



Report of the Commissioner of Corporate Services and Regional Clerk Procedure Bylaw Update and Consolidation

1. Recommendation

1. Council repeal Bylaw 2018-59 (Procedure Bylaw) and replace with the bylaw as shown in Attachment 1.

2. Purpose

The purpose of this report is to seek Council's approval for an updated version of the Procedure Bylaw.

Key Points:

- Procedure Bylaw has undergone several iterative updates in the last few years, mostly in response to legislative changes
- Proposed Procedure Bylaw update maintains most of the procedural rules of the current bylaw but consolidates recent amendments and addresses redundancies, overlap and duplication between sections while including changes to reflect current practices
- Proposed Bylaw is more user-friendly with improved flow, structure and plain language

3. Background

Every municipality in Ontario is required to have a Procedure Bylaw

In 1793, the same year York was formed in Upper Canada, the Legislature passed the *Appointment of Town Officers Act, Upper Canada*. This legislation established the clerk position and a process governing calling, place, and proceedings of meetings in a parish, township,

reputed township or place. This legislated requirement has remained, in some fashion, for the ensuing 231 years and is currently set out in [Section 238\(2\)](#) of the *Municipal Act, 2001* (“Act”).

Legislated changes were primary driver for past amendments to Procedure Bylaw

For the first 31 years of the Region’s existence, the Procedure Bylaw remained relatively static, with its first updates taking place in 2001 to accommodate changes brought forward by the passage of the Act. At that time, a group of several Council Members worked with the Regional Clerk to review the draft Bylaw and recommend modifications. The last substantive review of the Procedure Bylaw took place in 2007-2009 to incorporate new Accountability and Transparency sections of the Act.

Since 2018, the Procedure Bylaw has been amended five times. These were primarily reactionary changes to legislation related to the Regional Chair Election, date for inaugural meetings, and various rules to hold electronic meetings necessitated by the pandemic.

4. Analysis

Procedure Bylaw was reviewed to consolidate recent legislated changes and make general improvements

Proposed changes to the Procedure Bylaw are designed to make the Bylaw more user-friendly and consolidate recent legislated amendments. The changes can be categorized as:

- Increased use of plain language
- Reorganized for a more logical structure
- Removed unnecessary provisions
- Consolidated duplication
- Deleted motions not used in practice
- Clarified current practices for deputations and timelines for correspondence

Staff compared 25 other procedure bylaws, including those of the nine local and other regional municipalities. A further comparison was undertaken to ensure alignment with the 47 relevant sections of the Act, as well as the *Municipal Elections Act 1996*, *Municipal Freedom of Information and Protection of Privacy Act*, and *Municipal Conflict of Interest Act*.

Proposed changes reduce the Bylaw’s length by around 20%.

Procedure Bylaw was reorganized to improve readability and structure

Approximately 350 revisions are proposed for the Procedure Bylaw, with almost all being relatively minor. Proposed changes mainly consist of updating wording for clarity and plain language. For example, specific references to use of “cellular phones, pagers and computers” are replaced with “electronic devices.”

Changes propose reorganizing the Bylaw into a more logical structure and better flow, such as moving the section related to the appointment of Regional Chair at the inaugural meeting. This content is currently outlined at the start of the existing Bylaw. As it is only necessary to reference this information every four years, the process for appointing the Regional Chair has been moved to an appendix.

Updated Bylaw removes several unnecessary provisions

Over time, Council's practices have evolved due to changing technology, expectations, and other drivers. For example, the current Bylaw requires hard copy agendas to be available at the kiosk. This practice stopped during COVID, and agendas have been available on the Region's website for several years. The Clerk's Office has not heard any objections, so the proposed Bylaw removes this requirement.

Order of Business under the Council Agenda section has been updated to remove references to "Unfinished Business" as information has not been listed on an agenda under this section since 2004.

