



TO: GENERAL COMMITTEE

SUBJECT: PROCEDURAL BY-LAW CHANGES AND CLARITY OF MATTERS BEFORE COUNCIL

WARD: ALL

PREPARED BY AND KEY CONTACT: W. COOKE, CITY CLERK AND DIRECTOR OF LEGISLATIVE AND COURT SERVICES EXT. 4560

SUBMITTED BY: W. COOKE, CITY CLERK AND DIRECTOR OF LEGISLATIVE AND COURT SERVICES

GENERAL MANAGER APPROVAL: D. MCALPINE, GENERAL MANAGER OF COMMUNITY AND CORPORATE SERVICES

CHIEF ADMINISTRATIVE OFFICER APPROVAL: M. PROWSE, CHIEF ADMINISTRATIVE OFFICER

RECOMMENDED MOTION

1. That the City Clerk be authorized to make the following changes to the City's Procedural By-law 2013-072 through either an amendment of the by-law, or the repeal and replacement of the by-law.
 - a) To allow for deputations at City Council either in objection or support of a recommendation before City Council with a maximum of five minutes allocated per deputation;
 - b) To clarify the provisions surrounding emergency deputations noting that they will only be considered by City Council the first time the matter is on a City Council agenda and shall not be considered if a matter has been deferred to a further City Council meeting;
 - c) To amend the order of business of the City Council agenda to add "Reports from Officers" prior to deputations to allow for Reports of the Integrity Commissioner to be presented directly to City Council and that receipt and/or adoption of any recommendations from a Report from the Integrity Commissioner be considered under Committee Reports on the City Council Agenda.
 - d) To amend the order of business on the Reference Committee meeting agendas to allow for reports or memorandums that are the subject of presentation or open delegation to be considered at the same time as the presentation or open delegation;
 - e) To provide clarification in Schedule "A" Reference Committees with respect to when the Mayor as an ex-officio member counts towards quorum and to add provisions related to adjusting quorum when a member of the Committee is on a leave of absence, resigns or becomes ineligible and a temporary replacement is not appointed; and
 - f) To establish a Planning Committee to address *Planning Act* Public Meetings and applications in accordance with the provisions identified within Staff Report LCS014-19, paragraphs 19 to 26.
2. That effective January 1, 2020 the schedule of meetings be amended to add the Planning Committee meeting dates during the same week as City Council meetings, with the City Clerk authorized to add or cancel meetings based on the need.

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3. That staff post motions during City Council, Standing and Reference Committee meetings on the screen in the Council Chamber to improve clarity for members of the public on the matter under consideration.

PURPOSE & BACKGROUND

Purpose

4. The purpose of this Staff Report is to recommend changes to the Procedural By-law 2013-072 including the addition of a Planning Committee, and methods to improve clarity for members of the public at City Council and Committee meetings.

Background

5. City Council at its meetings of June 24, 2019 and August 12, 2019 adopted the following motions respectively:

“That staff in the Legislative and Court Services Department undertake a review of the Procedural By-law including to permit deputations in support of recommendations of the Standing Committee (General Committee) and report back to General Committee.”

and

“That staff in the Legislative and Court Services Department explore opportunities to provide greater clarity of matters being considered by City Council and Committees for members of the public, including having the text of the motion being displayed on the screens in the Council Chamber and report back to General Committee.”

6. In December, 2018 Procedural By-law 2013-072 was amended, as follows:
 - a) To add the National Anthem and Land Acknowledgement to the Order of Proceedings for City Council meetings;
 - b) To update the exceptions authorizing a meeting or part of a meeting to be closed to the public to reflect revisions to the *Municipal Act, 2001*;
 - c) To clarify that open delegations are only permitted with respect to matters within the jurisdiction of Council;
 - d) To identify that the provisions related to the reconsideration of decisions do not apply to the reconsideration of Planning matters resulting from requests/decisions of the Local Planning Appeal Tribunal;
 - e) To replace references to Acting Mayor with Deputy Mayor; and
 - f) To identify that members of any committee or board who are absent for three consecutive meetings without permission from the Committee be removed from the Committee.
7. Other amendments to Committee mandates, etc. have been made since December 2018.

ANALYSIS

Procedural By-law

8. The current Procedural By-law has been in place for five years now, with minor amendments such as the ones noted. Staff reached out to members of Council for input and reviewed other municipalities' procedural by-laws including the ones from Guelph, Brampton, Markham, Newmarket, and Ottawa as they relate to:
- a) Deputations at City Council – whether they are permitted if they are in support of a matter and the amount of time allocated;
 - b) Integrity Commissioner Reports – whether they are considered by a Committee or presented directly to Council;
 - c) Reports and Presentations to Standing and Reference Committees; and
 - d) Planning Committees.

