



Corporate Services Commission – Legislative Services
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September 3, 2015

CORPORATE SERVICES COMMISSION REPORT - LEGISLATIVE SERVICES 2015-11

TO: Mayor Van Bynen & Members of Council

SUBJECT: Housekeeping Matters: Regular Meeting Schedule, Procedure By-law & Municipal Flag Policy

ORIGIN: Legislative Services

RECOMMENDATIONS

THAT Corporate Services Commission Report – Legislative Services 2015-11 dated September 3, 2015 regarding the “Housekeeping Matters: Regular Meeting Schedule, Procedure By-law and Municipal Flag Policy” be received and the following recommendations be adopted:

1. THAT Council determine whether regular Committee of the Whole and Council meetings will be scheduled on Tuesdays effective November, 2015;
2. AND THAT Council adopt the recommended housekeeping amendments to the Procedure By-law (By-law 2013-46) outlined in Appendix A;
3. AND THAT Council provide direction on the options related to deputations outlined in Appendix B;
4. AND THAT Council adopt the recommended housekeeping amendments to the Municipal Flag Policy outlined in Appendix C in highlight.

COMMENTS

Purpose

The report seeks Council's direction on options and approval of recommendations related to Council's meeting schedule, Procedure By-law and Municipal Flag Policy.

Background

Meeting Schedule

Council's current regular meeting schedule provides that regular Committee of the Whole meetings be held on Mondays. Feedback from some Members of Council has indicated an interest in moving the regular Committee of the Whole and Council meetings from Mondays to Tuesdays to avoid meeting conflicts on

holiday Mondays (note: staff have not surveyed individual Members of Council to determine their preference). Scheduling Committee of the Whole and Council meetings on Tuesday would have the benefit of providing an additional day for Members of Council and the public to review meeting agenda materials.

From an administrative perspective, there are no concerns with re-scheduling the regular Committee of the Whole and Council meetings from Mondays to Tuesdays. Currently, Rogers Television broadcasts Newmarket Council meetings live on Mondays and Aurora Council meetings live on Tuesdays. According to Rogers Television, if both Newmarket and Aurora Council meetings are held on Tuesdays, one meeting will be live and the other meeting will air at a different time.

Should Council move their regular Committee of the Whole and Council meeting schedule from Mondays to Tuesdays, it is recommended that this commence November, 2015 to provide time for the change to be communicated broadly.

Procedure By-law

The *Municipal Act, 2001* (the Act) requires Council to pass a by-law to govern its rules of procedure for Council and its committee meetings. Council's current Procedure By-law (By-law 2013-46) was passed in a consolidated fashion in 2013 following a comprehensive review.

Since approval of the current Procedure By-law, Members of Council and staff have noted potential housekeeping amendments (outlined in Appendix A) and requested options related to deputations which balance opportunities for public input and a desire to ensure meetings are efficient (outlined in Appendix B). As well, themes such as electronic participation at public meetings by members of council and advice of closed meeting investigators has helped to inform meeting practices and are addressed in Appendix A.

Public notice standards in By-law 2008-54 and the Notice Policy will be reviewed separately and integrated into the Public Engagement Policy, currently in development. In the interim, the public notice standards set out and appended to By-law 2008-54 remain in place.

Subject to Council's direction, amendments to the Procedure By-law will be brought forward at the next regular Council meeting.

Municipal Flag Policy

In 2012, Council adopted a corporate policy governing display of flags at the Municipal Offices and properties owned by the Town of Newmarket. Since the policy was adopted, there have been occasions where individuals have passed away and the policy has not provided sufficient clarity or flexibility to allow flags to be lowered to half-staff. To rectify this, an amendment to the policy is recommended whereby flags may be lowered to half-staff for "any individual determined by the Mayor in consultation with the CAO or Clerk" (currently, the policy provides that flags may be lowered to half-staff for a "prominent public figure" only, in addition to a number of specific individuals). The Clerk will retain a record and advise the Mayor of occasions where flags have been lowered to half-staff under this provision.

In addition, Central York Fire Service (CYFS) has requested that the policy reflect the current practice of lowering flags at all CYFS facilities (in accordance with the practices of the Town of Newmarket, Aurora and CYFS) to half-staff, regardless if the facility is located in Newmarket or Aurora. This approach provides a consistent expression of mourning from CYFS and reflects the fact that CYFS serves the communities of Newmarket and Aurora. Therefore, an amendment to the policy is recommended whereby flags may be lowered to half-staff at CYFS facilities in the Town of Newmarket "in accordance with the practices of the CYFS, Town of Aurora, upon being notified of the death of a firefighter in the line of duty in

another municipality across Canada or when notified of the death of a police officer in the line of duty across Ontario".

