

Town of Midland

COUNCIL PROCEDURES

We often tend, particularly in the wake of a municipal election, to view Town council members as a group of individuals. While it is true that councillors are individually accountable to the citizens who have elected them, once assembled, they form a corporate body.

The municipality is a corporation, and members of council can be compared to a board of directors, with the head of council as Chair. The *Municipal Act* is the legislative authority governing the corporation. In addition, every municipality in Ontario is required to have a procedural by-law.

Procedure by-laws set out how municipal business will be transacted, and include protocols for notice of meetings, order of business, conduct of members, and rules of debate.

Regulations governing municipalities, whether provincially imposed or set out in procedural by-laws, are based on fundamental principles of transparency and accountability. All meetings of council must be held in an open public forum, except in specific circumstances, such as to receive legal advice, or to discuss personnel issues.

Council meetings are formal business meetings. In order to have a motion debated by council, a councillor (the mover) requires another member to second his or her motion. The motion is read, debated and voted upon. A majority of votes in the affirmative are required to carry the motion. Members may speak to a motion when recognized by the head of council.

When council meets as General Committee of the Whole, rules of procedure are relaxed. Members may speak longer and more often, permitting more debate and allowing a free-flowing discussion to take place. No motions, however, are dealt with in Committee.

Interesting case law surrounds what constitutes a council meeting. Essentially, if a quorum of council members meets and municipal business is discussed, whether in council chambers or at a local restaurant – presto! – you’ve got a council meeting – together with the procedural rules which go along with it – requirements for notice, for debate to be conducted in a public forum, and so on.

It has been said that meetings are those times when the minutes are recorded, but hours lost. While this may sometimes be true, a properly constructed agenda is critical to the efficient conduct of any meeting.

The format of the agenda for council meetings is set out in the procedural by-law. The Clerk's Department finalizes the agenda, which is then circulated to members of Council and the media with all supporting documents. Full copies are available for viewing at the Clerk's office, and on our website. This document forms the framework for the council meeting.

The business of the municipality is carried out by corporate action – that is, by resolution or by-law.

Resolutions are used for administrative matters, such as accepting reports, giving direction to staff, or stating council's position on a particular issue.

By-laws are more formal and are used for specific action – to authorize contracts, or to regulate matters under council's jurisdiction (for example, a parking by-law). A person can be subject to prosecution for failing to comply with a by-law, never a resolution.

Minutes of council meetings are not a narrative of what happened at a meeting, but the official records of corporate action taken – what resolutions or by-laws have carried (passed) or failed. Minutes record what is done, not what is said, and do not include points made in debate.

Delegations often appear before Council to voice an opinion or request corporate actions. Anyone wishing to appear as a delegation must notify the Clerk in writing with details of the issue to be spoken to. The request is discussed at an agenda review meeting and the Clerk advises as to when, or if, the delegation has been placed on the agendas. It should be noted that many concerns can be answered or addressed by appropriate staff without the necessity of appearing at a council meeting.

Public hearings differ from council meetings in that any person present who believes that he or she is affected by a proposed by-law – usually a land use issue – is given an opportunity to speak or to present a written submission without first notifying the Clerk.

As a citizen, you have the right to express your opinions to your elected representatives. Your perspective makes a difference when council discusses an issue. Participate!