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**REPORT TITLE:**     **Amendments to the Region of Peel Procedure By-law**

**FROM:**               Gary Kent, CPA, CGA, ICD.D, Chief Financial Officer and Commissioner  
of Corporate Services

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## **RECOMMENDATION**

**That the amendments to the Region of Peel Procedure By-law 56-2019, as amended, outlined in the report of the Chief Financial Officer and Commissioner of Corporate Services, listed on the November 4, 2021 Regional Council Policies and Procedures Committee agenda titled “Amendments to the Region of Peel Procedure By-law”, be approved;**

**And further, that the necessary by-law be presented to Regional Council for enactment.**

## **REPORT HIGHLIGHTS**

- The current procedure by-law was enacted in 2019 and subsequently amended as required.
  - Further amendments to the Region of Peel Procedure By-law, 56-2019, as amended are required to reflect changes resulting from Council decisions, meeting management needs, clarification of current practices, and administrative updates.
  - The proposed amendments will help facilitate efficient electronic meetings of Regional Council and Committees.
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## **DISCUSSION**

### **1. Background**

The *Municipal Emergency Act, 2020* provides that, during a declared municipal or provincial emergency, a municipality’s procedure by-law may be amended to provide that members of council, local boards and committees may participate electronically in open and closed meetings and be counted for the purposes of quorum.

The *COVID-19 Recovery Act, 2020* amended the *Municipal Act, 2001* to allow electronic participation, in open and closed meetings, to occur outside of an emergency; with electronic participants being counted towards quorum.

Region of Peel Procedure By-law 56-2019, as amended (the By-law) was enacted in 2019 and subsequently amended to enable electronic meetings during a period of declared emergency and further amended to allow for electronic meeting participation outside an emergency.

## Amendments to the Region of Peel Procedure By-law

The revisions to the By-law can be categorized as: (a) those changes resulting from Council decisions and (b) those reflecting meeting management and clarification of current practices. The changes are summarized below.

### 2. Items Identified for Discussion by Council

Additional provisions of the By-law have been identified by Council for committee discussion. The following provides a list of those items and relevant background information.

#### a) Delegations

In 2005, the By-law was amended by Council to include a provision related to delegations. The provision provided that any delegation for which there was no staff report was to be received without comment on the subject and the matter shall be referred to staff for a report, unless there is a majority vote to simply receive the delegation. This provision has substantially remained in effect since that time.

#### b) Motions arising from Correspondence

In 2017, subsequent to the Procedure By-law Review Committee's complete review of the By-law, Regional Council approved an amendment to restrict the ability to present motions related to items of communication without a related staff report. The rationale for this provision was to provide Council with sufficient notice for upcoming motions.

#### c) Abstentions

Section 7.1.6 of the By-law states: that all members eligible to vote shall vote yes, no or abstain. A member who refuses to vote (abstain) will be recorded as voting in the negative. This provision is consistent with section 246 (2) of the *Municipal Act, 2001*: A failure to vote under subsection (1) by a member who is present at the meeting at the time of the vote and who is qualified to vote shall be deemed to be a negative vote.

#### d) Voting Requirements

Section 1.2.15 of the By-law defines "majority vote" as more than half the votes cast by the members who are present and eligible to vote. Section 1.2.31 defines "two-thirds vote" as **at least** two-thirds of the votes cast by members who are present and eligible to vote. These provisions are consistent with Roberts Rules of Order and the voting requirements table contained in the By-law booklet.

### 3. Proposed Direction

Appendices I and II outline the proposed amendments to the By-law and to Appendix 6, Electronic Meeting Procedures. The amendments have been captured on an office consolidation version of the By-law.

The amendments include provisions and administrative updates related to:

#### a) By-law changes resulting from Council decisions:

- Consent agenda
- Delivery of Agenda to Members and publication on website

#### b) Additional amendments have been identified by staff to improve meeting management and clarify processes. Identified changes address:

## **Amendments to the Region of Peel Procedure By-law**

- **Severability Clause**  
A provision stating that the holding of a meeting or any proceeding or decision taken at the meeting remain valid and effective even if one or more clauses of the By-law or any other municipal legislation is omitted, or not strictly complied with.
- **Delegation listings and draft agenda placement**  
For effective meeting management, it is proposed that multiple delegation requests from a person(s), group, corporation, and/or organization for one meeting addressing a number of items listed on the agenda be considered as one delegation and be subject to speaking limits set out the By-law. Additionally, that delegations be listed on the draft agenda for the next appropriate Committee meeting, except where the delegate wishes to address Council with respect to a matter that will be put forward directly to Council for consideration or where the Regional Chair, Chief Administrative Officer and/or Regional Clerk determines that the matter is of an urgent time-sensitive nature.
- **Petition formats**  
As a result of virtual meetings and to ensure accessibility, the need to accept electronic forms of petitions was identified.
- **In Camera Audio Recordings**  
Meetings of Council and committees are recorded by the Regional Clerk's staff where possible and practical to do so. Upon Council's adoption of the meeting Minutes, the in-camera portion of the audio recording is deleted. The recording of the public portion of the meeting is retained in accordance with the Region of Peel Records Retention By-law. For clarity and transparency, it is proposed that the practice of deleting the in camera audio recording be codified in the By-law.
- **Live Audio Video Stream**  
To ensure public access to Council and Committee meetings is maintained, the Presiding Officer will call a recess if the live stream is interrupted or fails to provide Information and Technology staff the opportunity to identify and correct the issue(s).

Staff continues to explore options for hybrid meetings and additional procedural changes may be presented for consideration at a later date.

## **CONCLUSION**

Staff have proposed amendments to the Region of Peel Procedure By-law, 56-2019, as amended to reflect changes resulting from Council decisions, meeting management needs, clarification of current practices, and administrative updates. The amendments will help facilitate efficient electronic meetings of Regional Council and Committee.

## **APPENDICES**

Appendix I – Proposed Amendments to Region of Peel Procedure By-law 56-2019

Appendix II – Proposed Amendments to Appendix 6, Electronic Meeting Procedures

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*Authored By: Harjit Gill, Legislative Specialist*