



Staff Report for Committee of the Whole Meeting

Date of Meeting: December 6, 2023

Report Number: SRCFS.23.058

Department: Corporate and Financial Services

Division: Office of the Clerk

Subject: **SRCFS.23.058 – New Procedure By-law for Council and Committee Meetings**

Purpose:

To recommend the adoption of a new Procedure By-law governing the calling, place and proceedings of Council and Committee meetings.

Recommendation(s):

- a) That SRCFS.23.058 be received; and
- b) That Council enact draft By-law 125-23 (Attachment "A" to Staff Report SRCFS.23.058) to repeal and replace the City's Procedure By-law No 74-12, as amended, effective on January 1, 2024.

Contact Person:

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Report Approval:

Submitted by: Sherry Adams, Commissioner of Corporate and Financial Services

Approved by: Darlene Joslin, City Manager

All reports are electronically reviewed and/or approved by the Division Director, Treasurer (as required), City Solicitor (as required), Commissioner, and City Manager. Details of the reports approval are attached.

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Background:

Section 238(2) of the *Municipal Act, 2001*, S.O. 2001, C. 25 (the “Municipal Act” or “Act”) requires every municipality to “...*pass a procedure by-law for governing the calling, place and proceedings of meetings*”. The City of Richmond Hill’s current Procedure By-law No. 74-12 (Attachment “B”) was passed by Council on September 24, 2012, and came into effect on October 1, 2012 (“current Procedure By-law” or “By-law 74-12”). By-law 74-12 has been amended fourteen (14) times since its adoption.

During a Special Council Meeting on October 3, 2023, the City Clerk presented proposed amendments to the current Procedure By-law. A copy of the City Clerk’s presentation is included as Attachment “C”. At that meeting, Council unanimously adopted the following resolution

- a) That the presentation of the City Clerk in respect to proposed revisions to the Procedure By-law be received;
- b) That the recommended changes to the Procedure By-law contained in the presentation of the City Clerk be endorsed;
- c) That all comments be referred back to staff for consideration in preparing a proposed new Procedure By-law;
- d) That the City Clerk report back at a future Committee of the Whole meeting on a proposed new Procedure By-law for Council and its committees; and
- e) That the City Clerk prepare and present the 2024 meeting calendar with all changes endorsed at the October 3, 2023 Special Council meeting.

Attachment “A” to this report is a draft new Procedure By-law (“proposed Procedure By-law”) for Council’s consideration. The proposed Procedure By-law includes those changes endorsed by Council at the October 3, 2023 Special Council Meeting, considers the comments of Members of Council at that meeting, and recommends further additional changes. Highlights of the changes in the proposed Procedure By-law are discussed below by topic and in the order presented at the Special Council Meeting. It is recommended that Council enact the proposed Procedure By-law to repeal and replace By-law 74-12 effective January 1, 2024.

Meeting Schedules

The current Procedure By-law requires the City Clerk to prepare an annual schedule of meeting for Council’s consideration based on the following rules:

- Committee of the Whole (“COW”) meetings are by Council resolution scheduled for the first and third Wednesday of the month at 10:00 am
- Council meetings are scheduled for the second and fourth Wednesday of the month at 10 am
- Council Public Meetings (“CPM”) are scheduled for the first and third Tuesday of the month at 7:30 pm.

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- COW, Council and CPM, and other committees do not meet during the following recesses periods:
 - The last two weeks of December and first two weeks of January (winter recess)
 - March Break
 - The last two weeks of July and all of August (summer recess)
 - In an election year from the last two weeks of September to the start of the new Term of Council (election recess)

In addition to these recess periods, CPM currently does not meet during the first two (2) weeks of July.

While not part of the current Procedure By-law, the City’s practice to accommodate Special Council, Budget Committee of the Whole (“BCW”) and other committee meetings have been to include two (2) Tuesday meeting holds per month the annual schedule of meetings prepared by the City Clerk includes.

