



Town of Newmarket MINUTES

**SPECIAL
COMMITTEE OF THE WHOLE**
Monday, September 9, 2013 at 9:00 a.m.
Council Chambers
395 Mulock Drive

For consideration by Council
on September 30, 2013

The meeting of the Special Committee of the Whole was held on Monday, September 9, 2013 at 9:00 a.m. in the Council Chambers, 395 Mulock Drive, Newmarket.

Members Present: Mayor Van Bynen
Regional Councillor Taylor
Councillor Di Muccio
Councillor Emanuel
Councillor Hempen
Councillor Kerwin
Councillor Sponga (10:08 a.m. to 1:01 p.m.)
Councillor Twinney
Councillor Vegh (9:28 to 12:34 p.m.; 12:47 to 1:01 p.m.)

Staff: R. N. Shelton, Chief Administrative Officer
I. McDougall, Commissioner of Community Services
A. Moore, Commissioner of Corporate Services
R. Prentice, Commissioner of Development and Infrastructure Services
E. Armchuck-Ball, Director of Legal Services/Municipal Solicitor
A. Brouwer, Director of Legislative Services/Town Clerk
L. Lyons, Deputy Town Clerk
B. Yeats, Municipal Intern
J. Patel, Project Support and Business Analyst
L. Moor, Council/Committee Coordinator

The meeting was called to order at 9:04 a.m.

Mayor Van Bynen in the Chair.

DECLARATIONS OF INTEREST

None.

1. SPECIAL COMMITTEE OF THE WHOLE MINUTES – SEPTEMBER 9, 2013 – ITEM 1 PRESENTATION – PROCEDURE BY-LAW

The Director of Legislative Services addressed the Committee with a PowerPoint presentation providing details of proposed changes to the Town's Procedure By-law. Members of Council queried the Director of Legislative Services regarding various aspects of the draft procedure by-law.

Councillor Sponga arrived at 10:08 a.m.

Feedback was provided regarding the following:

- Announcements/Community Events portion moved closer to New Business items on a Council meeting agenda with a time limit and maximum announcements per Member of Council
- Duplication of deputations at Committee of the Whole meetings and Council meetings
- Electronic voting measures at Committee of the Whole meetings as well as Council meetings
- Time allotment for pushing vote button
- Chair's ruling consistency and appeal process currently in place
- Number of times allotted to speak to an issue during a meeting
- Requirement of a Mover and Seconder to open the floor for discussion purposes
- Member participation in Closed Session meetings if he/she votes against going into a Closed Session meeting
- Order of queue visible on tablet screen available to every Member of Council

**2. SPECIAL COMMITTEE OF THE WHOLE MINUTES – SEPTEMBER 9, 2013 – ITEM 2
CORPORATE SERVICES REPORT – LEGISLATIVE SERVICES 2013-34
FINAL DRAFT PROCEDURE BY-LAW**

Corporate Services Report – Legislative Services 2013-34 dated August 29, 2013 regarding the Procedure By-law. Attachments A, B, C and D (Final Draft Procedure By-law, Comparison Chart, Board/Committee Feedback, Online Public Survey, By-law 2008-54)

The Committee recessed at 11:05 a.m.

The Committee reconvened at 11:10 a.m.

The following items were identified as requiring further staff investigation:

- a) Section 9f): Reporting out and Confidentiality of Closed Session Discussions: provide for a process to track matters dealt with in Closed Session and the public disposition of these matters, if any;
- b) Section 61c): Acting Mayor: provide plain language information to the public on the determination process for the Acting Mayor;
- c) Speaker Queue practices, including protocol for staff in speaker queue; and,

- d) Section 54: New Business: provide for examples of new business which support the intent of this Section.

**Moved by Councillor Emanuel
Seconded by Councillor Twinney**

THAT Item 20 listed as 'Order of Business – Council' in the draft Procedure By-law be amended by moving Section vii) known as Announcements & Community Events to before Section xv) New Business.

