



## **Administrative Report**

### **Office of the Director, Legislative and Community Services/Clerk**

**To:** Warden MacDonald and Members of Essex County Council

**From:** Mary Birch  
Director, Legislative and Community Services/Clerk

**Date:** Wednesday, December 06, 2023

**Subject:** Essex County Council Procedure By-law Review

**Report #:** 2023-1206-LCS-R032-MB

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#### **Purpose**

To recommend the adoption of a revised Procedure By-law to govern the proceedings of Essex County Council meetings and meetings of County Council appointed local Boards and Committees.

#### **Background**

Pursuant to Section 238 of the *Municipal Act, 2001*, S.O., 2001, c25, as amended, every municipality in the province of Ontario is required to adopt a procedure by-law to govern the calling, place and proceedings of Meetings. The provisions included in a Procedure By-law are often expended to include other matters which provide Council and Administration guidance, such as the Council and the appointment of Committees and Local Boards. Essex County Council has amended the County Procedure By-law multiple times in the past few years to reflect changes in legislation, such as the introduction of the option to hold electronic meetings, however, there has not been a comprehensive review of the Procedure By-law since 2014.

The assistance of a consultant was engaged to review the existing County of Essex Procedure By-law 2022-31 and to provide feedback on how it compared to the Procedure By-laws enacted in other municipalities throughout the Province. In particular, the consultant was asked to make recommendations on the Parliamentary Procedure section of the by-law.

Administration has also spent a significant amount of time in the past year reviewing Procedure By-laws from other municipalities to compare common language and practices to include as a best practice.

## **Discussion**

The proposed Procedure By-law includes the addition of a definitions section, a consolidation of some prior amendments, including changes to allow for participation in electronic meetings (Section 4), as well as a complete revision of the Parliamentary Procedure, Motion, Voting and Rules of Conduct of Debate sections (Section 12, 13 14 and 15) which proposes using Robert's Rules of Order instead of Bourinot's Rules of Order to align with the Rules of Order used at all of the local municipalities within the County.

As recently requested by Council resolution, revisions have been made (Section 10) to extend the period of time in which Council will receive an agenda prior to the date of the Council meeting, as well as making the agendas available to the public on the County website for a longer period of time.

Some language was been added to provide more clarity to the roles and duties of meeting Chairs, the Warden, Deputy Warden, Clerk and members of Council.

Some additional language has been provided under the Agenda Protocols section to add some explanations about how and why various matters are placed on the Agenda and how they should be dealt with.

A change has been made regarding the appointment of lay representatives to the Essex County Library Board which would preclude the appointment of elected representatives of the local municipalities (Section 21.1.2).

There are numerous minor amendments, largely related to changes in language to add clarity and consistency.

A Table comparing sections of the current Procedure By-law 2022-31 (Appendix B) to the proposed new Procedure By-law 2023-58 (Appendix C) is attached as Appendix A.

There have not been any changes proposed to Section 25.0 regarding the calculation of County Councillor Remuneration. The current formula-based methodology of calculating County Council remuneration was developed by the Essex County Council Remuneration Advisory Committee (ECCRAC) in 2008. This Committee was comprised of seven (7) citizens of Essex County who applied to be on this Ad Hoc committee for the purpose of establishing County Council remuneration. The Committee conducted research related to

compensation practices of other County Councils, as well as the seven local municipalities. They developed a questionnaire which members of County Council were requested to complete which established the amount of time that County Councillors, Deputy Warden and Warden devoted to County related business and then compared that to the amount of time that they felt they devoted to local municipal matters. The responses received indicated that County Councillors roughly felt they spent twice as much of their time on local municipal business, compared to the time they spent on County related business. For the Warden, the amount of time spent on County business was quantified to be roughly twice the amount of time spent at the local municipalities because they were invited to so many events across the entire County and region and they sit on so many Boards and Committees. Based on that research, the ECCRAC developed the formula-based approach to calculating County Council salaries and meeting stipends which are updated twice during the term of Council and reflect increases which local Councils receive in remuneration from their local municipalities.

