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.
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


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