

**Subject:** 2022 Procedural By-Law Update

**Recommendation:**

**BE IT RESOLVED THAT Council receive Report #2022-0275 – Clerks – 2022 Procedural By-Law Update, for information;**

**AND THAT Council approve, in principle, the updated procedural by-law as presented;**

**AND THAT Council direct the proposed by-law be presented to Council for First and Second Reading at their next regular meeting;**

**AND THAT the Clerk be directed to provide notice in accordance with the Town's Notice Policy prior to presentation of the By-law for Third Reading and Adoption.**

**Background:**

The *Municipal Act, 2001*, as amended, (the "Act") requires that every municipality pass a procedure by-law governing the calling, place and proceedings of meetings.

The Town of Pelham's Procedural By-Law has not undergone a full comprehensive review since 2013. Minor or reactionary amendments have been made, however a fulsome review has not been conducted. As such, a revised procedural by-law has been identified by Council as a strategic priority.

On April 19, 2022 the Town Clerk presented a draft Procedural By-Law for Council's review. The report and drafted By-law were defeated (without reasons provided). Since this time, staff have continued to work on the proposed draft Procedural By-Law.

**Analysis:**

In early 2022 the Clerk, Deputy Clerk and Legislative and Committee Coordinator reviewed over 20 procedural by-laws from municipalities throughout Ontario. This review occurred in an effort to identify best practices, common approaches and to ensure the Town of Pelham adopts a document well suited to its needs.

Additionally, the Clerk's Department drafted the updated procedural by-law with a view to make the document easy to read and understandable for residents and lay people.

As the proposed procedural by-law is a full comprehensive update, a comparison or redlined document identifying changes was not feasible. Therefore, the following Chart 1 below is intended to identify major changes or additions originally suggested in April 2022.

Chart 2 below is intended to identify further major changes or additions from the original by-law presented. For ease of reference, these changes have also been highlighted in yellow within the proposed document.

### **Chart 1 – Changes Presented in April 2022**

Addition, Amendment or Removal	Provision	Staff Rational
Addition	Principles (3.1)	Staff believe it is important to emphasize the key parliamentary principles of assembly meetings.
Amendment	Curfew (6.1)	<p>Amendment: 9:00pm to 9:30pm with a provision stipulating the meeting cannot be extended past 10:00pm.</p> <p>Staff recommend a curfew of 9:30pm with a strict curfew of 10:00 p.m. as Council frequently has to extend curfew to complete its business. 10:00pm is a common curfew within the Region and respects both the need to accomplish work and a reasonable limitation for hours of work in a day.</p>
Amendment	Notice of Meetings (11) and Delivery of Agenda (12)	<p>Staff suggest an Agenda release date to Council, being the Wednesday prior to the meeting with the Agenda to be released to the public by 1:00pm on the Thursday prior to the meeting.</p> <p>This will allow staff more time to ensure the most relevant and up-to-date</p>

		information is reflected within staff reports.
Amendment	Regular Meetings to be held on Tuesdays (13)	Staff provided Council with rationale for Tuesday night meetings as part of #2021-0122 – Clerks -Proposed 2022 Council Meeting Schedule (attached to this report). Council directed staff defer consideration until Spring 2022.
Amendment / Removal	Amend the Council Meeting structure to include Committee of the Whole within all Regular Council Meetings and to decommission Policies and Priorities Committee	Staff provided Council with rational for amending the Council meeting structure as part of #2021-0122 – Clerks - Proposed 2022 Council Meeting Schedule (attached to this report). Council directed staff defer consideration until Spring 2022.
Addition	Allow the Clerk, jointly with the CAO, to reorder Agenda items (18.1, 19.1, 20.1, 21.1)	This provision will allow the Clerk to amend the agenda order without requiring Council to formally amend the agenda at the beginning of the meeting. For example, this provision will allow the Clerk to place a related staff or Councillor report following a related delegation.
Removal	Agenda Page Limit	Staff recommend the agenda page limit be removed. It has been difficult for staff to achieve the 300 page limit, which is both an artificial and arbitrary number.
Addition	Electronic and Hybrid Participation (22)	Staff recommend adopting a permanent hybrid system, allowing members of Council and delegates to choose their method of participation at meetings at their discretion and convenience.
Addition	Disclosure of Pecuniary Interest (27.2)	Staff recommend this provision to allow a Council Member who declared a pecuniary interest to vote on the: adoption of the agenda, approval of minutes, omnibus motions to approve consent agenda items and by-laws

