

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF DECEMBER 11, 2017

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In September the scheduled proclamation dates for Bill 68 were released. As set out in Attachment 1, the provisions of Bill 68 will be implemented in two phases, with the dates for some remaining provisions still to be announced. Included in the first phase of amendments are provisions changing the definition of “meeting” and additional closed meeting exemptions. Amendments to the Procedural By-law are required to ensure compliance with these new provisions.

Definition of Meeting

Currently the *Municipal Act, 2001* (the “Act”) defines a meeting as “any regular, special or other meeting of a council, of a local board or of a committee of either of them.” Under *Bill 68*, the definition of “meeting” has been amended to mean:

- any regular, special or other meeting of a Council, of a local board or of a committee of either of them, where:
 - 1) A quorum of Members is present; and,
 - 2) 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

It is recommended that this definition of “meeting” be added to the Procedural By-law to ensure consistency with the *Act*.

Closed Session Meetings

In accordance with the *Municipal Act, 2001*, all meetings shall be open to the public, except in particular discretionary circumstances described in Subsections 239(2) and 239(3.1) of the Act, as well as particular mandatory circumstances addressed in Subsection 239(3) of the Act. As of January 1, 2018, *Bill 68* adds four new, discretionary clauses that may be used for a meeting to be closed to the public under Subsection 239(2) of the *Act*, as follows:

- 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.

It is recommended the Procedural By-law be amended to include these additional discretionary closed meeting circumstances, to align with the provisions of the *Municipal Act*. This can be achieved by referencing the appropriate subsections of the *Municipal Act*, rather than listing the specific exemptions individually.

CITY OF VAUGHAN

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Aboriginal Territorial Acknowledgment

Since the release of the Truth and Reconciliation Commission report in 2015, many public institutions across Canada have made commitments to reconciliation based on a mutually respectful relationship with Aboriginal peoples. In the spirit of reconciliation, many municipal governments across Canada have adopted territorial acknowledgments to precede Council meetings and other gatherings.

At the June 5, 2017 Council meeting, City of Vaughan Council approved an Aboriginal territorial acknowledgement to be read at the beginning of each Council meeting. When the territorial acknowledgement was approved, it was noted by staff, at that time:

“That Council include this territorial acknowledgement as a standing item to be read at the beginning of subsequent Council meetings, until such a time as the City’s Procedural By-Law is amended to formally include the acknowledgement.”

It is recommended that Procedural By-law 7-2011 be amended to include the requirement that the territorial acknowledgement be read at the beginning of Council meetings.

Relationship to Term of Council Service Excellence Strategy Map (2014-2018)

This report supports the priority to “Continue to advance a culture of excellence in governance” as identified in the Term of Council Service Excellence Strategy Map (2014-2018).

Regional Implications

None.

Conclusion

The proposed amendments to the City of Vaughan Procedural By-law 7-2011 will update the by-law to ensure alignment with the *Municipal Act* when amendments come into effect on January 1, 2018. Additionally, the inclusion of the territorial acknowledgement will update the by-law with this previously approved amendment.

A future report to Committee will review changes to the Procedural By-law to address the amendments to the *Municipal Act* that will come into force in 2019.

Attachments

1. Bill 68 Proclamation Dates
2. Recommended Amendments to Procedural By-law 7-2011

Report prepared by:

Todd Coles, Deputy City Clerk, x.8628

(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)

PROCEDURAL BY-LAW TECHNICAL AMENDMENTS

Recommendation

The City Clerk, in consultation with the City Solicitor, recommends:

1. That the amendments to Procedural By-law 7-2011, listed in Attachment # 2, be approved, and;
2. That the necessary amending by-law be enacted.

Contribution to Sustainability

The procedural by-law establishes the principles and rules to be used for meetings of Council and its Committees. The procedural by-law enhances stakeholder participation, community involvement and opportunities for valuable input from the public, other stakeholders and relevant experts on matters that come before Council. The amendments proposed in this report continue to build upon the governance model established by the procedural by-law.

Economic Impact

There is no economic impact associated with this report.

Communications Plan

This report is available on the City of Vaughan website.

Purpose

The City of Vaughan Procedural By-law requires amendment as a result of recent amendments to the Municipal Act. This report outlines those necessary changes, and also addresses specific housekeeping amendments.

Background - Analysis and Options

Procedural By-law

Section 238(2) of the *Municipal Act, 2001*, provides that every Municipality shall pass a procedural by-law for governing the calling, place and proceedings of meetings. Procedural By-law 7-2011 was passed on January 25, 2011 to establish the principles and rules to be used for meetings of the Council, Committees of Council and local boards which have not adopted separate rules of procedure.