As recommended by the City Clerk, and endorsed by Council, the proposed Procedure By-law includes the following changes:

Table 1 - Table of Changes to Meeting Schedule Rules

Change Description	New Section(s) (Attachment A)	Old Section(s) (Attachment B)
The start time for Council and COW meetings has changed from 10:00 a.m. to 9:30 a.m.	5.1.4 and 7.1.5	5.1.4 and 7.1.4
CPM Meetings be moved from the first and third Tuesday of the Month (i.e. the night before COW), to the second and fourth Tuesday of the Month (i.e. the night before Council)	8.4	8.3
One additional CPM will be scheduled for the beginning of July	8.5	8.3
The City Clerk is required to include up to three (3) meeting holds in the Meeting Schedule	4.8(a)(ii)	Not applicable

In addition to these changes, and consistent with the comments made during the Special Council meeting, the proposed Procedure By-law moves the start time of CPM meetings from 7:30 pm to 7:00 pm (Attachment “A”, Section 8.4). Consideration was given to an even earlier start-time, such as 6:00 pm and 6:30 pm. Staff believe, however, that for those members of the Public who want to attend in-person, a start time prior to 7:00 pm may be challenging due to family and/or work commitments.

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Council already adopted the 2024 Meeting Schedule based on the new rules on November 22, 2023 (Staff Report SRCFS.23.057).

Public Participation

Section 5.5 of current Procedure By-law set out the rules for Public Participation in most meetings. These include rules related to:

- Petitions or Written and Oral Submissions (subsection 5.5.1)
- Public conduct at meetings (subsection 5.5.2)
- Public Forum (subsection 5.5.3)
- Staff Address to Council (subsection 5.5.5); and
- No Public Participation after Motion (subsection 5.5.6)

As recommended by the City Clerk, and endorsed by Council, the proposed Procedure By-law includes the following changes to the Public Participation rules:

Table 2 - Table of Changes to Public Participation Rules

Change Description	New Section(s) (Attachment A)	Old Section(s) (Attachment B)
Petitions must be provided in a format that can be included on an Agenda, and signatories to a petition must give specific consent to have their names and addresses published as part of the petitions wording. If consent is not provided, the petition will still be published but will exclude the names and addresses of the petitioners	5.5.1(g)	Not applicable
Delegations are listed as a separate Order of Business on the Agenda for all meeting types except CPM	6.1.10(d), 9.4.1(e), 10.4.1(d) and 11.4(e)	6.1.9, 9.4.1, and 10.4
All delegations will be heard at the beginning of the meeting prior to discussing any Staff/Committee Report or other business	5.5.4(g)	Not applicable
The rarely used rule permitting Members to ask Delegates questions for up to five (5) minutes has been removed	Not applicable - removed	5.5.4(e)
Pre-recorded video delegations will not be permitted	5.5.3(d) and 5.5.4(c)	Not applicable
Presentations and/or other documents that a Delegate appearing electronically wants to show	5.5.4(f)(ii)	Not applicable

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Change Description	New Section(s) (Attachment A)	Old Section(s) (Attachment B)
at Council will have to be provided to the Office of the Clerk prior to the meeting. Delegates will not be permitted to control what they display on the screen.		
Persons who submit correspondence and petitions, Delegates and Public Forum speakers will be required to provide their name and address in order to be added to the agenda and this will form part of the public record	5.5.1(a), 5.5.3(c) and 5.5.4(b)	Not applicable

Motions and Members Motions

Council takes action by voting on motions. The current procedure By-law generally recognizes two (2) types of motions. The first is the Main Motion, or the type of motion by which decisions are made. The second type are Procedural Motions, or a type of motion about how Council will make its decisions, not the decisions themselves.

Procedural Motions include the following:

- Motion to Adjourn
- Motion to Amend
- Motion to Close Debate (i.e. Call the Question)
- Motion to Defer (i.e. delay consideration of the matter to another meeting)
- Motion to Proceed beyond 11:00 p.m.
- Motion to Reconsider
- Motion to Refer (i.e. send back to staff or to a Committee for further discussion)

With the exception of the Motion to Reconsider, no changes to the rules regarding Main Motions and Procedural Motions were recommended at the October 3, 2023 Special Council meeting. The only change included in the proposed Procedural By-law is noted in Table 3.

Table 3 - Table of Changes to Motion Rules

Change Description	New Section(s) (Attachment A)	Old Section(s) (Attachment B)
The Motion to Reconsider rules have been clarified, and a new rule related to reconsideration of matters where the City is contractually bound to do something has been included	5.6.13	5.6.13

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Members Motions

Section 5.4.4(b) of the current Procedure By-law provides the mechanism for Members of Council to add “Other Business” to an agenda (i.e. a Members Motion).

