

## **COMMITTEE OF THE WHOLE - AUGUST 31, 2010**

### **NEW PROCEDURAL BY-LAW AND DEPUTY MAYOR BY-LAW**

#### **Recommendation**

The Commissioner of Legal and Administrative Services and the City Clerk recommend:

1. That notice be given pursuant to By-law No. 394-2002 of a proposed new Procedural By-law; and that the new by-law be brought forward for adoption at the beginning of the new term of Council; and
2. That a By-law to establish the office of Deputy Mayor, substantially in the form of the by-law set out at Attachment 2, be enacted.

#### **Contribution to Sustainability**

N/A

#### **Economic Impact**

N/A

#### **Communications Plan**

Notice of a proposed procedural by-law is to be provided to the public at least 10 days prior to the date the proposed by-law is to be considered by posting it on the City's web site. Members of Council will receive training on the new by-law as part of their orientation to the new term of Council which commences in December 2010. The City Clerk will prepare an office consolidation of the By-law and add instructions and commentary to assist readers in understanding any substantive changes from previous versions of Council's Procedural By-law.

#### **Purpose**

The new Procedural By-law incorporates changes resulting from the adoption of the report titled "Committee Structure and Acting/Deputy Mayor" (Committee of the Whole (Working Session) Report No. 29, Item 3, adopted at Council on June 29, 2010). The by-law has also been restructured to align its text with Council's current practices, and to incorporate procedural changes as a result of operating under the new committee structure.

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

At the meeting of June 29, 2010, Council adopted a new Standing Committee structure and established new parameters for the creation of Non-Statutory Advisory Committees and Task Forces. The City Clerk was directed to submit a report on changes to the Procedural By-law required to implement the modifications to Standing Committees and Non-Statutory Advisory Committees and Task Forces. The position of Deputy Mayor was also established through adoption of the report and the necessary by-law will be authorized through adoption of recommendation 2 above.

Below is a summary of the significant changes proposed in the by-law:

### Standing Committee Structure

Committee of the Whole, Committee of the Whole (Working Session), Committee of the Whole (Closed Session) and Committee of the Whole (Public Hearing) will remain as they are. The Chair for these meetings will continue to be rotated monthly, though on an alphabetical basis.

The five Special Purpose Committees have been replaced with two Standing Committees which are the Priorities and Key Initiatives Committee and the Finance and Administration Committee. These two Standing Committees will meet regularly on a Monday within the current modified three-week cycle, with some variation to accommodate statutory holidays and significant faith days. The Chair of these Committees would be rotated every year, with Members being able to serve as Chair of the same committee only once per term.

The reduction in the number of Committees also provides some opportunity to advance the web posting of committee agendas to provide earlier information to Members of Council and the public.

### Communications / Written Submissions

The agendas for each Committee will contain a new feature through which Committees will consider Communications (currently referred to as 'Additional Information') near the commencement of their meetings. This feature will enable committees to append communications to respective items listed on their agendas and dispose of those matters quickly when the only action required is receipt of the submission. It still provides for the particular item to be called should a Member wish the matter to be debated. This will make the current practice through which the City Clerk identifies certain items to be held for separate discussion to be clearly identified for Members of Council and the public. It also facilitates a new practice through which communications that have been placed on an agenda for a Committee, but are unrelated to an item on the agenda, can be formally received for the record (no further action being taken) or referred to staff for further consideration.

### Committees other than Standing Committees

The proposed by-law will apply to other committees of Council unless they have adopted their own rules of procedure in special circumstances (such as the Committee of Adjustment, which is established under the *Planning Act*). Certain committees will be established by Council at the beginning of its term because there is a statutory requirement to appoint them (such as the Accessibility Advisory Committee).

Other committees and bodies, such as Task Forces, may be created where Council determines that it is in its best governance interest to do so. This group, now referred to in the by-law as 'Ad Hoc Committees', can only be created through the adoption of terms of reference complying with the form set out as an attachment to the by-law. These ad hoc committees would require formal re-establishment by Council at the beginning of each term of Council (or subsequently). Ad Hoc Committees will be chaired by either a Member of Council or a member of the public as is identified in the Terms of Reference as being more appropriate.

### *Ad Hoc Committee Notices and Reports*

In keeping with Council's commitment to full transparency and an informative public record, each Ad Hoc Committee will be required to give notice and to report on a similar basis to a Standing Committee. Each such committee would submit to its designated Standing Committee a report after each of its meetings, which will be noted in the Standing Committee's report to Council under the section titled 'Other Items Considered by the Committee'. This mechanism is being put in place so that the activity of the Ad Hoc Committee can be monitored by Council and by the

public. Should a decision of Council be required on any matter given consideration by the Ad Hoc Committee, the Clerk will prepare a report which would be placed as an item on the Standing Committee agenda.

