

City of Mississauga
Additional Agenda



Governance Committee

Date

November 4, 2019

Time

1:00 PM

Location

Council Chamber, 2nd Floor Civic Centre
300 City Centre Drive, Mississauga, ON L5B 3C1

6. **MATTERS TO BE CONSIDERED**

6.5. Proposed Amendments to the Council Procedure By-law (By-law 139-13)

City of Mississauga
Corporate Report



Date: 2019/10/28

To: Chair and Members of Governance Committee

From: Gary Kent, CPA, CGA, ICD.D, Commissioner of
 Corporate Services and Chief Financial Officer

Originator's files:

Meeting date:
 2019/11/04

Subject

Proposed Amendments to the Council Procedure By-law (By-law 139-13)

Recommendation

That a by-law be enacted to amend the Council Procedure By-law 139-13 as recommended in the report dated October 28, 2019 from the Commissioner of Corporate Services and Chief Financial Officer entitled "Proposed Amendments to the Council Procedure By-law (By-law 139-13)".

Background

The Council Procedure By-law governs the calling, place and proceedings of Council and Committee meetings. Since the By-law was last amended in February 2018, changes were made to the *Municipal Act, 2001 and Planning Act* that require updates to the Council Procedure By-law. In addition, other changes have been identified to improve processes at meetings and to provide clarification.

Comments

The following changes are proposed to the Council Procedure By-law:

1. Electronic Voting

Bill 68, the *Modernizing Ontario's Municipal Legislation Act, 2016*, included changes to the *Municipal Act, 2001* (the "Act") regarding participation at meetings of Council and Committees. The *Act* now permits municipalities to include electronic participation in a meeting that is open to the public by a Member of Council or local board or committee, but those participating electronically are not counted for quorum. Although the *Act* does not address whether the member participating electronically can vote or not, the fact that they are not counted for quorum suggests that they are not eligible to vote.

The Governance Committee received a request from the Accessibility Advisory Committee (AAC) to review electronic participation for AAC members and directed staff to report back with proposed criteria for amendments to the Council Procedure By-law. The technology available

to provide electronic participation at meetings would be telephones and video conference (i.e. WebEx) on laptops. Hearing impaired individuals would require a video call and as per the usual process have a sign language interpreter come to the meeting location for the video call. Visually impaired individuals may have an issue with their software programs working with the City's technology and in this case could use the telephone.

Most municipalities have not addressed electronic participation in their Procedure By-laws due to limited technology resources and how it may affect member participation and attendance at committee meetings. There are also the challenges with managing an individual's desire to speak to agenda items during a meeting and ensuring who is voting.

Due to the unique nature and requirements of the Accessibility Advisory Committee (AAC) it is recommended that electronic participation be permitted for the AAC only at this time. However, members participating electronically will not be permitted to vote as they will not be counted for quorum. To ensure the appropriate technology for electronic participation is available members of the AAC must provide notice to the Clerk's Office at least five (5) business days prior to a meeting. The Clerk's Office would work with AAC to develop procedures to incorporate electronic participation in meetings.

2. Planning and Development Committee

Following a Local Planning Appeal Tribunal (LPAT) workshop, staff reviewed best practices in relation to changes to the *Planning Act*. The amendments to the *Planning Act* were to ensure that applicants/agents and residents were provided adequate time to speak to applications at the public meetings and that the Clerk's Office forward the "record" to the Local Planning Appeal Tribunal for land development appeals. The record includes but is not limited to documents that are distributed to the Planning and Development Committee (PDC) or Council prior to a decision of Council.

The Council Procedure By-law permits deputations addressing PDC 10 minutes of speaking time; however the general practice has been five (5) minutes for deputations and 10 minutes for presentations from the applicants/agent. Amendments are required to meet the intent of the *Planning Act* and to ensure that applicants are given a reasonable amount of time to present their application.

It is recommended that the Council Procedure By-law be amended to include the following best practices for PDC meetings:

- Correspondence from the public, applicant or agencies regarding a PDC agenda item are submitted to the Clerk's Office at least two (2) business days prior to the PDC

meeting, to ensure they are circulated to PDC members and staff prior to the meeting for consideration before a decision is made.

