



The Corporation of the Town of LaSalle

Date	January 3, 2018	Report No:	CL-04-18
Directed To:	Mayor and Members of Council	Attachments:	Disclosure of Interest form
Department:	Council Services	Policy References:	
Prepared By:	Director Council Services/Clerk		
Subject:	Procedure By-law amendments		

RECOMMENDATION:

That the report of the Director Council Services/Clerk dated January 3, 2018 (CL-04-18) regarding amendments to the Procedural By-Law arising from changes to the *Municipal Act, 2001* BE APPROVED and consideration BE GIVEN to the amending by-law on this agenda.

REPORT:

In November 2016, the Minister of Municipal Affairs tabled Bill 68, the *Modernizing Ontario's Municipal Legislation Act (MOMLA)*. It introduced a series of reforms to the *Municipal Act*, *Municipal Conflict of Interest Act* and *City of Toronto Act*. The purpose of this report is to outline the proposed amendments to the Procedural By-law to incorporate the legislative changes.

Definition of a Meeting

Prior to the introduction of Bill 68, there was ambiguity about the definition of a meeting. Different closed meeting investigators used different opinions of what constituted a meeting and the Ontario Ombudsman's office had an expansive view of what constituted a meeting. The *Municipal Act* has been amended to clarify the definition of a meeting with the addition of a reference to quorum and materially advancing the business of the municipality.

Closed Meeting Exceptions

Bill 68 adds new exemptions for municipalities to meet in closed session. The Association of Municipalities of Ontario had long argued that municipalities needed greater flexibility to deal with certain items in closed session in order to protect the interests of the municipality. Accordingly, four new exceptions to the open meeting rules have been granted dealing with:

- 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
- 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 important to note that the consideration of business items will always be encouraged to be conducted in open session unless the subject matter strictly falls under one of the closed meeting exceptions. The additional exemptions are being recommended and are to be used with discretion.

Disclosure of Pecuniary Interest

Bill 68 requires members of council to submit their disclosures of pecuniary interest in writing to the Clerk at or immediately following the meeting during which they verbally disclose an interest. The Clerk is required to create a registry of the written disclosures available for public inspection. A form has been developed, attached as Appendix "A". Quantities will be left at each Council station in the Chambers and will also be available in electronic format. The registry of disclosures of interest will be posted on the Town website along with the agendas and minutes of council meetings to satisfy the public inspection requirement.

Duties of the Chair

For clarity, an amendment is proposed to formally acknowledge that the Chair has the right to move items for consideration on the agenda. Typically, the Chair has done this in order to address items with large numbers of delegations or in instances where a special request is made to deal with an item out of order so that individuals can honour other commitments.

Electronic Participation in Meetings

Bill 68 allows council members and members of local boards to participate in meetings electronically (by video conference call, Skype, phone etc) subject to incorporation in the Procedure By-law. The intention of this provision is to allow electronic participation by members in instances where a member cannot physically attend the meeting, not in instances when a member chooses not to be in attendance. Simply put, if a member is ill or injured and cannot leave his/her home, electronic participation may be allowed. If a member chooses to go on vacation or to attend a conference out of town, and therefore cannot physically attend the meeting, electronic participation is not an option. The member participating electronically cannot be counted toward quorum. There must be an in-person quorum of council members for the meeting to proceed. Electronic participation is not allowed at closed meetings, only open meetings.

At a recent meeting of the Clerks of the Essex County municipalities, this provision was discussed and no municipality is currently considering recommending electronic participation in meetings. Electronic participation in meetings was originally introduced for school board trustee meetings where a school board may encompass a large geographic area (especially in the french public and catholic boards) that makes it difficult for trustees to travel hundreds of miles to attend meetings.


Accountability and transparency measures put in place by legislation and incorporated into municipal council procedural by-laws are meant to increase transparency for the public. It can be argued that remote electronic participation would not support transparency as the public attending a meeting would not be able to view the remote member if that member was participating by phone. There may also be technology implications in establishing remote connections and perhaps additional costs. It could also be disruptive to the proceedings if video participation is enabled as the member participating remotely may not be able to control background noise and surroundings. A member participating remotely does not count toward quorum, but is allowed to vote. Given that a quorum of council members must be physically present at the meeting in order for it to take place, business can be conducted and actions taken without allowing electronic participation. For these reasons, Administration is not recommending incorporation of electronic participation provisions at this time.



Brenda Andreatta
Director of Council Services



Agatha Armstrong
Deputy Clerk

Reviewed by:							
CAO 	Finance	Council Services	Public Works	DSI	Culture & Rec	Fire	

Disclosure of Pecuniary Interest Form



Council Member Name: _____

Council Meeting Date: _____

Wording:

Signature