

UP DATED DELEGATION NOTES CPRMC NOVEMBER 10, 2020
Procedure By-law
REPORT CL-18-2020

Thank you Clerk Kevin Arjoon for providing us with the link for 04-2020 which we were unable to easily find on the website. Unfortunately, because of pre-arranged family commitments this week it was 7:00 a.m. this morning before we could give them our attention and determined that there is no Table of Contents to this edition of the *Procedural By-laws*. This makes our review more difficult and takes more time. Our review of these proposed amendments, therefore, is at this time incomplete so we may well have to come back to Council if we have not caught all the issues we wish to bring to your attention for a document that is our bible for engagement with this Council and its Committees. One such issue is determining where the authority is for Council or Committee to make submission of intended remarks or delegation notes as Council and Committees are claiming is a requirement to register as a delegation.

The intended remarks circulated with our delegations request identified two important issues in terms of the proposed amendments.

Page 2 of Report CL-18-20

Under Special Meetings 3rd paragraph "In addition a proposed second clause to the special meeting does not align with section 240 (b) of the Act"

and

The staff are recommending that the Procedure By-law be amended to align with section 240 (b) of the Act which tells us the Clerk/City does not believe it presently aligns with the Act and understands that the Legislation is the superior governance document followed by *Procedure By-laws*.

24.1 in 04-2020 states The Mayor and/or City Manager may at any time call a special meeting of Council and, upon receipt of a petition of the majority of Members of Council or upon approval of a Council resolution authorizing a special Council meeting, the Clerk shall call a special meeting of Council for the purpose and/or at the time mentioned in the petition or resolution.

We believe this should say "*the Clerk shall set (rather than call)*"

Section 240 of the Municipal Act: (a) and (b) states:

a)The head of council may at any time call a special meeting: and

b)upon receipt of a petition of the majority of the members of council the clerk shall call a special meeting for the purpose and at the time mentioned in the petition

Amendment 24.1 The wording past Council is superfluous. It is a clerical or secretarial efficiency function to determine what dates all members of Council are available within a certain time frame to ensure a quorum can be achieved **if the majority of Council members agree with the purpose and date and time (in terms of sufficient notice to the public etc.)** at a Special Meeting to be called by the Mayor.

The only amendments that needed to be made to bring the amendment in line with Section 24 (a) and (b) is the removal of "City Manager" and define "petition" under the correct alphabetical spot in Section 1 Definitions, referencing 24.1, in the amended by-law as:

A form (attached to the Procedure By-law) that identifies a majority of members of Council agree with the calling of a Special Meeting for the purpose(s) and at the time and date set out in the petition or a Resolution of Council duly noted in a set of Council minutes that shows a majority of council have agreed to a Special Meeting for a specific purpose(s) and to be held at a specific time and on a specific date.

There are other amendments to the City of Burlington *Procedure By-Law* that should be made to improve resident engagement that the Clerk/Committee/Council can review in the letter referenced in our delegation notes in Clerk and Council members hands.

A copy of the letter to Minister Clarke, Premier Ford and MPP McKenna regarding a moratorium on amendments to municipal *Procedure By-Laws* until the provincial government considers the advantage in terms of appropriate democratic engagement rights, municipal transparency and accountability in a standard set of *Ontario Procedure By-Laws* will be provided to Committee and Council members as soon as it is in the hands of MPP McKenna which should be before end of business day tomorrow. Such proposed Ontario municipal *Procedure By-laws* would be issued as a *Regulation* to the *Municipal Act* for all upper and lower municipalities with the ability to add to the individual by-laws for any relevant amendments necessary for any individual municipalities who will find it difficult or impossible to abide by any individual section of the by-law. An example of such would be for a smaller municipality who could not abide by a particular section of the by-law due to being much smaller in size than the average municipality such as the City of Burlington.

