

Request for Decision United Townships of Head, Clara & Maria Council

| Type of Decision | | | | | | | | | |
|--|---------------------------|------------------|--|----|-----------------|-------------------------|------|--|--------|
| Meeting Date | Friday, February 21, 2014 | | | | Report Date | Tuesday, February-11-14 | | | |
| Decision Required | X | Yes | | No | Priority | X | High | | Low |
| Direction | X | Information Only | | | Type of Meeting | X | Open | | Closed |
| Amend Procedure By-Law #21/02/14/1207 | | | | | | | | | |

Subject:

An amendment to the Procedure By-law to correct errors in sections 25.4 and 25.5 and to remove section 2.2.

RECOMMENDATION:

That Council pass the following resolution amending the current Procedure By-law correcting errors and inconsistencies.

WHEREAS section 25.4 and 25.5 of the municipal Procedure By-Law contradict each other;

AND WHEREAS section 2.2 takes away legislated requirements by suspending the rules as outlined in the Procedure By-law;

THEREFORE BE IT RESOLVED THAT the Council of the United Townships of Head, Clara & Maria does hereby agree to remove section 2.2 ensuring that a Procedure By-law is always and continuously in place as per the *Municipal Act*;

AND FURTHER THAT section 25.4 and 25.5 be amended ensuring that there is one consistent order of voting during recorded votes by removing the words:

- _____ “must vote in alphabetical order” in section 25.4 **or**
- _____ “The presiding officer shall vote last” in section 25.5.

BACKGROUND/EXECUTIVE SUMMARY:

During the staff/Council training with Fred Dean earlier in February it was brought to our attention that if any Procedure By-law included a clause stating that the rules may be suspended by a specific vote of Council, that very clause was invalidating the By-Law. It was explained to us that doing so would result in no by-law being in existence which is in contravention of section 238 of the *Municipal Act*.

Sections 25.4 and 25.5 provide contradictory methods of voting during a recorded vote. Council will have to decide which it would like to keep and insert a check mark beside the sentence to be removed in the above blank prior to voting on the resolution.

The current sections are the areas in contention are highlighted below. This was noticed during the creation of the latest newsletter.

25.4. Where a vote decision is not unanimous, all municipal council votes are to be recorded. All members present at the Council meeting, including the Presiding Officer, **must vote in alphabetical order**, unless otherwise prohibited by statute.

25.5. **The presiding officer shall vote last.** The names of those who voted for and others who voted against shall be noted in the minutes. The Clerk shall conduct the vote and announce the results.

Either method is valid according to the *Municipal Act* which does not speak to the order of voting.

Options/Discussion:

Financial Considerations/Budget Impact:

Policy Impact:

Others Consulted:

Fred Dean, AMO Trainer and Expert in Municipal Legal

Approved and Recommended by the Clerk

Melinda Reith,
Municipal Clerk