



Special Council Workshop

Updating the Procedure By-law

October 3, 2023

Purpose of Today's Meeting

- To provide an overview of recommended changes to the Procedure By-law and hear Council comments on those proposals
- To provide an opportunity for Council to comment on any other changes that should be considered

Procedure By-law Background

- Every municipality is required by Section 238(2) of the *Municipal Act, 2001* “to pass a procedure by-law for governing the calling, place and proceedings of meetings”
- Current Procedure By-law No. 74-12 was adopted on September 24, 2012
- By-law 74-12 has been amended fourteen (14) times since adoption
- Significant legislative, technological, operational and other matters have also occurred since 2012 (e.g. strong mayor powers, electronic meetings)

Meeting Schedules – Current Rules

- The City Clerk prepares, and Council adopts an annual meeting schedule based on the rules in the Procedure By-law and past practice
- Once the meeting schedule is adopted, the Mayor in consultation with the City Clerk may, if required, reschedule any meeting to another date and time

Meeting Schedules – Current Rules

- The regular schedule of meetings is based on the following:
 - Committee of the Whole (COW) meetings are scheduled for the first and third Wednesday of the month at 10 am
 - Council meetings are scheduled for the second and fourth Wednesday of the month at 10 am
 - Council Public Meeting (CPM) meetings are scheduled for the first and third Tuesday of the month at 7:30 pm
 - Meeting holds to accommodate other Committee Meetings (e.g. BCW) are included on the annual calendar on the first and third Tuesday of the month at 1:30 pm
 - Meetings holds are currently a practice not included in the Procedure By-law

Meeting Schedules – Current Rules

- Recess Periods – Regular meetings are not scheduled for:
 - Last two weeks of December and first two weeks of January (winter recess)
 - March Break
 - Last two weeks of July and all of August (summer recess)
 - In an election year from the last two weeks of September to the start of the new Term of Council (election recess)
- CPM observes the same recesses periods as above, but additionally does not meet during the first two weeks of July

Meeting Schedules – Recommendations

The following changes to the regular meeting schedule are recommended:

- Change start time of COW and Council to 9:30 am (to avoid overlapping lunch)
- Move CPM meetings to the evening prior to a regular Council meeting (not COW)
- Add one (1) additional CPM meeting at the beginning of July to accommodate changes in the *Planning Act's* application processing timelines
- Add the Tuesday meeting holds rule to the Procedure By-law and increase meeting holds from two to three meetings each month
- Give the Mayor the authority to reschedule and cancel meetings

Public Participation – Current Rules

- COW and Council Delegations are required to register by noon one (1) day prior to a meeting
- CPM Delegations can pre-register to be an electronic or in-person delegate
 - CPM delegations can also speak without registration if attending the meeting in-person
- Delegations are provided up to five (5) minutes to address Council/Committee
 - Council Members are permitted five (5) minutes to ask delegates questions (this is rarely used)
- No public participation is permitted after a motion is made

Public Participation – Current Rules

- Delegations are only listed as a separate Order of Business (Agenda Item) for COW and Regular Council meetings
 - The City Clerk places delegations into the scheduled business for Special Council, BCW and other Committees
- Council has adopted a practice of hearing all delegations before debate on any agenda items begins
- Petitions and other Correspondence from residents not related to agenda items can be included on an agenda if they are received a minimum of two (2) weeks prior to a meeting

Public Participation – Recommendations

- No changes to the pre-registration and speaking time rules for Public Forum or Delegation are recommended
- It is recommended that “Delegations” be included as a separate Order of Business for all meeting types except CPM
 - For CPM, the current practice of listing delegations after the Staff and Applicant presentation of an application should be maintained
- It is recommended that the rule of hearing all delegations at the start of the meeting be made permanent
- It is recommended that the rule permitting questions of delegates be removed as it is rarely used

Public Participation – Recommendations

- It is recommended that rules regarding presentations and documentation by delegations be clarified as follows:
 - Pre-recorded video delegations will not be allowed
 - Electronic Delegations be required to pre-submit all materials (e.g. PowerPoint presentations) so that only Clerks Staff can share their screen
- It is recommended that Delegations be required to provide their name and address as part of their registration for inclusion on the agenda
 - Note: the City Clerk has implemented a procedure to redact personal information if a real and serious threat to an individual can be demonstrated

Public Participation – Recommendations

- That the following changes to the rules about Petitions and other Correspondence be adopted:
 - Clarify that petitions will only be accepted if provided in a format that can be included on the public agenda (e.g. links to web based petitions is not permitted)
 - Provide guidelines on what must be included in a petition so that it can be attached to an agenda (e.g. consent to publicly disclose personal information of others)

Motions – Current Rules

- Decisions of Council are made by voting on Motions
- Motions are made when moved by a Member of Council
 - At Council, Special Council and CPM meetings, Motions require a mover and seconder before it can be debated
 - At COW, BCW and other Committee meetings, a Motion only requires a mover before it can be debated
- Most motions are adopted on Majority Votes
 - The procedural motions to Waive Rules, Close Debate (Call the Question), and Reconsider require a two-thirds vote to pass

