee.

24 YEW: Yeah. Thank you and apologies for my voice in advance. I'm hoping you

25 can hear me clearly. Um, Blake is correct in that it, it would just be

26 adding the Pipeline to Permit Committee to our current roster of

27 committees as noted in the Procedure By-law, it wouldn't have any effect

28 on the existing terms of reference.

29 STOLTE: Okay. Thank you very much for that clarity. We have additional

30 questioning first coming from Mayor Meed Ward.

31 MEED WARD: Thank you, Chair. Um, there are a number of changes to standing

1 11:18 committees noted and times of meetings and a whole structure and, and a
2 whole bunch of things that, uh, I would consider somewhat housekeeping,
3 um, uh, but, you know, we have been at that for two years. So I'm
4 wondering whether the better-, what your thoughts are around us
5 approving this and if Council members have a concern with a pis-,
6 particular section to withdraw that section or refer that particular, so do it
7 the other way around. Approve as much as we can, discuss. I'm certainly
8 interested to hear what, what our, uh, colleagues have to say. Uh, we've
9 got time today on our calendar and, and we've set aside time to discuss
10 this. I'm certainly prepared to, to discuss and, and hope we can do that
11 and use the time available to us. Uh, so wondering what your thoughts are
12 around that and, and then is there any restriction should we wish to amend
13 this regularly going forward? Uh, I'd consider by-laws to be kind of a
14 11:19 living document, um, and, you know, we might be in a different situation
15 today if we'd amended along the way rather than save it all up for, for
16 today.

17 HURLEY: Uh, through the Chair, uh, certainly the-, there is opportunity looking kind
18 of going back from the end of your comment to approve a by-law in the
19 September round for this to be considered at Committee, for it to go to
20 Council and then once approved, that there be further amendments to it in
21 the coming, uh, months to address any particular changes that, uh, Council
22 as a whole, uh, may decide is, is necessary. So I'd agree, certainly there's
23 nothing that restricts this Council from amending that by-law, uh, in the
24 months to come should amendments be necessary. With respect to the
25 idea of approving and, uh, um, not advancing some of the by-law, uh,
26 approving some of the by-law but not advancing all of the elements of it, I
27 11:20 think there is a bit of a danger in that in the sense that this will be a new
28 by-law and so if you are, uh, depending on the, the element I'll call it
29 depending on the element, if you are to approve the by-law, but not
30 approve some elements of the by-law, you would have to make sure that
31 the elements that you're not approving are not core Municipal Act

1 required, uh, pieces because as I was saying earlier, the municipal Act is-,
2 it's fairly narrow with respect to what has to be included in Procedure By-
3 law. And so some municipalities may choose to have a very, very narrow
4 Procedure By-law. Uh, there would be no restriction on this Council from
5 approving that Procedure By-law, uh, that has just the minimum
6 Municipal Act requirements and adding to it as we, we move forward,
7 and, and have further discussion on it. So really, I think that the answer is
8 11:21 it depends on what's being proposed to be a cut out or not.

9 MEED WARD:

Okay. Uh, and just diving right into the two thoughts I had that I would
10 like, uh, Committee to consider as changes, just two from me. The first
11 was around the definition of pecuniary interest, the proposed change to
12 that and for everyone's reference that's, uh, 1.22 in the by-law section
13 1.22, it's on page 27. Um, the-, there's a proposed change to add the
14 language interest in common with electors generally, which actually is, uh,
15 a provision you can rely on not to declare a pecuniary interest. So
16 wondering, uh, Staff's thought, should I bring a motion to retain the, uh,
17 language, uh, or a modified version of the language in the Act that you can
18 see struck through there on your, on your document.

