

City of Mississauga

Corporate Report



Date: January 21, 2022 To: Chair and Members of Governance Committee	Originator's files:
From: Shari Lichterman, CPA, CMA, Commissioner of Corporate Services and Chief Financial Officer	Meeting date: January 31, 2022

Subject

Proposed Amendments to the Council Procedure By-law 0139-2013, as amended

Recommendation

1. That a by-law be enacted to establish a new Council Procedure By-law incorporating the amendments outlined in Appendix 1 attached to the report dated November 1, 2021 entitled "Proposed Amendments to the Council Procedure By-law 0139-2013, as amended from the Commissioner of Corporate Services and Chief Financial Officer.
2. That a by-law be enacted to amend By-law 0133-2016 to consolidate the powers that are delegated to the City Solicitor as identified in Section 88 of the Council Procedure By-law 0139-2013, as amended, By-laws 0394-2005, 0012-2008, 0043-2017, and 0123-2017.
3. That By-laws 0139-2013, as amended, 0394-2005, 0012-2008, 0043-2017, and 0123-2017 be repealed.

Background

The Council Procedure By-law ("the By-law") governs the calling, place and proceedings of Council and Committee meetings in accordance with the *Municipal Act, 2001*. The City's current Council Procedure By-law was enacted by Council on June 19, 2013, subsequently there have been 13 amendments. On March 1, 2021, the Governance Committee was advised that staff would undertake a full review of the Council Procedure By-law with the purpose to reorganize and make necessary administrative changes to include a separate schedule focused on procedures at Committees.

Public notice was issued one week before the Governance Committee meeting to advise the public of the proposed amendments to the Council Procedure By-law and the opportunity to provide comment.

Comments

The full review of the Council Procedure By-law has resulted in the amendments outlined in more detail in the sections below.

Format of the By-law

One of the areas of the review was to improve the format of the By-law to efficiently locate sections that pertain to: Council, committees and making any necessary housekeeping amendments. The proposed draft attached as Appendix 1, includes the procedures for Council in the main by-law, followed by Schedules A –C that address procedures for Committees of Council, Electronic Participation and COVID-19 Protocols for In Person Meetings respectively. The introduction of a Table of Contents with clearly labelled sections present a logical approach to the organization of the By-law that will provide better guidance for reference purposes.

Housekeeping Amendments

The review of the By-law included housekeeping amendments that provides greater clarity on matters related to: Notice of Meetings, Closed Meetings, the Mayor's role as Chair at Council, Acting Mayor's role as Vice-Chair at Council in the absence of the Mayor, Notice of Motions and Abstention from a Vote.

Part 7 of the proposed by-law Section 94(3) (d-f) includes additional provisions to address corrections to a by-law after enactment providing the Clerk with the authority to correct references to legislation or a by-law that does not change the original intent of the reference; by-laws that refer to position titles, departments, divisions or City programs that are renamed following a re-organization at the City; and where an error is discovered in a by-law that does not reflect the Corporate Report that was approved by Council.

In Part 10 of the proposed by-law, General Provisions will incorporate "Restricted Acts After Nomination Day" as prescribed in Section 275 in the *Municipal Act*. However, it is noted that Council's powers are not restricted from taking any action in the event of an Emergency, and any person or body from exercising any authority of Council that is delegated to the person or body prior to Nomination Day.

Section 88 of the current Procedure By-law outlines powers that are delegated to the City Solicitor. To provide greater clarity it is recommended that the powers delegated to the City Solicitor through the Procedure By-law and other City By-laws be consolidated into one by-law.

It is recommended that By-law 0133-2016 be amended to consolidate the City Solicitor's powers outlined in By-laws 0394-2005, 0012-2008, 0043-2017, 0123-2017 and 0139-2017.

The requirement for a separate by-law to be enacted prior to execution of an agreement over and above the Confirmatory By-law, is recommended to be removed from the Procedure By-law. There is no requirement in the *Municipal Act* for a separate by-law, and was in place to assist with recordkeeping. Minor administrative changes can be made to ensure that the integrity of the record keeping is upheld and all agreements will be executed using the Confirmatory By-law and Council Resolution (and/or associated Committee Recommendation) as the authority to enter into an agreement on behalf of the City.

Definitions are important to provide clarity and understanding of the terminology included in the Procedure By-law. Expanding the list of definitions supports transparency of government and aids the reader in interpreting the various sections of the By-law. In addition, there are existing definitions that require updating to include clearer language. The following new definitions proposed are:

- Abstain
- Ad-hoc Committee (Schedule A)
- Advisory Committee (Schedule A)
- Applicant (Schedule A)
- Conflict of Interest
- Corporate Report
- Defer
- Deputation
- Ex-Officio (Schedule A)
- Notice of Motion
- Petitions
- Presentation
- Public Question Period
- Quasi-Judicial Committee (Schedule A)
- Refer
- Standing Committee (Schedule A)
- Subcommittee (Schedule A)

Future Amendments

Council enacted By-law 0207-2021 on September 29, 2021 to amend the Council and Committee of Adjustment Procedure By-laws to allow meetings to be conducted virtually and for members to participate electronically to July 1, 2022. On November 10, 2021, Council adopted Resolution 0200-2021 to continue with hybrid meetings for Council and Standing Committees (with the exception of the Audit Committee); virtual meetings for advisory and quasi-judicial committee meetings until March 31, 2022, pending a further report from staff. It is anticipated

that as the pandemic changes there will be further amendments to Schedule B – Electronic Participation.

Financial Impact

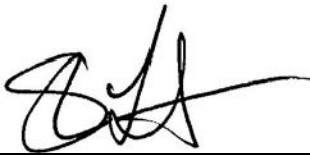
There is no financial impact.

Conclusion

The proposed amendments to the Council Procedure By-law are introduced to re-organize and improve the format of the By-law to provide greater clarity and understanding on the procedures of Council and its Committees.

Attachments

Appendix 1: Draft Council Procedure By-law with Proposed Amendments



Shari Lichterman, CPA, CMA, Commissioner of Corporate Services and Chief Financial Officer

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