REPORT CL-19-20 ANNUAL SCHEDULE OF COUNCIL/COMMITTEE MEETINGS

Page 6 CL-19-20 states:

"Due to COVID-19 the City will be hosting virtual meetings for much of 2021." This is the first we have heard that this is the intention of Council and would point out transparency and public engagement requirements should have seen notification come to the public outside of being buried in this report to Committee.

Page 3 – Paragraph 3

After the pandemic, it is anticipated that accommodations would also be made to members of the public who wish to delegate virtually. We believe this is an excellent idea and needs to be properly formalized.

We also believe very strongly that it is time that delegations should be able to stand at the lectern in the interests of the delegation being able to fully engage with council and the engagement with a virtual or present Council being visible by the community. An example of this is where we identified 04-2020 public copy is missing the Table of Contents. If at the lectern we could have demonstrated to Council and the community through a 2014 and 2016 set of hardcopy *Procedure By-Laws* this has always been the past practice. We all know sometimes a picture is worth a thousand words. The city should be able

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to organize a safe means of doing this for those who do not wish to delegate virtually if like us delegates who have been long retired from our professional roles participate very infrequently in virtual meetings and find them super stressful.

i.e. Called to the lectern (from outside Chambers where they can watch the meeting live). Mask before and after delivery of delegation.

The Premier has had multiple people at one lectern every day for several months with no adverse effects. Far less risk than having six at a table in a restaurant which is presently permitted – which may well change if our numbers do not start coming down and we are parachuted into the next level which at this time we believe is going to be the case.

Page 3 paragraph 3

This report is recommending extending the 1:00 p.m. to become the permanent start time of Council with a 6:30 p.m. time reserved for any items that may be of public interest or that may have delegates who cannot attend during the day. All items are of public interest and if not they should not have a place on the agenda. The common public expressed opinions we are hearing from delegates and engaged community members alike are it is in the interests of public engagement that Council meetings return to 6:30 pm as soon as possible.

Page 4 2021 and 2022 Budget Cycles

The report states on page 2 “Annually the Clerks department brings forward a report with a proposed schedule for the next year of Council and standing committee meetings (Appendix A).

On page 4 under Budget Cycles there are two Special Council meetings scheduled. Scheduling Special Council Meetings is **incompatible with the definition of Special Council meetings contained in the Procedure By-law:**

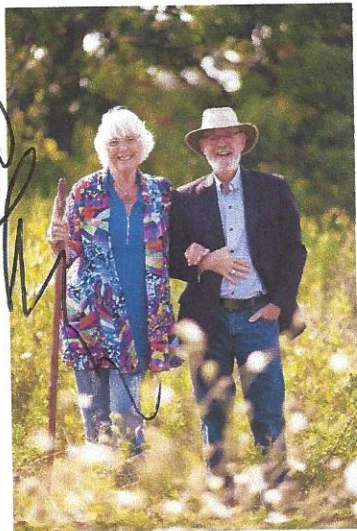
“Special Meeting” means a meeting not scheduled in accordance with the approved calendar/schedule of meetings.

There is nothing to stop Council scheduling as many regular Council meetings in a month as they wish to, except their available time. The March 2021 and May 2021 meetings should be set as Regular Council Meetings with single agenda items of Operating Budget Approval and Ratify Tax Levy By-law.

<u>MEETING</u>	<u>DATE</u>	<u>ITEM</u>
Special Council (Should read Reg. Council Meeting)	March 3, 2021	Operating Budget Approval
Special Council (Should read Reg. Council Meeting)	May 5, 2021	Ratify Tax Levy By-law

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Thank you and we will ensure our delegation notes updated after we were able to get the current 04-2020 Procedure By-laws are in the Clerk's hands before the end of the business day.

PLEASE DO NOT REDACT OUR CONTACT INFORMATION FROM THE PUBLIC DOCUMENT



A handwritten signature in black ink, likely belonging to Anne and Dave Marsden.

Anne and Dave Marsden
Pro Bono Community Health, Safety and Access Advocates