		without requiring the item be lifted or considered separately.
Amendment	Delegations (28.3)	<p>Amendment: 3 delegations to 4 delegation per meeting.</p> <p>This proposed change would increase the ceiling to 4 delegations per meeting. In recent years, there have been several meetings where more than 3 delegations were requested of Council.</p>
Addition	Delegations (28.7)	Staff recommend including a formal listing of topics delegates shall not come to Council to discuss. This was identified as a common practice by other municipalities and was previously recommended to Council by the CAO.
Amendment	Reading of By-Laws and Proceedings Thereon (32.1)	Staff are recommending changing the Town's style of numbering by-laws to be more consistent with the Town's report numbering system. There will be a significant archiving and retrieval benefit to this. Staff recommend adopting this practice in January, 2023.
Amendment	Notice of Motion (33)	<p>Staff recommend Council move forward with adopting a clear Notice of Motion procedure whereby all motions from Council undergo the same process, being a Notice of Motion.</p> <p>The suggested change will bring clarity and consistency along with transparency to the public.</p>
Addition	Motions Appendix 'B'	Staff recommend having a separate appendix for motions and their characteristics for ease of reference. This was identified as a best practice by other municipalities.
Amendment	Reconsideration (35)	Staff recommend adopting a reconsideration process which strictly follows parliamentary procedures, such as requiring a Member of Council

		who voted on the prevailing side to bring forth a motion to reconsider.
Amendment	Voting on Motions – Require Recorded Votes (36.7)	Staff recommend the Clerk record all votes at Council and Committee of Council Meetings as recorded votes are the highest standard of transparency, and also supports the reconsideration process in s. 35.
Addition	Conduct of the Public Gallery (40)	Staff recommend including a section on the expectations of the conduct of the public gallery as expectations of Members and Delegations are set out within the by-law. These expectations are in keeping with the Public Code of Conduct passed by Council in 2021.
Addition	Advisory Committee (41) and Appendix 'A'	Staff recommend adopting a supplemental appendix regulating the proceedings of Advisory Committees. This appendix will provide clarity on process to staff and committee members.
Addition	Volunteer Working Committees	<p>Staff recommend creating Volunteer Working Groups to allow such committees greater flexibility and more administrative independence, while accomplishing important projects within the Town. It is envisioned the Summerfest Committee would be a Volunteer Working Committee.</p> <p>It is noted, committees which advise Council will continue to operate as Advisory Committees.</p>
Removal	Press Release	Staff recommend removing the reference to requiring press releases to be provided to Council in advance of publishing. Staff have largely adopted this as a practice and will continue to comply, however this is not a procedure for governing meetings.
Amendment	Summer Recess (44)	Staff recommend including the addition of a third meeting within the summer schedule, during the first three years, but excluding the fourth year of every Council cycle.

		Staff provided Council with rationale for including the addition of a third meeting within the summer schedule, to be determined by staff and approved by Council in advance as part of #2021-0122 – Clerks -Proposed 2022 Council Meeting Schedule (attached to this report). Council directed staff defer consideration until Spring 2022.
Addition	Election Recess (45)	Staff recommend including an election recess in which Council will not meet the week proceeding or the week of a regular municipal and school board election. This will allow the Clerk's Department to focus on advance polls and allow more time to prepare for election day and the inaugural meeting.