19 HURLEY:

Uh, through the Chair, thank you, Mayor Meed Ward. That is actually,
20 uh, we'd received those comments from you as part of the consultation
21 11:22 and that's something that Staff did go back and, and take a look at and
22 indeed, uh, agree that the definition of pecuniary interest as it appears in
23 the by-law right now is a bit confusing in the sense that it's requiring you
24 to go back. It's relying on a definition of, um, uh, an item within the
25 Municipal Conflict of Interest Act. Uh, Staff has looked at that and thinks
26 the easiest way to improve the clarity there is, uh, change the definition t-,
27 from what is existing to add a single word, and that is the word
28 determined. So, uh, the existing definition, uh, with the addition would
29 read, uh, pecuniary interest means a direct or indirect financial interest
30 determined in accordance with the Municipal contr-, Conflict of Interest
31 Act, and that, uh, in Staff's view would, uh, help clear up that, um,

1 potential iss-, uh, potential non-clarity.

2 MEED WARD: So do we need to move that or, or is Staff undertaking to do that?

3 11:23

4 HURLEY: This-, I, I-, and thank you, uh, uh, Committee Clerk Joanne Rudy for
 5 bringing that I had provided these two, uh, amended definitions to, um, the
 6 Clerk of the meeting in advance of the meeting. Uh, and these are being
 7 advanced by Staff as, as appropriate, uh, changes to the by-law and we'd
 8 simply bring those back, uh, for Council's consideration of the by-law ad

9 MEED WARD: Terrific. Thank you.

10 STOLTE: Okay. Question for Councillor Galbraith.

11 GALBRAITH: Thank you, chair. Um, I think mine was kind of answered there, but, uh,
 12 just I'll ask it anyway. Um, i-, it is a living document, as the mayor said,
 13 and we can make amendments at any time after we pass it, am I correct in
 14 that thinking, it's-, we can change this at any time?

15 HURLEY: Through the Chair, That is correct. Uh, it is, I mean, certainly there's a
 16 procedure to do that still. It is a by-law amendment, so it would have to
 17 come forth from Staff or Committee to Council's consideration. So that
 18 11:24 may be a result of, uh, a Staff direction or, or similar, but it is, it is able to
 19 be amended by Committee and Council, uh, as we move forward after its
 20 initial passage.

21 GALBRAITH: Okay. Thank you. And then, uh, my second question, um, one of the
 22 delegates was quite concerned about the timing of the arrival of this
 23 document being on the addendum. Um, and maybe hear Staff thoughts
 24 on, on the, uh, amount of time required or allowed by the public to review
 25 it. Um, do we feel that we could provide it-, would a deferral provide
 26 more time for that?

27 HURLEY: Uh, through the Chair, uh, certainly just to, to make sure that there's no
 28 question about that, I will say that we, we're not running into any sort of
 29 Municipal Act, uh, issue that based on the timing that it was provided.
 30 From a, uh, perspective of having this matter considered by Council and
 31 11:25 deferring it to Council, uh, I can't speak for the public. Certainly, um,

1 from we could take from a Staff perspective what we hear today, what
 2 we've heard from the public delegations and what we've heard or will hear
 3 from members of Council in respect of certain sections. Uh, Staff, could
 4 certainly commit to doing that review and making those changes in
 5 advance of Council for Council's consideration, if that's the, the will of
 6 Committee today.

7 GALBRAITH: Okay, thank you.

8 STOLTE: Question coming from Councillor Sharman.

9 SHARMAN: Firstly, thank you for your comments so far. I, I appreciate the complexity
 10 of this. Um, as you all know, I tend to be 100,000 feet and 20 years out
 11 and getting into the language and the details and that, that I know my
 12 colleagues are much better equipped to handle than I. Um, I'm wondering,
 13 actually, whether there's a hybrid solution here, um, whereby Staff get all
 14 11:26 those lists from people, uh, and, and address them in preparation for
 15 Council and then come back with the strategy as to how we fix the
 16 existing and by-law right now in Council, um, for whatever we can do
 17 immediately is an amendment to the existing by-law. And then what
 18 needs to be dealt with in more detail, uh, at a, a later date to be decided.