If County Council no longer feels that this formula reflects their County workload and would like to consider another remuneration model, it would be the recommendation of Administration that another citizen-based Remuneration Committee be struck for that purpose. Based on the current provisions of the Procedure By-law, County Council remuneration would remain unchanged for 2024 and be updated, based on local municipal Council remuneration at the end of 2024 for 2025 and 2026.

## **Financial Implications**

There are no financial implications related to the changes proposed in this Procedure By-law at this time.

## **Consultations**

Consultations with Jim Lochrie, All About Meetings;  
Katherine Hebert, Manager Records and Accessibility/Deputy Clerk;  
David Sundin, County Solicitor;  
Local municipal Clerks/Deputy Clerks.

## **Recommendation**

That Essex County Council receive report number 2023-1206-LCS-R032-MB regarding the Essex County Council Procedure By-law Review and proceed to

adopt By-law number 2023-58, being a by-law to provide rules governing the order and proceedings of the Council of the Corporation of the County of Essex, Committee and Local Boards.

## Approvals

Respectfully Submitted,

*Mary Birch*

Mary Birch, Director, Legislative and Community Services/Clerk

Concurred With,

*Sandra Zwiers*

Sandra Zwiers, MAcc, CPA, CA, Chief Administrative Officer

| Appendix | Title                             |
|----------|-----------------------------------|
| A        | Amendments Comparison Table       |
| B        | Current Procedure By-law 2022-31  |
| C        | Proposed Procedure By-law 2023-58 |

## Appendix A

### Amendments Comparison Table

| Current By-law Clause                                                         | Change Type                           | Description                                             | New By-law Clause                                                                               |
|-------------------------------------------------------------------------------|---------------------------------------|---------------------------------------------------------|-------------------------------------------------------------------------------------------------|
| <b>Definitions</b>                                                            | Added a separate Definitions section  |                                                         | Definitions Section                                                                             |
| 1.2<br>1.3.3<br>1.3.4<br>1.3.6<br>1.3.7<br>1.3.8<br>1.3.9<br>1.3.10<br>1.3.11 | Minor changes                         | Amended wording in Inaugural Meeting of Council section | 3.1.2<br>3.1.3.3<br>3.1.3.4<br>3.1.3.6<br>3.1.3.7<br>3.1.3.8<br>3.1.3.9<br>3.1.3.10<br>3.1.3.11 |
| 1.3.12                                                                        | Deletion                              | Removal of section which was repeated in 1.3.11         |                                                                                                 |
| 2.1                                                                           | Removed definitions from this section | Definitions consolidated                                | See new Definitions                                                                             |
| 2.7.1                                                                         | Removed definitions from this section | Definitions consolidated                                | See new Definitions                                                                             |

| <b>Current By-law Clause</b>       | <b>Change Type</b>                                                        | <b>Description</b>                                                             | <b>New By-law Clause</b>       |
|------------------------------------|---------------------------------------------------------------------------|--------------------------------------------------------------------------------|--------------------------------|
| 2.7.2b<br>2.7.2e<br>2.7.3<br>2.7.5 | Minor changes                                                             | Amended wording regarding electronic participation in meetings                 | 4.1 b)<br>4.1 e)<br>4.2<br>4.3 |
|                                    | Consolidated Schedule 'A' to By-law 2022-13 into body of Procedure By-law | Consolidated Subsections re: electronic meetings                               | 5.2, 5.3 and 5.4               |
| 4.7                                | Minor change                                                              | Amended wording                                                                | 5.10                           |
| 5.0                                | Clause Added                                                              | Clarifies that this section applies to Council and Committees and Local Boards | 6.1                            |
| 5.0                                | Clause Added                                                              | Explanation of what happens if Quorum lost during meeting                      | 6.6                            |
| 6.0                                | Clause Added                                                              | Clarifies that this section applies to Council and Committees and Local Boards | 7.1                            |
| 6.0                                | Added four clauses                                                        | Defines the role of the Clerk with respect to meetings                         | 7.2                            |