Planning and Building Services staff also compared other municipalities' practices related to *Planning Act* meeting processes given the reduction in timelines to deal with planning applications.

Staff also identified areas that would benefit from additional clarity at meetings, including:

- a) Emergency Deputations;
- b) Presentations that complement a staff report on an agenda; and
- c) Clarifying quorum at Reference Committee meetings.

Deputations at City Council

9. Currently, the Procedural By-law provides that deputations at City Council are only permitted in opposition to a motion of General Committee. Deputations are heard at the beginning of the Council meeting and are provided a maximum of ten minutes to speak. There are a number of existing ways for the public to communicate their views (in support or opposition) regarding matters before Council for consideration (phone calls, emails, social media posts, submitting letters, attendance at meetings and/or in person). The requirement to be in opposition to the motion was intended to best utilize City Council's time by focusing its attention on concerns to be addressed with a matter prior to any decision being made. In recent months, individual members of Council and the public have requested that staff review this process and possibly amend the By-law for members of the public to speak in support of a matter at City Council, as well as in opposition.
10. Staff reviewed other municipalities' practices as they relate to deputations. The majority of these municipalities permit deputations in support or in objection to a matter at their Council meetings. Generally the time permitted to speak was under ten minutes.
11. Providing members of the public the opportunity to speak in support of a matter is possible, but if Council wishes to amend the Procedural By-law to do so, staff are recommending that all deputations be limited to no more than five minutes. This is in alignment with the Reference Committees and the time permitted for Open Delegations. Staff anticipate an increase in the number of deputations, by expanding the opportunity for people to speak at Council in support of a matter. Unless the amount of time per deputation is decreased managing the amount of deputations with the business of Council depending on the agenda could be challenging, especially if there is a controversial matter on the agenda. It is possible that with the addition of deputations in favour of a recommendation, not all of the business may be able to be completed at a particular meeting.

Emergency Deputations

12. In order to provide clarity concerning when emergency deputations can be considered by City in the Procedural By-law. It would indicate that once Council considers and votes on requests for emergency deputations at the first City Council meeting at which the item is on the agenda, that no additional requests will be considered, even if a meeting is carried over to another date. This will provide further clarity to Council, staff and members of the public concerning this process.

Integrity Commissioner Reports

13. In reviewing the practices of other municipalities, the majority of them have their Integrity Commissioner Reports presented at their City Council meetings for consideration. By having these reports presented directly to Council the matter is addressed more expeditiously.
14. The municipalities that were surveyed indicated that they provide the opportunity for members of the public to provide deputations in relation to the Integrity Commissioner reports. If Council approves the change to the Procedural By-law to move these matters to Council, the Integrity Commissioner would present his/her report, respond to questions of clarification, and leave the meeting. Deputations on the matter would then be heard. Staff are recommending the addition of an item to the Council agenda after the title "Awards and Recognition" entitled "Reports from Officers" allowing for the Integrity Commissioner to speak to his/her reports prior to deputations.
15. Recommendations including the receipt of the report, or the receipt of the report and the adoption of any recommendations contained within a report from the Integrity Commissioner would be considered under the title "Committee Reports" on the City Council agenda. Members of Council would have the opportunity to adopt/receive or amend the recommendations at that time.

Order of Business – Reference Committees

16. The current structure of the Reference Committee meeting agendas provide that presentations/open delegations that are in relation any staff reports or memorandums are dealt with separately from the presentation or open delegation on the agenda. This can be confusing when questions are asked, as some apply to the content of the presentation/open delegation and some apply to the open staff report/memorandum. Staff are recommending that the order of business of the Reference Committee be amended to provide for presentations/open delegations and accompanying reports/memorandums to be dealt with at the same time.

Quorum at Reference Committees

17. In order to ensure clarity to the Mayor as an ex-officio member to a Reference Committee, wording will be added to Schedule "A" to provide that the Mayor will only count for quorum if there is not quorum of the appointed members of Council present for a meeting, as follows:
 - Finance and Corporate Services Committee is comprised of five Councillors or the Deputy Mayor with quorum established as three members. The Mayor's attendance as an ex-officio member may contribute to achieving the three members required for quorum.
 - City Building Committee is comprised of five Councillors or the Deputy Mayor with quorum established as three members. The Mayor's attendance as an ex-officio member may contribute to achieving the three members required for quorum.

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18. It is also recommended that when a member of a Reference Committee is on a leave of absence greater than one month, the total number of members allocated to the Committee and the associated number to achieve quorum (50% + 1) shall be reduced to reflect the absence, if a temporary appointment has not been made.