BUSINESS PLAN AND STRATEGIC PLAN LINKAGES

A review of policies supports the Town's strategic directions of a well-equipped, managed and respected municipality by ensuring service excellence and promoting engagement in civic affairs.

CONSULTATION

This report was prepared with input from senior staff. External input was sought from municipal clerks within York Region and select GTA municipalities.

HUMAN RESOURCE CONSIDERATIONS

There are no human resource considerations. Any training/orientation required as a result of Council's adoption of a new procedure by-law will be accommodated within the current staff level.

BUDGET IMPACT

There are no budget impacts.

CONTACT

For more information on this report, contact Andrew Brouwer, Director of Legislative Services/Town Clerk.



Andrew Brouwer, Director of Legislative Services/Town Clerk



Anja Moore, Commissioner of Corporate Services

Appendix A to Corporate Services Commission – Legislative Services Report 2015-11

Item Number	Current Procedure By-law Section	Amendment description / Discussion point	Current Procedure By-law	Proposed Amendment(s)
1.	1. Definitions	Adds definition of “property” in reference to a closed session meeting related to “security of the property of the municipality” (reflects current practice).	n/a	cc) Property in Section 9 a) i) is defined broadly to include physical, financial and intellectual property, among other things.
2.	8. Meetings a) Location & Schedule of Meetings of Council, Committee of the Whole & other Committees	Removes requirement that a meeting be held at the Municipal Office or at another location “within the municipality”. From time to time, a meeting may be constituted outside the geographic boundary of the municipality (captures evolving practice).	a) i) Meetings of Council and Committee of the Whole take place at the Municipal Office or at another location within the Municipality when Notice is given.	a) i) Meeting of Council and Committee of the Whole take place at the Municipal Office or at another location when Notice is given.

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3.	8. Meetings a) Location & Schedule of Meetings of Council, Committee of the Whole & other Committees	Clarifies that the schedule of regular meetings of Council and Committee of the Whole may be amended after approval (reflects current practice).	a) iii) Council approves a schedule of regular Meetings of Council and Committee of the Whole for each calendar year. The schedule of Meetings is made available to the public on the Town's website and from the Municipal Office.	a) iii) Council approves a schedule of regular Meetings of Council and Committee of the Whole for each calendar year, which may be amended . The schedule of Meetings is made available to the public on the Town's website and from the Municipal Office.
4.	8. Meetings b) Notice of Meetings of Council & Committee of the Whole	Reflects achievable and current notice practice, which can be met by posting a notice on the Town's website and time permitting on the Town's regular advertising page in the local newspaper (reflects current practice).	b) iv) Posting a Notice, time permitting on the Town's website and the Town's regular advertising page in the local newspaper that indicates the date and time of the Meeting of Council or Committee of the Whole.	b) iv) Posting a Notice on the Town's website and time permitting, on the Town's regular advertising page in the local newspaper that indicates the date and time of the Meeting of Council or Committee of the Whole.

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5.	8. Meetings b) Notice of Meetings of Council & Committee of the Whole	Provides that a closed session agenda for Committee of the Whole may be circulated with the regular agenda. This recognizes an evolving practice of providing an open session report to correspond with a closed session report (captures evolving practice).	<p>The Clerk gives Notice of a Meeting of Council or Committee of the Whole by:</p> <ul style="list-style-type: none"> i) Providing Council with a regular agenda on each Thursday preceding a Meeting day of Council and each Thursday ten days in advance of a Meeting day of a Committee of the Whole. ii) Providing Council with regular addenda and closed session agendas on each Thursday preceding Council and on each Thursday preceding the Meeting day of the Committee of the Whole. iii) Providing Council with additional regular addenda and closed session agendas up to and including the Meeting days of Council or Committee of the Whole. iv) Posting a Notice, time permitting, on the Town's website and the Town's regular advertising page in the local newspaper that indicates the date and time of the Meeting of Council or Committee of the Whole. 	<p>The Clerk gives Notice of a Meeting of Council or Committee of the Whole by:</p> <ul style="list-style-type: none"> i) Providing Council with a regular agenda on each Thursday preceding a Meeting day of Council and each Thursday ten days in advance of a Meeting day of a Committee of the Whole. ii) Providing Council with regular addenda on each Thursday preceding Council and on each Thursday preceding the Meeting day of the Committee of the Whole. iii) Providing Council with additional regular addenda up to and including the Meeting days of Council or Committee of the Whole. iv) Where required, providing Council with a closed session agenda in accordance with the publishing timeframes set out of regular, addenda and additional addenda set out in Sections 8b) i), ii) and iii). v) Posting a Notice, time permitting, on the Town's website and the Town's regular advertising page in the local newspaper that indicates the date and time of the

