



CORPORATE SERVICES *Staff Report*

REPORT NO: COR-2024-36

TO: Council

SUBMITTED BY: Greg Clark, Director of Corporate Services/Chief Financial Officer

PREPARED BY: Jeff Bunn, Manager of Legislative Services/Municipal Clerk

REVIEWED BY: Sharon Chambers, Chief Administrative Officer

DATE: July 29, 2024

SUBJECT: Procedural By-law Amendment Relating to Delegations

RECOMMENDATION:

THAT Report COR-2024-36 be received as information; and further,

THAT the Clerk be directed to bring forward an a By-law on the August 26, 2024 Regular Council Agenda to implement the changes outlined in this Report.

SUMMARY:

The purpose of this report is to provide Council with a recommendation on amendments to the Procedural By-law 2023-43 to permit a limited number of delegations to address Council at each meeting on various issues of public interest. The report recommends Council amends the Procedural By-law.

BACKGROUND:

Every municipality in Ontario is required to have a Procedural By-law. Section 238 (2) of the Municipal Act, 2001, S.O., c.25, as amended, requires that every municipality shall pass a Procedural By-law for governing the calling, place and proceedings of meetings. Procedural By-laws are an essential governance tool that provide a set of rules for Council and Local Board meeting which uphold basic parliamentary procedure to ensure fairness for all meeting

participants, and consistency in the decision-making process. The goal of every Procedural By-law should be to ensure there is a high degree of meeting efficiency to ensure orderly debate and discussion for the business of the corporation.

As a best practice, Procedural By-laws should be reviewed at least once each term of Council to ensure the governance structure reflects the needs of the Council at the time. The last comprehensive review of Township of Wilmot Procedural By-law was completed in September 2023 and led to the adoption of By-law 2023-43.

With respect to delegation at Council meetings, By-law 2023-43 outlines that delegations are only permitted to address Council/Committee on a matter listed on the Agenda. Specifically, Section 6.3 states:

6.3.1 Delegations may only register to speak to the following agenda items:

- (i) staff reports;*
- (ii) informal and formal public meetings;*
- (iii) consideration of notice of motion provided by members of Council; and,*
- (iv) By-laws*

6.3.2 Notwithstanding Section 6.3.1., no delegation shall appear before Council on a matter that is not on the agenda if the matter is one which:

- (i) is eligible for resolution under any process for formal complaints or appeals, or for requesting compensation, where such processes have been established by the Township of Wilmot, unless and until all municipal proceedings of such a process have been completed;*
- (ii) is related to an employment matter;*
- (iii) is undergoing judicial or court process or litigation to which the delegation is a party to the proceeding;*
- (iv) has already been the subject of consideration by Council, if a decision on the matter by Council was reached within the last six months.*

6.3.3 Notwithstanding this provision, in emergency situations, Council by affirmative vote of a Majority of its members present at a regular Council Meeting, may agree to hear a delegation on any matter provided the presentation material is in writing and available whenever possible for distribution to Council prior to the commencement of the said Meeting.

6.3.4 That where Council has passed a motion to permit a delegation to speak to a matter that is not on a Meeting agenda, members of Council shall not be permitted to ask questions of that delegation.

6.3.5 Delegations are subject to the following provisions:

- (i) Are only permitted for matters listed on the Agenda;*
- (ii) Must contact the Clerk's Office for Council Meetings or the Committee*

- Administrator for Committee Meetings in writing and indicate the means by which they wish to be a delegation as per Section 4.2.5 of this By-law;*
- (iii) *Members may ask questions of delegates. There shall be no debate between Members and delegates.*
- (iv) *Are limited to speaking not more than seven (7) minutes not including responding to questions from Members, if any;*
- (v) *Delegations consisting of seven (7) or more persons may be permitted to have two (2) spokespersons address Council, in which case each such spokesperson will be limited to speaking for not more than seven (7) minutes each; and,*
- (vi) *Where more than twenty (20) or more delegates register for an Agenda Item, Council may by vote Majority vote, limit the speaking time for delegations for that specific item to three (3) minutes.*
- (vii) *Are permitted to speak only once on an Agenda item per Meeting unless the speaker is presenting new information to Council.*
- (viii)

On June 10, 2024, a Motion was introduced by Councillor Sidhu, that staff be directed to report back to Council at the July 29, 2024, Regular Council Meeting on municipal best practices and recommended changes to the Procedural By-law as it relates to permitting up to 3 registered delegates at each meeting to speak to any matter of public interest within the jurisdiction of the Township.

