

Type of Decision									
Meeting Date	Friday, February 13, 2015				Report Date	Monday, February 9, 2015			
Decision Required	X	Yes		No	Priority	X	High		Low
Direction	X	Information Only			Type of Meeting	X	Open		Closed

Review of Procedure By-law - Report #13/02/15/1001

Subject:

A review of the municipal Procedure By-Law.

RECOMMENDATION:

That Council review the Procedure By-law to be adopted at this meeting.

Resolution #1

WHEREAS by-law 2015-07 being a by-law to establish rules governing the proceedings of Council, the calling of meetings and the conduct of members, also known as the Procedure By-law, has been reviewed by Council and amended as directed by staff;

THEREFORE BE IT RESOLVED that by-law 2015-07 be read a first and second time this 27th day of February, 2015.

Resolution #2

BE IT RESOLVED that by-law 2015-07 known as the municipal Procedure By-Law be read a third time short and passed this 27th day of February, 2015.

BACKGROUND/EXECUTIVE SUMMARY:

Review of policies and by-laws of Council should occur at regular intervals and especially with a new Term of Council. The Procedure By-law was reviewed at the Council meeting of Friday, January 30, 2015 with recommendations made to staff to further research and implement.

Upon completing research it is recommended that the clause stating “*No member shall speak disrespectfully of the Reigning Sovereign or of any Member of the Royal Family, or of the Governor General or the Lieutenant-Governor of any province, or of a fellow Member of the Board or staff*” be kept in the Procedure By-law.

The by-law is to govern the conduct of Council members and members of the public at meetings of the local government. This local government is a creature of the province. The province is located in Canada where the Queen is the representative head of state. This clause is simply asking that members respect the political system in Canada at their

Council meetings and not speak disrespectfully of the upper levels of government and their representatives in Ontario and in Canada.

Upon becoming Council members, each individual is legislated to swear the following. *“I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second (or the reigning sovereign for the time being). And I make this solemn promise and declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.”*

Requests have been made of the province to remove this section from the Oath of Office to no effect. It is legislated and if you wish to sit on municipal council in Ontario, you need to comply.

<http://republicnow.ca/hearst-still-waiting-for-permission-to-drop-mandatory-pledge-of-allegiance-to-the-queen/>

This clause in the Procedure By-law is standard across Ontario and is simply an extension of the oath completed upon swearing in as a member of Council in Ontario. It is staff recommendation that it remains as the statement is merely a directive to not speak disrespectfully of any number of persons, and people in specific positions while at the Council table. Respectful discourse is being encouraged with this clause.

The following quote from the article located at

<http://news.nationalpost.com/2013/07/12/repugnant-citizenship-oath-to-queen-shoud-be-illegal-court-hears/> concerning Canadian Citizenship speaks to respecting the head of state and the political system itself. Keeping this clause in the municipal Procedure By-Law simply shows respect for the political system and the state itself. Like it or not, the Queen is still the head of State in Canada. Ultimately this is to be a decision of Council as a whole.

“Justice Edward Morgan said although the Queen is indeed the head of state, she is also a symbol of the political system and of the state itself. He said some people might not take the oath as literally as the applicants did.

He added that Canadians are allowed to freely criticize the monarchy after they take the oath.

“You swear an oath to the monarch but it doesn’t stop you from speaking against the monarchy the next minute,” Justice Morgan said.”

Options/Discussion:

Others Consulted:

Various on-line resources as listed above, the City of Ottawa Procedure By-law, the Municipal Act, the Public Officer’s Act, the Municipal Council Declaration of Office.

Approved and Recommended by the Clerk

Melinda Reith,

