



The Corporation of the Town of Milton

Report To: Council

From: Meaghen Reid, Director, Legislative & Legal Services/Town Clerk

Date: March 4, 2024

Report No: CORS-006-24

Subject: Procedure By-law Review

Recommendation: THAT the Procedure By-law, included on the March 4, 2024 agenda be considered for approval.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with a comprehensive review of the Procedure By-law for housekeeping purposes. The minor amendments to the proposed by-law will provide greater clarity for definitions and language, better organization of the by-law, continued flexibility to facilitate participation in Council meetings and alignment with legislation.

REPORT

Background

The Town's current Procedure Bylaw 007-2019 was approved with the last term of Council on February 11, 2019. Since that time, this bylaw has been revised several times to accommodate legislative changes to the Municipal Act, 2001, as amended:

- Council amended the Town's Procedural By-law on March 30, 2020, May 11, 2020 and June 22, 2020 to allow for remote meetings of Council, electronic participation of delegations, as well as to set out provisions for remote meetings during and outside of a declared emergency and delegation registrations requirements.
- On August 24, 2020, the Town's Procedure By-law was further updated to allow members of Council and Committees to participate remotely in meetings (in open and closed session) and to be counted towards quorum.
- On July 19, 2021, the Town's Procedure By-law was updated to in order to incorporate a Land Acknowledgement Statement at regular or special Council meetings.

Background

Recent legislation changes have also required staff to review the Town's existing Procedure By-law and ensure that any necessary revisions are reflected in the proposed by-law. Bill 3, the Strong Mayors, Building Homes Act, 2022, received Royal Assent on September 8, 2022, and came into force on November 23, 2022. The Strong Mayor powers were extended on July 1, 2023 to 26 municipalities, including the Town of Milton. Under Part VI.1 of the Municipal Act, 2001 the Mayor has special powers and duties including submitting matters for Council's consideration, or vetoing by-laws, if the Mayor believes it will advance a prescribed Provincial Priority.

Discussion

Staff undertook a comprehensive review of the Town's Procedure By-law, including a review of the provisions of the Town's existing by-law, recent legislation changes and the best practices of comparator municipalities. The proposed amendments to the by-law consist of clarification of language used in the bylaw, addition of relevant definitions and compliance with legislation. As a result, the Town's Procedure By-law has been re-organized and revised for clarity.

The following minor revisions to the by-law are set out below:

New Definitions

The proposed by-law has updated relevant definitions such as: Inaugural meeting, In-person Participation, Livestreaming and Pecuniary Interest to reflect current practices.

Clarification of language and reorganization

Staff reviewed and revised other definitions to provide more clarity for the roles of Acting Chair and Presiding Officer, following recommendation from Staff Report [CORS-074-22](#), and to reflect current meeting practices.

Minor changes were made throughout the by-law to provide clarity on definitions such as quorum, meeting and electronic participation as part of Council meeting process. The electronic participation section of the current by-law underwent significant reorganization, including the removal of outdated paragraphs and redistribution of others to different sections of the by-law. A new section titled "Participation" was added to provide clarity and flexibility to better facilitate participation in Council meetings.



Discussion

In June 22, 2020, a new section titled “Statement by Members” was added to the Procedure By-law directly following Regional Council Update. The proposed wording that “Members are permitted only to speak once, for two minutes of speaking time to discuss community events or topics of community interest, without issuing directives to staff or requesting a staff report” aims to offer clarification regarding the intention of this portion of the meeting agenda and current practice.

New clauses

Two additional paragraphs were incorporated into the “Confidential Session” section with the intent of enhancing and upholding the confidentiality of the sessions that are closed to the public, in accordance with section 239 of the Municipal Act, 2001, as amended. To provide alignment with the Municipal Conflict of Interest Act, 1990, a new paragraph was added addressing that members who have declared a pecuniary interest regarding a matter being discussed on an agenda, and are participating electronically, shall disconnect from the electronic meeting and refrain from any involvement in discussions related to the matter.

A new clause was added to ensure that the Mayor may add an agenda item that requires Council to consider a particular matter that could advance a prescribed provincial priority, as set out in Part VI.1 of the Municipal Act, 2001.

Financial Impact

There is no financial impacts as a result of this report.

Respectfully submitted,

Troy McHarg
Commissioner, Corporate Services

For questions, please contact:
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Attachments

Appendix A - Table of Proposed Changes to Procedure By-law 007-2019

Approved by CAO
Andrew M. Siltala
Chief Administrative Officer

Recognition of Traditional Lands

The Town of Milton resides on the Treaty Lands and Territory of the Mississaugas of the Credit First Nation. We also recognize the traditional territory of the Huron-Wendat and Haudenosaunee people. The Town of Milton shares this land and the responsibility for the water, food and resources. We stand as allies with the First Nations as stewards of these lands.