



Subject: Council Procedural Policy Updates
To: Corporate & Residential Services Committee
Date Prepared: December 2, 2022
Related Motions:
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Approved by: Kim Ramsay, Chief Administrative Officer

Summary

Based on a legal opinion regarding how decisions are made for land/property purchases, staff suggests a change to the Council Procedural Policy to allow for an In-Camera Session during the Regular Meeting of Council (Policy) meeting following Executive Committee meetings and rename that meeting accordingly. Only Council can give in-camera direction and make decisions in these land/property matters which result in an expenditure of funds. An update to the Council Procedural Policy will be brought forward in the new year including this change; as well as, a housekeeping change to include two Councillors on the Audit Committee per Motion C22(284).

Staff are seeking direction whether there is also interest to revisit sections of the policy related to livestream recordings started in 2020 as well.

Financial Impact Statement

None

Recommendation

Staff recommend that the Corporate and Residential Services Committee recommend that Council give direction on how to proceed with an update to the Council Procedural Policy in the new year.

Recommended Motion

Move that the Corporate & Residential Services Committee recommends that Council direct staff to prepare updates to the Council Procedural Policy, for consideration, including:

- Section 4.1.3.7 - should read "~~One (1)~~ Two (2) other members of Council" for the Audit Committee;
- Section 3.2.10 - should read "A brief Council meeting shall be convened, as applicable, immediately following the regular monthly meeting of Committees for the purpose of receiving recommendations involving the MGA required minimum 7 days' notice of change in policy and to permit an in-camera session for the purpose of expending money direction/decisions by Council or other time-sensitive matters, as needed. This meeting shall be titled "Regular Meeting of Council (Policy & In-Camera)"; and
- Section 3.2.4 - should read "Meetings of Council and the Executive Committee shall be livestreamed. Those recordings shall remain on the municipal YouTube channel for a period of ~~three (3) months~~ XXXXX months or indefinitely".

Background

IN-CAMERA DIRECTION OF COUNCIL VS. COMMITTEES - LAND PURCHASES

Legal opinion of April 2022 regarding the authority of committees to instruct staff in-camera to purchase land identified a need to change the Council Procedural Policy and process how these decisions are made. The CAO brought this to the attention of Council in November.

The MGA gives Council authority to create committees and to give them powers, except the power to spend money. Section 23(1)(c) states:

23(1) The Council may make policies

(c) providing for committees and conferring powers and duties upon them, except the power to expend funds.

This makes it clear that committees have no authority to spend money and by extension cannot direct staff or anyone else to spend money, including for the purchase of real property. Those decisions are for Council to make.

Proper Procedure

If a committee wants to move forward with a real property purchase the proper procedure is as follows:

1. Go in-camera at the committee meeting to discuss the matter. The minutes should reflect only that the committee “went in-camera to discuss a property matter”;
2. Decide, in-camera, to recommend to Council that the municipality purchase the property;
3. Come out of camera and resolve to make a recommendation to Council with respect to the property matter discussed in-camera;
4. Go in-camera at the next Council meeting to discuss the matter and pass along the committee’s recommendation to Council; and
5. Assuming Council agrees with the recommendation, come out of camera and resolve to accept the committee’s recommendation and direct staff to take the necessary steps to purchase the property.

This procedure involves a lot of going in and out of camera over several meetings. Staff suggests the same outcome can be achieved more efficiently, if the Council Procedural Policy is updated to allow for an in-camera session for the purpose of staff reports regarding decisions to expend funds by Council, as needed, during the Regular Meeting of Council (Policy) meeting following Executive Committee meetings (Section 3.2.10). Thereby, directions/decisions will be made by Council rather than Committee (which is not permitted). Any in-camera directions/decisions will later be ratified in an open Council meeting.

There are also occasions where it would be beneficial to use this session for other time-sensitive confidential matters as permitted under the MGA. The title of the agenda should be changed to reflect the expanded purpose of the meeting, ie. Regular Meeting of Council (Policy & In-Camera), to ensure full transparency and openness.

AUDIT COMMITTEE MEMBERSHIP

Council previously agreed to increase the Council membership on the Audit Committee to two (2) other members of Council per Motion C22(284). The Council Procedural Policy Section 4.1.3.7 should be updated to reflect this decision.

LIVESTREAM RECORDINGS ON YOUTUBE

To increase accessibility, openness and transparency, Council started the practice of livestreaming all meetings of Council and the Executive Committee in 2020. At that time, the decision was to keep those recordings on the municipal YouTube channel for a period of three (3) months. A jurisdictional scan indicated that several municipalities began livestreaming meetings prior to the pandemic, others started to livestream following the Ministerial Directive at the beginning of the pandemic.

Of the fourteen (14) municipalities consulted, nine (9) continue to livestream meetings and five (5) do not. Of those nine (9), only one (1) limit public access to one (1) year, which is related to their paid broadcast service. The remaining eight (8) eight units have recordings available from the start of their livestreaming. CBRM goes back to 2013. Kings County goes back to 2015. HRM goes back to 2017.

Jurisdictional Scan

Municipality	Published Meetings	Public Access Length
HRM	All Committees and Council	On Youtube since 2017
CBRM	All Committees and Council	On website since 2013
District of Shelburne	Council only	Audio only, haven't decided length
District of Lunenburg	None	n/a
Town of Amherst	All Committees and Council	On website since 2018
Kings County	All Committees and Council	On website since 2015
Town of Truro	Council and Committee of Whole	On website since 2020
District of Chester	None	n/a
District of Inverness	Council Only (stopped 2019?)	On Facebook since 2019
District of Guysborough	None	n/a
District of Colchester	None	n/a
District of West Hants	None	n/a
District of Barrington	Council	1 Year

Alternatives

Direct staff to proceed with updates at the discretion of Committee.