## Chart 2 – New Changes since April 2022 to present

Addition, Amendment or Removal	Provision	Staff Rational
Addition	Quorum (24.3)	<p>Staff recommend providing the Clerk the power to adjourn a meeting prior to waiting 20 minutes for quorum, if the Clerk can confirm by telephone or email quorum will not be able to be achieved.</p> <p>This is being recommend for meeting efficiency and to respect all Members' time.</p>
Addition	Statutory Committees (42)	Staff provided rationale for this proposed committee structure in Report # 2022-0208 - 2022-2026 Advisory Committee Structure Recommendation and received Council's approval in principle (attached to this report).

## Meeting Time

The initial proposed Procedural By-Law suggested a meeting date and time of Tuesday starting at 5:30pm. Staff do recommend Council meet on Tuesday for reasons laid out in Report #2021-0122 Clerks -Proposed 2022 Council Meeting Schedule, however staff wish to advise Council they may choose an alternative meeting time to their liking. If Council wishes to meet during the day, staff would recommend a meeting time of either: 12:30pm, 1:30pm, 2:00pm or 3:00pm.

Council daytime meetings are not uncommon throughout Ontario. Daytime meetings can lead to a better work-life balance for Members of Council and staff.

The Clerk's Department has reviewed all delegations to Council during the 2018-2022 Council Term and determined a total of 98 delegates appeared before Council. Upon further investigation, it was determined only 20 of these were residents, not associated or affiliated with any group or organization. The 78 other delegations to Council were from advisory committees, service clubs, the Niagara Region or companies/corporate organizations.

On average, 5 residents speak to Council a year. For further details, please see below chart 3.

**Chart 3 – 2018-2022 Delegation Information.**

	<b>Advisory Committees</b>	<b>Service Clubs</b>	<b>Region</b>	<b>Company / Corporation</b>	<b>Residents</b>	<b>Yearly Total</b>
2018 - Total Delegates	5	0	0	3	3	11
2019 - Total Delegates	10	2	0	9	4	25
2020 - Total Delegates	11	1	0	5	6	23
2021 - Total Delegates	6	0	3	8	4	21
2022 - Total Delegates	4	1	3	7	3	18
<b>Totals</b>	<b>36</b>	<b>4</b>	<b>6</b>	<b>32</b>	<b>20</b>	<b>98</b>

Staff are of the opinion that daytime meeting scan still accommodate the low number of residents wishing to speak to Council as delegates. The proposed Procedural By-Law allows for a hybrid style meeting, allowing members of the public to attend Council via Zoom, and therefore the public can attend from anywhere in the world.

Currently, Town of Pelham Committee of Adjustment meetings start early afternoon and the current Clerk's Department staff have not received any complaints from the public stating they are unable to attend. Rather, many community members

regularly pre-register and attend these meetings via Zoom to speak to the Committee.

It is also noted by staff, all Council and Public Meetings under the *Planning Act* are livestreamed, recorded and posted to the Town's website and YouTube Channel. Any member of the public has ample ability to view meetings at any time.

If Council wishes to amend the meeting time for Council and Public Meetings under the *Planning Act* within the proposed Procedural By-Law a simple amendment would need to be moved, seconded and carried. The Clerk would bring the revised draft By-Law to the following meeting for first reading.

### **Financial Considerations:**

There are no financial considerations associated with this report.

### **Alternatives Reviewed:**

Staff reviewed approximately twenty other by-laws in the drafting of these proposed changes. Literally hundreds of alternatives have been reviewed. Council may provide direction for additional amendments or to alter the proposed by-law, or strike specific proposals. Should significant change be sought, staff ask that the report be referred back to them so as to ensure flow and consistency.

### **Strategic Plan Relationship: Strong Organization**

Adopting a clear and concise procedural by-law will support both Council and the Senior Leadership Team deliver timelier and better quality governance and leadership to the municipal corporation.

### **Consultation:**

Various municipal procedural by-laws

Senior Leadership Team

### **Other Pertinent Reports/Attachments:**

Proposed updated procedural by-law and related appendixes.

Report #2021-0122 – Clerks -Proposed 2022 Council Meeting Schedule – September 20, 2021

Report #2022-0083 – Procedural By-Law Update (defeated in April 2020)

Report # 2022-0208 - 2022-2026 Advisory Committee Structure Recommendation –September 6, 2022



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