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6.	8. Meetings e) Notice of Meetings of Special Council & Committee of the Whole	Reflects achievable and current notice practice, which can be met by posting a notice on the Town's website and time permitting n the Town's regular advertising page in the local newspaper (reflects current practice).	e) ii) Posting a Notice, time permitting on the Town's website and the Town's regular advertising page in the local newspaper that indicates the date and time of the special Meeting of Council or Committee of the Whole and the general nature of the matters to be discussed.	e) ii) Posting a Notice on the Town's website and time permitting on the Town's regular advertising page in the local newspaper that indicates the date and time of the special Meeting of Council or Committee of the Whole and the general nature of the matters to be discussed.
7.	8. Meetings h) Workshop Meetings	The Mayor and/or CAO may convene workshop meeting to discuss issues in an informal venue. Case law and recent closed meeting investigator reports indicate that a meeting can occur in non-traditional meeting settings such as bus tours (notes evolving practice).	n/a	n/a

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8.	8. Meetings i) Notice of Workshop Meetings	Reflects achievable and current notice practice, which can be met by posting a notice on the Town's website and time permitting on the Town's regular advertising page in the local newspaper (reflects current practice).	i) ii) Posting a Notice, time permitting on the Town's website and the Town's regular advertising page in the local newspaper that indicates the date and time of the workshop Meeting and the general nature of the matters to be discussed.	i) ii) Posting a Notice on the Town's website and time permitting on the Town's regular advertising page in the local newspaper that indicates the date and time of the workshop Meeting and the general nature of the matters to be discussed.
9.	9. Open & Closed Meetings f) Reporting Out & Confidentiality of Closed Session Discussions	Clarifies that the release of closed session information is specifically subject to review by the Head or designate under the <i>Municipal Freedom of Information and Protection of Privacy Act</i> (MFIPPA) or if directed to release information by a court. This is helpful as the MFIPPA prescribes the disclosure process as well as discretionary and mandatory	f) iii) No Member shall disclose or discuss, through written electronic or verbal communication, to any individual or corporate third party, any information that has been or will be discussed at a closed session meeting of Council or a Committee until such time that Council or a Committee has determined or has been advised by staff that the matter, or any part of the matter, can be made public or as required by law.	f) iii) No Member shall disclose or discuss, through written electronic or verbal communication, to any individual or corporate third party, any information that has been or will be discussed at a closed session meeting of Council or a Committee until such time that Council or a Committee has determined or has been advised by staff that the matter, or any part of the matter, can be made public subject to review by the Head or designate under the <i>Municipal Freedom of Information and Protection of</i>

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		exemptions for disclosure of records, including closed session records (reflects current practice).		Privacy Act (MFIPPA) or if directed to do so by a court.
10.	18. Order of Business – Committee of the Whole	Provides for the order of business at Committee of the Whole meetings. Not all sections may be required, so words “where provided for” are recommended to be added to clarify (reflects current practice). Recommend removing Correspondence and Petitions as a separate section. These matters are typically dealt with as a consent or action item (reflects	<p>a) The order of business for the Committee of the Whole is set out in the agenda as follows:</p> <ul style="list-style-type: none"> i) Additions & Corrections to the Agenda ii) Declarations of Pecuniary Interest iii) Presentations & Recognitions iv) Deputations v) Determination of Items Requiring Separate Discussion vi) Adoption of Items not Requiring Separate Discussion vii) Consideration of Items Requiring Separate Discussion viii) Action Items ix) Correspondence & Petitions x) Reports by Regional Representatives xi) Notices of Motion xii) Motions xiii) New Business xiv) Closed Session (if required) 	<p>a) The order of business for the Committee of the Whole is set out in the agenda as follows, where provided for:</p> <ul style="list-style-type: none"> i) Additions & Corrections to the Agenda ii) Declarations of Pecuniary Interest iii) Presentations & Recognitions iv) Deputations v) Consent Items vi) Action Items vii) Reports by Regional Representatives viii) Notices of Motion ix) Motions x) New Business xi) Closed Session (if required) xii) Public Hearing Matters xiii) Adjournment