At the October 3, 2023 Special Council Meeting, Council endorsed the City Clerk’s recommendations to change the Members Motions rules. One of the key changes relates to Members requesting a Closed Session discussion on a matter. Under the new rules, Members wishing to have Council consider something in Closed Session will be required to submit two (2) Members Motion forms to the Clerk one (1) week prior to the meeting, as follows:

- An Open Session Members Motion requesting the inclusion of a Closed Session discussion will have to set out the legislative reason why Council is permitted to discuss the matter in Closed Session, as well as the general matter to be discussed; and,
- A confidential Closed Session Members Motion that specifically identifies the matter to be discussed and the recommendation (e.g. resolution), which will be distributed to Members of Council with a confidential Closed Session agenda.

The other change endorsed by Council pertains to Members Motions requesting staff reports. The current rules states that a Members Motion “...shall not serve as a request or direction to staff to prepare a written report.” Most Members Motions do in fact request staff reports. The rule has been clarified to make it clear that a Member Motion can request a staff report, but not for the same meeting the Members Motion is considered.

The current Procedure By-law says “... a Member may only request that an item of business, which may or may not be in the form of a motion, be included on an Agenda”. In other words, the current Section 5.4.4 implies that Members can add business to an agenda other via a Members Motion. Since all Council decisions must be made by a Motion this creates confusion as to what, if anything a Member can add to the Agenda. It is also inconsistent with current practice. To clarify and be consistent with current practice, the new Section 5.4.4 of proposed Procedure By-law states that “...a Member may only request that an item of business, which shall be in the form of a Members Motion, be included on an Agenda...” It should be noted that if a Member wants to bring important information to Council for discussion that does not require action, a Members Motion could simply say “That the Members Motion of Member of Council X, in respect to a particular subject matter be received for information only.”

Table 4 - Table of Changes to Members Motions

Change Description	New Section(s) (Attachment A)	Old Section(s) (Attachment B)
Members wanting to discuss business in Closed Session are required to provide the Clerk with	5.4.4(c)	No applicable

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Change Description	New Section(s) (Attachment A)	Old Section(s) (Attachment B)
both an open session Members Motion and confidential closed session Members Motion		
Members Motions introduced as Emergency or Time Sensitive matters must comply with the new rules related to Open Session and Closed Session Members Motions [new 5.4.4(c)] as soon as possible prior to the meeting	5.4.4(e)	Not applicable

Rules of Debate

The Rules of Debate in Section 5.7 of the current Procedure By-law set out the procedures to be observed when Council is discussing a matter. These include preserving order, speaking through the Chair, speaking times, and other ancillary rules such as Points of Order and Points of Information.

As recommended by the City Clerk, and endorsed by Council, the Rules of Debate in the proposed Procedure By-law have been amended as follows:

Table 5 - Table of Changes to Rules of Debate

Change Description	New Section(s) (Attachment A)	Old Section(s) (Attachment B)
Members will only be permitted to speak once, and for up to five (5) minutes each time on a Motion to Amend, Motion to Defer, and Motion to Refer	5.7.4	5.7.4
Where a Main Motion has been amended, after a Member has spoken twice on the Main Motion before it was amended, that Member will be permitted to speak once more for up to five (5) minutes) on the Main Motion as amended. The maximum number of speaking times to a Main Motion, regardless of how many amendments have been made is three (3)	5.7.4(b)	Not applicable
A new rule has been included to help determine when a Member is speaking to the Main Motion or speaking to a Procedural Motion (e.g. Motion to Refer, Motion to Refer)	5.7.4(c)	Not applicable
Rules have been included to clarify that Points of Order shall not be debated and that it is Out of Order to not observe the principle of the Procedure By-law in Section 2	5.7.8	5.7.8

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Change Description	New Section(s) (Attachment A)	Old Section(s) (Attachment B)
Points of Information have been prohibited	5.7.9	5.7.9

Waiver of Rules

The current Procedure By-law includes rules related to waiving of rules (Section 3.3 and 3.4 of the current Procedure By-law). In the current Procedure By-law and the proposed Procedure By-law, rules can be waived on a Two-thirds (2/3) vote. If waived, the waiver only applies to that meeting. The current Procedure By-law includes a list of rules that cannot be waived at all. As recommended by the City Clerk, and endorsed by Council, the proposed Procedure By-law adds one additional rule that cannot be waived even on two-thirds (2/3) vote as noted in Table 6.

