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STAFF REPORT:



REPORT TO:	Council
MEETING DATE:	September 17, 2012
REPORT NO.:	A.12.06
SUBJECT:	Process to Provide Notice of Motion
PREPARED BY:	Corrina Giles, Town Clerk

A. Recommendations

THAT Council receive Staff Report A.12.06 "Process to Provide Notice of Motion" for information purposes.

B. Background

At the September 4, 2012 Planning and Building Committee Meeting, Committee requested clarification of the proper process for giving Notice of Motion at the Committee and Council level.

In accordance with the Town's Procedural By-law 2009-59, as amended, Paragraph 17.1 Notice of Motion indicates:

A member may introduce a notice of motion directly to a Council or Committee meeting, following which a copy of the motion shall be filed with the Clerk and the motion shall form part of the next Council Agenda for discussion. Following such notice there shall be no debate or discussion on the motion until it is contained in an Agenda or unless agreed upon by a vote of a majority of the members present.

At the next Council meeting, the notice of motion will be treated as any other motion, requiring a Mover and Secunder for the Motion to be put before Council.

Committee Meetings

At the Committee level, a Committee member may give Notice of Motion that shall be provided to the Clerk and included on the next Council Agenda. There shall be no discussion on the motion until it is contained in an Agenda or unless agreed to by a vote of a majority of the members present. At the Committee level, a motion would have to be made requesting the support of at least 3 of 4 Committee members to debate or discuss the motion at the same meeting that the Notice of Motion is given. Failing the support of 3 of 4 Committee members, the Notice of Motion will not be discussed and will be included in the next Council Agenda. (NOTE: Council members must be a delegated Committee member to have voting privileges).

Council Meetings

At a Council Meeting, a Council member may give Notice of Motion that shall be provided to the Clerk and included on the next Council Agenda. There shall be no discussion on the motion until it is contained in an Agenda or unless agreed to by a vote of a majority of the members present. At a Council Meeting, a motion would have to be made requesting the support of a majority of those Council members present to debate or discuss the motion at the same meeting that the Notice of Motion is given. Failing the support of a majority of Council, the Notice of Motion will not be discussed and will be included in the next Council Agenda.

At the next Council Meeting, the Notice of Motion is treated as any other motion, requiring a Mover and a Seconder for the motion to be put before Council.

September 4, 2012 Planning & Building Committee Meeting

The CAO advises that the following was the series of events surrounding Councillor Martin's request for a Notice of Motion at the September 4 Planning and Building Committee Meeting.

On August 29, 2012, Councillor Martin sent an e-mail message to Mrs. Long, Administrative Assistant responsible for preparation of the Planning and Building Committee Agenda, with copies to the CAO and Director of Planning and Building Services. The e-mail message read as follows:

“Hi Sharon: In the planning Agenda for meeting of 4th, please include at commencement: Appointment of Chair, as I will not serve as Chair. In addition under Notice of Motion: include: Motion to have Director of Planning and Building to report to Committee upon status of "Matesa" and "Telfer" appeals with Council to waive the confidentiality of Staff Directions provided at each "Closed Session" which considered these appeals on 17 January 2011 and 27 August 2012, respectively”.

Both the CAO and Director of Planning and Building Services had concerns that an open discussion of direction given during these in camera sessions could prejudice the Town's position, and so they sought advice in that regard from the Town's solicitor, Mr. Leo Longo, also asking what information could be made public without prejudicing the Town's position. As a result a report was prepared by the Director that provided information and reflected the advice from the Town's solicitor.

Given that the Notice of Motion was to have the Director provide a report to Council, and given that a report from the Director was in fact provided at the meeting which, on the advice of legal counsel, contained as much information as recommended without risk of prejudicing the Town's position, it was felt that the intent of the proposed Notice had been met. Councillor Martin was provided an e-mail from the CAO on August 30,

confirming that this was how staff had determined to best respond to his request of August 29. There was no subsequent correspondence or discussion on the matter.

C. The Blue Mountains' Strategic Plan

Goal 6, *Providing a strong, well managed municipal government.*

D. Environmental Impacts

None

E. Financial Impact

None

F. In Consultation With

Troy Speck, CAO

G. Attached

None

Respectfully submitted,

Corrina Giles, Town Clerk
519 599 3131 ext 232
cgiles@thebluemountains.ca

Troy Speck, Chief Administrative Officer
519 599 3131 ext 234
tspeck@thebluemountains.ca