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		current practice). Recommend removing three sections identified in the order of business in v), vi) and vii) not currently reflected in the agendas produced as a result of the introduction of the meeting management suite (reflects current practice).	xv) Public Hearing Matters xvi) Adjournment	
11.	22. Open Forum	Current exclusion of Open Forum matters from the minutes may contravene the <i>Municipal Act, 2001</i> requirement to record the proceedings of Council (practice change based on review of legislation).	a) In the Open Forum that occurs fifteen (15) minutes prior to a Council Meeting, any individual may address Council to make informal inquiries or to comment on matters of municipal business. Persons speaking at the Open Forum are limited to five (5) minutes each. Generally, up to three (3) individuals may be heard at the Open Forum at one Meeting. b) Generally, no motions are passed related to matters raised during Open Forum.	a) In the Open Forum that occurs fifteen (15) minutes prior to the formal portion of a Council Meeting , any individual may address Council to make informal inquiries or to comment on matters of municipal business. Persons speaking at the Open Forum are limited to five (5) minutes each. Generally, up to three (3) individuals may be heard at the Open Forum at one Meeting. b) Generally, no motions are passed

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			c) The discussion of Open Forum matters does not form a part of the Council minutes.	related to matters raised during Open Forum.
12.	20. Order of Business – Council	Not all sections may be required or provided for in an agenda, so words “where included” are recommended to be added to clarify (reflects current practice). Recommend removing Correspondence and Petitions as a separate section. These matters are typically dealt with as a consent or action item (reflects current practice).	<p>a) The order of business of Council is set out in the agenda, as follows:</p> <ul style="list-style-type: none"> i) Open Forum ii) Public Notices (if required) iii) Additions & Corrections to the Agenda iv) Declarations of Pecuniary Interest v) Presentations & Recognitions vi) Deputations vii) Approval of Minutes viii) Correspondence & Petitions ix) Reports by Regional Representatives x) Reports of Committees and Staff xi) By-laws xii) Notices of Motion xiii) Motions xiv) Announcements & Community Events xv) New Business xvi) Closed Session (if required) xvii) Confirmatory By-law xviii) Adjournment 	<p>a) The order of business of Council is set out in the agenda, as follows, where provided for:</p> <ul style="list-style-type: none"> i) Open Forum ii) Public Notices (if required) iii) Additions & Corrections to the Agenda iv) Declarations of Pecuniary Interest v) Presentations & Recognitions vi) Deputations vii) Approval of Minutes viii) Reports by Regional Representatives ix) Reports of Committees and Staff x) By-laws xi) Notices of Motion xii) Motions xiii) Announcements & Community Events xiv) New Business xv) Closed Session (if required) xvi) Confirmatory By-law xvii) Adjournment

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13.	23. Additional Items & Corrections to Agendas of the Council or Committee of the Whole	CAO to outline additional items, notes and any corrections after the call to order to ensure all Members of Council and public have clear outline of these matters (practice change to enhance transparency).	<p>a) Council and Committee of the Whole are required to consent to the introduction of additional items, including addenda and closed session agendas, as well as items for distribution.</p> <p>b) The CAO provides, as required, a summary of the additional items and notes any corrections prior to the Meeting of Council or Committee of the Whole.</p>	<p>a) Council and Committee of the Whole are required to consent to the introduction of additional items, including addenda and closed session agendas, as well as items for distribution.</p> <p>b) The CAO provides, as required, a summary of the additional items and notes any corrections to the Meeting of Council or Committee of the Whole.</p>
14.	32. Correspondence	Reflects current practice of placing items on a Council or Committee of the Whole agenda where requested (reflects current practice).	<p>a) Where Council approval is required, or on the request of a Member of Council to the Clerk, correspondence is placed on the agenda for a regular Meeting of Committee of the Whole. Where required due to urgency or timing, correspondence may be considered directly by Council as an item of New Business.</p> <p>b) Staff may prepare recommendations related to the matter for Council's consideration.</p> <p>c) Where Council approval is not required, correspondence is circulated by the Clerk to Members of Council, the CAO, Commissioners and applicable staff for their information, and forms a part of the Clerk's records.</p>	<p>a) Where correspondence has been requested to be included on a Council or Committee of the Whole agenda or on the request of a Member of Council to the Clerk, correspondence is placed on the agenda for a regular Meeting of Committee of the Whole. Where required due to urgency or timing, correspondence may be considered directly by Council as an item of New Business.</p> <p>b) Staff may prepare recommendations related to the matter for Council's consideration.</p> <p>c) Council and staff will direct, to the Clerk, correspondence clearly intended to be considered as part of an agenda of Council or</p>