REPORT:

Municipal Scan Results

To better understand best practices with respect to the management of public delegations at Council meetings, staff conducted a municipal scan of 24 like sized municipalities in Ontario. Staff reviewed all Ontario municipalities with a population between 20,000-30,000 to produce a list of comparative municipalities, rather than looking at strictly area municipalities or larger cities. Specifically, the Procedural By-laws for the following municipalities were reviewed:

- City of Brockville
- City of Clarence-Rockland
- City of Owen Sound
- County of Frontenac
- County of Prince Edward
- Municipality of Leamington
- Municipality of Strathroy-Caradoc
- Town of Amherstburg
- Town of Collingwood
- Town of East Gwillimbury
- Town of Essex
- Town of Grimsby
- Town of Kingsville
- Town of Lincoln
- Town of Orangeville
- Town of Tecumseh

- Town of Wasaga Beach
- Township of Centre Wellington
- Township of Essa
- Township of King
- Township of Oro-Medonte
- Township of Scugog
- Township of Uxbridge
- Township of Woolwich

In brief, the municipal scan identified that a majority of municipalities have a mechanism to permit delegations to address Councils on issues of public concern with varying degrees of parameters to ensure a balance between ensuring citizens have an opportunity to speak directly to their elected representatives while maintaining orderly and efficient meetings. These municipalities have varying degrees of rules governing these types of delegations, often including limiting delegations to matters within the jurisdiction of the municipality and not permitting matters relating to a specific labour/management dispute, active litigation or other matter properly held in closed session.

Proposed Amendments to By-law 2023-43

In order to align with the direction from Council, and to permit up to 3 registered delegates at each meeting to speak to any matter of public interest within the jurisdiction of the Township, staff are recommending amending the current Procedural By-law to introduce two types of delegations: Specific Interest Delegations and General Interest Delegations. The concept of Specific and General Interest Delegations is outlined in greater details below.

1. Specific Interest Delegations

Specific Interest Delegations would relate to items listed on a Council Agenda. The intent with specific interest delegations would be to maintain the current rules relating to delegations and would continue to allow interested citizens to register to speak to matters listed on a Council agenda (including staff reports, public meetings, notice of motions, and by-laws, however not including correspondence items). Staff propose to maintain the existing flexible registration provision by allowing citizens to register up until the start of the meeting to speak as a delegation.

2. General Interest Delegations

General Interest Delegations would relate to items of general interest within the jurisdiction of the Township of Wilmot. In accordance with the direction provided by Council, there would a limit of up to 3 registered delegates at each meeting to speak to any matter of public interest within the jurisdiction of the Township. To facilitate the registration of the General Interest Delegations and to provide Township staff with sufficient notice of the General Interest Delegations, a more precise timeline for registration would be beneficial. As such, staff are recommending that General Interest Delegations be submitted by 12:00 Noon on the Monday preceding the Regular Council Meeting that the delegate wishes to register for.

As such, staff are proposing adopting a portion of the Township of King and the Town of Essex Procedural By-laws, as a framework to permit delegations on matters of general interest to the community.

The text below is an outline of the proposed wording for the amended Township of Wilmot By-law relating to both Specific and General Interest delegations:

6.3 Specific Interest Delegations

6.3.1 Specific Interest Delegations may only register to speak to the following agenda items:

- (i) staff reports;*
- (ii) informal and formal public meetings;*
- (iii) consideration of notice of motion provided by members of Council; and,*
- (iv) By-laws*

6.3.2 Registration to participate in person for Specific Interest Delegations will be accepted up to the time the Meeting is convened.