Establishment of a Planning Committee

19. Staff are recommending the establishment of a Planning Committee. This Committee would hear all public meetings pursuant to matters under the *Planning Act*, and consider staff reports concerning planning matters, including but not limited to development applications and planning policy.
20. Recent changes to the *Planning Act* have reduced the amount of time for staff to process planning applications and the number of public meetings required under the *Planning Act* has increased significantly, as per the chart below:

Year	Number of Public Meetings
2017	25
2018	10 (Election Year)
2019	38 (anticipated by year end)

Additional meetings were called for the purposes of conducting public meetings in 2019. The public meetings for 2020 and beyond are anticipated to be reflective of the 2019 numbers, if not more, due to anticipated development applications.

21. Public planning meetings are an important part of the planning process. It is the first time the application gets presented to Council, and the meetings are intended to obtain input from members of the public and matters of clarification from members of Council. Planning staff have recently initiated an Open House prior to the statutory public meeting in order to further engage with the members of the public concerning applications, and there is no intention to change that process.
22. Currently the public meetings average 1.5-2.5 hours of total time at each General Committee meeting. General Committee often begins its regular business at 8:30 p.m. This late start can limit the amount of discussion and debate by General Committee. This late start contributes to having meetings to continue past 11:00 p.m.
23. Removing the public meetings from the regular General Committee agenda would allow General Committee more time to deal with other City business items on the agenda.
24. Planning Committees are common amongst the municipalities that were surveyed, and are common in many municipalities experiencing high growth.
25. The Planning Committee would be a Standing Committee, similar to that of General Committee in that all recommendations from this Committee would be considered directly by City Council.

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26. Staff are recommending that the Planning Committee typically meet on two Wednesdays per month at 7:30 p.m., aligned in the same week as City Council. In addition, it is recommended that the Reference Committee meetings be held the same Wednesday starting at 6:00 p.m., so that members of Council are only required to attend one additional night per month. If a meeting is not required, it would be cancelled and communicated accordingly. This new meeting schedule is proposed to start in January 2020.
27. The order of business for the Planning Committee would be as follows:
- a) Consent Agenda
 - b) Public Meeting(s)
 - c) Presentations by Staff/Agents of the Corporation
 - d) Deferred Business
 - e) Staff Report(s)
 - f) Reports of Officers of the Corporation
 - g) Enquiries
 - h) Adjournment.
28. The intent is that all other matters including reports from the Reference Committees, Items for Discussion, etc. would only be considered at General Committee. This will be reviewed after a period of time to ensure that it operates effectively. As the Planning Committee will be a Standing Committee of Council, general duties for a Standing Committee noted in section 12.6 of the Procedural By-law would apply.
29. At minimum, staff will be able to record meetings and post them on the webpage. Staff are also investigating other options such as livestreaming to ensure that members of public who are unable to attend still have the ability to view the meeting. Staff are investigating whether or not Rogers will be able to broadcast these meetings.

Clarity of Matters before Council

30. Staff surveyed other municipalities concerning displaying of motions/recommendations as they are being discussed at Council and Committee meetings. A number of municipalities indicated that they display motions and recommendations during discussions at the Committee meetings, with a small percentage who displayed amendments.
31. It is possible for staff to display the initial recommendation contained in a staff/committee report. Staff will also attempt to post amendments to motions if they are provided to the City Clerk a minimum of four hours prior to the meeting.
32. The City Clerk will also work with the Mayor/Chair of the Committees concerning other methods to ensure that matters before Council and Committees are clearly communicated to members of the public.
33. The Guide to Communicating with Council, currently available on the City's website, will be amended should the recommendations contained within this report be accepted.

ENVIRONMENTAL MATTERS

34. There are no environmental matters related to the recommendation.

ALTERNATIVES

35. The following alternatives are available for consideration by General Committee:

Alternative #1

General Committee could recommend that all of the existing provisions within the Procedural By-law be maintained.

This alternative is available but not recommended, as the recommended changes will streamline processes and provide clarity for members of Council, staff, and the public.

Alternative #2

General Committee could recommend that it continues to be the Standing Committee to deal with Planning matters.

This alternative is available but staff believe that by establishing a separate Planning Committee it will be a timelier and efficient practice for public meetings under the *Planning Act* and dealing with planning matters.

Alternative #3

General Committee could recommend that staff post all amendments received to motions.

This is not recommended, as staff would not have time to properly review and ensure wording is appropriate for the motion as some are presented on the floor.

FINANCIAL

36. There is no direct financial implications for The Corporation resulting from the proposed recommendations.

LINKAGE TO 2018-2022 STRATEGIC PLAN

37. The recommendations included in this Staff Report are not specifically related to the goals identified in the 2018-2022 Strategic Plan.