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			<p>d) Council and staff will direct, to the Clerk, correspondence clearly intended to be considered as part of an agenda of Council or Committee of the Whole.</p> <p>e) The Clerk is required to verify whether it is the intent of an individual to include his/her correspondence on a public agenda. For reasons of privacy, irrelevant personal information will be severed from correspondence. General correspondence between Councilors or staff, and constituents or stakeholders, will not be included unless the Clerk is satisfied it was clearly the individual's intent to include his/her correspondence on a public agenda.</p> <p>f) Correspondence related to items already decided on by Council will form a part of the Clerk's records and be circulated to Members of Council, but not placed on an agenda.</p> <p>g) Correspondence must be legible and not contain any defamatory statements. Anonymous correspondence will not be acknowledged, circulated, or placed on an agenda.</p> <p>h) The Council's receipt of correspondence does not constitute</p>	<p>Committee of the Whole.</p> <p>d) The Clerk is required to verify whether it is the intent of an individual to include his/her correspondence on a public agenda. For reasons of privacy, irrelevant personal information will be severed from correspondence. General correspondence between Councilors or staff, and constituents or stakeholders, will not be included unless the Clerk is satisfied it was clearly the individual's intent to include his/her correspondence on a public agenda.</p> <p>e) Correspondence related to items already decided on by Council will form a part of the Clerk's records and be circulated to Members of Council, but not placed on an agenda.</p> <p>f) Correspondence must be legible and not contain any defamatory statements. Anonymous correspondence will not be acknowledged, circulated, or placed on an agenda.</p> <p>g) The Council's receipt of correspondence does not constitute endorsement of the correspondence by the Town of any recommendations it may</p>

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			<p>endorsement of the correspondence by the Town of any recommendations it may contain or actions it may advocate.</p>	<p>contain or actions it may advocate.</p> <p>h) Where correspondence is not requested to be included in a Council or Committee of the Whole agenda, it is circulated by the Clerk to Members of Council, the CAO, Commissioners and applicable staff for their information, and forms a part of the Clerk's records.</p>
15	34. Motions from Other Municipalities & Organizations	<p>Reflects current practice of placing motions from other York Region municipalities on a Council or Committee of the Whole agenda (reflects current practice).</p> <p>Organizations requesting endorsement or action by Council are currently dealt with as a matter of correspondence.</p>	<p>a) Motions from other municipalities and organizations that request endorsement or action by Council are placed on the agenda for a regular Meeting of Committee of the Whole. Where required due to urgency or timing, motions from other municipalities and organizations that request endorsement or action by Council may be considered directly by Council as an item of New Business.</p> <p>b) Staff may prepare recommendations related to the matter for Council's consideration.</p> <p>c) The Council's receipt of motions from other municipalities and organizations does not constitute endorsement by the Town of any recommendations or actions they</p>	<p>a) Motions from other York Region municipalities are placed on the agenda for a regular Meeting of Committee of the Whole. Where required due to urgency or timing, motions from other municipalities and organizations that request endorsement or action by Council may be considered directly by Council as an item of New Business.</p> <p>b) Staff may prepare recommendations related to the matter for Council's consideration.</p> <p>c) The Council's receipt of motions from other York Region municipalities does not constitute endorsement by the Town of any recommendations or actions they may contain.</p>

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16	37. Information Reports	Clarifies that Council Member request to have an Information Report placed on a Committee of the Whole or Council agenda is made through the Clerk (reflects current practice).	<p>a) An information report is prepared for the information of Council and generally relates to a matter considered at Council or Committee of the Whole, or is a matter of Town business.</p> <p>b) An Information Report does not contain recommendations.</p> <p>c) An Information Report requested by Council or Committee of the Whole will be in the form of a motion.</p> <p>d) Information Reports are circulated directly to Council Members and made available to the public on the Town's website. Information Reports are not published on a Committee of the Whole or Council agenda unless a Member of Council makes such a request. Where required due to urgency or timing, Information Reports may be considered directly at Council as an item of New Business.</p> <p>e) Confidential Information Reports are not made available to the public on</p>	<p>a) An information report is prepared for the information of Council and generally relates to a matter considered at Council or Committee of the Whole, or is a matter of Town business.</p> <p>b) An Information Report does not contain recommendations.</p> <p>c) An Information Report requested by Council or Committee of the Whole will be in the form of a motion.</p> <p>d) Information Reports are circulated directly to Council Members and made available to the public on the Town's website. Information Reports are not published on a Committee of the Whole or Council agenda unless a Member of Council makes such a request to the Clerk. Where required due to urgency or timing, Information Reports may be considered directly at Council as an item of New Business.</p>
			may contain.	<p>d) Motions from municipalities outside of York Region and requests for endorsement or action from other organizations will be dealt with as a matter of correspondence under Section 32 of this By-law.</p>

