

12

PROCEDURAL BY-LAW AMENDMENTS NOTICE AND OTHER MATTERS

The Finance and Administration Committee recommends the adoption of the recommendations contained in the following report, May 17, 2007, from the Commissioner of Corporate Services:

1. RECOMMENDATIONS

It is recommended that:

1. The procedures that govern meetings of Regional Council and its Committees be modified in accordance with Table 1;
2. The Regional Solicitor be directed to prepare any necessary by-laws to give effect to the recommended changes, and to provide for the enactment of a new procedural by-law consolidating existing and new provisions; and
3. The Regional Clerk be directed to give notice of the proposed adoption of a new procedural by-law at the September 27, 2007 meeting of Regional Council.

2. PURPOSE

The purpose of this report is to authorize changing Council's procedural by-law to incorporate a section dealing with how notice of Council's business will be provided, as well as to make certain housekeeping and administrative changes to the by-law, as set out in Table 1. The changes are intended to bring the Procedural By-law into compliance with the *Municipal Statute Law Amendment Act, 2006* (the "Act").

3. BACKGROUND

The Act, most of which was proclaimed in force on January 1, 2007, contemplates a variety of optional and mandatory accountability and transparency measures. Subsection 238(2.1) of the Act now requires that Council's procedural by-law provide for public notice of all meetings. Subsection 270 (1), which is anticipated to be proclaimed in force January 1, 2008, requires that the Region adopt and maintain policies with respect to the manner in which the municipality will provide notice to the public and if notice is to be provided, the form, manner and times it is to be given.

In incorporating notice provisions into the procedural by-law, the Region will be satisfying both requirements. The by-law may require further modification upon the implementation of other policies or procedures anticipated to be required, such as the delegation of authority policy currently being developed, or the appointment of an

investigator to examine complaints concerning in-camera proceedings. Such changes, if necessary, will be reported to Council in the September/October Committee cycles.

The particular notice provisions being recommended are set out in Table 1. As well, other changes to the by-law are being proposed to be incorporated at this time, with the provisions and the rationale for them also being set out in the Table.

4. ANALYSIS AND OPTIONS

4.1 Notice Policy

In recognizing the emphasis placed on transparency and accountability measures in the amended Act, multiple and accessible methods of giving notice of the business of Council are being proposed. In developing this approach, the following guidelines were used:

- Notice to the public should be provided as soon as practicable, after notice has been given to Members of Council
- Notice should be given in a variety of manners, so as to reach the broadest audience, in an accessible manner, and in a useful format
- Though an emphasis is placed on using the internet to facilitate speedy distribution of information, it is recognized that access to the internet is not universal or fully accessible
- In some circumstances, it is appropriate to give direct notice to affected individuals
- Newspaper publication is expensive and administratively cumbersome, and should be limited in its use

The prescribed notice provisions are minimum requirements only, and they can be broadened in appropriate circumstances

4.1.1 Annual Schedule of Meetings

The foundation for the giving of notice is the publication of the annual schedule of meetings, and updates to the schedule. The schedule is available on the Region's official Web site, and is distributed in electronic or hard copy upon request. The schedule shows the time and date for each regular committee and council meeting, and is updated quickly upon changes being made.

4.1.2 Kiosk

A hard copy of every agenda for every committee and council meeting will be made available at the Kiosk located in the Great Hall of the Regional Administrative Centre, 17250 Yonge Street, in Newmarket.

4.1.3 Web Posting

Web posting is the most convenient manner in which to disseminate committee and council notices, agendas, and agenda items. The Region currently uses a format which enables full text searching, and text-to-speech translation for persons with disabilities.

4.1.4 Voice Summaries

Recognizing that not everyone has convenient access to the internet, the Region's interactive voice messaging system can be used to enable members of the public to listen to summaries of committee and council notices and the items on agendas. Voice summaries will also be a useful means of information distribution for persons with disabilities.

4.1.5 Prescribed Roads Notices

Formerly, the Act prescribed that notice be given for certain activities on Regional roads. Where notice was required, the manner and timing was within Council's discretion. The recent amendments have eliminated the statutory requirement to provide notice and allow Council to determine both the circumstances under which notice should be given and the manner and timing of such notice.

The legislation formerly required that notice be given for the following activities: permanently closing a highway, permanently altering a highway where the alteration would deprive a person of the sole means of vehicular access and changing the name of a highway. Under these provisions, Council adopted a notice policy that included public advertisement on at least two occasions, personal notice to affected landowners and the opportunity to appear before Committee to speak to the matter.

Staff recommend that these procedures be amended to reflect the current array of methods available for providing notice and the anticipated level of public concern for each activity.

Permanently closing or altering a highway

The current policy does not distinguish between circumstances in which a highway is to be closed across its width and affect access rights, and those cases where a smaller portion of widening may be stopped up and closed as surplus to Regional requirements. In the latter case, extensive advertising and notice requirements will generally not be required.