19 HURLEY: Through the Chair, if I understand your comment, Councillor Sharman,
 20 you are suggesting that we could take that additional information back at
 21 this time from members of Council and members of the public, uh, and
 22 essentially continue working on that, but bring forth something at Council
 23 for an amended bylaw that just covers the core and the necessary pieces.

24 SHARMAN: Yeah.

25 HURLEY: Certainly, that is doable. The, the one thing that I will highlight is that
 26 we've certainly heard and I know Councillor Kearns, you've mentioned in
 27 your comments that you have a, a number of items that you're, you're
 28 looking at in the number of different elements that you were looking to
 29 11:27 introduce to the by-law. Certainly, Staff has put forward, uh, its view on
 30 what is, uh, should be, uh, approved and considered by Council for
 31 Procedure By-law. That doesn't-, there's certainly other elements that

could be considered if that's the will of Council. So what I wanna make clear is that if we're to take the additional comments from members of Council, I think that it would be really beneficial to have at some point, a decision from Council as to whether or not Council wants those elements included in the by-law because what we, what we-, what I'd prefer not to do is to intr-, include all of the elements in the by-law that, um, may or may not be appropriate, depending on the will of Council. Um, so that is, I think what we would have to figure out as to the kind of the part two of your, uh, question as to when that comes back, what that would look like and what form it would, uh, come back in.

11:28

SHARMAN:

Yeah, I agree. Thank you. Um, my concern here and this is a question coming back at you, um, is, is that this is not the first time that we've had an important report come to Staff at the last minute and we've seen some really very serious things happen at the last minute that caused us to have to then do a whole lot of bobbing and weaving at Council meetings, which I actually don't appreciate one bit, um, and nor do the public. And I, I totally agree. So the question becomes one of-, my question will be or I'm gonna look for how we put language in there to, to determine when it is acceptable, because mostly it won't be in my mind to bring things at the last minute, uh, and this is an example of that. So the question is, is this-, it seems to me that we have incomplete Staff work here in terms of the process and getting the Council member the report out early enough, getting the comments back from, from Council so that we would be better prepared for this discussion and that you can now address that in the course of being doing something for Council and then doing something for later. Is that possible?

11:29

HURLEY:

Uh, thank you. Through the Chair and, and that was the reference that in the slide deck that if Council is-, or a member of Committee and Council is interested in a particular change to the by-law, we'd like to have that raised and have that discussion amongst all Committee members, uh, so they can weigh in as to whether or not they're supportive of it or not.

1 SHARMAN: Right. Thank you. But not now. Thanks. Going to pass it back to my
2 colleagues who've got something to say.

3 KEARNS: Yeah. I'd like to make this as simple. As possible the.

4 STOLTE: Hang on Councillor Kearns.

5 KEARNS: Oh, sorry, sorry, sorry. Sorry, my bad.

6 STOLTE: I appreciate your enthusiasm. About to say over to you, Councillor
7 Kearns.

8 KEARNS: Uh, I just wanna be very mindful that maybe what we do need here is just
9 a referral back to Staff because there are new elements of implemented in
10 11:30 this, uh, by-law, like a verbal update from the CAO, which I take, UH,
11 great exception to. We don't do things just verbally on a standing, uh,
12 basis. It has been-, it was 5:30 on Wednesday that I received my copy of
13 the, uh, draft and it is very difficult to go through such a lengthy
14 document. Uh, one of my questions to Staff was not answered that I
15 tendered on Friday, um, so I think this is incomplete work, uh, as much as
16 I looking forward to it, we also didn't delve into the reason and the
17 insights provided by way of the survey, uh, which had over 100 responses.
18 So I do wanna identify this is not a document negotiation between Council
19 and Staff, this is a document negotiation between three parties, the Public,
20 Council and Staff. And at this point, I feel that one of those voices is
21 severely missing, and so, uh, I'm, I'm happy to table a, a deferral to the
22 11:31 next cycle. I'm happy to refer it back to Staff. Uh, the matter of Pipeline
23 to Permit is a minimal at best to skip or miss one cycle of a Committee is,
24 is something we can do, uh, or we can just approve that and allow it to
25 function, uh, as it should have been already addressed previously and not
26 rushed onto this with essentially 48 hours notice. And I hardly saw the,
27 the presentation that was also issued on Friday with basically zero
28 business days of the presentations from Staff, so I'm not very happy to,
29 um, advance this as Deputy Mayor of Engagement. It's, it's very difficult
30 to do that without the benefit of any engagement, essentially, on this
31 matter. Um, so I will look to Staff with my question being, would you

