

COMMON COUNCIL REPORT

M&C No.	2021-118
Report Date	April 14, 2021
Meeting Date	April 19, 2021
Service Area	Legislative Services

His Worship Mayor Don Darling and Members of Common Council

SUBJECT: Repeal and Replacement of Council's Procedural By-law

AUTHORIZATION

Primary Author	Commissioner/Dept. Head	City Manager
<i>Jonathan Taylor</i>		<i>John Collin</i>

RECOMMENDATION

It is recommended that Council approve the repeal and replacement of "A By-law Respecting the Procedures of the Common Council of The City of Saint John" by approving first and second reading of the by-law at the Council meeting of April 19th and third reading on May 3rd.

EXECUTIVE SUMMARY

A consolidated Procedural by-law has been prepared for Council's approval. The updated by-law incorporates 14 previously approved amendments and also includes housekeeping items, proposed changes and new by-law content.

PREVIOUS RESOLUTION

March 22, 2021 Council Resolution:

RESOLVED that as recommended by the City Manager in the submitted report M&C 2021-083: Selection of Deputy Mayor, Council approve Option 3 for the selection of the Deputy Mayor and direct staff to prepare a Procedural Bylaw amendment (s. 11.2 Deputy Mayor Appointment process) for council's approval reflecting the following:

Option 3 – Council Nominates and Elects the Deputy Mayor

During the first meeting of council following the quadrennial election, councillors who are interested in the deputy mayor position will self-identify declaring their interest and stating their reasons at the meeting in Open Session; and,

At the second meeting of council following the quadrennial election, council members will elect the deputy mayor by a show of hands and adopt a resolution to appoint the deputy mayor for the 4-year term of council.

REPORT

Municipal Councils in New Brunswick are legislatively required to adopt a by-law to establish the procedures for meetings of council.

Common Council enacted its current *“By-law Respecting the Procedures of the Common Council of The City of Saint John”* in October 2010. The by-law provides how Council meetings are conducted, how decisions are made and recorded, how participants (including the public) are involved in meetings, and how other meeting matters, such as meeting schedules and notice requirements are handled.

On March 22, 2021, Council adopted a resolution to establish a new procedure respecting the election of a Deputy Mayor. The new procedure allows Council to select the Deputy Mayor from any of the ten newly elected Councillors who express an interest in serving. Council’s past practice had been to elect as Deputy Mayor the Councillor who received the highest number of votes in the municipal election.

The General Counsel’s office has prepared a consolidated Procedural by-law for Council’s approval. The updated by-law includes: a) the new provision for the election of a Deputy Mayor; b) the consolidation of the 14 Procedural by-law amendments approved since the enactment of the current by-law; and c) updated content and several housekeeping items.

The housekeeping updates in the by-law include:

- Updated by-law format with City ‘s new enhanced by-law standard.
- Updated staff titles (replacing City Solicitor, Commissioner of Finance, Common Clerk with General Counsel, Chief Financial Officer, City Clerk).
- Removal of references to repealed Provincial legislation (*Municipalities Act*) and replacement with current legislation (*Local Governance Act*).

The proposed content changes to the by-law are as follows:

- New provisions for the election of a Deputy Mayor (see section 12.2).
- Codifying the existing procedures for Statutory public hearings, including a new provision setting a five-minute time limit for individuals wishing to speak (see sections 9.14, 9.15).
- Updated procedure respecting a “motion to rescind” to reflect the provisions of Robert’s Rules of Order. Previously a two-thirds vote of the whole of Council was required to pass a rescinding resolution. The amended provision would only require a majority vote of Council to pass a rescinding motion when a notice of the motion is provided in advance of the Council meeting (see sections 4.10, 4.10.1, 4.10.2).

It is recommended that Council repeal and replace the Procedural by-law by approving 1st and 2nd reading of the by-law at the meeting of April 19th and 3rd reading on May 3, 2021.

STRATEGIC ALIGNMENT

Good Governance

SERVICE AND FINANCIAL OUTCOMES

N/A

INPUT FROM OTHER SERVICE AREAS AND STAKEHOLDERS

General Counsel's office

ATTACHMENTS

A By-law Respecting the Procedures of the Common Council of The City of Saint John