Table 6 - Table of Changes to rules on Waiving Rules

Change Description	New Section(s) (Attachment A)	Old Section(s) (Attachment B)
The rule that prohibits Council making a decision on a development application at CPM is now a separate section for clarity	8.2	8.1
The rule that Council cannot make a decision on a development application at CPM has been included on the list of rules that cannot be waived	3.4(f)	Not applicable

Closed Session

Council is permitted to meet in the absence of the public (i.e. in Closed Session), under various sections of the Municipal Act. Section 5.3.1 of the current Procedure By-law permits Council and committees to meet in Closed Session for those various reasons as set out in Sections 239(2), 239(3) and 239(3.1) of the Act. Under the current procedure By-law only Council, Special Council and Committee of the Whole meeting are permitted to meet in Closed Session.

As recommended by the City Clerk, and endorsed by Council, the proposed Procedure By-law includes the changes to the Closed Session meeting rules noted below in Table 7. Additionally, while not discussed at the Special Council meeting on October 3, 2023, the proposed Procedure By-law includes specific rules pertaining to the disclosure of Closed Session material to Members of Council who have declared a conflict of interest (also noted in Table 7).

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Table 7 - Table of Changes to Closed Session Rules

Change Description	New Section(s) (Attachment A)	Old Section(s) (Attachment B)
COW will not be permitted to meet in Closed Session	7.3	7.1.1(b) and 7.3
Clarified that the minutes of Closed Session meetings are deemed adopted when signed by the Clerk and Mayor/Chair	5.9.4	5.9.4
BCW will be permitted to meet in Closed Session to consider implications of financial decisions on matters such as personnel matters or labour relations matters	9.3	9.3
Members who have declared a Conflict of Interest in a matter are not permitted to access any closed session records pertaining to that matter	5.3.6	5.3.6

Special Council Meetings

Article 7 of the current Procedure By-law set out the rules for the calling of, and proceedings at, a Special Council meeting. As recommended by the City Clerk, and endorsed by Council, the proposed Procedure By-law includes the creation of a new type of Special Council Meeting, called a Workshop, and clarifies the rules for Education and Training Sessions. These changes are highlighted in Table 8.

Table 8 - Table of Changes to Closed Session Rules

Change Description	New Section(s) (Attachment A)	Old Section(s) (Attachment B)
A Special Council meeting can be held as a “Workshop” to discuss in greater detail matters of business that will come to a future meeting for further discussion	6.1.4	Not applicable
At a Workshop, Members will be provided more opportunity to ask questions and seek clarification, and a Motion is not required to engage in discussion. The Chair is to ensure that time is equally shared between Members	6.1.4(d)	No applicable
Education and Training Meetings are only for matters that are to educate members, will not materially advance the business of the City, and will not come to a future meeting for a decision	6.1.5	6.1.4

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Change Description	New Section(s) (Attachment A)	Old Section(s) (Attachment B)
At an Education and Training meeting, Members will be provided more opportunity to ask questions and seek clarification. The Chair is to ensure that time is equally shared between Members	6.1.5(d)	No applicable

By-laws

Section 5.10 of the current Procedure By-law sets out the City’s by-laws rules. By-laws are the primary legislative instruments by which Council Decisions are implemented. Section 5(3) of the Municipal Act, states that “a municipal power....shall be exercised by by-law unless the municipality is specifically authorized to do otherwise.” The practice of most, if not all, Ontario Municipalities is to pass both specific by-laws (e.g. noise by-laws, procedure by-laws, zoning By-laws), as well as to pass confirming by-laws which give Council resolutions the same force and effect if they had been passed as specific by-laws.

As recommended by the City Clerk, the proposed Procedure By-law includes a new Section 5.10.2 specifically permitting staff to place routine by-laws on a Council agenda without a prior staff report. Additionally, the entire Section 5.10 has been simplified in the proposed Procedure By-law when compared to the current Procedure By-law. For example, the current Procedure By-law includes unnecessary provisions, such as rules about what must be included in a By-law (i.e. description, titles and numbering). Additionally, the ability to debate or amend by-laws, or seek explanation of by-laws has been removed from the proposed Procedure By-law. Since by-laws are already related to previous Council decisions (i.e. votes on Motions, resolutions), the ability to debate or amend by-laws is effectively reconsideration of those decisions.