1 like it referred to the next cycle, would you like to have it referred back to
2 Staff or do you have an alternative?

3 11:32

4 HURLEY: Uh, thank you. Through the Chair, a-, as noted in the report, Staff's
5 recommendation, uh, is to for Council to consider it today and approve it.
6 Or I should say Committee, rather, if that is not the will of Committee
7 today and there is an interest in a deferral, Staff would recommend that the
8 matter be deferred into Council in order to go through and address any
9 questions that, uh, are raised and can be implemented within the by-law,
10 with the, with the warning, of course, that is going to lead to some
11 discussion at Council, I would imagine, because there are, uh, elements. I
12 think, that, uh, some councillors are looking to advance or may have
13 questions on that are not, maybe not necessarily recommended by Staff or
14 may not be supported by, uh, the entirety of Council. A further deferral, if
15 the matter was to be further deferred, I would suggest that it be deferred
16 11:33 until November, given that there are some key Staff members away for the
17 October round as well as some members of Council. Uh, but again, that-,
18 uh, if it is deferred until November, it could be deferred straight until
19 November and, uh, with no amendments to the by-law. The other option
20 is to amend the by-law at the, the amend the existing by-law, not bring
21 forward the new by-law, but amend the existing by-law to include
22 reference to Pipeline to Permit Committee. So really those are kind of the
23 options that I would see that, uh, Committee, uh, needs to consider today.

24 KEARNS: Thanks for that, Blake. So then I guess my, uh, question would be, can
25 you provide this Committee with language that only scopes it to Pipeline
26 to Permit and solves that problem and leaves the rest in abeyance?

27 HURLEY: Yes.

28 KEARNS: That's the only thing I would support today. So do we have a path to do
29 that?

30 HURLEY: Uh, through the Chair, I'll turn it to the Clerk who, uh, her and I have had
31 some initial discussions on this while discussion took place earlier.

1 YEW: Thank you very much. And through the Mayor or through the Chair, uh,
2 yes, we could-, we can certainly provide some language, um, which would
3 look something along the lines of, um, you know, we would direct Staff to
4 bring forward a Procedure By-law amendment to the September 17th
5 Council meeting to include the Pipeline to Permit Committee and the
6 Procedure By-law and defer the consideration of the balance of. CL-01-
7 24 to the, uh, October cycle or whichever cycle Council or Committee
8 chooses today.

9 STOLTE: Okay. Thank you for that. I'm seeing Mayor Meed Ward. Are you-, is
10 this questions to the main motion or are you having now conversation with
11 the deferral?

12 MEED WARD: Is there a motion on the floor?

13 STOLTE: I believe there's not yet. So you still have a question to what's on the floor
14 11:35 at this time?

15 MEED WARD: I wish to (inaudible).

16 STOLTE: Okay, go ahead.

17 MEED WARD: Go ahead, okay. So, um, a deferral motion can come at any time, and it
18 takes precedence, I'm aware of that. So there's not a motion on the floor
19 so I would really, really value hearing from my colleagues what their
20 potential concerns are about what we've got in front of us. So I am going
21 to move the report just to get it on the floor so that we can have that
22 discussion and receive any other specific amendments. And I'll move it
23 with the two, maybe we can get those back up again, the two that the Staff
24 had proposed. What I'm really concerned about is this conversation going
25 behind closed doors and Staff working on something with individual
26 members of Council. We do our work in public. And, uh, so I think the
27 advice that we have received, uh, today was if folks wish to amend what's
28 11:36 in front of us, then let's bring a motion to do that so that we can have a
29 discussion, so that we can see if the rest of Council shares that. We all
30 had one-on-ones with Staff prior to this coming forward and Staff heard
31 all of our input. Um, they heard it and what is in front of us is what they