It is proposed that, where a highway closure or alteration will affect access rights the following notice be given:

- Publication in local newspaper on one occasion, at least 2 weeks prior to the committee meeting considering the matter, and concurrent posting on the Region's website
- Personal notice to those property owners directly affected
- Notice on voice messaging system, when available

It is submitted that this procedure would give affected property owners an opportunity to address Committee on any potential impact of the proposed closure and voice concerns.

Where a highway closure is of a minor nature, it is proposed that newspaper publication may be waived, and notice be limited to personal notice to adjacent landowners, posting on the website and voice messaging.

Changing name of highways

The current policy for giving public notice of changing the name of a highway requires advertisement in a local paper on two occasions, personal notice to each affected property owner, and signage along the highway.

Given the broader range of methods now available, it is proposed that newspaper publication be reduced to one advertisement, but that the notice be supplemented with posting on the Region's website and voice messaging, when available. Personal notice to affected owners and signage along the highway would also be continued.

4.2 Proposed By-Law Amendments

The following Table sets out the nature of the amendments proposed to be incorporated into a new Procedural By-law:

Table 1
Proposed By-law Amendments

Item	Purpose for amendment
Various	Minor edits and housekeeping matters, such as paragraph order, punctuation, and changes which do not alter existing procedures
New definition for "motion"	Clarifies the distinction between a motion and a notice of motion (motions being a proposal to deal with a matter already before Council or Committee)
Revised definition for "notice of motion"	Clarifies that notices of motion relate to the introduction of new business on an agenda
New definition for "report"	Clarifies that reports from Committees, Commissioners and the Regional Solicitor can be placed directly on Council agendas
Vote to appoint Regional Chair	Clarifies that voting can be by secret ballot or open vote, as determined by Council, if there is more than one nominee, but

Item	Purpose for amendment
	that there is to be an open vote if only one nominee
Notice	A new Part, “Notice” has been inserted to collect the various notice provisions in the by-law in one place
Notice to public and media	New provisions have been added to provide that the giving of notice consists of the following requirements: • Publishing the annual schedule of meetings on the Region’s Official Web site, as well as any mid-year modifications to the schedule • Depositing a copy of every notice and agenda at the Kiosk at the York Region Administrative Centre (at least 48 hours in advance) • Posting every meeting notice and agenda on the Region’s official web site (at least 48 hours in advance) • Providing a voice summary of meeting agendas on an interactive telephone system (at least 48 hours in advance) • Providing prescribed forms of notice for roads matters as listed below And that: • The form of notice is to contain the name, time and date of the Committee or Council meeting, and provide contact information for the Regional Clerk’s Office • The notice requirements are minimum requirements only that can be extended by Council or by the relevant Commissioner in appropriate circumstances; • The notice requirements are subordinate to specific statutory notice requirements which govern any particular situation • The notice requirements do not apply to Revised Agendas
Notice of Permanent Road Closure or Alteration	Where a person’s access is affected as a result of a closure or alteration, two weeks’ notice of the committee meeting be given by: • Publication in a local newspaper (once) • Posting on the Region’s Web site • Personal notice, delivered by mail, to the property owners directly affected • Posting on the Region’s voice messaging system

Item	Purpose for amendment
	Where a person's access rights are not affected, two weeks' notice of the committee meeting be given by: • Personal notice to adjacent property owners, by mail • Posting on the Region's Web site • Posting on the Region's voice messaging system
Notice of Highway name change	A notice respecting the changing of the name of a highway would be given by: • Publication in a local newspaper (once) • Posting on the Region's Web site • Posting on the Region's voice messaging system • Personal notice to affected property owners • Signage along the highway
Regional Chair's Duties	Adding the phrase 'so that its [Council's] business can be carried out efficiently and effectively' to the lead paragraph in the list of responsibilities of the Regional Chair at Council meetings, to match the revised Act
Presiding Officer	Changing references to "Acting Chair" to "Presiding Officer", to match the revised Act
Private Session	Providing for education and training sessions, the way in which private session matters are described in public, and providing for the creation of an official record of private sessions. The record, except with respect to private education and training sessions, will not be disclosed publicly but will be available for review by an Investigator should section 239.1 of the <i>Municipal Act</i> be proclaimed
Committee Public Meetings and Hearings	Providing formal delegation to Committee to conduct statutory public meetings and hearings.
Amendment	Deleting the requirement to publish future amendments in a local newspaper, in keeping with the revised notice provisions set out in the by-law.

5. FINANCIAL IMPLICATIONS

Minor savings may be achieved through a reduction in newspaper advertising.

6. LOCAL MUNICIPAL IMPACT

There is no local municipal impact associated with this report

7. CONCLUSION

The proposed changes to Council's procedural by-law reflect new statutory requirements and also provide broader and more accessible forms of notice to members of the public.

For more information on this report, please contact Jeffrey A. Abrams, Deputy Regional Clerk, at extension 1302 or Elizabeth Wilson, Senior Counsel, at extension 1402.

The Senior Management Group has reviewed this report.