Table 9 - Table of Changes to By-law Rules

Change Description	New Section(s) (Attachment A)	Old Section(s) (Attachment B)
Staff are permitted to place routine by-laws on an agenda without prior staff report	5.10.2	Not applicable
Rules related to what must be included to describe by-laws; the ability to request a by-law to be explained; and, the ability to debate or amend a by-law have been removed	Not applicable	5.10.1, 5.10.3, 5.1..4

Strong Mayor Powers

As noted in the City Clerk’s presentation to Council on June 28, 2023, and highlighted in the Clerk’s presentation at the October 3, 2023 Special Council Meeting, the City is now subject to the Strong Mayor Power rules in Part VI.1 of the Municipal Act. The

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powers, as noted by the Clerk, fall into three broad categories including legislative powers, financial powers and administrative powers. As recommended by the City Clerk, and endorsed by Council, the proposed Procedure By-law includes changes related to the implementation of Strong Mayor legislative, financial and administrative powers noted below in Tables 10, 11 and 12. Other technical changes related to the Strong Mayor Powers are noted below in Table 13.

Legislative Powers

Under the Strong Mayor Powers, the Mayor has the legislative power to require Council to consider business and by-laws related to a provincial priority. Under Section 284.10(1) of the Municipal Act, if the Mayor "...is of the opinion that considering a particular matter could potentially advance a prescribed provincial priority, the head of council may require the council to consider the matter at a meeting." Under Section 284.11.1(2) of the Act, if the Mayor "...is of the opinion that a by-law could potentially advance a prescribed provincial priority, the head of council may propose the by-law to the council and require the council to consider and vote on the proposed by-law at a meeting." The current provincial priorities defined in Ontario Regulation 580/22 ("O.Reg. 580/22") are:

1. Building 1.5 million new residential units by December 31, 2031.
2. Constructing and maintaining infrastructure to support housing, including,
 - a. transit,
 - b. roads,
 - c. utilities, and
 - d. servicing.

In addition to the Strong Mayor legislative powers to advance provincial priorities, Section 284.11(s) of the Act gives the Mayor the power to veto by-laws where the Mayor "...is of the opinion that all or part of a by-law that is subject to this section could potentially interfere with a prescribed provincial priority." The Act also prescribes a process where Council can override a veto on a Two-thirds (2/3) vote. It should be noted that the Strong Mayor Powers consider a Two-thirds vote to be calculated based on the total number of Members of Council, not just the number who are present at a Meeting.

Strictly speaking, the Mayor can exercise many of the Strong Mayor legislative powers despite anything in the City's Procedure By-law to the contrary. For example, section 284.10(1) of the Municipal Act, states that "Despite any procedure by-law passed by the municipality under subsection 238 (2), if the head of council is of the opinion...." While it is not necessary to include rules pertaining to exercising the legislative powers in the proposed Procedure By-law, including vetoes and veto overrides, staff believe that including specific processes will provide clarity to Council, staff and the public on how the Strong Mayor legislative powers may affect meetings. Table 10 highlights the

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proposed changes to the Procedure By-law related to the Strong Mayor legislative powers.

Table 10 - Table of Changes to incorporate Strong Mayor Legislative Powers into the Procedure By-law

Change Description	New Section(s) (Attachment A)	Old Section(s) (Attachment B)
Rules have been included to clarify the process by which the Mayor can “add business” to an Agenda under the Strong Mayor Powers. Consistent with the Municipal Act, the Mayor can “add business” without having Council passing a motion to amend the Agenda.	5.11.1	Not applicable
Rules have been included to clarify the process by which the Mayor can require Council to vote on a by-law introduced under the Strong Mayor Powers. Consistent with the Municipal Act, the Mayor can add a by-law to an Agenda, and require Council to vote on any such by-law without a mover and seconder. Any such by-law only requires a One-third (1/3) vote to pass	5.11.2 and 5.8.3(h)	Not applicable
Where the Mayor vetoes a By-law pursuant to the Strong Mayor Powers, the new Section 5.11.3 provides clarity on notice requirements, and the ability to override a veto on a Two-thirds (2/3) vote at a regular or Special Council meeting.	5.11.3	Not applicable