Bill 68, Modernizing Ontario's Municipal Legislation Act, 2017

On November 16, 2016, *Bill 68, Modernizing Ontario's Municipal Legislation Act, 2017*, was introduced in response to the Province's review of the *Municipal Act, 2001* and *Municipal Conflict of Interest Act, 1990*. On May 30, 2017, *Bill 68* received Royal Assent.

In September the scheduled proclamation dates for Bill 68 were released. As set out in Attachment 1, the provisions of Bill 68 will be implemented in two phases, with the dates for some remaining provisions still to be announced. Included in the first phase of amendments are provisions changing the definition of "meeting" and additional closed meeting exemptions. Amendments to the Procedural By-law are required to ensure compliance with these new provisions.

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It is recommended that Procedural By-law 7-2011 be amended to include the requirement that the territorial acknowledgement be read at the beginning of Council meetings.

Relationship to Term of Council Service Excellence Strategy Map (2014-2018)

This report supports the priority to “Continue to advance a culture of excellence in governance” as identified in the Term of Council Service Excellence Strategy Map (2014-2018).

Regional Implications

None.

Conclusion

The proposed amendments to the City of Vaughan Procedural By-law 7-2011 will update the by-law to ensure alignment with the *Municipal Act* when amendments come into effect on January 1, 2018. Additionally, the inclusion of the territorial acknowledgement will update the by-law with this previously approved amendment.

A future report to Committee will review changes to the Procedural By-law to address the amendments to the *Municipal Act* that will come into force in 2019.

Attachments

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Report prepared by:

Todd Coles, Deputy City Clerk, x.8628

Respectfully submitted,

Barbara A. McEwan,
City Clerk

ATTACHMENT #1

Bill 68 Proclamation Dates

The Ministry of Municipal Affairs has released scheduled proclamation dates for Bill 68, the *Modernizing Ontario's Municipal Legislation Act*. As seen below, the provisions of Bill 68 will be implemented in two phases, with the dates for some remaining provisions still to be announced.

Phase 1: January 1, 2018

- Changes to council composition (including temporary replacement of a member of upper tier council)
- New definition of a meeting
- New closed meeting exceptions
- Electronic participation in council meetings
- Small business programs

Phase 2: March 1, 2019

- Codes of Conduct
- Integrity Commissioner provisions
- Policy on Staff-Council relations
- Policy for pregnancy/ parental leave
- Policy for protection of a tree canopy

TBD

- Amendments related to property taxes, tax collection and tax sales
- Prudent Investor Status

ATTACHMENT #2

Recommended Amendments to Procedural By-law 7-2011

1. That a definition of “meeting” be added to Section 1.5 of Procedural By-law 7-2011. The definition shall be:
 - any regular, special or other meeting of a Council, of a local board or of a committee of either of them, where:
 - 1) A quorum of Members is present; and,
 - 2) 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
2. That the reasons for holding a closed meeting, in Section 2.1(4)(a.) of Procedural By-law 7-2011, be amended by deleting the specific reasons for closing a meeting and replacing them with a reference to the appropriate sections of the *Municipal Act*.
3. That the Procedural By-law 7-2011 be amended to require the reading of the aboriginal territorial acknowledgment at the beginning of Council meetings.

THE CITY OF VAUGHAN

BY-LAW

BY-LAW NUMBER 166-2017

A By-law to amend By-law 7-2011 (Procedure By-law) which governs the proceedings of Council and Committees of Council.

WHEREAS Section 238(2) of the *Municipal Act, 2001, as amended*, requires every municipality and local board to pass a procedure by-law for governing the calling, place and proceedings of meetings;

AND WHEREAS it is necessary to make certain amendments to By-law 7-2011 (Procedure By-law) to bring it into compliance with the *Municipal Act, 2001, as amended*;

AND WHEREAS it is necessary to make certain amendments to By-law 7-2011 (Procedure By-law) to implement Council's approval of the reading of an aboriginal territorial acknowledgement;

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

1. That City of Vaughan By-law Number 7-2011, is hereby amended as follows:
 - a) The following definition be added to Section 1.5 INTERPRETATIONS AND DEFINITIONS:

“MEETING – Any regular, special or other meeting of a Council, of a local board, or of a committee of either of them, where:

 1. A quorum of Members is present; and,
 2. 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.”
 - b) That Section 2.1(4)(a) Closed Meetings be deleted and replaced with the following:

"a) Notwithstanding Section 2.1(3), a meeting may be closed to the public if the subject matter being considered relates to those subject matters identified in Sections 239(2), (2.1) and (3) of the *Municipal Act, 2001*.”
 - c) That Section 6.3 PREPARATION OF AGENDA be amended by adding the following:

“The aboriginal territorial acknowledgement shall be read prior to the commencement of

every regular meeting.”

2. This by-law shall come into effect on January 1, 2018.

Enacted by City of Vaughan Council this 11th day of December, 2017.

Hon. Maurizio Bevilacqua, Mayor

Barbara A. McEwan, City Clerk