| Current By-law Clause                                           | Change Type                  | Description                                                                                         | New By-law Clause                                                         |
|-----------------------------------------------------------------|------------------------------|-----------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------|
| 6.1.4<br>6.1.5<br>6.1.6<br>6.1.8<br>6.1.11<br>6.2<br>6.3<br>6.4 | Minor wording changes        | Amended wording in some sections regarding duties of the Chair to align with Roberts Rules of Order | 7.3.3<br>7.3.5<br>7.3.6<br>1.3.11<br>7.3.16<br>7.3.17<br>7.3.18<br>7.3.19 |
| 7.1<br>7.2<br>7.3<br>7.4<br>7.7<br>7.9                          | Minor changes                | Amended wording to be reflect Municipal Act                                                         | 7.4.1<br>7.4.8<br>7.4.7<br>7.4.9<br>7.4.12<br>7.4.1 to 7.4.6              |
| 7.8                                                             | Deleted                      | Approvals found in Procurement By-law. No longer need to be in Procedure By-law                     | N/A                                                                       |
| 8.1<br>8.2<br>8.3<br>8.4<br>8.5                                 | Minor changes                | Amended wording                                                                                     | 7.5.1<br>7.5.2<br>7.5.3<br>7.5.4<br>7.6                                   |
| New                                                             | Clauses 7.7.1 to 7.7.3 added | Added wording to reflect Section 224 of the Municipal Act                                           | 7.7.1 to 7.7.3                                                            |
| 9.0                                                             | Minor changes                | Amended wording                                                                                     | 8.1                                                                       |

| <b>Current By-law Clause</b> | <b>Change Type</b>                                        | <b>Description</b>                                                                       | <b>New By-law Clause</b> |
|------------------------------|-----------------------------------------------------------|------------------------------------------------------------------------------------------|--------------------------|
| 9.2                          | Minor changes                                             | Made this a separate section                                                             | 9.1                      |
| 10.1                         | Changed per Council resolution                            | Amended wording to provide Council Agenda 7 days prior to meeting date                   | 10.1                     |
| 10.2                         | Amended to put time period on Addendum Agenda preparation | Amended wording to allow an Addendum Agenda to be published within 3 days of the meeting | 10.2                     |
| 10.3                         | Amended wording                                           | Amended wording to provide the public the Agenda 6 days prior to the meeting             | 10.3                     |
| New                          | Added Clause                                              | Added wording to allow for changing the order of business on that agenda                 | 10.4                     |
| 11.0                         | Minor change                                              | Amended wording                                                                          | 11.0                     |
| 11.13.4                      | New subsection. Dealing with a consent agenda.            | Amended wording                                                                          | See new 7.5.3            |

| Current By-law Clause                                                          | Change Type     | Description                                                                                   | New By-law Clause                                                                                         |
|--------------------------------------------------------------------------------|-----------------|-----------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------|
| 11.1<br>11.2<br>11.3<br>11.4<br>11.5<br>11.6<br>11.8<br>11.9<br>11.15<br>11.19 | Minor changes   | Added more explanations of what Agenda items include                                          | 11.1.1<br>11.2.1<br>11.3.1<br>11.4.1<br>11.5.1<br>11.6.1<br>11.8.1<br>11.9.1 – 11.9.2<br>11.15.1<br>11.19 |
| New                                                                            | Added Clause    | Adding wording regarding responsibility to identify and declare any pecuniary interests       | 11.7.1                                                                                                    |
| 11.7.2                                                                         | Deleted         | Duplicated in new 11.7.5                                                                      | 11.7.5                                                                                                    |
| 11.7.3 to 11.7.6                                                               | Wording changes | Updated wording to be reflective of current language in Municipal Conflict of Interest Act    | 11.7.3 to 11.7.8                                                                                          |
| 11.10.1                                                                        | Added Clauses   | Provided clarification regarding what types of communications are added to the Council Agenda | 11.10.1 – 11.10.3                                                                                         |
| 11.11                                                                          | Wording changes | Amended wording to clarify what types of                                                      | 11.11.1 – 11.11.5                                                                                         |

