

 <b>COBOURG</b>	<b>THE CORPORATION OF THE TOWN OF COBOURG</b>	
	<b>STAFF REPORT</b>	
TO:	Mayor and Council	
FROM:	Lorraine Brace	Brent Larmer
TITLE:	Municipal Clerk/ Manager of Legislative Services	By-law Enforcement/Policy Deputy Clerk
DATE OF MEETING:	October 10, 2017	
TITLE / SUBJECT:	Council Procedural By-Law Amendments - Public Meeting	
REPORT DATE:	October 5, 2017	File #:

1.0 STRATEGIC PLAN

Objective #5 Improving efficiencies and effectiveness in municipal operations:  
Desired outcome: To ensure citizens are well informed about the activities of Council and the Town of Cobourg.

2.0 PUBLIC ENGAGEMENT

Notice of Public Council Procedural By-law meeting of October 10, 2017 posted on the Municipal Website and published in local newspaper in accordance with the Town's Public Notice Policy.

3.0 RECOMMENDATION

THAT Council endorse the recommendations of General Government Services as outlined in the staff report and corresponding amended by-law; and FURTHER THAT Council authorize preparation of a by-law to govern the proceedings of Council (Procedural By-law);

or

THAT Council direct staff to prepare a further report for presentation to Council.

4.0 ORIGIN

The review of the Council Procedural By-law was undertaken in order to meet the Amendments to the *Municipal Act*, 2001, Bill 68 Amendments as outlined in the 'Bill 68, Modernizing Ontario's Municipal Legislation Act 2017, Comments and Reviews' report prepared by the By-law Enforcement/Policy Clerk, presented to Council on August 21, 2017 and attached hereto as Appendix "B".

## 5.0 BACKGROUND

The rationale for the amendments to the Council Procedural By-law are based on the amendments to *Municipal Act* through Bill 68 and to be enacted as of January 1, 2018, and as outlined in the attached staff report include but are not limited to:

Council Codes of Conduct S.223.2;  
Integrity Commissioner S. 223.3 (1);  
Council/Municipal Staff Relations S. 270 (2.1);  
Meeting Provisions S. 238 (1);  
Electronic Participation S. 238 (3.1);  
Closed Meetings S. 239 (2) (h-k);  
County Council Appointment of an Alternate S. 268;  
Municipal; Conflict of Interest Act Changes.

## 6.0 ANALYSIS

Pursuant to Section 238(2) of the *Municipal Act*, S.O. 2001, c. 25, provides that every Municipality shall pass a procedural by-law for governing the calling, place and proceedings of meetings. The Municipal Council for the Town of Cobourg last updated the Procedural By-law on January 11, 2016 in order to implement the Governance Model Review recommendations approved by Council on December 21, 2015.

Bill 68, *Modernizing Ontario's Municipal Legislation Act* has introduced a number of changes to the *Municipal Act, 2001*. The Town of Cobourg has been anticipating these changes over the last year and already introduced and implemented a number of the new provisions or have policies already in place to address these changes.

The draft Procedural By-law as attached to this report has several additions and deletions subject to review of the recent Bill 68 *Modernizing Ontario's Municipal Legislation Act* legislative changes, recommendations by Municipal Staff using other comparative municipal best practices.

The following is a list of the recommended changes for the amended Procedural By-law as underlined and within the attached draft by-law, including but not limited to:

- the new definition of a 'Meeting' as defined in section 238 (1) of the *Municipal Act, 2001*- Bill 68 Update;
- a new provision related to the Electronic Participation in meetings by Members of Council and Committee Members- Bill 68 update, effective January 1, 2018 (for discussion of Council);

- 4 (four) expanded categories of matters that a Municipal Council may consider in a Closed Session- Bill 68 update;
- the appointment of an alternative council member on Upper-Tier Council- Bill 68 Update;
- the addition of the Conflict of Interest Declaration Registry as required through the amendments of the *Municipal Conflict of Interest Act* (MCIA)- Bill 68 Update;
- change in the start time of Council Meeting's from 7:00pm to 4:00pm;
- persons that want to present information verbally to make a request of Council on the prescribed form as a delegation can submit notice to the Municipal Clerk from 4:00 p.m. to 1:00 p.m. of the Friday before the Regular Council Meeting or Committee of the Whole Meeting;
- amendment to the Motions section of the procedural by-law to include updates/additions of; Reconsideration, Recess, Reconvene, Tabling, Lay on the Table, Withdrawal, Notices of Motion and a new section on the precedence of motions of a meeting; and
- a new process on the passing and approving of by-laws through a single Motion of Council.

#### 7.0 FINANCIAL IMPLICATIONS/BUDGET IMPACT

No financial impacts.

#### 9.0 ATTACHMENTS

- Notice of Public Procedural By-law Public Meeting
- Memo from the By-law Enforcement/Policy Coordinator regarding Bill 68 Modernizing Ontario's Municipal Legislation Act - Comments and
- Review Proclamation Dates for Implementation of Bill 68 Modernizing Ontario's Municipal Legislation

#### 10.0 AUTHORIZATION/SIGNATURES

Staff recommend that Council endorse the amendments to the Council Procedural By-law as outlined in the report and corresponding draft amended by-law; and

FURTHER THAT Council authorize preparation of a by-law to govern the proceedings of Council (Procedural By-law) in order to meet the proclamation dates for implementation of the Bill 68, *Modernization Ontario's Municipal Legislation Act* provisions.

**Approved By:**

**Department:**