Financial Powers

Section 284.16 of the Municipal Act give the Mayor the “...the powers and duties of a municipality with respect to proposing and adopting a budget.” In other words, Council is not the approval authority for the City’s budgets when the Strong Mayor Powers apply. Section 284.16 also provides rules for Council to amend a Budget, the Mayor vetoing any amendment, and Council overriding any veto of the amendment. Sections 7 of Ontario Regulation 530/22 (“O.Reg. 530/22”) provide rules on processes and timelines for the presentation of the Budget by the Mayor, consideration and amendments by Council, vetoing budget amendments, overriding vetoes, and when a budget is deemed adopted. Section 9 of O.Reg. 530/22 provides similar rules related to in-year budget amendments. Section 8 of the regulation provides rules on how to address potential conflicts of interest in respect to the budget. Extracts of Sections 7, 8 and 9 of O.Reg. 530/22 are included as Attachment “D”.

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As a result of this, and to ensure that Council has an opportunity to provide meaningful input, staff have previously noted that changes to the City’s budget process will be required. The existence of the Strong Mayor financial powers must also be accounted for in the Procedure By-law. Those changes are summarized in Table 11.

Table 11 - Table of Changes to incorporate Strong Mayor Financial Powers into the Procedure By-law

Change Description	New Section(s) (Attachment A)	Old Section(s) (Attachment B)
Clarified that due to the Strong Mayor Powers, BCW’s role is to provide recommendations to the Mayor on a budget that the Mayor will subsequently present to Council and rules have been included on how amendments to vetoes and veto-overrides are processed	9.1	9.1
Rules have been included to set-out the process for Council to consider and amend Budgets, including in-year budget amendments, as well as the process to veto amendments and override vetoes on a Two-thirds (2/3) vote	5.11.5 and 5.11.6	-

Administrative Powers

The Mayor has various administrative powers under the Strong Mayor Rules, including the powers to appoint a City Manager and other senior City Staff, effect organizational changes, and direct staff to undertake research. Additionally, the Administrative Powers in Section 284.8 of the Municipal Act gives the Mayor the power to:

- Establish or dissolve committees;
- Appoint chairs and vice-chairs of committees; and
- Assign functions to the committees.

Section 4 of Ontario regulation 530/22 limits these powers to committees that consist solely of Members of Council. Pursuant to Section 284.13(1) of the Act, these powers can be delegated to Council. Mayor West delegated the administrative powers related to committees to Council on July 4, 2023 (Mayoral Decision 03-23). Notwithstanding the delegation, and because delegations can be revoked, the proposed Procedure By-law recognizes that Mayor does have authority to establish or dissolve committees, appoint chairs and vice-chairs and assign functions to committees including COW, BCW and special committees. These changes are noted in Table 12.

Table 12 - Table of Changes to incorporate Strong Mayor Administrative Powers into the Procedure By-law

Change Description	New Section(s) (Attachment A)	Old Section(s) (Attachment B)
Acknowledges that the Mayor has the authority under the Strong Mayor Powers to establish or dissolve committees (including COW, BCW, Audit and any Special Committee) except where that authority has been delegated by the Mayor to Council	7.1.1, 9.1(c), 10.1(b) and 11.1(b)	Not applicable
Acknowledges that the Mayor has authority under the Strong Mayor Powers to appoint the Chair and Vice-chair of committees (including COW, BCW, Audit and any Special Committee) except where that authority has been delegated by the Mayor to Council	7.1.4(d), 9.2.2(b), 10.2.2(b) and 11.2.2(b)	Not applicable

Technical Changes to the Procedure By-law pertaining to Strong Mayor Powers

Under Section 4.2 of both the current Procedure By-law and proposed Procedure By-law, the Member appointed as Deputy Mayor can exercise all the Mayor’s powers when the Mayor is absent or there is a vacancy in the Office of the Mayor. Similarly, under Section 4.3 of both the current Procedure By-law and proposed Procedure By-law, the Alternate Deputy Mayor can exercise all the Mayor’s powers when both the Mayor is and Deputy Mayor are absent. However, under the Strong Mayor Powers in the Act, only the person elected to the Office of Mayor can exercise the Strong Mayor Powers. In other words, while the Deputy Mayor and Alternate Deputy Mayor can exercise the Mayor’s Power during an absence or vacancy, they cannot use the Strong Mayor Powers. The proposed Procedure By-law includes technical amendments to ensure that it is understood a Deputy Mayor or Alternate Deputy Mayor cannot use the Strong Mayor Powers. These changes are noted in Table 13.