1 feel is their best, uh, their best recommendation. Uh, and, and there may
2 not be agreement, unanimous agreement about elements of the by-law, but
3 we do our work in public by majority vote, uh, within the full eyes of the
4 of the community and, and we have been at this, uh, for about two years.
5 So, uh, we have some, uh, I think we have some reputational risk by
6 deferring this, you know, we're asking businesses, we're asking our Staff
7 to speed up their work, to do things quicker, and here we are saying we
8 need more,

11:37

9 more time and I don't know for what. I have spent the last five days
10 myself reading this as I'm sure you all have. I, I had an opportunity to ask
11 questions of Staff, uh, in advance and get those answers. That's the work
12 that we do on all of our reports, and this is no different. And in fact, the
13 delegates had time to read it and give us their feedback so I think the
14 system is working exactly the way it should and we-, uh, I don't see a
15 compelling reason to defer this. Again, uh, we have had time, and we
16 have all had input into this process so, um, so let's, let's proceed or hear
17 from Council members where the concerns are 'cause I don't, I-, that's
18 news to me and, and we still have, you know, four hours left in this
19 meeting to discuss it. Let's do our work today in public. That's what we
20 do at Committee. We discuss, we debate, we put motions on the floor.

11:38

21 We hear from each other and then hopefully we come to a consensus. Uh,
22 so, um, so that, that is what is on the floor, subject to the will of committee
23 to do, uh, something different. Thank you. Oh, and. I actually, I. I will
24 say I, uh, I don't, I don't agree with the two comments around Staff not
25 doing their job or providing us incomplete work. I think the fact that it
26 has taken so long and that the timelines have shifted is exactly because
27 Staff have done an outstanding, very comprehensive look and have
28 adapted month over month to changes that we have brought and given
29 them along the way, including very recently, the change of our whole
30 committee structure and new titles that we want to embed in this
31 Procedure By-law. We don't, we don't wanna delay that any further. So I

1 do actually wanna say thank you to, to Blake, thank you to Samantha and
2 all of the Staff who worked on this. They have gotten, um, undeserved
3 11:39 criticism, I think, from the public and, and here today, and I just wanna
4 say I don't share that view. I think they've done outstanding, uh,
5 outstanding work. This is very comprehen-, comprehensive and, and yes,
6 a lot of reading for us to digest and think about. Uh, and I was happy to
7 do that work, uh, over the last four days, including the weekend. Thank
8 you.

9 STOLTE: Okay, I'm gonna jump in with some comments and it's in regard to, um,
10 comments and questions brought forward by Councillor Kearns and in
11 response as far as a potential deferral and comments from the Mayor. Um,
12 I actually tend to agree and support more along the lines of a potential
13 deferral. I understand what the mayor is saying about reputational risk. I
14 think we have more of a reputational risk of as Councillor Kearns brought
15 up not giving efficient and effective opportunity for the public to be able
16 to look at this. The delegations that came forward today were not the first
17 we've heard. We've heard many, many delegations of concern on our
18 11:40 procedural by-law and for this to have come forward last Wednesday
19 afternoon gave two business days before the weekend for us and the
20 public to take a good look at it and be able to dive into it. Um, I'm very
21 appreciative of the effort that our delegates made as far as the deep dive
22 that they did do, and I personally, I cannot put a deferral on the floor
23 myself as Chair at this point in time, but I would be in support of a
24 deferral. The one question I just wanted to clarify is the length of the
25 deferral. There was some question at the break about, uh, the timing
26 around October Committee and I just wanted to check in. I specifically
27 understand it's in regard to the, um, trip to Japan, and just to clarify with
28 the Mayor as to whether Councillor, Councillor, Nissan and the Mayor
29 will in fact be, from what I understand,, available for October Committee,
30 just a way for Council. So it could be a deferral for one month to October
31 committee to still be discussed at that time. Is that correct?

