

## Report to Council

<b>Report Title:</b>	Proposed Changes to the Procedural By-Law		
<b>Prepared By:</b>	Fiona Hamilton, Clerk		
<b>Department:</b>	Clerk		
<b>Date:</b>	November 19, 2018		
<b>Report Number:</b>	CLK2018-17	<b>File Number:</b>	C11CL, C01BY
<b>Attachments:</b>	Draft Procedural By-Law November 2018 Procedural By-Law 2018-004 Draft Meeting Schedule – Mondays Draft Meeting Schedule - Tuesdays		

### Recommendation:

That the Council of the Municipality of Brockton receives Report CLK2018-17 – Proposed Changes to the Procedural By-Law, prepared by Fiona Hamilton, Clerk for information purposes.

### Report:

#### Background:

The Procedural By-Law 2018-004 (“the Former By-Law”) that is currently in place was enacted prior to the recent legislative changes that required Municipal Councils to adopt separate Council Code of Conducts. The Former By-Law also does not provide for the changes to the *Municipal Conflict of Interest Act*, R.S.O. 1990, c. M.50 that will come into effect on March 1, 2019. These changes will require Councillors to provide a written statement disclosing a conflict of interest and providing the general nature of that conflict. The Clerk will also be required to maintain a registry of these written statements and any verbal declarations made at a Council Meeting.

Given these legislative changes, and the start of a new Term of Council, it seemed an appropriate time to review and update the Former By-Law. The most significant changes have been summarized below. Sufficient changes were made to warrant rewriting the Former By-Law rather than tracking the changes. Both the Former By-Law and the proposed Procedural By-Law (the “New By-Law”) have been attached for review.

Please note that the New By-Law is a draft, as the Notice Policy requires the Municipality of Brockton to provide notice of any amendments to the Procedural By-Law.

#### Analysis:

##### Summary of Changes

The Former By-Law, which has been attached, contained a number of provisions (all of Section 25) regulating matters that are now covered by the Council Code of Conduct. These provisions have been removed to avoid any ambiguity or potential conflict between the rules. Section 5.20 describes the requirement for providing a written statement declaring a conflict of interest in keeping with the legislative changes described above.

The Closed Session Meetings section (Section 2.24) now provides more clear direction about education and training sessions for Council, and now includes a provision allowing the Clerk to advise the Chair that a matter should be discussed in an open rather than a closed session. A provision has also been added to allow Delegations to speak in the closed session, which was not included in the Former By-Law.

A provision has also been added to the New By-Law preventing a person from speaking as a Delegation if the subject matter of the discussion relates to certain topics (such as legal issues or labour relations) as these matters should either be addressed in a closed session or should more properly be the subject of a Staff Report.

The Former By-Law did not include a provision specifying that a tie vote would be counted as a negative, which has been included in the New By-Law.

The New By-Law has also been entirely reformatted for clarity, accessibility and to align with the new branding. A number of confusing or contradictory provisions have also been removed and do not appear in the New By-Law.

### **Meeting Schedule**

Both the Former By-Law and the New By-Law stipulated that Council would pass a resolution setting the Meeting Schedule for the follow year. In the past, Council Meetings have been held on Monday evenings at 7:00 p.m., unless the Monday is a holiday, in which case the Meeting is held the next day.

There has been some discussion about changing the Council Meeting schedule to be Tuesday evenings. The Senior Management Team and John Ghent, the Bruce County Planner, are in support of this proposal. Changing the Council Meetings to Tuesday evening would reduce the number of changes as holidays generally do not fall on Tuesdays and would provide Council with an additional day to review the Council Package. As the New By-Law proposes that the Council Package would be available by 4:00 p.m.

Training for the Fire Department occurs three (3) Mondays of every month and changing the Meeting Schedule to Tuesdays would make it easier for the Mike Murphy, Fire Chief, to attend Council Meetings. The two incoming Council Members who will be sworn in on December 3, 2018 are not opposed to this proposal, particularly James Lang as he is also a volunteer firefighter and would be attending training.

Draft Meeting Schedules for Mondays and for Tuesdays has been attached to this report for review. The New By-Law may need to be revised depending on the direction provided to Staff about the Meeting Schedule for the next year.

### **Meeting Location**

The proposed Meeting Schedule also does not specify that any Council Meeting would be held outside of the Bruce County Council Chambers located at 30 Park Street, Walkerton. In the past, a small number of Council

Meetings were held in alternate locations. These meetings greatly increased the time spent by staff and posed a number of technological challenges without a significant increase in the number of individuals attending the meeting. There were approximately five (5) individuals who attended the last meeting in Elmwood, and most of those individuals left early in the evening. The recommendation is that the Council Meetings be held at the Bruce County Council Chambers unless otherwise unavailable.

**Sustainability Checklist:**

What aspect of the Brockton Sustainable Strategic Plan does the content/recommendations in this report help advance?

- Do the recommendations help move the Municipality closer to its Vision? Yes
- Do the recommendations contribute to achieving Cultural Vibrancy? Yes
- Do the recommendations contribute to achieving Economic Prosperity? N/A
- Do the recommendations contribute to Environmental Integrity? N/A
- Do the recommendations contribute to the Social Equity? Yes

**Financial Impacts/Source of Funding:**

- Do the recommendations represent a sound financial investment from a sustainability perspective? Yes

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**Respectfully Submitted by:**



Fiona Hamilton, Clerk

**Reviewed By:**



Chief Administrative Officer