Similarly, a provision explicitly stating all bylaws shall be typewritten has been taken out of the new version of the Bylaw as this is now common practice. Examples of some common definitions proposed to be removed from the Bylaw are:

- 'Chief Administrative Officer' means the Chief Administrative Officer of the Region
- 'Clerk' means the Regional Clerk or his or her designate
- 'Council' means the Council of the Regional Municipality of York
- 'Region' means The Regional Municipality of York
- 'Vice-Chair' means the Vice Chair of a Committee

Duplicated provisions were identified and consolidated

The process for managing the loss of quorum was mentioned in several places in the existing Procedure Bylaw. These various references have been consolidated into one provision that outlines the process to be followed if quorum is lost at Council or a committee meeting.

Section 18 Conduct of Members in the existing Procedure Bylaw contains a provision indicating no member is permitted to disclose publicly something discussed during private session if the matter remains confidential. [Ontario Regulation 55/18](#) prescribes the handling of confidential information as one of four mandatory subject matters that must be included in a municipality's code of conduct for members of council. Accordingly, this clause was removed from the Procedure Bylaw as provisions of the Act and the Council Code of Conduct specifically prohibit Council Members from disclosing what was discussed in private session.

Motions no longer in use by Council have been removed

Under the Committee section, the Motion to Discharge has been removed from the new version of the Bylaw. The purpose of this motion was to formally cease actions of a committee. It was

used by having a member propose a notice of motion at a Council meeting to discharge the Committee. This motion is not currently in use and a Committee's discharging can be handled within its terms of reference.

Another example is the Motion to Table. In the British Parliamentary system, the term is used to describe the act of physically laying legislation on a table. In doing so, it then becomes debatable. Under *Roberts Rules of Order*, a Motion to Table is a means of postponing or suspending consideration of a matter. Both interpretations of the motion are not used in practice by Council.

Motion to Discharge and Motion to Table are removed from the updated Procedure Bylaw.

Clarified existing practice of when deputations are not permitted at Council

In the past, staff have received deputation requests from bidders in procurement or other sensitive situations. To protect the fairness and integrity of those processes, such requests were referred to the appropriate administrative channels.

This is similar to the Ontario Ombudsman's practice. If someone has not yet exhausted all other avenues of complaint or the matter is subject to another oversight body, the Ombudsman will refer people back to the appropriate process.

To provide greater clarity to the public, the updated Bylaw includes provisions to codify the existing practice by specifying deputations are not allowed on matters subject to litigation or part of an ongoing procurement process. It further clarifies deputations are not permitted on matters discussed in private session, as this could compromise Council's privilege by having aspects of a private matter raised in a public forum.

Updated correspondence timelines to align with issuance of revised agenda

In recent years, adjustments have been made to ensure more timely circulation of revised agenda material to Council Members and the public. Proposed Bylaw requires correspondence to be submitted by noon two days before the meeting. This ensures Members and the public have an adequate amount of time to review submissions before the meeting.

5. Financial Considerations

This report does not have a financial component or financial implications.

6. Local Impact

The proposed updated Procedure Bylaw will not impact local municipalities. Proposed Bylaw is generally consistent with those of local municipalities.

7. Conclusion

Previous amendments to Procedure Bylaw were mainly to accommodate several unplanned legislated changes. The draft Bylaw, included as Attachment 1, consolidates those changes and reflects a more thorough review designed to improve readability and usability by removing unnecessary provisions and eliminating duplication.

The proposed Procedure Bylaw has been reorganized to improve flow and structure, with an emphasis on using plain language. It reflects current practices to provide greater certainty to Members and the public. The changes are relatively minor in nature but result in a 20% reduction in length.

For more information on this report, please contact Colin Goodeve, Deputy Regional Clerk at 1-877-464-9675 ext. 71302. Accessible formats or communication supports are available upon request.



Recommended by:

Christopher Raynor
Regional Clerk



Dino Basso
Commissioner of Corporate Services



Approved for Submission:

Erin Mahoney
Chief Administrative Officer

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#16292451

Attachment 1 – Draft Procedure Bylaw