



Corporation of the Municipality of Temagami

Memo No.
2019-M-073

Memorandum to Council

Staff

Committee

Subject: Draft Procedural By-Law

Agenda Date: April 25, 2019

Attachments:

RECOMMENDATION

BE IT RESOLVED THAT Council receive Memo No. 2019-M-073;

AND FURTHER THAT Council direct Staff to place the By-Law on the agenda for the May 23, 2019 meeting for Council's consideration.

INFORMATION

Accompanying this report is the draft procedural by-law. Please note that page numbering and headers/footers will be reviewed for accuracy prior to the by-law being presented for Council's consideration.

There are some structural changes. The most notable being that the procedures are consistent regardless what type of meeting is being held. This is a change from our present by-law which appears to have a different set of rules for each type of meeting which had the effect of adding to the complication and confusion that, at times, surrounded the application of procedural rules.

Another structural change being proposed with the new by-law is the elimination of 'unregistered delegations'. This practice, on its face, is contrary to the requirement of the Municipal Act that public notice is to be provided. Without knowing who may want to speak or what their subject matter is, it is not possible to ensure appropriate notice is provided to the Public regarding the topics on the agenda.

This should not be viewed as an attempt to limit the Public's ability to address matters of concern with Council at the Regular Meetings but rather to provide a structure by which Council can do more than thank them for their presentation. In order to make a presentation, verbal or otherwise, the minimum requirement is the name and subject matter. If the presenter is hopeful that Council will make a decision based on their presentation then more information, including the 'ask' should be in the Agenda Package. By adopting this format, Members of the Public can address concerns with Council and Council can actually enter into a dialogue with the knowledge that appropriate notice has been provided.

The requests for delegations would need to comply with the timing of agenda preparation. As with other items, this is 8 calendar days prior to the meeting. Staff may, if there are a large number of requests received for any one meeting, may schedule delegations over a number of meetings to ensure Council has time to tend to the business at hand.

Another structural change is the use of additions to agendas or addendums. If the by-law is prescribing rules for when reports or items are to be received to be included on the agenda then they should not just be set aside when it suits. Especially with Council meeting twice per month, there is not a great deal of time between meetings. If an item arises that required a decision before the next Regular meeting Council does have the Special Meeting provisions at its disposal. This would also alleviate past concerns of what can be added when other items cannot and will work to ensure that notice to the public is paramount in the calling of meetings.

Some areas of the draft procedural by-law are yet to be finalized. For example, Section 2.7 provides that the Clerk can attend via electronic means. While we may wish to permit Staff to do this, in my opinion, there should be one of either the Clerk or the Deputy Clerk present in Chambers during the meeting.

Section 2.17 calls for votes to be by-way of 'show of hands'. Recently, Council had adopted voting verbally so those who listen to the tapes would know how Members voted. Submitted for consideration is that hearing yeas and nays does not necessarily provide the listener the knowledge of how each member has voted any more than having the Mayor declare the motion carried or defeated. There is a provision in this section whereby any member, before, during, or after a vote, can call for the vote to be recorded. With a recorded vote, the Clerk (or designate) reads out each Member's name and the Member replies with their vote. This section should be altered to reflect the desire of Council.

Section 2.20 deals with amendments to motions. While the section does not require changes, consideration could be given to the number of amendments that will be accepted for any one motion before the motion is withdrawn and redrafted. It should be remembered that part of Staff's function is to make recommendations and the draft resolutions presented are based on those recommendations. While amendments are part of the natural course of Council addressing the recommendations, it may be less confusing, at times, if the draft resolution was either withdrawn or defeated with a vote with an alternative new resolution being presented for Council's consideration.

Section 2.21 deals with reconsiderations. The section states that only members who have voted in the majority can move for the motion to be reconsidered. This is difficult to administer since, unless a recorded vote has been requested, the minutes of the meeting do not record how members have voted. Consideration could be given, in concert with the limitation on how many times a request for reconsideration can be made, to permit any member to request the reconsideration with more explanation on how requests at the same meeting versus requests from previous meetings will be handled. Simplified, if at the same meetings, the resolution would be moved, seconded, limited debate on why it should be reconsidered then the vote called with a simple majority being required to reconsider the item. The item can then be discussed.

If at a prior meeting, the resolution would be made, seconded, limited debate, vote with two-thirds, or five (5) members voting in favour of reconsideration being required. If reconsideration is approved, the subject matter will be placed on the next agenda. This process will ensure efficient use of Staff time.

Direction on these points will be included in the draft by-law presented on May 23, 2019. At that meeting, if there are still some alterations to the procedural by-law that Councils wishes to include, a first reading of the by-law could occur followed by directions on these amendments.

Respectfully Submitted:
Craig Davidson
Treasurer/Administrator