



Memorandum

TO: Mayor & Council

FROM: Krista Power, Director of Legislative Services & City Clerk

DATE: March 19, 2024

SUBJECT: Additional Information – Outstanding Item – Committee of the Whole Minutes March 11, 2024 City Council – March 25, 2024

At the March 11, 2024 Committee of the Whole meeting, Council was presented with a request for a deferral on a report relative to Hillcourt Estates (Outstanding Item 2023-010-DEV). This matter came before committee on behalf of Administration to request further time to complete this work. An amendment to remove this item from the Outstanding Items list was approved by Committee of the Whole.

As per a request of a Member of Council, on March 18, 2024, at Committee of the Whole, this memo outlines the procedural processes in place with respect to the removal of items from the Outstanding Items list.

The Outstanding Items list was included in Procedural By-law 51/2021 following consultation with the Coordinating Committee because of limitations found within the previous procedural by-law to readjust priorities and to have a better understanding of projects assigned to Administration by City Council.

Prior to the current iteration of the Outstanding Items list an internal list was managed by my office and items were regularly added and deleted by members of Administration. The inclusion of a public facing, and Council-directed outstanding list allows for City Council and Administration to bring forward items, amend the dates and determine which projects may take precedence and priority.

Since the approval of Procedural By-law 51/2021, internal procedures were established by my office for removal and amendment of items on the outstanding list. Those requests are considered on a case-by-case basis to determine if a Notice of Motion, by either Council or Administration, is in order. This process was established in

August/September 2021. In the case of Outstanding Item 2023-010-DEV, a notice of motion was not warranted. This is for several reasons.

- No material decision or direction has been made on this file; the outstanding item involved a request for a report back with associated information on the Hillcourt property.
- Committee has on several occasions removed items from the outstanding list to date without the need for a notice of motion. Examples include the heritage tax incentive program, temporary street closures, McGillivray Canoe, heritage grant program, and Thunder Bay Event and Convention Centre, Proposed Next Steps.

Where there is ambiguity in a municipal by-law, it is appropriate to give meaning to it by looking at the text of the by-law in addition to the intent of municipal council. In 2021, during the development of the procedural by-law, there was intent from Council to be nimble, to have greater opportunity to respond to changing landscapes and not be restricted by notices of motion to amend or rescind as a regular course of action. To meet this need, Administration responded and provided the opportunity for the outstanding list to be modified in some cases with a simple majority. Allowing Council the opportunity to set priorities as it relates to administrative tasks that may be appropriate to defer or withdraw.

Should City Council want to re-examine the current processes associated with amending or removing items from the Outstanding Items list within the context of the Coordinating Committee, that would be the appropriate place to begin the discussion relative to any proposed changes to Procedural By-Law 51/2021.