

Subject: Procedural By-Law Update

Recommendation:

**BE IT RESOLVED THAT Council receive Report #2022-0083 –
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.

Analysis:

The Clerk, Deputy Clerk and Legislative and Committee Coordinator have 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 understand for residents and lay people.

As the proposed procedural by-law is a full comprehensive update, a comparison or redlined document identifying changes is not feasible. Nevertheless, the following chart is intended to identify major changes or additions:

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 information is reflected within staff reports.</p>
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	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).

	Meetings and to decommission Policies and Priorities Committee	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. As this by-law is being recommended to take effect with the new Term of Council, staff believe the new Council should determine if a page limit is necessary. Further, it has been difficult for staff to achieve the 300 page limit.
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, to their discretion.
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 searchability 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 Committees 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 adopted this as a practice and will continue to comply, however this is not a procedure for governing meetings.
Amendment	Summer Recess (44)	<p>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.</p> <p>Staff provided Council with rational 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.</p>
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.
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Financial Considerations:

There are no financial considerations associated with this report.

Alternatives Reviewed:

Staff reviewed approximately twenty other bylaws 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 more timely 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

Prepared and Recommended by:

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