| <b>Current By-law Clause</b> | <b>Change Type</b> | <b>Description</b>                                                                                      | <b>New By-law Clause</b> |
|------------------------------|--------------------|---------------------------------------------------------------------------------------------------------|--------------------------|
|                              |                    | correspondence are added to the Council Agenda                                                          |                          |
| 11.12                        | Wording changes    | Amended wording to clarify what types of resolutions are added to the Council Agenda                    | 11.12.1 – 11.12.4        |
| 11.13                        | Wording changes    | Amended wording to add Outstanding Reports and to clarify other items which are added to Consent Agenda | 11.13.2-11.13.6          |
| 11.14                        | Wording changes    | Amended wording to clarify procedure for dealing with Administrative Reports on Council Agenda          | 11.14.1 – 11.14.4        |
| 11.16                        | Wording changes    | Amended wording to clarify types of matters which can be raised under New Business                      | 11.16.1 – 11.16.4        |
| 11.17                        | Wording changes    | Amended wording to clarify process for adopting by-laws                                                 | 11.17.1 – 11.17.7        |

| <b>Current By-law Clause</b> | <b>Change Type</b>                                                                                                                         | <b>Description</b>                                                                      | <b>New By-law Clause</b> |
|------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|--------------------------|
| 11.18                        | Minor changes                                                                                                                              | Amended wording                                                                         | 11.18.1                  |
| 12.0                         | Significant changes with new Section 13 and 14 added to change Parliamentary Procedure to Roberts Rules of Order 12 <sup>th</sup> Edition. | Completely new Sections 12, 13 and 14                                                   | 12.0 – 14.8              |
| 15.0                         | Wording changes                                                                                                                            | Amended wording to reflect debate under Robert's Rules of Order                         | 15.1 – 15.11             |
| 28.0                         | Amended wording                                                                                                                            | Amended wording to clarify rules regarding suspending the rules of the Procedure By-law | 16.1-16.2                |
| 14.0                         | Added clause                                                                                                                               | Added clarification regarding when a Committee of the Whole would be appropriate        | 17.1                     |
| 13.0                         | Amended wording                                                                                                                            | Clarified voting when an equality of votes in a Committee Meeting                       | 18.1-18.5                |

| <b>Current By-law Clause</b> | <b>Change Type</b> | <b>Description</b>                                                                                             | <b>New By-law Clause</b> |
|------------------------------|--------------------|----------------------------------------------------------------------------------------------------------------|--------------------------|
| 16.0                         | Deleted            | Addressed in Procurement Policy – no longer needed in Procedure By-law                                         | N/A                      |
| 17.0                         | Amended Wording    | Clarified public relations governed by other policies                                                          | 19.1                     |
| 18.0                         | Deleted            | Addressed in Council Travel Policy – no longer needed in Procedure By-law                                      | N/A                      |
| 19.0                         | Minor changes      | Amended wording                                                                                                | 20.1 – 20.5              |
| 20.0 -21.0                   | Minor changes      | Amended wording clarifying Striking Committee makes recommendations for Christmas Ad Hoc Committees            | 22.1 – 22.2              |
| 22.2.2                       | Wording change     | Amended wording to no longer allow lay appointees to be an elected member of Council from a local municipality | 21.1.2                   |

| <b>Current By-law Clause</b> | <b>Change Type</b>                         | <b>Description</b>                                                                                  | <b>New By-law Clause</b> |
|------------------------------|--------------------------------------------|-----------------------------------------------------------------------------------------------------|--------------------------|
| 22.3                         | Minor changes                              | Amended wording regarding appointment of Essex County Accessibility Advisory Committee              | 21.2.1-21.2.3            |
| 24.0                         | Minor changes                              | Amended wording regarding timing of Budget Approval                                                 | 24.1                     |
| 28.1                         | Change in wording making it more accurate. | Amended wording                                                                                     | See new 16.0             |
| 25.1                         | Minor changes                              | Amended wording regarding date remuneration commences                                               | 25.1                     |
| 26.0                         | Wording change                             | Amended wording to clarify remuneration for Alternate Members of County Council, per By-law 40-2018 | 26.1                     |
| 29.1                         | Wording change                             | Updated the previous Procedure By-law number to be repealed                                         | 28.1                     |

| <b>Current By-law Clause</b>                                            | <b>Change Type</b>            | <b>Description</b>                                                                              | <b>New By-law Clause</b> |
|-------------------------------------------------------------------------|-------------------------------|-------------------------------------------------------------------------------------------------|--------------------------|
| Schedule "A" approved by By-law 2022-13 re: Electronic Meeting Protocol | no changes or recommendations | These electronic meeting provisions were incorporated into the body of the new procedure by-law | 4.1-4.10.4               |