



## Staff Report

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**Report To:** Dan Best, Chief Administrative Officer

**From:** **Rebekah Msuya-Collison, General Manager of Corporate Services**  
**Alex Wolfe, Deputy Clerk**

**Date:** September 6 2022

**Report:** CL# 20-2022

**Subject:** Procedural By-Law Review

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### Recommendations:

**That** South Huron Council receive the report of Rebekah Msuya-Collison, General Manager of Corporate Services and Alex Wolfe, Deputy Clerk re: "Procedural By-Law Review" for information; and

**That** Council approve the review process and draft consolidated Procedural By-Law, in principle.

### Purpose:

To provide Council the draft Procedural By-Law.

### Background and Analysis:

The current review of the Procedural By-Law has included public comments and recommendations from Council and staff. At its December 20, 2021 meeting, Council was presented with a memo report regarding the process to review the Procedural By-law and Council approved the review process by passing the following resolution (484-2021):

**"That** the memo of R. Msuya-Collison, Director of Legislative Services re Procedural By-Law Review be received; and

**That** Council proceed with the review of the Procedural By-Law and proposed timeline as set out in the report; and

**That** Council selects Mayor Finch and Councillor Neeb as the Council representatives to participate in this review.”

Within the above resolution, staff committed to start the process of updating the current Procedural By-law 79-2015, as amended, with amendments made since enactment in 2015.

### **Comments and Analysis**

To begin the process staff reviewed the current By-Law 79-2015 for sections that were no longer needed or relevant, for updates that could be made to existing sections to reflect current operating procedure, and identified more substantive amendments for proposed new sections to be considered. Staff also reviewed best practices to propose housekeeping/administrative amendments for consideration to better organize the overall layout of the Procedural By-Law.

As part of the process, there was public input and an opportunity for Council members to suggest changes and make comments on the current By-Law. Council also appointed two of its members to work with staff during the review.

Attached as Appendix A is a marked-up version of the current consolidated Procedural By-law 79-2015 with proposed changes. Attached as Appendix B is the Procedural By-law review chart. These documents highlight and outline to Council:

- Sections that have been removed and not included in the new proposed By-Law, along with explanation.
- Additions to existing sections that have been captured in the new proposed By-Law. The additional wording added to these sections has been highlighted as they may change the intent or procedure of the existing section.
- Additions of new sections that have been added to the new proposed Procedural By-Law.

The majority of the proposed changes as identified on Appendix B are administrative that have been updated to meet best practices, promote transparency and reflect Council’s current operating procedures. Appendix C and D outline Council and Public feedback.

### **Proposed Timeline and Process**

The initial report outlined the proposed timeline of four months to complete the four phases of the review, along with implementation. While the original timeline has not been met, this report provides the completion of Phase 3. The final phase will include bringing back the draft consolidated Procedural By-Law

(with any revisions) to Council, the Notice of intention to Pass, Training Sessions with incoming Council and Communication Plan.

The Procedural By-Law will be brought back to the September 19<sup>th</sup> meeting for Council consideration. Council can input for any proposed changes to the different sections provided in the new By-Law, being additions, rewording or removal of sections. Staff will formalize any further amendments, if any to the proposed By-Law for Council's consideration and third and final reading will follow.

### **Operational Considerations:**

The objective of the Procedural By-Law is to assist Members of Council, including its Committees and Boards, in carrying out their business in an efficient, consistent and effective manner. The next scheduled review of the By-Law will occur during the next term of Council. As of the date of enactment and adoption, Council will move forward with the amended Procedural By-Law.

### **South Huron's Strategic Plan:**

Section 6.2.2 of the Municipality of South Huron's 2015-2019 Strategic Plan identifies transparent, accountable and collaborative governance as a strategic objective.

### **Financial Impact:**

There are no financial impacts as a result of the recommendation outlined in this report

### **Legal Impact:**

The Procedural By-law is a mandatory requirement set out under the *Municipal Act*, and is a key part of the municipality's accountability and transparency foundation. In instances where there are valid complaints on the application of the procedures, the Integrity Commissioner has the legislative authority to investigate.

The Code of Conduct requires members to follow the Procedural By-Law and other sources of applicable law. When Council receives a report from the Integrity Commissioner that there has been a violation of the Code of Conduct by a Member, Council may impose penalties on the Member which include a reprimand or suspension of remuneration paid to the member. In addition, there are also remedial or corrective actions that may be required.

In addition to legal impact, if a municipality does not follow the Procedural By-Law, it may lose the opportunity to demonstrate confidence that it is following the rules, and to inspire community trust in the transparency and accountability of local government. All members of Council should be vigilant in adhering to

their individual and collective obligation to ensure that council complies with its responsibilities under the *Municipal Act*, 2001 and its own Procedural By-Law.

**Staffing Impact:**

There are no staffing impacts that have not been outlined in this report.

**Communication Actions:**

The [Procedural By-Law webpage](#) will be updated.

**Policies/Legislation:**

*Municipal Act*

Roberts Rules of Order

[Code of Conduct](#)

[Procedural By-Law 79-2015](#)

**Consultation:**

Mayor Finch and Councillor Neeb (Council Representatives)

Public and Council Feedback

**Related Documents:**

Appendix A – Consolidated draft Procedural By-Law - 79-2015

Appendix B – Procedural By-Law – review chart

Appendix C – Council Feedback

Appendix D – Public Feedback

Staff Report CL#22-2017 – [Bill 68 – Modernizing Ontario’s Municipal Legislation Act](#)

Staff Report CL#10-2020 – [Electronic Meeting During an Emergency](#)

Staff Report CL#22-2020 – [Procedural By-Law Amendment – Electronic Meetings](#)

Staff Memo CL#40-2021 – [Procedural By-Law Review](#)

Respectfully submitted,

**Rebekah Msuya-Collison, General Manager of Corporate Services**

**Alex Wolfe, Deputy Clerk**