1 MEED WARD: Yes.

2 STOLTE: Okay, that is correct. Okay. Councillor Kearns, you have questions or
3 11:41 comments.

4 KEARNS: I just want to, I just want to confirm through the Chair, do we have
5 something else on the floor at this moment?

6 YEW: Yes.

7 KEARNS: Okay, so I will speak after that.

8 STOLTE: Sorry, clarity, something else on the floor in regards to a deferral? No, we
9 have the main motion.

10 YEW: Uh, the recommendation from the report, recommendation from the
11 report. Yeah, I don't have the recommendation from the report typed up to
12 show on the screen.

13 KEARNS: Okay, so I wanna table a deferral.

14 YEW: So it takes precedence.

15 STOLTE: Okay. So, Councillor Kearns, you're moving forward with a motion to
16 defer this until-, would you need a minute or two to get the wording?

17 KEARNS: No. May I have, may I have the Clerks put it on the screen, please.

18 STOLTE: Okay.

19 KEARNS: Uh, they're gonna move P2P and then put the rest on onto October. Okay.
20 So in, in, uh, in collaboration with Staff, this is, uh, language that they
21 11:42 have drafted and, and circulated to me. Uh, so I would like to put the
22 consideration of the balance to October. I told you there are three, three
23 conversations happening here, one with the public, one with Council, and
24 one with Staff. I'd like to close those loops, and I would like to direct
25 Staff to bring forward a Procedure By-law amendment to September 17th
26 Council, uh, that allows Pipeline to Permit Committee to effectively
27 proceed. So, uh, this is holding the balance until October to be
28 appropriately reviewed and then to allow the issue that we're trying to
29 solve, which is to make sure that Pipeline to Permit can continue
30 appropriately. Uh, that solves that problem so those are the two that I'd
31 like to table. You can separate them if anybody is, is so inclined to do.

1 STOLTE: Okay. Thank you. So this is now taking precedence on the floor. I'd like
2 to ask a quick question seeing no other hands on the board. I'm not sure if
3 11:43 this is a question to our City Clerk or to our City Solicitor, but the second
4 piece of this to direct Staff to bring forward a Procedure By-law
5 amendment for the September 17th Council meeting to include Pipeline to
6 Permit Committee, would that result in a cancellation of the September
7 12th Pipeline to Permit Committee that's scheduled for this week or would
8 that be able to go forward?

9 HURLEY: Uh, Chair no. That meeting would go forward.

10 STOLTE: Okay, great. Okay, so we have a deferral on the floor. Do you have any
11 questions to this? Councillor Bentivegna.

12 BEN: Thank you, chair and thank you, Councillor for bringing this forward. I'd
13 like to have these two, uh, separated as a vote.

14 STOLTE: Okay. Thank you. We'll separate them out. Mayor Meed Ward, please
15 go ahead.

16 MEED WARD: Uh, thank you. I'd like to amend the deferral to the September Council
17 meeting. Change the date of it.

18 STOLTE: Uh, the motion on the floor, Councillor Kearns, are you amenable to that?
19 11:44

20 KEARNS: No, it would be a different one.

21 MEED WARD: Sorry I'm amending, I'm formally putting an amendment to defer to
22 change this amendment to the September meeting so we would have to
23 vote on that first.

24 STOLTE: We're going two out now, okay. Councillor Nisan, we're two
25 amendments, two motions out now. Are you clear on-, is this a question
26 or a comment on, right now, we're looking at a deferral to the September
27 meeting or September Council.

28 NISAN: Yeah. Thank you. Thank you, Vice Chair, and thank you for chairing
29 today as well. Uh, oh, I put my hand up to say that I would support a
30 deferral to, uh, September. Then we go from there, uh, and, and consider
31 where we're at at that point. Um, I, so I would support this amendment.