Motions – Current Rules

- There are several procedural motions in the Procedure By-law:
 - Motion to Adjourn
 - Motion to Amend
 - Motion to Close Debate (i.e. Call the Question)
 - Motion to Defer (i.e. delay consideration to another meeting)
 - Motion to Proceed beyond 11:00 p.m.
 - Motion to Reconsider
 - Motion to Refer (i.e. send back to staff or to a Committee)

Motions – Recommendations

- No significant changes for the various motions are recommended
- It is recommended that changes be made to the Motion to Reconsider
 - Language be simplified for clarity
 - A rule be established that a matter cannot be reconsidered if it would have significant financial, legal or contractual implications for the City until staff have the opportunity to advise Council of those implications

Members Motions – Current Rules

- Members can add “Other Business” to an Agenda by presenting a Members Motion
 - The rules state that a Members Motion cannot ask for a staff report
- Members Motions must be submitted to the City Clerk by noon one (1) week prior to the Meeting

Members Motions –Recommendations

- It is recommended that the following changes be made to the Members Motions rules:
 - The ‘no staff report’ rule be clarified so that the Motion cannot request a staff report at the meeting at which the Members Motion is considered
 - That they do not apply to matters brought to Council by the Mayor under the Strong Mayor Powers
- It is recommended that Members submitting an open session Members Motion to consider something in Closed Session be required to also submit a confidential closed session Members Motion, setting out the specific matter to be discussed, which will be distributed with a closed session agenda

Rules of Debate – Current Rules

- Members are permitted to speak to every motion, except Motions to Amend, two (2) times for up to five (5) minutes each time
 - The Mover of a Motion is permitted a brief ‘wrap-up’ of three (3) minutes
- Members are permitted to speak to a Motion to Amend one (1) time for a maximum of three (3) minutes
- Council cannot waive these speaking rules

Rules of Debate – Recommendations

- It is recommended that that the speaking time for Motions to Amend, Refer and Defer be changed to once for a maximum of five (5) minutes
- It is recommended that the Procedure By-law be clarified to ensure that it is understood:
 - That a Main Motion as amended can be discussed no more than one time for five (5) additional minutes by Members who have already used both speaking times on the main motion prior to amendment
 - Members be required to avoid preambles before making a Procedural Motion to ensure fairness on speaking times

Points of Order and Points of Information – Recommendation

- Points of Order exist for the purpose of ensuring the rules in the Procedure By-law are followed
- Points of Information appear to exist to provide additional times to ask questions on motions, however, this rule has been misused and is not easily understood
- It is recommended that
 - Points of Information not be allowed (specifically prohibited)
 - Clarify that there is no debate on Points of Order
 - Clarify that a matter is out of order if it violates a specific rule, or the Chair finds the matter contrary to the principles in Section 2

Waiver of Rules – Current

- Many of the rules in the Procedure By-law can be waived on a two-thirds vote
- Rules that cannot be waived, even on a two-thirds vote, include:
 - The rule limiting the waiver of rules;
 - No Other Business being added to Special Meetings after the agenda has been published;
 - Quorum rules;
 - Number of Times to Speak – Length of Time for Speaking; and
 - Motion for Reconsideration During the Term of Council

Waiver of Rules – Recommendations

- It is recommended that the rule in Section 8.1 that prohibits Council from approving or denying a planning application at a CPM meeting be made into a rule that cannot be waived by a two-thirds vote.
 - This aligns with the various *Planning Act* changes which, among other things, requires reporting on any written or oral comments received on the application
 - This reporting is included in the staff report presented at a later COW meeting

Closed Session – Current

- Council is permitted to meet in Closed Session for various reasons as set out in the *Municipal Act*
- The Procedure By-law permits Closed Session meetings at COW and Council meetings only
- Closed Session is not permitted during a CPM, BCW or other Committee Meeting
- Closed Session Minutes
 - The current rules on the adoption of Closed Session minutes is not well defined in the Procedure By-law

Closed Session – Recommendation

- It is recommend that Committee of the Whole (COW) not be able to hold Closed Session meetings
 - Decisions of COW must be approved at a Council meeting and it is challenging to report confidential COW decisions on a public Council agenda
- It is recommend that BCW be permitted to meet in Closed Session only to consider implications of financial decisions on matters such as personnel matters or labour relations matters.
- It is recommended that the Procedure By-law be clarified to confirm that Closed Session Minutes are deemed adopted when signed by the Chair and City Clerk

Electronic/Hybrid Meetings

- Members of Council are permitted to participate either in-person or electronically
 - Members are required to notify the City Clerk 3 days prior to a meeting if they are participating electronically
- The Chair of a meeting that is Hybrid is required to participate in-person
- To ensure quorum, Members have obligations to remain visible or notify the City Clerk if they are using audio only
- It is recommended that Members of Council provide comments on any needed changes to these electronic/hybrid rules