Item Number	Current Procedure By-law Section	Amendment description / Discussion point	Current Procedure By-law	Proposed Amendment(s)
17	61. Acting Mayor	Reflects Council resolution creating Office of Deputy Mayor and Regional Councillor (reflects current practice).	<p>a) When the Mayor is absent through illness or absent from the Municipality, the Regional Councillor serves as Acting Mayor.</p> <p>b) The Acting Mayor has, and may exercise all the rights, powers, and authority of the Mayor as Head of Council.</p> <p>c) In the event that both the Mayor and Regional Councillor are absent through illness or absence from the Municipality, an alternate Acting Mayor is determined as follows:</p> <p>i) The alternate Acting Mayor is the Ward Councillor in ascending order of Ward number for each calendar month, starting with Ward 1, following the organization of Council in each new term of Council, based on his/her availability.</p> <p>ii) The Clerk will prepare a</p>	<p>e) Confidential Information Reports are not made available to the public on the Town's website and may only be placed on a Committee of the Whole or Council agenda if the nature of the confidential information satisfies the requirements of Section 9 a) of this By-law.</p> <p>a) When the Mayor is absent through illness or absent from the Municipality, the Deputy Mayor and Regional Councillor serves as Acting Mayor.</p> <p>b) The Acting Mayor has, and may exercise all the rights, powers, and authority of the Mayor as Head of Council.</p> <p>c) In the event that both the Mayor and Deputy Mayor and Regional Councillor are absent through illness or absence from the Municipality, an alternate Acting Mayor is determined as follows:</p> <p>i) The alternate Acting Mayor is the Ward Councillor in ascending order of Ward number for each calendar month, starting with Ward 1, following the organization of Council in each new term of Council, based on his/her</p>

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			<p>calendar outlining the monthly assignment of alternate Acting Mayors in accordance with Section 61 c) i) for the term of Council for distribution to Council Members, CAO, and Commissioners.</p> <p>iii) Where a Councillor is not available to serve as alternate Acting Mayor, the alternate Acting Mayor will be the next available Councillor in ascending sequential order.</p> <p>iv) Availability is to be provided in writing to the Clerk, and the Clerk's determination of an alternate Acting Mayor is final.</p> <p>v) The Clerk provides, as required, Notice by electronic mail to Council Members, CAO, and Commissioners when the Acting Mayor and alternate Acting Mayor assume the duties of the Mayor. The alternate Acting Mayor has all the rights, powers, and authority of the Mayor as Head of Council.</p>	<p>availability.</p> <p>ii) The Clerk will prepare a calendar outlining the monthly assignment of alternate Acting Mayors in accordance with Section 61 c) i) for the term of Council for distribution to Council Members, CAO, and Commissioners.</p> <p>iii) Where a Councillor is not available to serve as alternate Acting Mayor, the alternate Acting Mayor will be the next available Councillor in ascending sequential order.</p> <p>iv) Availability is to be provided in writing to the Clerk, and the Clerk's determination of an alternate Acting Mayor is final.</p> <p>v) The Clerk provides, as required, Notice by electronic mail to Council Members, CAO, and Commissioners when the Acting Mayor and alternate Acting Mayor assume the duties of the Mayor. The alternate Acting Mayor has all the rights, powers, and authority of the Mayor as Head of Council.</p>

Background

- Deputation rules are established by Council as it sees fit, in accordance with applicable legislation.
- Deputation rules should strike a balance between reasonable opportunity for public input and efficient disposition of other items of business on an agenda.
- It is the right of the municipality to determine whether it hears deputations at any one meeting. The deputation heading is excluded from the agenda where they are not being heard. Council Workshops are forums for Members of Council to discuss issues or receive training, so deputations are typically not heard here. Similarly, deputations are not heard at the Inaugural Council meeting as the meeting is ceremonial in nature.
- Deputation rules vary by municipality, reflecting established practices in the community and business needs of the municipality.
- Current deputation rules are set out in Chart A, which were established as part of the review of the Procedure By-law in 2013. The deputation rules reflect an open approach, where deputations are permitted on a broad scope of matters at both Committee of the Whole and Council meetings.
- In addition to the rules in Chart A, the Procedure By-law provides that "individuals who request to make a deputation may be encouraged by a Councillor or senior staff to consider resolving an issue or concern with staff in lieu of, or prior to, submitting a deputation request". This provision will be recommended regardless of other rules.
- Feedback from Members of Council has indicated a desire to review deputation rule options currently in place in other municipalities (set out in Chart B) to determine if there are any opportunities to enhance efficiency while maintaining reasonable opportunities for public input. Variations and combinations of options outlined in Chart B are possible.
- Council is asked to provide direction on the options related to deputations.