1 11:45 I'm not sure if we can amend the deferral. So I was just checking the
2 Procedure By-law as we were going through here so if, uh, the Clerk could
3 confirm that would be great. Thank you.

4 YEW: Through the Chair, uh, motions to postpone definitely are motions to defer
5 are amendable as to date and or time, and that's on page 35 of the
6 Procedure By law, the current Procedure By-law, if you're interested.

7 NISAN: Thank you very much.

8 STOLTE: Thank you. Councillor Kearns, questions or comments to the second
9 deferral that's on the floor now to September 17th Council meeting?

10 KEARNS: Chair, I just want to, um, make anyone aware that's interested that I won't
11 be voting for this, and I will be bringing back the October date.

12 STOLTE: Councillor Bentivegna.

13 BENTIVEGNA: Thank you, chair. I will be, uh, supporting this, uh, this motion and, and
14 again I just wanna bring to light, it is a living document. We've talked
15 11:46 about it. Procedural by-laws change all the time. We change them. We
16 can do what is necessary to get done as is stated, uh, in this motion, and
17 continue to change what we wanna change moving forward. Uh, we have
18 a Councillor who has, uh, mentioned three pages. I mean, it's great, so I
19 think even if we got those sent to us, we can review them, and give, you
20 know, feedback based on that and we're still moving forward. I, I think
21 delaying, delaying, delaying of, you know, again as the mayor mentioned,
22 you know, we're done with that, you know, let's, let's move forward. Let's
23 make the best decisions we can make at the moment, and get this done.

24 11:47 Thank you.

25 STOLTE: Thank you, Councillor. Councillor Sharman.

26 SHARMAN: Thank you very much. Uh, just start off by saying that I in no way was
27 referring to the Clerk and the work that's been done when I said this was
28 incomplete Staff work. What I was referring to was a process problem.
29 The, the process problem, uh, is that, that we have a better example in the
30 way we do budgets when we ask Council members to bring forward
31 changes, potential changes, to what is in front of us and then Staff

1 codifying that and putting that on the table so that we have that in advance
2 of the meeting. I do not believe, uh, I believe that would have been
3 helpful. So when I say this is incomplete Staff work, I was referring to the
4 fact that we haven't got that input because we have not had time to look at
5 the draft in the way that would allow us then to bring forward a
6 discussion, uh, table to allow us to have a full a full, um, uh, a properly
7 informed dialogue. I don't know anything about 30-, thr-, 3 pages, 10
8 11:48 pages, whatever. I don't know anything about any of them to going to a
9 meeting, um, straight out and having it in front of everybody when we're
10 all sitting there going gasping, that makes no sense to me at all. Um, that
11 leads me back to the, the discussion that I was having about could we do it
12 partly this September Council and partly in October. Um, and, and that is
13 still where my head is at is because I think we have a procedural process,
14 but it's a process problem that would be really helpful to resolve because
15 I'd like to know what everybody's thinking so that when we have a
16 conversation, I can deal with it rather than just, just have it on a
17 randomized basis. I can't-, I, I r-, I, I will vote for the, uh, the, the original
18 version, but not with the September 17th in there. So I'm, I'm okay with
19 the original deferral. Uh, I'm, I'm sensitive to, to everybody's need to get
20 ahead, but frankly, I've heard the lawyer also say it's okay to give us some
21 of it now and we'll, as an amendment, and we can do the rest in October
22 11:49 and we'll be okay. We're not gonna lose any momentum. My belief is we
23 can do a better job. So I, I will not support the amendment to the deferral,
24 I will support the original deferral. Thank you.

25 STOLTE: Thank you, Councillor. Okay, I'm seeing no more questions or comments
26 on the board in regards to what's on the floor right now, which is to defer
27 the consideration of CL-01-24 to the September 17th, 2024 Council
28 meeting. I just wanna double check with the Clerk, is there any difference
29 in-, we've been asked to separate these two out. Do we need to do with
30 the amendment first before a deferral?

