

STAFF REPORT: ADMINISTRATION



REPORT TO: Council
MEETING DATE: January 15, 2007
REPORT NO.: A.07.02
SUBJECT: Procedural By-law Review
PREPARED BY: Stephen Keast, Clerk

A. Recommendations

THAT Council receive Staff Report A.07.02, Procedural By-law Review, for information purposes and provide direction as to any By-law revisions to be considered.

B. Background

Traditionally, Council reviews the Procedural By-law following an election for any revisions that the new Council may wish to implement as to procedure. The procedural By-law may also be revised at any time Council so desires. By-law No. 2006-9 was enacted on January 9, 2006 and represents the last review and revision to Council procedures.

Recently, there has been a clarification of process made in the Planning Council Meeting Agenda (By-law section 3.3) with regard to recognition of the Committee of the Whole (By-law section 13.0) portion of the meeting. It is the opinion of the writer this clarification is with regard to existing process and need not be addressed in the Procedural By-law, but Council may direct that the By-law address this particular matter in more detail.

There are three (and perhaps more) areas that Council may consider for revision of the existing By-law:

1. Definition of Conflict of Interest

At present, the *Municipal Conflict of Interest Act* defines a pecuniary interest and the actions a member of Council should undertake when a pecuniary interest is present. However, the Act does not define or refer to a **conflict of interest**, which is the more common term in everyday use.

As a result, Council may wish to define "conflict of interest" in the By-law for clarification and interpretation purposes. An Association of Municipal Clerks and Treasurers Association of Ontario training video defines a member of Council as having a conflict of interest "when two opposing obligations are present".

Council would still have to comply with the Act and any case law which would represent the final authority, however, a definition in the Procedural By-law may make consideration of the matter better understood.

2. Reconsideration

At present, section 18.0 of the By-law allows reconsideration of a previously determined matter with the consent of a majority of Council. Council may wish to revisit this so as to ensure matters surrounding a previous decision have been adequately addressed or reviewed prior to reconsideration. The Town of Markham does not allow such reconsideration for four Council meetings, various municipalities employing a calendar timeframe.

3. Motion to End Debate

The previously referred to AMCTO training video also refers to the Head of Council being enabled to request a Motion to End Debate, which would require a Mover and Secunder and which would be considered prior to the main Motion. Although likely to be rarely used, if it is the wish of Council, this could be implemented in conjunction with a revised section 7.3, with the Mover speaking first and last on the main Motion.

C. Budget Impact (cc: Treasury if required)

None.

D. Attached (Relevant documentation not personal information about an identifiable person)

1. By-law No. 2006-2, being a By-law for governing the calling, place and proceedings of meetings of the Municipal Council for the Town of The Blue Mountains.

Respectfully submitted,

Stephen Keast, Clerk