Chart A: Current Deputation Rules **rules may be waived with consent of Council*

Rule	Pros	Cons
1. Deputations permitted at Committee of the Whole and Council meetings	<ul style="list-style-type: none"> - Provides opportunities for Council to hear the public at both Committee of the Whole and Council meetings - Provides daytime and evening options for individuals to make a deputation - Allows for individuals who may have made a deputation at a Committee of the Whole meeting to attend the Council meeting to present new information 	<ul style="list-style-type: none"> - Depending on matter, deputations made at Council meetings may not allow sufficient time for Council and public to consider input prior to decision - Deputations related to the same matter made by the same individual at Committee of the Whole and Council meetings in the same meeting cycle may be repetitive (where new information is not presented)
2. Deputations can address “any matter of business on an agenda or any matter of municipal business or community interest” for up to 5 minutes	<ul style="list-style-type: none"> - Broad criteria allows Council to hear public on many issues affecting municipality and community - Supports public engagement on a broad municipal and community interests - Generally, individuals making deputations have met the criteria 	<ul style="list-style-type: none"> - Where background information is not provided in advance, Council, staff and public do not have the benefit of context prior to deputation being heard on matters which are not on agenda - On many occasions, Council has waived the 5 minute limit, affecting meeting efficiency
3. Limited to 5 deputations per meeting	<ul style="list-style-type: none"> - Generally, 5 or fewer deputations are requested in any one meeting 	<ul style="list-style-type: none"> - Should Council waive this provision to allow for more than 5 deputations, it may affect meeting efficiency

Chart B: Deputation Rule Options **rules may be waived with consent of Council*

Rule	Pros	Cons
4. Individuals who wish to make a deputation at a meeting of Council or Committee of the Whole not related to a matter on the agenda must submit a deputation request for inclusion with the regular agenda	<ul style="list-style-type: none"> - Provides greater notice to Council, staff and public on deputation request - Allows deputation to be scheduled at a set meeting - Allows Council to better manage efficiency of meeting - Majority of persons making deputation requests related to matters which are not on an agenda are flexible in terms of time 	<ul style="list-style-type: none"> - Public may feel nature of matter is urgent enough to be heard immediately
5. Individuals who wish to make a deputation at a meeting of Council or Committee of the Whole not related to a matter on the agenda, must receive consent of the majority of the Members present	<ul style="list-style-type: none"> - Allows Council to evaluate urgency and complexity of matter and determine whether deputation could be better accommodated at a future meeting - Allows Council to better manage efficiency of meeting - Should a matter be more complicated in nature, allows Council to request additional information be provided in advance of deputation 	<ul style="list-style-type: none"> - Inconveniences individual should they attend in person and have their deputation request denied - Public may not feel engaged, should their deputation request be denied

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<p>6. Approval of deputations related to "any matter of municipal business or community interest" which are not on an agenda will be considered by Committee of the Whole and if approved, scheduled for a future Committee of the Whole or Council meeting or referred to another forum to be heard</p>	<ul style="list-style-type: none"> - Provides greater notice to Council, staff and public on deputation request - Allows Council to better manage efficiency of meeting - Allows deputation to be scheduled at a set meeting - Should a matter be more complicated in nature, allows Council to request additional information be provided in advance of deputation (where not provided with deputation request form) - Allows Council to refer deputation requests to more appropriate forums, such as a committee, consultation process or staff - Majority of persons making deputation requests related to matters which are not on an agenda are flexible in terms of time 	<ul style="list-style-type: none"> - Process to approve deputation request may not accommodate time sensitive matters (concern may be mitigated by waiving rules to allow deputation to be heard or Member of Council may raise matter under new business and allow deputation to be heard at that point in the meeting). As noted, majority of persons making deputation requests are flexible in terms of time - Should Council refer the deputation request to other forums, public may perceive their concerns are not being heard
<p>7. Unless new information is being presented, individuals making a deputation at Committee of the Whole will not be heard on the same matter at the subsequent Council meeting</p>	<ul style="list-style-type: none"> - Helps to avoid repetition and allows Council to better manage efficiency of meeting 	<ul style="list-style-type: none"> - Public may feel nature of matter under discussion is significant enough to warrant their input being heard again prior to a Council decision

