

To: Mayor and Members of Council

From: Samantha Yew, City Clerk
Blake Hurley, Commissioner, Legal and Legislative Services/City Solicitor

Cc: Hassaan Basit, CAO

Date: September 17, 2024

Re: Supplemental information regarding CL-01-24, Procedure By-law Update

At the September 9, 2024 Committee of the Whole meeting, report CL-01-24 was deferred to this Council meeting to allow more time for review of the proposed Procedure By-law. This memorandum is to provide supplemental information requested by Committee.

Survey Results

As noted in the report, a survey about the Procedure By-law was conducted between June 1 and August 14, 2023, receiving a total of 101 responses. The survey results were not included as part of the report because the survey asks questions that are outside of the scope of the Procedure By-law. Not all respondents provided additional written feedback. The questions presented in the survey are:

- What would you say is your level of agreement when it comes to
 - Finding Council and Committee meeting dates on the City website
 - Finding Council and Committee meeting agendas on the City website
 - Finding information about public participation on the City website
- How do you find out about items being discussed at meetings?
- Have you attended or participated in a Council or Committee meeting before?
 - If yes, please provide some feedback on your experience
 - If no, please provide more information about why (select all that apply)
- How do you find the Council meeting schedule when it comes to the convenience of watching or attending meetings?
- Do you have any comments or concerns related to the Council meeting schedule?
- The Procedure By-law offers many ways for members of the public to interact with Council and Committee. Please indicate which methods you are familiar with (select all that apply)
- Right now, standing committee agendas are published to the City website 10 days in advance of the meeting. How many days in advance do you think agendas should be published?

- Right now, members of the public have up to 10 minutes to delegate at standing Committee meetings. How many minutes do you think members of the public should have to speak at standing committee meetings?
- Right now, members of the public have five minutes to delegate at Council meetings. How many minutes do you think members of the public should have to speak at council meetings?
- Do you have any other thoughts or ideas about the Procedure Bylaw?

The following is a summary of some of the responses received. Many of the comments received were outside of the scope of the proposed procedure by-law. The full results are attached as Appendix A:

- Many respondents found finding access to Council and Committee meetings, agendas, and public participation information difficult or very difficult to find. Staff are reviewing agenda wayfinding on the webpage.
- Nearly half of respondents (47 of 100) indicated that they have not attended or participated in a Council or Committee meeting before. The survey indicated that one of the main reasons for not attending was due to the meeting time. Many comments also indicated that attending daytime meetings is challenging due to work commitments. Staff will reiterate these results in the 2025 Calendar approval report, but are not suggesting changes at this time as they could conflict with the approved 2024 meeting schedule.
- Respondents were supportive of current or increased speaking time (10 minutes) at Committee meetings, and in favour of more than five minutes speaking time at Council meetings. Staff are suggesting no additional changes to the rules of delegation. Currently, members of the public have the opportunity to speak to an item for up to fifteen minutes at Committee and Council meetings, and can engage with Council in other ways before and after the meetings.

Staff recognize that there are opportunities for improvement in a number of areas, however most of these areas are matters outside of the procedure by-law.

Feedback Received on the Procedure By-law

Staff made changes to the proposed by-law based on feedback from members of the public and Council which has been summarized below. Additionally, staff have made additional minor changes as noted below.

Staff initiated amendments (these have been added to the by-law presented for approval):

Number and by-law section	Change implemented	Comments
Change 1 Section 1 Definitions	Change definition of 'pecuniary interest' to: "Pecuniary Interest" means a direct or indirect financial interest determined in accordance with the Municipal Conflict of Interest Act, R.S.O. 1990 c. M.50	This change was made in response to feedback indicating the definition in the proposed by-law is confusing. Staff propose reverting to the definition in the existing by-law, with the word "determined" added.
Change 2 Section n/a	Staff have change instances of "closed session" to "closed meeting" for consistency.	This change was made in response to comment received regarding consistency in the proposed by-law.

Change 3 Section 12 Duties of the Standing Committees	Staff initiated change to amend 12.1 to: Standing Committees will receive public delegations for input and report to Council on all matters connected with their duties or referred to them by the Mayor and/or by Council and to recommend such action as they deem necessary.	This change was made to in response to feedback received noting that Council Workshops do not align with the duties of Standing Committees as delegations are not permitted.
Change 4 Section 20 Inaugural Meeting of Council	Staff initiated change to section 20: Following an election, the inaugural meeting of Council will be held in Burlington at 6:30 pm on the day of the start of the new term (November 15), unless that day falls on a Friday, Saturday or Sunday, then the inaugural meeting will be the following Monday.	The current inaugural provisions should be changed to ensure that Mayor and Council are sworn in at the earliest possible time. This is to ensure that there is limited risk being in a position where a decision must be made without a Council being sworn in.
Change 5 Section 26	Staff initiated change to section 26.8 for clarity: The use of electronic devices by attendees to record proceedings of a closed session is prohibited.	Staff have added "by attendees" to clarify this restriction.
Change 6 Section 35 Consent Items	Staff initiated change to subsection 35.4 for clarity: 35.4 At Committee of the Whole, any item pulled from the consent agenda will be placed discussed at the beginning of the appropriate section agenda. The item will be added at the end of the list of regular items.	This is to clarify the current process at Committee of the Whole. Any item pulled from the consent agenda is discussed at the start of the regular agenda, but added at the end of a list so that numbering is consistent between the agenda and minutes.
Change 7 Section 36 Notice of Motion	Staff change to section 36 in by-law for approval: Change title from "Notice of Motion" to "Motions Introduced by Members"	This change was indicated in Appendix A of CL-01-24 but not reflected in the proposed by-law (Appendix B)
Change 8 Section 43 Conduct of Members	Staff initiated change to 43.4 for clarity: 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.	Words removed for clarity, based on feedback received.