Special Council – Current

- Special Council Meetings can be called by the Mayor, or petitioned by a majority of Council Members
- In addition to regular Special Council meetings to deal with ‘business’, there are rules for Workshops and Education and Training Sessions
 - These rules are, however, intermingled and not clear
- Education and Training Sessions are a specific type of Closed Session meeting in the *Municipal Act, 2001*
 - No business can be discussed in these types of meetings that would materially advance any business of the City

Special Council – Recommendations

- It is recommended that the Special Council rules be amended to create distinct Workshop and Education & Training types
- Workshops would be a defined meeting type, and:
 - Be for a single matter for discussion, structured to allow more free-flowing discussion, and to provide comments on the matter (e.g. the normal speaking rules would not entirely apply)
 - Be for matters that will eventually come to COW or Council for final decision
 - Generally be open session meetings, unless one of the Closed Session exemptions in the *Municipal Act, 2001* apply

Special Council – Recommendations

- Education and Training Sessions would be aligned to the Municipal Act rules which state that:
 - The meeting is held for the purpose of educating or training the members; and
 - At the meeting, no member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of the council
- Education and Training Sessions can be Closed or Open Session, and would generally not be for matters that are planned to come to COW or Council in the future for final decision

By-laws – Current and Recommendations

- Currently the Procedure By-law requires all By-laws on an agenda to have been preceded by a staff report
 - Council has approved by resolution specific By-law types that can be placed on an agenda without a prior staff report (interim tax levy, appointment of Deputy Clerks and Deputy Treasurers, etc.)
- It is recommended that the By-law rules be amended to specifically allow ‘routine’ By-laws to be added to the agenda without a prior staff report

Strong Mayor Powers – Current

- The City Clerk made a presentation to Council on June 28, 2023 regarding the Strong Mayor Powers
 - A copy of the presentation is attached to this presentation as Attachment A
- The Presentation noted that the Strong Mayor Powers fall into three broad categories:
 - **Legislative Powers** (*e.g. the power to veto by-laws, the power to require Council to consider a matter*)
 - **Administrative Powers** (*e.g. the power to appoint a City Manager, the power to establish committees*)
 - **Financial Powers** (*e.g. the duty and responsibility to present a budget to Council, and to approve the Budget*)

Strong Mayor Powers – Current

- The **Legislative Powers** require amendments to the Procedure By-law, as follows:
 - Rules to address how Veto's will be handled
 - Rules to permit the Mayor to add Business to an agenda
- The **Financial Powers** require amendments to the Procedure By-law, as follows:
 - The role of BCW and budgets

Strong Mayor Powers – Recommendations

- Legislative Powers
 - It is recommended that the City Clerk be given authority to annotate By-laws for deemed enactment date as required due to Strong Mayor Powers
 - It is recommended that Procedure By-law be clarified to permit the Mayor to add business to an agenda without a mover or seconder under the Strong Mayor Powers
 - It is recommended that the Procedure By-law provide guidance for processing veto and veto-overrides under the Strong Mayor Powers

Strong Mayor Powers – Recommendations

- Financial Powers
 - It is recommended that the Procedure By-law be amended to add language that it is the role of BCW to make recommendations to the Mayor on the budget that is to be tabled at Council by the Mayor in accordance with the Strong Mayor Powers

Other Recommendations and Changes

- Correspondence from other Municipalities
 - The City Clerk receives numerous resolutions/correspondence from other municipalities and levels of Government
 - No rules exist on how to manage these
 - It is recommended that changes be made to include rules that only correspondence/resolutions from municipalities located in York Region be circulated to Members of Council, except where the City Clerk determines that the matter is specifically relevant to Richmond Hill
 - It is recommended that rules be added that Members can add correspondence to the agenda for endorsement through a Members Motion

Technical Changes

- In addition to the proposed changes, when drafting a new Procedure By-law, the City Clerk expects to:
 - Clean up and/or amend Definitions
 - Formally Include the Land Acknowledgement statement
 - Amend the Audit Committee rules so that the committee, not Council, selects the Chair and Vice-Chair (this is consistent with all other Committees)

Next Steps

- Staff will consider any comments received during the Special Council meeting to prepare a new Procedure By-law
- A Staff Report with the proposed new Procedure By-law will be considered at a future Committee of the Whole meeting

Recommendation

- a) That the presentation of the City Clerk in respect to proposed revisions to the Procedure By-law be received;
- b) That the recommended changes to the Procedure By-law contained in the presentation of the City Clerk be endorsed;
- c) That all comments be referred back to staff for consideration in preparing a proposed new Procedure By-law;
- d) That the City Clerk report back at a future Committee of the Whole meeting on a proposed new Procedure By-law for Council and its committees.
- e) That the City Clerk prepare and present the 2024 meeting calendar with all changes endorsed at the October 3, 2023 Special Council meeting.