The final report of the Ad Hoc Committee at the conclusion of its mandate will be a Findings Report containing a transmittal letter, an executive summary, and any recommendations set out in detail.

#### Procedural and Administrative Changes

The following changes have also been incorporated into the proposed new Procedure By-law:

- a) The inclusion of a Purpose Statement (Section 1.1):  
*"This procedural by-law establishes the principles and rules to be used for meetings of the Council of the City of Vaughan, for the Committees that report to it directly or indirectly, and for its local boards which have not adopted separate rules of procedure."*
- b) The inclusion of Principles (Section 1.2) that sets out rules by which the Procedural By-law is to be interpreted:
  - (1) *The rules set out in this Procedural By-law are to be interpreted in accordance with these principles and all applicable law.*
  - (2) *City Council is the decision making body and the decisions of Council are paramount in all matters within its authority. It is the role of Council's Committees to make recommendations to Council, but not to decide any matter unless specifically delegated to that Committee, so that the primacy of Council is preserved.*
  - (3) *These principles and rules facilitate the decision making of City Council and are to be liberally interpreted so as to administer meetings in a manner which,*
    - a. *Is respectful of all participants.*
    - b. *Balances debate with the need to make recommendations and decisions in a timely manner.*
    - c. *Establishes clear outcomes.*
    - d. *Provides for the hearing/consideration of input from interested parties in a pragmatic way.*
    - e. *Respects the statutory regime in which the City of Vaughan operates.*
  - (4) *The business of Council is to be conducted by all parties with respect and courtesy, even where there is vigorous debate or disagreement.*
- c) The inclusion of a "Councillors' Resolution" as the vehicle through which Councillors may make recommendations to Council, providing to Members a distinctive form, separate from the Staff Report format.
- d) Committees may refer or defer matters without waiting for Council to consider the matter.
- e) Committees may not exercise decision-making powers or expend funds without explicit authority from Council.

- f) Resolution of issues of interpretation will be made with reference to the principles and rules of the by-law, and not to Roberts Rules of Order.

**Relationship to Vaughan Vision 2020/Strategic Plan**

This report is consistent with the priorities previously set by Council, particularly "demonstrate leadership and promote effective governance".

**Regional Implications**

A Deputy Mayor position is consistent with other municipalities in the Region (Richmond Hill and Markham).

**Conclusion**

It is recommended that Procedure By-law 400-2002 be repealed and a new Procedure By-law be enacted incorporating the changes adopted by Council and procedural and administrative changes, that for the most part reflect Council's current practices. The amended Procedural By-law provides for an earlier posting of agendas for the benefit of Members of Council and the public and there will be a regular schedule of meetings.

It is also recommended that a by-law be enacted to formally establish the position of Deputy Mayor, being the Local and Regional Councillor who receives the most votes in the general municipal election.

**Attachments**

- 1) Proposed Procedural By-law – *to be available prior to the meeting*
- 2) Deputy Mayor By-law

**Report prepared by:**

Jeffrey. A. Abrams, City Clerk

Respectfully submitted,

Jeffrey. A. Abrams  
City Clerk

**A By-law to appoint a Deputy Mayor and to repeal By-law Number 90-2004.**

WHEREAS section 242 of the Municipal Act, 2001 as amended authorizes the appointment of a member of Council to act in the place of the Head of Council when the Mayor is absent or refuses to act or the office is vacant;

AND WHEREAS the City of Vaughan in the past appointed the Local and Regional Councillor who received the most votes at the last election or, in his/her absence, the other Local and Regional Councillors to act in the place of the Head of Council when the Mayor was absent from the municipality, absent due to illness or when the office was vacant;

AND WHEREAS Council has determined that there shall be a Deputy Mayor who shall be the Local and Regional Councillor who received the most votes at the last election;

NOW THEREFORE the Council of The Corporation of the City of Vaughan ENACTS AS FOLLOWS:

1. That the Local and Regional Councillor for The Corporation of the City of Vaughan who receives the highest number of votes at the last municipal election held in the municipality shall be the Deputy Mayor.
2. That the Deputy Mayor or, in his or her absence, the Local and Regional Councillor who received the second highest number of votes at the last municipal election or, in his or her absence, the Local and Regional Councillor who received the third highest number of votes at the last municipal election be and is hereby appointed to act from time to time in the place and stead of the Head of Council in any of the following circumstances:
  - a) when the Head of Council is absent from the municipality or refuses to act;
  - b) when the Head of Council is absent due to illness; or
  - c) when the Office of the Head of Council is vacant.
3. While so acting, the said Local and Regional Councillor shall have and may exercise all the rights, powers and authority of the Head of Council.
4. By-law No. 90-2004 be and is hereby repealed.

READ a FIRST, SECOND and THIRD time and finally passed this                      day of September, 2010.