

Procedure By-law – Recommended Amendments (2018-2022 Governance Review)

	Reason for Amendment	Action/ Section	Recommended Language	Current Language
1.	<p>Recommendation arising from Member Consultations</p> <p>Clarification of roles and responsibilities for sending letters on behalf of Council</p>	<p>Add new Subsection 3(20) and new Subsection 83(10)</p>	<p>3. <u>DUTIES OF THE MAYOR</u></p> <p>(20) <u>to communicate the requests and positions of Council to other levels of Government as appropriate.</u></p> <p><u>83. GENERAL PROVISIONS FOR COMMITTEES</u></p> <p><u>(10) Where a matter is submitted to a Standing Committee/Commission for action that pertains to taking a formal position on behalf of the City, or petitioning another level of government, such matter shall be submitted to Council for approval.</u></p>	N/A
2.	<p>Ontario Ombudsman Recommendation</p> <p>Changes to implement recommendations relating to the statutory “power to expel” from a</p>	<p>Amend Subsection 12 (2); add new Subsections</p>	<p>12. MEETINGS OPEN TO PUBLIC</p> <p>(1) Subject to Section 13, the meetings of the Council shall be open to the public and no person shall be</p>	<p>12. MEETINGS OPEN TO PUBLIC</p> <p>(1) Subject to Section 13, the meetings of the Council shall be open to the public and no person</p>

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	meeting, as set out in the Ombudsman's investigation report titled, "Press Pause': Investigation into a meeting of council for the Regional Municipality of Niagara on December 7, 2017"	12(3) and 12(4)	<p>excluded there from except for improper conduct; and</p> <p>(2) The Mayor may expel or exclude from any meeting any person who has engaged in improper conduct at the meeting <u>if the Mayor is satisfied that evidence exists to support expulsion or exclusion and states the reason for the expulsion or exclusion;</u></p> <p><u>(3) For the purposes of Subsections (1) and (2), "improper conduct" means conduct that obstructs in any way the deliberations and/or proper action of Council, and includes but is not limited to conduct that negatively affects the observance of order and decorum among Members and the attending public, as well as examples of unreasonable behaviour/incidents set out in the Public Conduct Policy and/or</u></p>	<p>shall be excluded there from except for improper conduct; and</p> <p>(2) The Mayor may expel or exclude from any meeting any person who has engaged in improper conduct at the meeting.</p>

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			<p><u>Corporate Trespass to Property – Procedures; andⁱ</u></p> <p><u>(4) The exercise of authority and stated reason under Subsection (2) shall be recorded in the meeting minutes.</u></p>	
3.	<p>City Clerk and Solicitor’s staff recommendation</p> <p>Clarification to reflect existing practice of Members dissenting on individual recommendations</p>	Amend Section 25	<p>25. <u>SEVERABILITY OF QUESTION</u></p> <p>1) When the matter under consideration contains distinct recommendations or propositions, upon the request of any Member, a vote upon each recommendation or proposition shall be taken separately and no vote shall be required to be taken on the matter as a whole.</p> <p>2) <u>Notwithstanding Subsection 25(1), a member may dissent on one or more recommendations within a matter containing multiple distinct recommendations, without requiring said</u></p>	<p>25. <u>SEVERABILITY OF QUESTION</u></p> <p>When the matter under consideration contains distinct recommendations or propositions, upon the request of any Member, a vote upon each recommendation or proposition shall be taken separately and no vote shall be required to be taken on the matter as a whole.</p>

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			<u>recommendation to be voted on separately.</u>	
4.	<p>Housekeeping</p> <p>Update Agenda and notice provisions, including to reflect establishment of Ottawa Markets Municipal Services Corporation, and to remove Manotick Mill Quarter Community Development Corporation effective upon formal dissolution.</p>	Amend Subsection 29(1)(i) and Subsection 29(6)(c)	<p>29. <u>AGENDA IN COUNCIL</u></p> <p>29.(1)(i) Reports from the Auditor-General, Integrity Commissioner, Election Compliance Audit Committee, Hydro Ottawa , Ottawa Community Housing Corporation, Ottawa Public Library Board, Ottawa Board of Health, and/or the Ottawa Police Services Board, <u>and other entities reporting directly to Council.</u></p> <p>29.(6)(c) Notice of Annual Reports to the Shareholder for Hydro Ottawa Holding Inc., Ottawa Community Housing Corporation, Manotick Mill Quarter Community Development Corporation and Ottawa Community Lands Development Corporation; <u>as well as Annual Meeting of the Member of the Ottawa Markets Municipal Services Corporation,</u> shall be given at the meeting of Council prior to the meeting where the report is to be considered by Council and shall be released with the agenda five calendar days in advance of the</p>	<p>29. <u>AGENDA IN COUNCIL</u></p> <p>29.(1)(i) Reports from the Auditor-General, Integrity Commissioner, Election Compliance Audit Committee, Hydro Ottawa , Ottawa Community Housing Corporation, Ottawa Public Library Board, Ottawa Board of Health, and/or the Ottawa Police Services Board;</p> <p>29.(6)(c) Notice of Annual Reports to the Shareholder for Hydro Ottawa Holding Inc., Ottawa Community Housing Corporation, Manotick Mill Quarter Community Development Corporation and Ottawa Community Lands Development Corporation shall be given at the meeting of Council prior to the meeting where the report is to be considered by Council and shall be released with the agenda five calendar days in</p>