<p>Change 9</p> <p>Section 51</p> <p>Voting</p>	<p>Staff update to section 51 in by-law for approval:</p> <ol style="list-style-type: none"> 1. Every member present at a meeting when a question is put shall vote, unless they are prohibited from voting by legislation, in which case the reason shall be recorded. 2. Failure to vote for any reason by a member who is present at the meeting at the time of the vote and who is qualified to vote shall be deemed to be a negative vote. 3. Voting will be conducted in the following order: <ol style="list-style-type: none"> (a) amendment to any amending motion; (b) upon determination of a) above, any subsequent amendment to the amending motion; (c) the amending motion; (d) the main motion (as amended or as originally presented). 4. When the motion under consideration contains stand-alone recommendations, a member may request that the vote be taken separately on each recommendation and no vote will be required to be taken on the matter as a whole. 5. When a vote is called by the Chair, each member present, except a member who is disqualified from voting by any statute, will vote by a clear show of hands. The Chair will first ask those in favour to raise their hands, followed by those opposed and will then declare the result of the vote. A vote will never be taken by secret vote, or ballot. 6. Except as provided elsewhere in 	<p>Staff have updated this section in the by-law for approval to more accurately reflect the changes presented in Attachment A to CL-01-24. No wording has been added.</p>

	<p>this by-law, a motion will be considered carried when a majority of the members present and voting have voted in favour of the motion. When there is a tie vote the motion is lost.</p> <p>7. In a Council meeting, a recorded vote conducted by the Clerk will be taken on all motions that move the business of the organization. During a recorded vote, the Clerk will conduct the vote by using the roll call to ask each member their vote. Members will reply with their response, at the conclusion the Chair shall determine whether the vote carried or lost.</p> <p>8. At Council the following items are classified as routine and their associated votes can be conducted orally without a recorded vote:</p> <ul style="list-style-type: none"> (a) Motion to approve council minutes (b) Motion to approve standing committee minutes (c) Council Information Package (d) Motion to receive and file information items (e) Motion to confirm proceedings of the Council meeting (f) Motion to adjourn meeting <p>9. No further questions or comments from members will be accepted by the Chair on the question voted on after the vote has been called.</p> <p>10. In the event that a member has miscast their vote, they may change their vote if the result of the vote has not been announced by the Chair. If the result of the vote has been announced, the member cannot change their vote unless a motion to reconsider is approved in accordance with the</p>	
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	<p>rules in section 52.</p> <p>11. Upon request made by a member at any time during consideration of an item, a standing committee may conduct a recorded vote in accordance with the process outlined by section 51.8.</p>	
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Staff requested feedback from Members of Council on proposed changes after the September 9 Committee of the Whole meeting, for consideration at the September 17 Council meeting. The following was received for Council consideration. Should Council wish to make this change to the proposed procedure by-law, a motion is required.

Number and Section	Amendment language	Comments
Change 10 Section 21 Notice of Meetings	<p>Add the bolded text to subsection 21.3:</p> <p>Items or matters will not be added to the agenda after distribution to Council or Committee unless they are of an urgent nature and require a decision prior to the next Council or Committee meeting or as identified in 21.4. In these cases, an Addendum will be prepared, distributed and posted to the City's website calendar, not less than 24 hours before the hour appointed for holding the meeting.</p> <p>Add the following subsection to section 21 after 21.3:</p> <p>Any reports published on a Council or Committee agenda addendum shall not be of significant length, impact or public interest as determined by the Chair in consultation with the CAO and Clerk. Exceptions to this rule are:</p> <ul style="list-style-type: none"> (a) reports added to an agenda by way of a staff direction at a Council or Committee meeting; (b) reports added to an agenda by the Mayor under Section 284 of the <i>Municipal Act</i> (c) where legislated notice has been given for a report's consideration (d) updates or announcements of significant interest or impact to the City; and (e) closed meeting reports. 	<p>Feedback was received with concerns about the size and impact recent reports that were distributed as part of the agenda addendum. The proposed addition will limit addendum reports to those that are not of significant size, severity or significant public interest.</p> <p>Staff recommend that this limitation only be applied to reports as there are other items added to addendums, such as motion memorandums, that may meet this criteria but should not be limited as they are Council initiated items.</p>

Any additional changes passed at the Council meeting will be included in a revised by-law, which will be drafted by staff during the meeting and passed under Motion to Approve By-laws.

Attachments

Appendix A – Procedure By-law survey results