- Applicants and/or representatives may speak/present at a statutory public meeting for up to 20 minutes (this includes all consultants/representatives for the subject application). In cases, where it is not a public meeting (non-statutory), applicants or their representatives will be given 5 minutes to speak to the application.
- Members of the public may speak to an agenda item up to 5 minutes at statutory and non-statutory public meetings.

3. Consent Agenda

Council approved the implementation of Consent Agendas in December 2016 for Council and General Committee in order to streamline these meetings. The Consent Agenda is approved following the Presentations, Deputations and Public Question Period sections of the agenda to ensure that the public has the opportunity to speak and ask questions about an agenda item prior to a vote of Council or Committee. Further efficiencies would be realized if the Consent Agenda was approved earlier in the meeting, prior to the Presentations section of the agenda. This would provide the public and staff an earlier indication on whether Council or Committee wishes to have discussion on an item, while still affording the public the opportunity to identify that they wish to ask questions about a matter on the agenda. Agenda items that are related to deputations and items identified for Public Question Period would not be included in the Consent Agenda.

The Budget Committee has also been identified as an opportunity to include a consent agenda section. This would streamline Budget Committee by determining the items for debate, or further clarification to the public and staff.

It is recommended that the following amendments be included in the Council Procedure By-law:

- The Consent Agenda section will be considered prior to the Presentation and Deputation sections of the agenda.
- Include a provision for Public Question Period that the public shall register their intent to ask a question during Public Question Period once an agenda is public until the meeting start time.
- Agenda items that are identified by the public for Public Question Period shall not be included in the Consent Agenda.
- Include a Consent Agenda section on Budget Committee Agendas.

4. Vice-Chair for Audit Committee and Planning and Development Committee

The Audit Committee and Planning and Development Committee (PDC) have been identified as in need of a Vice-Chair role in the composition of the committee. This would add consistency to

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the Standing Committees to ensure provisions are in place when the Chair is unable to attend Audit Committee or PDC. Currently, the Council Procedure By-law addresses the assignment of Chair for General Committee on a rotating basis and the Acting Head of Council By-law provides for when the Mayor is absent for Council and Budget Committee meetings.

It is recommended that the following amendment be included in the Council Procedure By-law:

- A Vice-Chair of Planning and Development Committee shall be appointed from its membership.
- A Vice-Chair of Audit Committee shall be appointed from its membership and further that a by-law be enacted to amend the Audit Committee Terms of Reference.

5. Housekeeping Amendments

The following are housekeeping amendments for the Council Procedure By-law to ensure consistency with Council decisions, changes to Corporate Policy and the *Act*:

- Provide clarification that the composition of PDC consists of ten (10) Members of Council, with a quorum of six (6), all other members are ex-officio of the committee and permitted to vote when attending the PDC meeting in accordance with Resolution 0147-2019.
- Change the start time of PDC from 7:00 p.m. to 6:00 p.m. in accordance with Resolution 0148-2019.
- Change the start time of Council and General Committee from 9:00 a.m. to 9:30 a.m. in accordance with Resolution 0210-2019.
- Provide clarification that a Mover for a Notice of Motion can be any Member of Council, including the Mayor.
- The seat of a Citizen Member of an Advisory Committee shall be declared vacant if the Citizen Member is absent for three (3) consecutive meetings, instead of the current three (3) consecutive months as committees have varying schedules.
- In accordance with Recommendation GC-0121-2019 the Corporate Policy 01-06-05 Pregnancy Leave/Parental Leave was updated to include Members of Council and the Council Procedure By-law should be updated to reflect this.
- Include the requirement for Members of Council to file a written statement of the declaration of conflict of interest and its general nature with the City Clerk, Deputy Clerk, Legislative Coordinator or the Secretary of the committee or local board.

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- Include the requirement that a copy of each statement of declaration of conflict of interest shall be made available, in the form of a Registry, for public inspection.

Financial Impact

There is no financial impact.

Conclusion

The proposed changes to the Council Procedure By-law are intended to reflect amendments made to the *Municipal* and *Planning Acts*, streamline the meetings and provide clarification on procedures.



Gary Kent, CPA, CGA, ICD.D, Commissioner of Corporate Services and Chief Financial Officer

Prepared by: Sacha Smith, Manager, Legislative Services and Deputy Clerk