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			Council meeting at which it is to be considered;	advance of the Council meeting at which it is to be considered;
5.	<p>Recommendation arising from Member consultations</p> <p>Inquiries should be submitted 24 hours in advance of the meeting</p>	Amend Subsection 33(1)	<p>33. <u>DIRECTIONS, INQUIRIES AND ANSWERS</u></p> <p>33(1) Any inquiry made at a meeting of Council, a Standing Committee or the Transit Commission, should be submitted in writing <u>at least 24 hours in advance of the meeting</u>, and referred to the City Manager, appropriate General Manager or the City Clerk and Solicitor for response.</p>	<p><u>DIRECTIONS, INQUIRIES AND ANSWERS</u></p> <p>33(1) Any inquiry made at a meeting of Council, a Standing Committee or the Transit Commission, shall be submitted in writing, and referred to the City Manager, appropriate General Manager, City Clerk and Solicitor or City Treasurer for response</p>
6.	<p>City Clerk and Solicitor's staff recommendation</p> <p>Amend Section 35 to add <i>Ontario Heritage Act</i> application to the list of report types that may be considered by Council without waiver of the <i>Rules</i>, as is currently the case with Planning Applications.</p>	Add new Subsection 35(7)	<p>35. <u>PLANNING REFERRALS AND APPEALS - DELIVERY OF REPORTS</u></p> <p>Despite Subsection 34(1), reports from the Planning Committee or Agriculture and Rural Affairs Committee that contain recommendations with respect to:</p> <p>(1) Conditions for draft approval of a plan of subdivision;</p> <p>(2) Draft approval of a plan of subdivision;</p>	<p>35. <u>PLANNING REFERRALS AND APPEALS - DELIVERY OF REPORTS</u></p> <p>Despite Subsection 34(1), reports from the Planning Committee or Agriculture and Rural Affairs Committee that contain recommendations with respect to:</p> <p>(1) Conditions for draft approval of a plan of subdivision;</p> <p>(2) Draft approval of a plan of subdivision;</p>

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			<p>(3) Conditions for draft approval of a plan of condominium;</p> <p>(4) Draft approval of a plan of condominium;</p> <p>(5) Zoning By-law; or</p> <p>(6) Official Plan Amendments;</p> <p><u>(7) Heritage Applications that are subject to the statutory 90-day timeline for consideration under the Ontario Heritage Act.</u></p> <p>may be considered by Council provided that the staff report to the Standing Committee was distributed to all Members of Council at least five calendar days in advance of the meeting of Council.</p>	<p>(3) Conditions for draft approval of a plan of condominium;</p> <p>(4) Draft approval of a plan of condominium;</p> <p>(5) Zoning By-law; or</p> <p>(6) Official Plan Amendments;</p> <p>may be considered by Council provided that the staff report to the Standing Committee was distributed to all Members of Council at least five calendar days in advance of the meeting of Council.</p>
7.	<p>City Clerk and Solicitor's staff recommendation</p> <p>To provide additional clarity with respect to the ability for the public to inspect draft by-laws</p>	<p>Amend Subsection 70(6); add new Subsection 70(7)</p>	<p><u>70. (6) All original by-laws enacted by the Council shall be kept by the City Clerk and Solicitor, and shall be available for inspection by any person in accordance with the Municipal Act, 2001;</u></p> <p><u>(7) Draft By-laws that have been listed on the published Council Agenda are available for inspection by Members of Council and any</u></p>	<p>70(6) All by-laws enacted by the Council shall be printed, paged, indexed and bound up in a separate volume for the year in which they are passed.</p>