6.3.3 Registration to participate electronically as a Specific Interest Delegations will be accepted up to noon on the day of the Meeting, and Delegations must provide their email address and telephone number to enable Township staff to facilitate such participation.

6.4 General Interest Delegations

6.4.1 General Interest Delegations may register to speak to matters that are of a general interest and within the jurisdiction of the Township of Wilmot.

6.4.2 Any person who wishes to appear before Council as a Delegation on a matter of general interest shall submit the prescribed "Delegation Request Form" to the Clerk by 12:00 Noon on the Monday preceding the Regular Council Meeting.

6.4.3 Not more than three (3) General Interest Delegations will be permitted at each Regular Council Meeting.

6.4.4 The Clerk shall have the authority to determine if the subject matter does in fact relate specifically to a matter contained in the Regular Council Meeting Agenda for purposes of allowing or denying the Delegation and the Clerk will introduce such Delegation Request Form(s) at the time of adopting the Published Agenda.

6.4.5 *The Clerk, Mayor, Chief Administrative Officer shall review the General Interest Delegation Request Form to determine if the subject matter and nature of the request falls within the jurisdiction of Council, or if the request needs to be referred to Administration for comments.*

6.4.6 *The Mayor, in consultation with the Chief Administrative Officer, has the authority to deny a General Interest Delegation requests under the following circumstances:*

- (i) the request is not submitted within the time required of this By-Law;*
- (ii) no written submission together with handouts or materials is provided with the request or the submission is incomplete;*
- (iii) the subject matter is deemed to be beyond the jurisdiction of Council;*
- (iv) the issue has been or is to be considered by the Committee of Adjustment, Dangerous Dog Designation Appeals Committee, or Property Standards Appeal Committee;*
- (v) Council previously indicated it will not hear further from this Delegation; or*
- (vi) the issue should first be referred to Administration for action.*

6.4.7 *Delegations that are for the sole purpose of generating publicity for an event shall not be permitted.*

6.4.8 *After hearing the deputation, Council shall resolve to:*

- (i) Receive the deputation for information only; or*
- (ii) Refer the matter to staff for additional information.*

6.4.8 *Delegations will be scheduled in the order in which they were received by the Clerk.*

A consolidated draft Procedural By-law has been included with this report as Attachment 1 and includes tracked changes to outline new and amended sections of the By-law. It should be noted that due to the proposed changes, smaller incidental amendments are required throughout the by-law to ensure clarity and consistency in process – such changes are captured by the tracked changes within the document.

Next Steps if Council Chooses to Proceed

In terms of next steps, should Council choose to proceed with amending the Procedural By-law, Section 14.2.2. of the current Procedural By-law outlines,

“No amendment or repeal of this By-law or any part of thereof will be considered at any Council Meeting unless notice of the proposed amendment or repeal has been given at a previous Regular Meeting of Council; and the waiving of this notice by Council is prohibited”.

This means that Council may, at the July 29, 2024 Regular Council Meeting, signal their intent to amend the Procedural By-law by passing the recommendation outlined in this report. In accordance with By-law 2023-43, the Clerk would then include an amended Procedural By-law on the agenda for the next Regular Council Meeting, August 26, 2024, for Council's consideration. If the proposed By-law was to pass at the August 26, 2024 Regular Council Meeting, interested citizens could begin appearing before Council at the September 9, 2024 Regular Council Meeting as delegations relating to matters not listed on the agenda.

ALIGNMENT WITH THE TOWNSHIP OF WILMOT STRATEGIC PLAN:

This report supports the Good Governance strategic goal outlined within the Township of Wilmot Strategic Plan.

FINANCIAL CONSIDERATIONS:

There are no financial impacts associated with this report.

ATTACHMENTS:

Attachment 1 – Draft Procedural By-law