Table 13 – Technical Changes to Procedure By-law pertaining to Strong Mayor Powers

Change Description	New Section(s) (Attachment A)	Old Section(s) (Attachment B)
Included a new definition of “Strong Mayor Powers” has been added, which includes the statement “applying solely to the person who has been elected as Mayor (head of council) under the provisions of the <i>Municipal Elections Act, 1996</i> ”	1.1(46)	Not applicable

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Change Description	New Section(s) (Attachment A)	Old Section(s) (Attachment B)
When the Mayor is absent, or the Office of Mayor is vacant, the Deputy Mayor can exercise the Mayors powers “save and except for the Strong Mayor Powers”.	4.2(c)	Not applicable
When the both the Mayor and Deputy Mayor are absent, the Alternate Deputy Mayor can exercise the Mayors powers “save and except for the Strong Mayor Powers”.	4.3(e)	Not applicable

Other Changes

In addition to those changes noted above, the following other changes have been included in the proposed Procedure By-law:

- The definitions have been reordered alphabetically
- Section and Paragraph numbers have been updated based on the addition or removal of other provisions as generally discussed above;
- The rules on correcting by-laws and other Council/Committee records have been clarified; and
- Rules have been included on how the Office of the Clerk will handle correspondence from other levels of government and other municipalities.

These changes are detailed in Table 14.

Table 14 - Table of Other Changes of Significance

Change Description	New Section(s) (Attachment A)	Old Section(s) (Attachment B)
The rules permitting the Clerk to correct by-laws and other Council and Committee documentation has been clarified. The clarification notes that the Clerk is permitted to make correction for technical, typographical or other administrative errors and omissions, for the purpose of ensuring an accurate and complete record of proceedings and decisions of Council	4.7(i) 5.10.4	5.10.6
The Clerk is given the authority to annotate any by-laws of the City. This is required due to the Strong Mayor Powers rules related to vetoes and veto overrides, and deemed adoptions	4.8(j)	Not applicable

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Change Description	New Section(s) (Attachment A)	Old Section(s) (Attachment B)
The Clerk is given the authority to create consolidated by-laws to ensure an easily accessible and authentic record of the City's by-laws that are not included in the Municipal Code	4.8(k)	Not applicable
The Clerk will only circulate, by email, correspondence from other levels of government, and resolutions from other municipalities in York Region, to Members of Council. Members can add these to an agenda for discussion by Members Motion	4.8(l)	Not applicable

Additional Changes not in the October 3, 2023 Special Council Meeting Presentation

In addition to the changes already endorsed by Council, the proposed Procedure By-law includes four additional recommended changes noted below in Table 15.

The proposed Procedure By-law includes provisions related to a Member of Council's responsibilities under the *Municipal Conflict of Interest Act* ("MCI"). While Members are always required to comply with the MCI, including declaring any pecuniary interest and to file a statement of that interest with the Clerk notwithstanding what is in the Procedure By-law, staff believe that highlighting these rules in the Procedure By-law enhances accountability and transparency.

Two additional changes related to recessing meetings have also been included. The changes give the meeting Chair the authority and responsibility to recess a meeting, without Council passing a motion in the following circumstances:

- Threats to threat or imminent threat to the health or safety of any person, or if there is a possibility of public disorder; and
- To take a health break every 2.5 hours.

Recesses are normally made by Motion or general consent of Council. To protect the health and safety of Council, staff and the Public, the proposed Procedure By-law specifically gives the meeting Chair the authority to quickly recess the meeting where there are threats and imminent threats. It is a common practice now for Procedure By-laws to include mandatory health and wellness breaks. For example, both the City of Markham and Town of Aurora's Procedure By-law requires a minimum of a ten (10) minute recess every two hours. These types of automatic breaks align with general health and wellness advice encouraging people to get up and move. It is also generally understood that taking regular breaks is good for mental acuity and health.