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			<u>person in advance of and at the Council meeting.</u>	
8.	<p>City Clerk and Solicitor’s staff recommendation</p> <p>Clarify in Subsection 84(3) that any Member of Committee may request an item be held during Consent Agenda</p>	Amend Subsection 84(3)	84(3) <u>Any Member of Council or the Committee/Commission</u> may require that a recommendation be debated or subject to questions;	84(3) Any Member of the Committee/Commission may require that a recommendation be debated or subject to questions;
9.	<p>Governance Review report recommendation</p> <p>Update relevant procedures with respect to <i>ex officio</i> membership as it relates to the Chairs of Planning Committee and Agriculture and Rural Affairs Committee being <i>ex officio</i> members on each other’s Committees should</p>	New Subsection 77(4); amend Subsections 80(4) and 80(5)	<p><u>77(4) The Chair of the Planning Committee is an ex officio member of the Agriculture and Rural Affairs Committee and the Chair of the Agriculture and Rural Affairs Committee is an ex officio member of the Planning Committee.</u></p> <p>80 (4) The presence of the Mayor <u>or ex officio member</u> at a meeting of a Committee/Commission shall always be considered in the determination of whether a quorum is present;</p>	<p>(4) The presence of the Mayor at a meeting of a Committee/Commission shall always be considered in the determination of whether a quorum is present;</p> <p>(5) The determination of the quorum requirements pursuant to Subsection (2) for Finance and Economic Development Committee shall take into account that the Mayor is an ex officio member of the Committee, but otherwise the ex officio membership of the Mayor</p>

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	Council approve the related report recommendations		80(5) The determination of the quorum requirements pursuant to Subsection (2) for Finance and Economic Development Committee shall take into account that the Mayor is an ex officio member of the Committee, but otherwise the ex officio membership of the Mayor <u>or other ex officio member</u> shall not be included in determining the quorum requirement.	shall not be included in determining the quorum requirement.
10.	<p>City Clerk and Solicitor's staff recommendation</p> <p>Formalize the practice implemented in January 2018 whereby Planning Application reports to the Agriculture and Rural Affairs Committee and Planning Committee are published ten calendar days in advance of the meeting, to align with public circulation by Planning staff</p>	Add new Subsection 81(12)	<p><u>81(12) Despite Subsection (10), planning application reports, for which public notice is required ten calendar days in advance of the Agriculture and Rural Affairs Committee or Planning Committee meeting, shall be provided to Members ten calendar days in advance of the meeting.</u></p>	81(10) Seven calendar days' notice of a regular meeting shall be given to the Members of a Committee/Commission and an agenda shall be provided to the Members seven calendar days in advance of the meeting;

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11.	<p>City Clerk and Solicitor’s staff recommendation</p> <p>Remove “<u>except in the instance of a Standing Committee/Commission</u>” in Section 83(12), as it is contradictory and confusing</p>	Amend Subsection 83(12)	83(12) Should the Chair of any Committee neglect or refuse to call meetings of the Committee at such times or with such frequency as the proper dispatch of the Committee’s business requires, or do the business of the Committee without the knowledge or consent of its Members, or contrary to their wishes or actions, the Committee may report such neglect, refusal or action to the Council which may remove such Chair from office and, <u>except in the instance of a Standing Committee/Commission</u> , appoint another Member as Chair.	83(12) Should the Chair of any Committee neglect or refuse to call meetings of the Committee at such times or with such frequency as the proper dispatch of the Committee’s business requires, or do the business of the Committee without the knowledge or consent of its Members, or contrary to their wishes or actions, the Committee may report such neglect, refusal or action to the Council which may remove such Chair from office and, except in the instance of a Standing Committee/Commission, appoint another Member as Chair.
12.	<p>City Clerk and Solicitor’s staff recommendation</p> <p>Amend provisions with respect to adding items to a Special Meeting agenda to account for Members who are on an authorized leave of Absence</p>	Amend Subsection 14(5) and Subsection 87(3)	<p>14(5) The Council shall not consider or decide any matter not set forth in the notice calling the Special Meeting, without the consent, recorded in the Minutes, of all of the Members of the Council <u>(with this exception of those on a leave of absence authorized by Council)</u>;</p> <p>87(3) At Special Meetings of the Committee/Commission, it shall not be competent to consider or decide upon</p>	<p>14(5) The Council shall not consider or decide any matter not set forth in the notice calling the Special Meeting, without the consent, recorded in the Minutes, of all of the Members of the Council;</p> <p>87(3) At Special Meetings of the Committee/Commission, it shall not be competent to consider or decide upon any matter unless such</p>

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			any matter unless such matter has been explained in the notice calling the meeting, without the consent, recorded in the Minutes, of all of the Members of the Committee/Commission <u>(with the exception of those on a leave of absence authorized by Committee/Commission or Council);</u>	matter has been explained in the notice calling the meeting, without the consent, recorded in the Minutes, of all of the Members of the Committee/Commission;

ⁱ Should Council not approve the draft Public Conduct Policy and/or Corporate Trespass to Property – Procedures that are recommended as part of the 2018-2022 Governance Review report, it is recommended that the proposed Subsection 12(3) state as follows:

(3) For the purposes of Subsections (1) and (2), “improper conduct” means conduct that obstructs in any way the deliberations and/or proper action of Council, and includes but is not limited to conduct that negatively affects the observance of order and decorum among Members and the attending public, as well as examples of unreasonable behaviour set out in the Public Conduct Policy and/or Corporate Trespass to Property – Procedures.