

THE REGIONAL MUNICIPALITY OF YORK

**REPORT NO. 4
OF THE REGIONAL
COMMISSIONER OF CORPORATE & LEGAL SERVICES**

**For Consideration by
The Council of The Regional Municipality of York
on December 6, 2001**

**1
PROCEDURE BY-LAW****1. RECOMMENDATIONS**

It is recommended that Council adopt the draft Procedure By-law appended to this report.

2. PURPOSE

The purpose of this report is to propose a new Procedure By-law to govern the proceedings of Council and its Committees. The new by-law will reflect current legislative requirements and contemporary Regional business practices.

3. BACKGROUND

At its meeting of November 23, 2000, Council referred the draft Procedural By-law to a Working Group comprised of Regional Chair Fisch, Mayor Jones, Mayor Holec and Regional Councillor Hogg. The Working Group met to review the By-law and recommend modifications.

Council's Procedure By-law No. A-3-70-3 was enacted in 1970 when the Region was first created. It has only been modified slightly in the last thirty-one years. There have been a number of legislative and business changes affecting the Region during this period. The legislative provisions relate to declarations of pecuniary interest, the conduct of closed meetings as well as the growing importance of Committees in the Regional structure.

Accordingly, it is appropriate that Council enact a new by-law to reflect these changes.

4. ANALYSIS AND OPTIONS

Prior to preparing the draft Procedure By-law, a review was conducted of procedure by-laws from the Region's local municipalities, other Regions and the City of Toronto. The draft By-law includes many provisions contained in these by-laws and tailors them specifically to the Region. It also contains many standard provisions that are contained in most Procedure By-laws.

The Working Group made a number of excellent suggestions designed to enhance the by-law. These suggestions related to the schedule of Council meetings; clarifying the voting procedure for the election of the Regional Chair; the taping and televising of meetings; the circulation of resolutions from smaller municipalities outside the Greater Toronto Area; the order of Agenda items; the method of requesting to speak; the schedule of Council meetings; and the vote required for reconsideration of items previously decided by Council. The Working Group's suggestions have been included in the draft by-law.

4.1 By-law Enhancements

The draft Procedure By-law contains a number of improvements from the current by-law, including the following:

- An Index and margin headings to facilitate quick reference
- A more logical order of sections
- Clearer definitions
- Reconsideration provisions have been modified so that reconsideration of an item previously decided by Council can only occur once in the next twelve months with a two-thirds vote on a motion moved by a Member who originally voted in the majority
- Election of Chair provisions now include what happens in case of tie votes
- The place of meetings reflects the Administrative Centre at 17250 Yonge Street
- The number of meetings will be flexible in accordance with the annual schedule adopted by Council or as otherwise determined by Council resolution or notice of special meeting
- Requirements for notice, cancellation and postponement of meetings are included
- Specific sections for televising, taping and recording of meetings
- Delivery of all Agendas to Members at least 48 hours before a meeting
- Use of alternate media such as e-mail, facsimile, and phone to deliver notices and Agendas, depending on each Member's preferences or emergency
- Communications to generally be referred to the appropriate Committee
- Circulation of requests by smaller municipalities outside the Greater Toronto Area to the Members of Council without necessarily placing these on Agendas
- Confirms the use of consent proceedings
- Quorum requirements now provide for loss of quorum during a meeting
- *Municipal Conflict of Interest Act* provisions are covered
- *Municipal Act* requirements for holding closed meetings are included
- Sets the general time for individual deputations and debate at five minutes for both Council and Committee
- The rules relating to each type of motion are clearly set out

- There is a clear order for voting on types of motions
- By-laws can be enacted without three readings
- Extensive provisions for Committee proceedings to reflect the growing importance of Committees for efficiency and public access
- Includes Regional practice of annual election of Committee Chairs and Vice-Chairs

The provisions of the new by-law are designed to provide more clarity in those instances where Council needs to refer to its Procedure By-law. These provisions can easily be amended in the event that the new *Municipal Act* is passed. The new *Act* is scheduled to come into effect on January 1, 2003.

5. FINANCIAL IMPLICATIONS

There are no financial implications associated with this report.

6. LOCAL MUNICIPAL IMPACT

There are no local municipal implications associated with this report.

7. CONCLUSION

Our current Procedure By-law has been thoroughly reviewed together with by-laws from various other municipalities. A new Procedure By-law should be enacted to comply with statutory requirements and to recognize well-established Regional practices. The new Procedure By-law will address specific issues that are not adequately addressed in the current by-law.

(A copy of the attachment referred to in the foregoing is included with this report and is also on file in the Office of the Regional Clerk.)

Respectfully submitted,

**November 28, 2001
Newmarket, Ontario**

**P. Carlyle
Commissioner of
Corporate & Legal Services**

(Report No. 4 of the Commissioner of Corporate and Legal Services was adopted, without amendment, by Regional Council at its meeting on December 6, 2001.)