

COW, Sept 9 2024
CL-01-24
Delegation presentation from Jim
Thomson

Procedure Bylaw Review

CL-01-24

To : CoW September 9,2024

Sequence

- This report was due Q3 2023
- On Nov 10 2023 the former Clerk told the Ombudsman investigator it would be delivered in December 2023
- When the Deputy Clerk took over the file, the report was supposed to be due January 2024.
- In April 2024, Council directed it to be complete no later than Q2 2024.
- Here we are at end of Q3 2024 and the residents of Burlington are given a day and half to review and prepare delegations on what is one of the most important documents the City produces.

Vision to Focus Alignment

- Building more citizen engagement, community health and culture
- How were the citizens engaged?
- A survey held in the summer from June 1 to August 14 in 2023.
- Where are the results of the survey?
- How did the survey results inform the review?

Strategy Process Risk

- Ombudsman complaints.

But they aren't really a problem as they are not legally binding.

- What about Reputation Risk?

Good Governance comes from following the Procedure Bylaw and the Municipal Act. Burlington doesn't aspire to the low standard of legally binding.

Problems with Report

- The Closed Meeting Protocol has no place in a By-law.
It wasn't drafted as a bylaw.
It has the name of individual in it rather than a position.
What is in the current bylaw should be updated to reflect changes needed to make it conform to the protocol.

Is it to be Closed Meetings or Closed Sessions? It needs to be consistent.

The website also needs to be updated to reflect what is in the closed meeting protocol.

Problems with Report

- Deputy Mayor with Portfolio.

Wasn't the Policy supposed to be reviewed after 1 year?

Has it been reviewed?

Are any changes needed?

Problem

- Council Workshop
 - Can't be a standing committee it doesn't receive delegations and is usually a Closed Session
 - There is no voting in workshops.
 - Should have special rules section in bylaws.

Problem

- 7.1 (e) Ensure notice of meetings is provided as set out in this Bylaw

Why is there a P2P on Thursday? This Bylaw isn't in effect.

- 7.2 The Clerk will be present at all meetings of Committee and Council.

Probably should be The Clerk or a Deputy Clerk

Problem

- 26.8 the use of electronic devices to record proceedings of a closed session is Prohibited
- Ontario Ombudsman recommends as best practice that closed sessions recorded.

Problem

- 35.4 At Committee of the Whole, any item pulled from the consent agenda will be placed at the beginning of the appropriate section agenda.

Should be at the end of the appropriate section so as not mess up the numbering of items.

Problem

- 40.5 Quarterly a full listing of outstanding staff directions will be issued by Clerk and the list will be circulated by way of a memorandum in the Council Information Package.

Why have there been none issued this year?

Problem

- 43.4 The Chair may exclude or expel from the meeting any person who contravenes any provision stated in this section or who is in breach of decorum such that the person engages in personal attacks or assumes the motives of another person rather than discussing the merits of the matter.

The section is about members. I don't know why the Chair should be able to exclude any member.

Problem

- 48.7 Delegations to the Pipeline to Permit Committee will only be accepted in a written format. In person delegations may be permitted at the discretion of the Committee Chair.

Delegations should be as per every other Committee.

Terms of reference for P2P

Engagement:

Receive input from the public and the development industry by way of delegations and correspondence regarding processes, procedures, and intergovernmental advocacy.

Problem

- 46.12 At the discretion of the Mayor/Chair, CAO or City Clerk, written delegation material may be requested in advance of the meeting prior to confirming registration as a delegation. Upon review of that material by the Mayor/Chair, CAO or City Clerk, if it is deemed not applicable to the business of Council or Standing Committee, the delegation will not be registered to speak at the meeting.
- I believe this infringes our Charter Rights

Request

- Given all the Problems that I have been able to document in a short time I believe this Report should be deferred to the next CoW and staff be directed to fix the problems I have identified.
- There are other issues of which I am aware, but don't have time to detail.
- If the report had been issued as part of the agenda as it should have been I would have had the time to deal with numbering and formatting issues.

Engaged Citizens

- When your called for jury duty and your name is drawn by lot
 - When you vote in an election or freely voice your thought
 - Don't take these rights for granted for dearly they were bought
 - Remember Thomas Muir of Huntershill.
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- Thomas Muir of Huntershill by Dick Gaughan.
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- Eternal Vigilance is the Price of Liberty. - various philosophers.