The final additional change relates to Delegations speaking at both COW and Council on the same agenda Item. The current Procedure By-law states:

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“5.5.4(d) Where a matter on the Agenda is a recommendation from Committee of the Whole, a Person may only address Council as a Delegation on that matter if that Person:

- (i) has not already addressed Committee of the Whole at the Meeting in which the recommendation was made; or
- (ii) has already addressed Committee of the Whole at the Meeting in which the recommendation was made **but, in the opinion of the Clerk,** the Person will be providing Council with new information not previously provided to Committee of the Whole.”

In other words, the Clerk must decide if a delegate who spoke at COW has new information before they can be added as a delegate. While the purpose of this rule is to ensure meeting efficiency, the Clerk does not believe it is appropriate to require delegates to provide their information in advance for the Clerk to determine if it is new information or not. The proposed Procedure By-law only requires delegates to confirm they have new information, not determine if the information is new or not.

**Table 15 - Table of Additional Changes not Included in the October 3, 2023
 Special Council Presentation**

Change Description	New Section(s) (Attachment A)	Old Section(s) (Attachment B)
The rules for declaring a pecuniary interest have been included in a new section titled Individual Members – Responsibilities – Conflict of Interest	4.6	Not applicable
Recessing the Meeting, without motion, for a specified time if there is a threat or imminent threat to the health or safety of any person, or if there is a possibility of public disorder	4.7(j)	Not applicable
Ensuring that Members take a health break by announcing a minimum ten (10) minute recess, without motion, after approximately two and one-half (2.5) hours have passed since the start of the meeting or the last break	4.7(k)	Not applicable
The rule that Delegations who spoke at COW can only speak at a Council meeting if they satisfy to the Clerk that they have new information to provide has been amended to ensure that the Clerk is not arbitrating if the information is or is not new	5.5.4(d)(ii)	5.5.4(b)(ii)

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Coming Into Force

Staff are recommending that the proposed Procedure By-law come into force with the first Council or Committee meetings beginning in January 2024. This will permit staff in the Office of the Clerk to update templates, and provide revised information (as necessary) on the City's website.

Notwithstanding, and consistent with Council's direction of October 3, 2023, the 2024 Meeting Schedule has, as noted above, been prepared and adopted taking into account the proposed meeting schedules noted above.

Financial/Staffing/Other Implications:

There are no financial, staffing or other implications pertaining to the adoption of a new Procedure By-law

Relationship to Council's Strategic Priorities 2020-2022:

By facilitating the efficient and effective Council and Committee meetings, the proposed Procedure By-law supports Council's strategic priority of Strong Sense of Belonging.

Climate Change Considerations:

Climate change considerations are not applicable to this staff report.

Conclusion:

Staff recommend that Council enact the proposed Procedure By-law No. 125-23, to repeal and replace current Procedure By-law 74-12, effective January 1, 2024. The proposed Procedure By-law includes all the changes recommended by the City Clerk, and endorsed by Council at its Special Council meeting held on October 3, 2023.

Attachments:

The following attached documents may include scanned images of appendixes, maps and photographs. All attachments have been reviewed and made accessible. If you require an alternative format please call the contact person listed in this document.

- Attachment A – Proposed By-law 125-23, being A By-law to Govern the Calling, Place and Proceedings of the Council of the Corporation of the City of Richmond Hill (Procedure By-law), with an effective date of January 1, 2024.
- Attachment B – Current Procedure By-law 74-12, as amended.
- Attachment C – City Clerks Presentation at the October 3, 2023 Special Council Meeting titled Updating the "Procedure By-law".
- Attachment D – Extract of Ontario Regulation 530/22 – Strong Mayor Powers and Budgets

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Report Approval Details

Document Title:	SRCFS.23.058 - New Procedure By-law for Council and Committee Meetings.docx
Attachments:	<ul style="list-style-type: none">- SRCFS.23.058 - Attachment A - Proposed By-law 125-23.docx- SRCFS.23.058 - Attachment B - Current Procedure By-law 74-12, as amended.docx- SRCFS.23.058 - Attachment C - City Clerks Presentation at the October 3, 2023 Special Council Meeting.pdf- SRCFS.23.058 - Attachment D - Extract of Ontario Regulation 530-22 – Strong Mayor Powers and Budgets.docx
Final Approval Date:	Nov 13, 2023

This report and all of its attachments were approved and signed as outlined below:

Stephen Huycke - Nov 13, 2023 - 11:13 AM

Sherry Adams - Nov 13, 2023 - 12:24 PM

Darlene Joslin - Nov 13, 2023 - 1:25 PM