

The Township of The Archipelago

Recommendation Report to Council

Report No.: 2024-05

Date: May 23, 2024

Originator: Maryann Martin, Clerk

Subject: Procedural By-law Amendment: Notice of Motion Procedure

RECOMMENDATION

That Council approve an amendment to the Procedural By-law No.2017-07, as described in this report and more specifically set out in Appendix "A" (By-Law No. 2024-XX).

BACKGROUND

The current Procedural By-law 2017-07 does not include provisions for a Member to submit a "Notice of Motion" in advance of its consideration by Council. In recent years, agenda items have been introduced without meeting the Township's public notice requirements, occasionally leaving Members of Council unprepared for discussions on new matters.

Mandated by the *Municipal Act, 2001*, Councils are required to include, in their Procedural By-laws, public notice of meetings as well as provisions for "governing the calling, place and proceedings of meetings". In this regard, the Township's By-law provides for the public posting of agendas in advance of a meeting, as well as listing the specific items to be discussed. Adequate notice of a meeting should include the date, time, and place of the meeting to facilitate the public's right to attend and observe. Currently, Agendas are uploaded to the website on the Friday before the Council meetings.

The Ontario Ombudsman is the Closed Meeting Investigator for more than 200 municipalities. In this role, he has suggested that, wherever possible, advance public notice should include information about all open and closed portions of a meeting, as well as meaningful information about all items to be considered.

A notice of motion is a procedural process by which Members of Council can bring forward motions for discussion and debate which are not the result of staff recommendations or staff reporting to Council. It ensures advance notice for Council Members, staff, and the public to review the matter before it appears on a Council agenda.

Section 224 of the *Municipal Act, 2001*, outlines the responsibilities of councils, emphasizing representation of the public, policy development, service determination, and ensuring accountability and transparency in municipal operations. More specifically, it provides that:

It is the role of council,

- (a) to represent the public and to consider the well-being and interests of the municipality;
- (b) to develop and evaluate the policies and programs of the municipality;
- (c) to determine which services the municipality provides;
- (d) to ensure that administrative policies, practices and procedures and controllership policies, practices and procedures are in place to implement the decisions of council;
- (d.1) to ensure the accountability and transparency of the operations of the municipality, including the activities of the senior management of the municipality;**
- (e) to maintain the financial integrity of the municipality; and
- (f) to carry out the duties of council under this or any other Act.

Accountability, transparency, and openness are the hallmarks of good governance and enhance public trust in local government. These principles apply to the political process and decision-making, as well as the administrative management of the municipality. The proposed amendment will assist the municipality in achieving this.

NEXT STEPS

In order to fulfill our obligations and responsibilities outlined above, a proposed amendment to the Procedural By-law has been prepared for Council's consideration. Please see attached.

FINANCIAL IMPLICATIONS

There are no financial implications associated with the recommended amendments.

ANALYSIS/OPTIONS

Option #1: Approve the amendment as proposed.

Option #2: Modify the proposed amendment.

Option #3: Reject the proposed amendment.

STRATEGIC PLAN

This amendment of the Procedural By-law is in line with the following Strategic Priorities and Goals of the Township's Strategic Plan:


- **Leadership & Communications**
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CONCLUSION

The proposed amendment to the Township's Procedural By-law 2017-07, to enable Notices of Motion, is designed to ensure that our Council meetings are conducted with the openness and transparency required by the *Municipal Act, 2001*.

It is recommended that Council amend Procedural By-law 2017-07, to establish a procedure for a Notice of Motion.

Respectfully Submitted,



Maryann Martin
Municipal Clerk

I concur with this report
and recommendation,



John B. Fior
Chief Administrative Officer

Attachments:

- Appendix "A", Draft By-law No. 2024-XX to Amend Procedural By-law No. 2017-07.