31 YEW: Yes.

1 STOLTE: Okay.

2 YEW: What we have brought forward, so we're going to deal with the deferral to
3 the September Council meeting. That's what we're gonna do, right?

4 STOLTE: But what's on the board here about directing Staff by the procedure?

5 YEW: We're not gonna do that just yet.

6 STOLTE: Okay, that's second. Okay. All right. Okay, so the first vote we're going
7 to take, seeing no further comments or questions-, oh, Councillor
8 Bentivegna.

9 BENTIVEGNA: Yeah, just a quick comment. We don't need to separate this particular
10 motion in terms of the vote, it was the original one I wanted separated.

11 11:50

12 STOLTE: Okay. Okay.

13 YEW: So we're dealing with the Mayor's amendment.

14 STOLTE: Yes.

15 YEW: Yes.

16 STOLTE: So first we're going to vote on deferring the consideration of CL-01-24 to
17 the September 17th, 2024 Council meeting. All those in favour. And that
18 carries. Okay. Thank you for the clarity. So now we're going to vote on
19 directing Staff to bring forward a Procedure By-law amendment for the
20 September 17th Council meeting to include the Pipeline to Permit
21 Committee. Any questions or comments. Mayor Meed Ward.

22 MEED WARD: I'm just wondering if that's necessary since we've deferred the entire by-
23 law to Council and we'll discuss the whole thing then. I guess that would
24 be a question of Staff. It just would kind of be captured in that work, I
25 think, at Council.

26 STOLTE: Sorry, Councillor Kearns.

27 KEARNS: That was a question for Staff, Chair, sorry. I'm offering a withdraw.

28 STOLTE: Yeah, I was getting an indication for Counselor Kearns and she's willing
29 to withdraw that. Okay, so I gather that has dealt with this item, then that
30 it has been voted on successfully to defer to the September 17th Council
31 meeting. Okay, it's 5 minutes to 12. Clearly, we're going to still have a

1 fairly full afternoon. Um, I d-, wanna. Oh, okay. Blake, you have some
2 comments or questions.

3 HURLEY: Uh, thank you, Chair. Uh, just, just so we have some clarity around the
4 table and, and we can certainly work offline with this as well is that we,
5 we will need to establish a deadline for getting those comments in so we
6 11:52 can turn those around, get them back to members of Council so we have
7 an efficient, uh, Council meeting. So, uh, look for, uh, correspondence
8 from the Clerk on that regard, uh, to each of you.

9 STOLTE: Good point, thank you. Okay, I'm gonna take a moment, given the fact
10 that it's five minutes to the lunch hour and I'm going to, uh, we were due
11 to go into closed at 1:00 p.m. We have two confidential items and I just
12 wanna run by Committee, uh, about the interest of going into closed for
13 either of these items just so I can do some agenda management. So
14 looking to go into closed at 1:00 p.m. after lunch for item 9.1 Confidential
15 Labour Update Regarding Collective Bargaining with CUPE 44 Report
16 HR-06-24. Uh, can I get s-, kind of a scan as far as whether committee
17 members are interested in going into closed for that item. All-, anyone
18 wanna raise their hand if they want to go into closed for 9.1. Okay, not
19 11:53 seeing any interest there or n-, or shall I say not interest, people are clear
20 on that item. Thank you.

21 11:53 **Excerpt of track Committee of the Whole Monday September 9, 2024**
22 **ends.**

23
24

25 *****
26
27
28
29
30
31

1
2
3
4 **THIS IS TO CERTIFY THAT**

5
6
7 the foregoing is a true and
8 accurate transcription of the
9 video recordings made
10 herein, to the best of my skill
11 and ability.
12

13
14 

15
16 **Kerry Petter**
17 **Video Transcriber**
18 **Videoplus Transcription and Reporting Services**
19 **Wednesday, September 11, 2024**