

## **COMMITTEE OF THE WHOLE (WORKING SESSION) NOVEMBER 26, 2002**

### **NEW PROCEDURE BY-LAW**

#### **Recommendation**

The City Clerk, in consultation with the Solicitor/Special Services, recommends:

- 1) That Procedure By-law Number 377-98 be repealed and that a new Procedure By-law be enacted to incorporate changes introduced by the new *Municipal Act, 2001* and to incorporate other procedural and administrative changes implemented by Council since 1998; and
- 2) That the Budget Sub-Committee be disbanded; and
- 3) That budget matters be considered at Committee of the Whole, Committee of the Whole (Working Session) or Special Committee of the Whole meetings as may be appropriate.

#### **Purpose**

To incorporate the changes introduced in the new Ontario Municipal Act and procedural/administrative changes implemented since By-law Number 377-98 was enacted.

#### **Background - Analysis and Options**

Amongst other things, the new *Municipal Act, 2001* (the "Act") which will come into effect as of January 1, 2003 will require all municipalities to enact a Procedural By-law "governing the calling, place and proceedings of meetings", which will include meetings of any committees consisting of 50% or more members who are Members of Council. In addition, the Act expands the section of the current *Municipal Act* that specifies the matters the Council/Committees may consider in Closed Sessions. Specifically, proposed or pending "dispositions of land" may, effective January 1, 2003, be considered in Closed Sessions. Currently only proposed or pending "acquisitions of land" could be considered in Closed Sessions. This change will be incorporated into the new Procedure By-law.

The new Procedure By-law should also include a number of more substantive procedural changes. These changes would specifically recognize the Audit Committee and the Operational Review Committee, as Special Purpose Committees of Council and any other relevant provisions related to the time of meetings, etc. Staff take the view that it may not be appropriate to include changes to the Procedure By-law to specifically recognize the new Liaison and Executive Committees, as these are more informal in nature and primarily a vehicle to improve communication between Council and staff. Further, these committees do not consist of 50% or more representatives who are Members of Council. In addition, structural and/or membership changes will occur from time to time on these committees that may require amendments to the Procedure By-law. Given the proposed public notice and public meeting requirements prior to amendments to the Procedure By-law in the future, changes to the by-law should only be contemplated for substantive procedural changes.

Further, it is being recommended that the Budget Sub-Committee be disbanded and that budgetary matters be considered at a regular Committee of the Whole, Committee of the Whole (Working Session) or a Special Committee of the Whole meeting. Currently the Budget Sub-Committee reports to the Committee of the Whole, which in turn reports to Council. This reporting process involves unnecessary duplication, which is time consuming and cumbersome. However, should Council wish to continue with the present practice, the Budget Sub-Committee could be included in the new Procedure By-law.

It is proposed that the following substantive changes be included in the proposed new Procedure By-law, together with all required related amendments dealing with the time of meetings, quorum and so forth:

### Substantive Changes

Special Purpose Committees that will be included in the new Procedure By-law:

#### 6.1 Audit Committee

There shall be a Special Purpose Committee known as the Audit Committee comprised of all Members of Council for the purpose of reviewing audited financial statements, recommending their receipt to Council, reviewing significant management letter comments and related recommendations and to recommend to Council the appointment of auditors.

#### 6.2 Operational Review Committee

There shall be a Special Purpose Committee known as the Operational Review Committee comprised of Members of Council, as determined by Council from time to time, for the purpose of evaluating and assessing the organizational and management structure of the City's administration to facilitate effective and efficient administrative performance.

The following amendment will also be included in the new Procedure By-law:

2.4 iii) a proposed or pending acquisition *or disposition* of land by the municipality or local board.

### Administrative and Housekeeping Changes

Further, numerous procedural/administrative changes have occurred since the enactment of Procedure By-law 377-98 that are "housekeeping" in nature and are set out below.

- 1) All references to "Deputy City Manager (DCM)" will be deleted in accordance with the realignment of organizational structure approved by Council in June 2002.
- 2) All references to "Commission" and "Vaughan Hydro-Electric Commission" will be deleted.
- 3) Under "Definitions" *Special Purpose Committee Meetings* will be included and refer to committee meetings such as the Audit Committee and Operational Review Committee.
- 4) The Inaugural Council meeting is changed from the first Thursday to *the first Monday in December* to accommodate the York Regional Inaugural meeting that is held on the first Thursday in December.
- 5) Committee of the Whole (Working Session) meetings are changed to *9:30 a.m. on the second and fourth Tuesday of each month.*
- 6) The Agenda deadline for Committee of the Whole (Working Session) and Committee of the Whole is changed to *Thursday*, 10 days prior to each regular meeting.
- 7) The deadline to receive Member's Requests to place a matter on the Committee agenda is changed to *Friday* prior to the Committee of the Whole meeting.

A draft Procedure By-law incorporating the above-noted changes and any required related changes will be provided to Members of Council prior to the Committee of the Whole (Working Session) Meeting.

**Conclusion**

Staff recommend Procedure By-law Number 377-98 be repealed and a new Procedure By-law be enacted incorporating the changes introduced by the new *Municipal Act, 2001* and procedural and administrative changes implemented or required since 1998.

**Attachments**

1. Draft New Procedure By-law (*To be provided prior to the meeting*)

**Report prepared by:**

John D. Leach, City Clerk

Respectfully submitted,

John D. Leach,  
City Clerk