

Title: Council Procedural By-law 2019-26 Updates

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Strategic Plan: Leadership in Change

Council Date: November 20, 2019

Recommendation

Whereas on October 16, 2019 the Council of the County of Northumberland adopted the recommendations contained in Report No. 2019-80, “Deputy Warden Position; and

Whereas staff were directed to update the Procedural By-law 2019-26 to incorporate the revisions associated with the creation of a Deputy Warden position; and

Whereas the required notice was provided, as per the Notice Provision Policy; and

Whereas the revised Procedural By-law requires adoption at the November 20, 2019 meeting, to allow a Deputy Warden to be elected or appointed at the December 18, 2019 Council meeting; and

Whereas this is an opportunity to also make several “housekeeping” revisions to other parts of the Procedural By-law, to improve public accessibility, clarity, and inclusivity;

Now Therefore Be It Resolved That Northumberland County Council adopt the changes summarized in this report and outlined in Procedural By-law 2019-44.”

Purpose

The Northumberland Council Procedural By-law 2019-26 requires revisions to incorporate the new position of Deputy Warden, and requires several other updates, including: Members' Declarations and Delegations-Time Limit.

Background

See attached Report No. 2019-80 "Deputy Warden Position", adopted on October 16, 2019.

Consultations

n/a

Legislative Authority/Risk Considerations

Ontario Municipal Act, 2001, 2001, Section 220:

"Change of titles – Without limiting sections 9, 10, and 11, [of the *Ontario Municipal Act*] those sections authorize a municipality to change the titles for its head of council and other members of its council."

Discussion/Options

The following revisions (in red) are incorporated in the updated Council Procedural By-law 2019-44:

1.0 Definitions

"Warden" means the Member of Council duly elected or appointed by the Council of the Corporation of the County of Northumberland **annually, at the December Council meeting, for a one-year period**, and by virtue of their office acts as Head of Council and Presiding Officer with all of the duties as set out and as identified within ~~s~~Section 225 of the Municipal Act, 2001, S.O. 2001, c.25.

"Deputy Warden" means the Member of Council duly elected or appointed by the Council of the Corporation of the County of Northumberland annually, at the December Council meeting, for a one-year period, and by virtue of their office acts as Head of Council and Presiding Officer will all of the duties as set out and as identified within Section 225 of the *Municipal Act, 2001* and as per Sections 23.1 and 242.

3.2 Presiding Officer – Appointment

In the absence of the Warden from a meeting, or if the office is vacant, the **Deputy Warden most recent Past Warden who is a member of Council or if none, it shall mean the Councillor with the longest continuous service on Council from among the current members** shall be **appointed** the Presiding Officer.

3.3 Acting Warden – Appointment

The most recent Past Warden who is a member of Council or if none, it shall mean the Councillor with the longest continuous service on Council from among the current members be appointed Acting Warden and shall act as such when the Warden and Deputy Warden are absent from the municipality through illness or otherwise, or the offices are vacant and, while so acting, such member shall have and may exercise all the rights, powers and authority of the Warden.

5.5 Inaugural Meeting – Order of Procedure

At the Inaugural Meeting of the Council:

- a. The members shall make their declarations of office;
- b. The Council shall organize as a Council and the first order of business shall be the election as Warden of a person who is a member of the Council;
- c. Immediately following the election of the Warden, Council shall elect a Deputy Warden.

5.6 Inaugural Meeting – Elections of Warden and Deputy Warden – Clerk to preside

The Clerk or their designate shall preside over the elections of the Warden and Deputy Warden.

5.8 Inaugural Meeting – Election of Warden and Deputy Warden – equality of votes

a. Equality of Votes

For the purposes of electing the Warden and Deputy Warden, each County Councillor will have one (1) vote.

b. Majority of Council Required

In order to be declared Warden or Deputy Warden, the successful candidate must be elected by a majority vote of Council.

c. Tie Vote – 2 Candidates

In case of votes for Warden or Deputy Warden, the successful candidate shall be determined by placing the names of the candidates on equal size pieces of paper in a container and one name shall be drawn and a successful candidate shall be declared by the Clerk or their designate.

7.7 Meeting – Absence of Warden or Presiding Officer

If the Warden or Presiding Officer does not attend within fifteen minutes of the time a quorum is present after the time appointed for a meeting of the Council or the resumption after an adjournment, the Deputy Acting Warden or the Clerk shall call the Members to order and the Deputy Warden an Acting Warden, if not already appointed, or Presiding Officer, shall be appointed from among the Members present and he or she shall preside until the arrival of the Warden or Presiding Officer.

7.8 Meeting – Deputy Warden or Acting Warden or Presiding Officer may preside

The Warden or Deputy Warden or Presiding Officer may designate another Member as Acting Warden or Presiding Officer during any part of a meeting of the Council when they he or she leaves the chair for any reason.

7.9 Deputy Warden, Acting Warden or Presiding Officer - Powers

While presiding, the **Deputy Warden**, Acting Warden or Presiding Officer shall have all the power and authority and shall perform the duties of the Warden or Presiding Officer with respect to chairing the meeting and shall be entitled to vote as a Member.

8.4 Order of Business – Closed Session

2. Declaration of Direct, ~~or~~ Indirect **or Deemed** Pecuniary Interest, **or Disqualifying Interest**

10.1 Order of Business - Agenda

3. Declaration of Direct, ~~or~~ Indirect **or Deemed** Pecuniary Interest, **or Disqualifying Interest**

10.16 Delegations – Time Limit

Where a person or a representative of any group wishes to address **a regular the** Council **meeting** on a matter which is included in the Agenda, **they he or she** shall make a request to the Clerk, in writing, prior to 12:00 noon on the **Monday before the meeting date. If the Monday is a holiday, they must submit the written request no later than 12:00 noon on the Tuesday before the meeting date. fifth business day preceding the meeting.**

If the delegation request is for a Special Council meeting, the request shall be made to the Clerk prior to 12:00 noon two (2) days prior to the meeting.

Financial Impact

n/a

Member Municipality Impacts

n/a

Conclusion/Outcomes

The recommended revisions to the Council Procedural By-law regarding the newly created position of Deputy Warden:

- specifies that the Warden and Deputy Warden positions be filled annually at the December Council meeting;
- outlines the process by which to elect or appoint the Deputy Warden (identical process to that of Warden);
- specifies the Deputy Warden's duties as set out within Section 225 of the *Municipal Act, 2001*, and as per Sections 23.1 and 242.

Recommended revisions regarding Members' Declarations:

- updates the wording.

Recommended revisions regarding Delegations:

- updates the wording.

Attachments

- Council Report No. 2019-80, "Deputy Warden Position"