



## Council Report

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<b>Report Number:</b>	<b>CLK2024-001</b>
<b>Meeting Date:</b>	April 4, 2024
<b>Title:</b>	<b>Procedural By-Law Review and Recommendations</b>
<b>Description:</b>	Repeal and Replace By-law 2020-001
<b>Author and Title:</b>	Ron Taylor, Chief Administrative Officer Cathie Ritchie, City Clerk

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### **Recommendation(s):**

**That** Report CLK2024-001, **Procedural By-Law Review and Recommendations**, be received;

**That** the updates to By-Law 2020-001, being the By-Law to Govern and Regulate the Proceedings of the Council of the City of Kawartha Lakes, identified in Appendix A to Report CLK2024-001, be approved; and

**That** the necessary By-Law to repeal and replace By-Law 2020-001, be brought forward for adoption.

**Department Head:** \_\_\_\_\_

**Financial/Legal/HR/Other:** \_\_\_\_\_

**Chief Administrative Officer:** \_\_\_\_\_

## **Background:**

Council Policies are to be reviewed at least once during each term of Council, pursuant to Policy CP2016-003, being the Council Policy on the City's Policy System. The Procedural By-law is not a policy, but is an important document that guides Council, Boards and Committees of processes, governance and conduct to advance the business of the City in an open, consistent and transparent manner. Best practice is to bring this By-law forward to Council for review and consideration towards the beginning of each term of Council. Council requested that the review should be a priority to ensure that procedures and processes are current.

This report addresses that direction.

There is a necessity for the Procedural By-law to be revised to address changes in legislation (i.e. Strong Mayor Powers), increase of hybrid meetings, and modifications that are meant to improve transparency and the effectiveness of all meetings of Council and Committees.

This report provides recommended revisions to the Procedural By-law.

## **Rationale:**

While reviewing the Procedural By-law, minor editorial changes have been made to the document. These edits are minor in nature, and do not substantively change the content of the By-law.

A redlined version is attached as Appendix A, to identify the recommended changes. Section numbering will be adjusted, and the Table of Contents updated once the by-law has been approved by Council.

The following is a summary of substantive recommended changes to the current Procedural By-law to maintain order and respectful interactions:

- "Presumption of Open Meetings" and at a time when no meetings were recorded and placed in real time on the City's You Tube channel. This is no longer the case with Council meetings, Committee of the Whole meetings, and Planning Advisory Committee meetings. All three meeting venues have been recently and repetitively disrupted in part by members of the public recording the meeting. The purpose of the amendment is to allow the meetings to continue to be open while providing for efficiency of the meetings.
- The scope has been broadened to not only include active civil litigation but threatened litigation; matters before the Ontario Court of Justice such as prosecutions commenced by the City for breach of a City of Kawartha Lakes by-

law, the Building Code or the Fire Code; and matters before administrative tribunals, such as the Ontario Land Tribunal or the Human Rights Tribunal.

- According to section 2(1)(b) of the Trespass to Property Act, every person who does not leave the premises immediately after they have been directed to do so is guilty of an offence and on conviction is liable to a fine of not more than \$10,000.00. Per section 9(1) of that Act, a police officer may arrest without warrant any person they believe on reasonable and probable grounds to be on the premises in contravention of section 2. The person may also be arrested with a warrant off premises, per section 10 of the Act.
- The proposed amendment to section 10.06 lines this section up with section 10.11, and is therefore a housekeeping amendment. It has the effect of adding litigation matters, administrative matters, fraudulent entries, or submissions contrary to the Municipal Freedom of Information and Protection of Privacy Act into the list referenced in section 10.06, as intended by section 10.11.

The following is a summary of additional recommended changes to the Procedural By-law:

- Section 4.05 – clarified use of Closed Session by Committees, Boards and Task Forces.
- Section 5.01 – authority to call a meeting (Municipal Act Pt.VI.1)
- Section 8.04 – Mayor's authority to create a new committee of Council and appointing Chair and Vice-Chair
- Section 10.0 – refined language regarding public attendance and communications
- Section 11.05 – refined language regarding duties of the meeting Chair
- Section 11.27 and 11.28 – clarified the motion to reconsider and motion to rescind
- Section 11.43 – clarify the notice of motion

A version of the recommended By-law, with all recommended edits in final draft form, is attached as Appendix B.

### **Other Alternatives Considered:**

Council has the authority to amend the Procedural By-law from time to time as needed.

### **Alignment to Strategic Priorities**

The Procedural By-law supports the City's Strategic Priorities. "Good Government" provide accountable government and responsible management of resources.

### **Consultations:**

Chief Administrative Officer  
City Clerk  
City Solicitor

Deputy Clerks

## **Attachments:**

Appendix A – Draft Procedural By-law (red line version)



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Appendix A

Appendix B – Draft Procedural By-law (mark ups removed)



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Appendix B