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**For Information**

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**REPORT TITLE:**      **Procedure By-law Provisions Identified for Discussion by Members of Regional Council**

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

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**OBJECTIVE**

To provide information related to matters referred to the Committee for discussion and that have been raised by Members of Regional Council with respect to certain provisions set out in the Region of Peel Procedure By-law 56-2019, as amended.

**REPORT HIGHLIGHTS**

- The current Procedure By-law was enacted in 2019 and subsequently amended as required.
  - At the January 13, 2022 Regional Council meeting, the Procedure By-law provision related to abstentions was referred to the Regional Council Policies and Procedures Committee for discussion.
  - Additional provisions have been identified for discussion by Members of Regional Council: the retention of in camera recordings, electronic meeting procedures related to attendance, and abstentions.
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**DISCUSSION**

**1. Background**

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.

At the January 13, 2022 Regional Council meeting, Regional Council referred the Procedure By-law provision related to abstentions to the Regional Council Policies and Procedures Committee for discussion.

Members of Regional Council have identified additional Procedure By-law provisions for discussion by the Committee related to the retention of in camera recordings; the effect of abstentions on vote counts; and, the Roll Call and Attendance During the Meeting section of the Electronic Meeting Procedures.

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### **2. Items Identified for Discussion**

The following provides background information related to the items identified for discussion by the Committee.

#### **a) In Camera Recording and Retention**

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.

Section 5.12.4 of the Procedure By-law was approved by Regional Council on December 9, 2021 and states: "Upon Council's adoption of the meeting Minutes, the in-camera portion of the audio recording shall be deleted."

Section 5.12.4 of the by-law is consistent with the Ontario Ombudsman's Open Meetings Law Enforcement Team's best practices which recommend that all municipalities make audio recordings or video recordings of open and closed meetings to ensure a thorough record of the meeting.

Responses received from municipal Clerks across the province to a recent environmental scan indicate that most municipalities do not record the closed session portion of meetings.

#### **b) Abstention**

Section 246 (2) of the *Municipal Act, 2001*, as amended, states: "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."

Section 7.1.6 of the Procedure By-law reflects this legislative requirement and 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."

#### **c) Roll Call and Attendance During the Meeting**

Section 4 of the Electronic Meeting Procedures for Regional Council and Committee meetings, attached as Appendix 6 to the Procedure By-law deals with Roll Call and Attendance During the Meeting. Members of Council are required to verbally announce if they leave the meeting and when they rejoin the meeting. If a member loses connectivity during a meeting for more than two minutes, the member will be deemed to have left the meeting; and shall notify the Clerk's office at [council@peelregion.ca](mailto:council@peelregion.ca). Providing such notice allows the Clerk to accurately monitor quorum. Due to the size of Regional Council, it is not possible for Clerk's staff to view all members in attendance at the meeting on screen at any given time.

Members that provide notification of their absence from the meeting are marked absent for any votes thereafter. In accordance with the *Municipal Act, 2001* and Section 7.1.5 of the Procedure By-law, a member who is present and does not vote shall be considered as voting in the negative.

These requirements are consistent with recommendations contained in the Association of Municipal Clerks and Treasurers of Ontario (AMCTO) Electronic Council, Committee

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and Board Meetings Guide for Ontario Municipalities (2<sup>nd</sup> Edition). The provisions related to attendance were included in the electronic meeting protocol that, until recently, was read out by the Clerk at the start of each electronic meeting.

### **CONCLUSION**

The information provided in this report is presented to facilitate discussion by the Committee.

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*Authored By: Harjit Gill, Legislative Specialist*