CARRIED

**Moved by Councillor Emanuel
Seconded by Councillor Kerwin**

THAT Item 27 listed as 'Deputations at Meetings of Council & Committee of the Whole' in the draft Procedure By-law be amended by deleting Subsection d) entirely.

CARRIED

**Moved by Councillor Emanuel
Seconded by Councillor Twinney**

THAT Item 57 listed as 'Recorded Vote' in the draft Procedure by-law be amended by including the practice of voting by recorded vote at Committee of the Whole meetings.

MOTION LOST

**Moved by Regional Councillor Taylor
Seconded by Councillor Vegh**

THAT Council support the inclusion of Item 12b) listed under the heading 'Members' as stated in the draft Procedure By-law document.

CARRIED

**Moved by Councillor Emanuel
Seconded by Councillor Kerwin**

- 1. THAT the PowerPoint presentation with respect to details of the Draft Procedure By-law by the Director of Legislative Services be received;**
- 2. AND THAT Corporate Services Report – Legislative Services 2013-34 dated August 29, 2013 regarding the Procedure By-law and the feedback provided be received;**
- 3. AND THAT staff bring back the items raised related to matters of interpretation and practice by incorporating them into the final draft Procedure By-law or through appropriate changes to practices.**

CARRIED

3. SPECIAL COMMITTEE OF THE WHOLE MINUTES – SEPTEMBER 9, 2013 – ITEM 3 PRESENTATION – COUNCIL CODE OF CONDUCT

The Commissioner of Corporate Services addressed the Committee with a PowerPoint presentation regarding the Council Code of Conduct.

Feedback was provided regarding the following points:

- Councillor to Councillor complaints
- Disposition of Closed Session matters
- Gifts, hospitality, direct benefits, prescriptive language of exchange for payment
- Defamation
- Social media policy
- Integrity Commissioner advice (verbal or written)
- Informal and formal complaint process
- General conduct
- Use of Town property for charitable events

The Committee recessed at 12:34 p.m.

The Committee reconvened at 12:40 p.m.

Councillor Vegh returned to the meeting at 12:47 p.m.

**Moved by Regional Councillor Taylor
Seconded by Councillor Hempen**

THAT staff bring back a report of options/considerations/best practices regarding Councillor to Councillor Code of Conduct Complaints.

CARRIED

**Moved by Councillor Sponga
Seconded by Councillor Hempen**

THAT the PowerPoint presentation by the Commissioner of Corporate Services regarding the Council Code of Conduct be received.

CARRIED

4. **SPECIAL COMMITTEE OF THE WHOLE MINUTES – SEPTEMBER 9, 2013 – ITEM 4
CORPORATE SERVICES REPORT 2013-02
COUNCIL CODE OF CONDUCT**

Corporate Services Report 2013-02 dated August 29, 2013 regarding Council Code of Conduct. (Attachment E)

**Moved by Regional Councillor Taylor
Seconded by Councillor Vegh**

THAT Corporate Services Report 2013-02 dated August 29, 2013 regarding Council Code of Conduct be received and the following recommendations be adopted:

1. **THAT Members of Council review the draft Council Code of Conduct and provide their comments to staff by October 31, 2013;**
2. **AND THAT the draft Code be posted on the Town's website and be made available for public comment until October 31, 2013;**
3. **AND THAT Council comments and community feedback be taken into consideration when the Code is brought back to Committee in November 2013 for final consideration.**

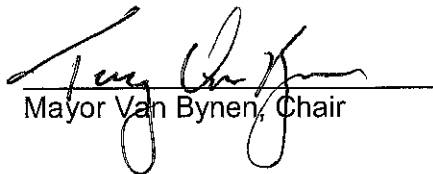
CARRIED

**Moved by Councillor Kerwin
Seconded by Councillor Emanuel**

THAT the meeting adjourn.

CARRIED

There being no further business, the meeting adjourned at 1:01 p.m.



Mayor Van Bynen, Chair



Lisa Lyons, Deputy Town Clerk