

Amendments to Council Procedures to incorporate changes to the Municipal Elections Act and the City of Toronto Act

Date: June 25, 2022
To: Executive Committee
From: City Clerk
Wards: All

SUMMARY

The purpose of this report is to amend City Council's Procedures with respect to the date of the first meeting of City Council and to reflect the subjects for which City Council may or shall close a meeting to the public. These amendments incorporate changes to the Municipal Elections Act, 1996 and the City of Toronto Act, 2006.

RECOMMENDATIONS

The City Clerk recommends that:

1. City Council amend Municipal Code Chapter 27, Council Procedures, Section 5.1 by deleting subsection A. and adding a new subsection A:

Subject to the Act and any other applicable legislation, Council holds its first meeting on the first Wednesday after the commencement of the Term of Council.

2. City Council amend Municipal Code Chapter 27, Council Procedures, Section 5.15 by replacing the existing subsection 5.15A with the following:

A. Subjects for closed meetings.

(1) Council or a committee may close a meeting to the public to discuss the following:

(a) Security of the City's or a local board's property;

(b) Personal matters about an identifiable individual, including City or local board employees;

(c) A proposed or pending land acquisition for City or agency purposes;

- (d) Labour relations or employee negotiations;
 - (e) Litigation or potential litigation, including matters before administrative tribunals, affecting the City or a local board;
 - (f) Receiving advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
 - (g) Information explicitly supplied in confidence to the City or local board by Canada, a province or territory or a Crown agency of any of them;
 - (h) A trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the City or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization;
 - (i) A trade secret or scientific, technical, commercial or financial information that belongs to the City or local board and has monetary value or potential monetary value;
 - (j) A position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the City or local board;
 - (k) Educating or training the members, provided that no member discusses or otherwise deals with any matter that materially advances the business or decision-making of the City, local board or committee; or,
 - (l) A matter for which Council, a board, a committee or other body has authorized a meeting to be closed under another Act.
- (2) Council or a committee shall close a meeting to the public to discuss the following:
- (a) A request under the Municipal Freedom of Information and Protection of Privacy Act; or,
 - (b) An ongoing investigation respecting the City, a local board or a city-controlled corporation by:
 - (1) the Ombudsman appointed under the Ombudsman Act,
 - (2) the City's Ombudsman; or,
 - (3) the City's Open Meeting investigator.

FINANCIAL IMPACT

There is no financial impact resulting from the adoption of the recommendations in this report.

DECISION HISTORY

This report responds to changes made to the Municipal Elections Act, 1996 and the City of Toronto Act, 2006.

COMMENTS

First day of the Four-year term of Council

The Municipal Elections Act, 1996 sets out that the term of office for City Councillor and Mayor is four years, beginning on November 15 in the year of a regular election. The City of Toronto Act, 2006 requires that the first meeting of a new city council after a regular election be held at a time set out in its procedure by-law, and not later than 31 days after its term commences.

As such, the City Clerk recommends that City Council hold its first meeting in the first week of the new term of Council. In 2022, this will be Wednesday November 16.

Subjects for closed meetings

The City of Toronto Act, 2006 requires that all meetings of City Council and its Committees are open to the public, with some limited exceptions. City Council and its Committees are permitted to discuss certain matters in the absence of the public, and some matters are required for City Council to address in a closed meeting. Over the last few years, there have been amendments to City of Toronto Act, 2006, which have not yet been reflected in City Council's Procedures. For example, in 2017, the Modernizing Ontario's Municipal Legislation Act, 2017 introduced four new closed meeting exceptions into the City of Toronto Act, 2006. The proposed amendment to Chapter 27, Section 5.15 will bring City Council's Procedures in line with the various City of Toronto Act, 2006 amendments concerning closed meetings.

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SIGNATURE

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