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<p>8. Deputations will not be heard on a matter decided upon by Council until 90 days have passed from the date of the matter's disposition by Council, except upon a vote in the affirmative of two thirds majority of the Members present</p> <p>*will require amendment to Section 58 of Procedure By-law which allows Council to receive information (where no action has been sought or taken) within 90 days of the Council decision on a matter</p>	<ul style="list-style-type: none">- Respects Council's decision on a matter- Allows Council to better manage efficiency of meeting- Infrequent occurrence	<ul style="list-style-type: none">- Public may not feel engaged, should their deputation request be denied
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CORPORATE POLICY

Sub Topic: Municipal Flag Policy

Policy No. CORP.1-05

Topic: Community Engagement

Employees Covered: All Employees

Section: Legislative Services

Council Adoption Date: September 24, 2012

Effective Date: September 24, 2012

Revision No

Date:

Repeal Date:

Policy Statement & Strategic Plan Linkages

The Corporation of the Town of Newmarket recognizes the symbolism of displaying flags as a visual statement that speaks to the solidarity that is shared by all citizens. This policy upholds the Well-Respected component of the Strategic Plan as it allows the Town to honour individuals and recognize significant efforts of groups and organizations within the community.

Purpose

The policy will provide a framework to ensure that flags at the Municipal Offices and properties owned by the Town are flown and displayed in an appropriate and consistent manner. The policy outlines the circumstances under which the Town will fly its flags at half-mast, sets out the procedure for flag raisings to recognize a visit by a foreign dignitary and addresses the flying of courtesy flags, in recognition of a special event, cause or effort within the Town of Newmarket.

Definitions

Courtesy Flag: a flag of a recognized charity or community group.

Peace Park Flagpole: means the flagpole located at the Peace Park on Cane Parkway designated for community flag raisings.

Procedures

Display of Flags:

Flags will be displayed in accordance with the guidelines set out in the "Flag Etiquette in Canada" guide provided by the Department of Canadian Heritage. The raising of flags

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on municipal properties shall be limited to Canadian, Provincial, Municipal and other governmental flags to recognize a visit by a foreign dignitary, as set out by this policy.

The Town Clerk is responsible for administering the half-masting procedures set out in the Flag Policy. Flags will be raised and lowered during regular business hours, when staff resources are available.

Half-Staffing

Flags at all Town facilities will be lowered to half-staff to recognize a period of official mourning or to commemorate significant dates. The half-staffing of flags applies to all municipal properties that have flagpoles. The Town will fly its flags at half-staff upon receiving notification of the death of any of the following individuals:

- The Sovereign or Member of the Canadian Royal Family
- The Governor General of Canada, or a former Governor General
- The Prime Minister of Canada, or a former Prime Minister
- The Lieutenant Governor of Ontario, or a former Lieutenant Governor of Ontario
- The Premier of Ontario, or a former Premier of Ontario
- The Local Member of the House of Commons, or a Local Member of the Provincial Legislature
- The Regional Chair, or a former Regional Chair
- The Mayor, a former Mayor, a Member of Council, a former Member of Council
- Any actively employed Staff Member of the Municipality
- Any York Regional Police Officer killed in the line of duty
- A resident of Newmarket, who is a member of the Canadian Armed Forces, killed while deployed on operations
- Any other individual determined by the Mayor in consultation with the CAO or Town Clerk

Flags will be flown at half-staff upon receiving notification of the death, up to and including the day of the funeral service, unless circumstances prohibit the lowering of the flag for that time period, as determined by the Town Clerk in consultation with the Mayor and/or CAO.

Flags will be flown at half-mast on an annual basis on November 11, in accordance with Remembrance Day ceremonies.

In addition to the circumstances above, flags at Central York Fire Services facilities in the Town of Newmarket will be flown at half-staff in accordance with the practices of the CYFS and Town of Aurora, upon being notified of the death of a firefighter in the line of duty in another municipality across Canada or when notified of the death of a police officer in the line of duty across Ontario.

Visit by a Foreign Dignitary

In the event of a visit by a foreign dignitary to Town facilities, the Town may fly the flag of the appropriate governmental entity in recognition of their presence. The flag will be

flown at the flagpole in front of the Municipal Offices for the duration of the dignitary's visit to Town facilities.

Courtesy Flag Raising

The Town does not entertain courtesy flag raisings at any of its facilities, including the Peace Park.

Flag Procedures:

The procedures for the flying of flags at all municipal facilities are incorporated as an appendix to this policy. Appendix A includes the procedures for circumstances where the Town will fly its flags at half-mast. Flag Procedures are subject to the approval of the Town Clerk.

Cross References

Heritage Canada Guidelines

Appendices (which may be amended from time to time)

Appendix 'A' - Flag Procedures to Municipal Flag Policy CORP.1-05