



TOWNSHIP OF NORTH HURON

REPORT

Item No.

REPORT TO: Reeve Vincent and Members of Council
PREPARED BY: Richard AI, Clerk/Manager of IT
DATE: 04/12/2017
SUBJECT: Bill 68 Requirements – Procedural By-law Update
ATTACHMENTS: Draft Procedural By-law

RECOMMENDATION:

THAT the Council of the Township of North Huron hereby receives the December 4, 2017 report of the Clerk/Manager of IT regarding Procedural By-law updates to address Bill 68 requirements for information purposes;

AND FURTHER, that Council authorizes the Clerk to provide notice and bring forward the Procedural By-law for adoption at the December 18, 2017 Council Meeting.

EXECUTIVE SUMMARY

Due to changes to the *Municipal Act* associated with Bill 68 *Modernizing Ontario's Municipal Legislation Act*, the Township of North Huron Procedural By-law must be updated to incorporate new requirements for January 1, 2018.

DISCUSSION

Bill 68 represents significant changes to a number of Acts including the Municipal Act, the Conflict of Interest Act, and the Municipal Elections Act. As such these changes are being phased in, with some in force as of January 1, 2018 and others in force as of March 1, 2019.

To address the changes required for January 1, 2018 a draft version of the Procedural By-law is included with this report for review. The following are highlights of the changes:

Definition of Meeting

- Added the new definition of a meeting in accordance with Bill 68 effective January 1, 2018

Current:

“Meeting” means any meeting of the Council or a Committee

New:

“Meeting” means any regular, special or other meeting of a council, of a local board or of a committee of either of them, where,

- (a) a quorum of members is present, and
- (b) members discuss or otherwise deal with any matter in a way that materially advances the business or decision-making of the council, local board or committee. (“réunion”)

Exceptions for Meeting in Closed Session

- Added four new provisions for going into Closed Session in accordance with Bill 68 effective January 1, 2018

Current:

- (a) A meeting or part of a meeting may be closed to the public if the subject matter being considered is:
- The security of the property of the Corporation;
 - Personal matters about an identifiable individual, including municipal or local board employees;
 - A proposed or pending acquisition or disposal of land by the Corporation;
 - Employee negotiations of labour relations;
 - Litigation or potential litigation, including matters before administrative tribunals, affecting the Corporation;
 - Advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
 - A matter in respect of which a Council, Board, Committee or other body may hold a closed meeting under another Act.

New:

Exceptions

- (b) A meeting or part of a meeting may be closed to the public if the subject matter being considered is:
- The security of the property of the municipality or local board;
 - Personal matters about an identifiable individual, including municipal or local board employees;
 - A proposed or pending acquisition or disposition of land by the municipality or local board;
 - Labour relations or employee negotiations;
 - Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
 - Advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
 - A matter in respect of which a council, board, committee or other body may hold a closed meeting under another Act;
 - Information explicitly supplied in confidence to the municipality or local board by Canada, a province or territory or a Crown agency of any of them;
 - A trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization;
 - A trade secret or scientific, technical, commercial, or financial information that belongs to the municipality or local board and has monetary value or potential monetary value; or
 - A position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

Electronic Participation

Optionally included in Bill 68 are provisions to, if adopted, allow Council Members to “attend” a Council Meeting by electronic means (Open Meetings only – no Closed Sessions). The relevant sections are as follows

(3.1) The applicable procedure by-law may provide that a member of council, of a local board or of a committee of either of them, can participate electronically in a meeting which is open to the public to the extent and in the manner set out in the by-law provided that any such member shall not be counted in determining whether or not a quorum of members is present at any point in time. 2017, c. 10, Sched. 1, s. 25 (2).

(3.2) The applicable procedure by-law shall not provide that a member of council, of a local board or of a committee of either of them, can participate electronically in a meeting which is closed to the public. 2017, c. 10, Sched. 1, s. 25 (3).

To allow electronic participation, these provisions would need to be added to the Procedural By-law. It is important to note that any Member attending by electronic means would not count towards quorum and hence would not be able to vote. At this time, it is staff’s recommendation to wait to see how others implement this and investigate the equipment requirements further. As this is an optional item there is no requirement to add electronic participation at this time.

FINANCIAL IMPACT

None at this time.

FUTURE CONSIDERATIONS

Further requirements associated with Bill 68 which come into force on March 1 2019 are:

- Establish Codes of Conduct for Councillors
- Appoint an Integrity Commissioner – and other provisions regarding Integrity Commissioners
- Establish a policy on Staff – Council Relations
- Establish a policy on pregnancy / parental leave for Councillors
- Establish a policy on protection of a tree canopy

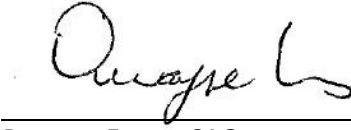
Additional changes to the Procedural By-law will be required to address some of the above items. Also, there will be an expense to consider associated with the appointment of an Integrity Commissioner however a working group will be investigating the option of appointing a shared Integrity Commissioner for Huron County and lower tiers.

RELATIONSHIP TO STRATEGIC PLAN

Goal #4 Our Municipality is fiscally responsible and strives for operational excellence.



Richard AI, Clerk / Manager of IT



Dwayne Evans, CAO