



## Staff Report

**Report Title: Procedural By-law Training**

**Prepared By: Jennifer White, Manager of Legislative Services/Clerk**

**Department: Clerk**

**Date: Jul. 3, 2023**

**Report Number: CLK-2023-07-41**

**File Number: C11 CLK 23**

**Attachments: Council Code of Conduct, Procedural By-law 2019-155**

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### **Recommendation:**

That the Township of Huron-Kinloss Committee of the Whole hereby receives for information Report Number CLK-2023-07-41 prepared by Jennifer White, Manager of Legislative Services/Clerk.

### **Background:**

This report is to provide training to members of Council relating to the Township's Procedural By-law, and agenda process. It is intended to address questions that have been brought forward by members of Council.

### **Discussion:**

Staff have been requested to provide an overview of the Procedural By-law and practices for members of Council to add agenda items. The Clerk will provide verbal training on the Procedural By-law during the meeting of Council.

### **Role of Staff and Council**

The Code of Conduct for Council (attached) outlines the expectations for the roles of Council and the role of Staff. These expectations are in place to assist Council and Staff in understanding the differences between the policy role of Council and the operational role of Staff.

#### **4.6 Members of Council are expected to:**

- a) Represent the public and to consider the well-being and interests of the Township;

- b) Develop and evaluate policies and programs of the Township;
- c) Determine which services the Township provides;
- d) Ensure the administrative policies, practices and procedures and controllership policies, practices and procedures are in place to implement the decisions of Council;
- e) Ensure the accountability and transparency of the operations of the Township, including the activities of the senior management of the Township;
- f) Maintain the financial integrity of the Township; and
- g) Carry out the duties of Council under the Municipal Act, 2001 or any other Act.

#### **4.7 Municipal staff are expected to:**

- a) Implement Council's decisions and establish administrative practices and procedures to carry out Council's decisions;
- b) Undertake research and provide advice to Council on the policies and programs of the Township; and
- c) Carry out other duties required under the Municipal Act, 2001 or any Act and other duties assigned by the Township.

The Procedural By-law is the document that governs the Secretariat function of the Clerk and provides the framework for open, transparent, and civil discourse at meetings of Council and local committees and boards.

#### **How to Add Agenda Items**

There are a variety of ways that members of Council can have items added to the Council agenda for consideration.

The Code of Conduct for Council states:

Under the direction of the Chief Administrative Officer, Township staff serves Council as a whole and the combined interests of all members as evidenced through the decisions of Council as recorded in the minutes and resolutions.

Section 4.4 of the Code of Conduct for Council states:

Members of Council have no individual capacity to direct staff to perform specific functions. Inquiries of staff from members of Council should be directed to the Chief Administrative Officer.

From a Township process perspective, the above statements are reflected in this way:

If a member of Council would like a topic discussed, the member should identify the concerns or the discussion item with the CAO.

The CAO can assist members of Council:

- a) to identify if there is an existing policy in effect that would apply;
- b) whether a staff report should be brought forward to provide Council with more information on how legislation or other factors may influence their decision, or;

- c) whether providing a motion for Council's consideration would be the appropriate avenue.

### **Questions from Council regarding Agenda Reports**

Once an agenda is posted and members of Council have reviewed the information provided, additional clarifying questions may need to be addressed. Members of Council are encouraged to email the CAO or Clerk with any questions prior to the meeting to permit Staff time to prepare any information required to answer before the meeting. When the report is presented to Council, Staff will answer the question provided, as well as any additional questions generated by Council during the discussion of the report.

### **Reports from Committees/Boards**

Council, through By-law 2022-185, as amended, has appointed members of Council to serve on various committees and local boards. These members have been appointed to serve as council representatives and for the purpose of carrying out the general business of the municipality. Minutes from local committees and boards are provided via the regular agenda for consideration by Council once approved.

These boards and committees may meet infrequently during the year, and therefore pertinent information could be delayed in reporting to Council should minutes only be relied on. Council has included New Business/Council Reports as an order of business during meetings of Council and Committee of the Whole to address this.

During this portion of the agenda, members of Council are invited to provide a verbal update for Council information regarding boards or committees to which they have been appointed. If the information provided from the local committee or board meeting is significant or contains a large volume of information for Council to further discuss, the Council representative should work with Staff in advance of the meeting to prepare the information. This is typically done through a Staff Report or may be included under the agenda item Other Agency Minutes & Reports Received.

### **Notice of Motion and Motions added to the Agenda**

Members of Council may provide Notice of Motion as outlined in the Procedural By-law. This essentially advises members of Council and the Public that the member of Council intends to bring forward a motion at a future meeting for Council consideration. This is a good practice to ensure openness and transparency of meetings and allows members of the public to determine if they wish to make comments to Council. Additionally, it allows members of Council to work with Staff on the motion to ensure that the motion as crafted will have the consequences intended by the member and is within the jurisdiction of Council.

A member of Council may add a motion for Council consideration to any meeting, provided they meet the deadlines outlined below.

### **Deadline for Agenda Items**

The deadline for agenda content is at noon on the Thursday preceding the Council meeting. To be included on the agenda, a member of Council would need to have a motion submitted to the Clerk by this deadline. Staff reports are due earlier than

this, to allow time for review before posting to the agenda. Members of Council who are working through the CAO with Staff to bring forward an issue via a Staff report are encouraged to begin the process early to allow sufficient time to prepare the report prior to deadlines.

**Financial Impacts:**

Adherence to the Procedural By-law mitigates the risks of costs associated with legal proceedings, and ombudsman investigations.

**Strategic Alignment / Link:**

N/A

**Respectfully Submitted By:**

Jennifer White, Manager of Legislative Services/Clerk

**Report Approved By:**

Mary Rose Walden, Chief Administrative Officer