



Municipality of Port Hope

Staff Report

porthope.ca/agendas-and-minutes

Report Title: Draft Procedure By-law – Result of Review and Suggested Changes

Report to: Council

Date of meeting: October 30, 2023

Report Author:

Shrishma Davé, Acting Municipal Clerk/Manager,
Legislative Services

Department responsible:

Corporate Services

Report Number: CS-16-23

Recommended Action:

1. That Staff Report CS-16-23 be received for information; and
2. That the draft Procedure By-law (Appendix B), with amendments as provided by Council at the Special Council meeting of October 30, 2023, be presented at the next Council Meeting for adoption; and
3. That a resolution be presented to Council at the next Council Meeting to adopt the 2024 Meeting Schedule (Appendix C); and
4. That a resolution be presented to Council at the next Council Meeting to adopt the Petition Policy (Appendix D).

Highlights:

- Council directed staff to conduct a robust review of the Municipality's Procedure By-law in December 2022.
- Staff have completed the review and are presenting the revised draft By-law for Council's review and feedback.
- As part of the review, staff are recommending several changes, including a significant change in the times and schedules for Council and Committee meetings.
- In order to enhance public participation, staff have also recommended various changes to question period, presentations and deputations, and are also recommending the adoption of a new Petition Policy.

Background:

The Municipal Act, s. 238(2) requires that every municipality have a procedure by-law for governing the calling, place, and proceedings of meetings. It is the key document that determines not only the rules for conducting meetings, but also sets out the overall

governance framework. The procedure by-law sets out matters such as the types of meetings, order of business, agenda, publishing details, notice provisions, delegation provisions, rules of debate, motions, and voting.

A comprehensive review of the Municipality of Port Hope Procedure By-law ('the Procedural By-law' or the "Procedure By-law") had not taken place since 2015, and since that time the By-law had been amended many times to reflect change in practice, new provincial legislation and emergency situations. In December 2022, through Resolution 68/2022, Council directed staff to undertake a robust review of the Procedural By-law which included community and stakeholder feedback, engagement with municipal staff and Council, as well as a review of best practices in the municipality.

Staff conducted rigorous secondary research to review best practices among Ontario municipalities, met with numerous subject matter experts and developed a novel strategy for community engagement and public input on the Procedural By-law. Through the review, Staff were looking at how best to:

- Improve the meeting experience for all attendees, including public, delegates and Council Members;
- Ensure decision making is efficient;
- Reflect the changing demographics within the Municipality; and
- Account for changes in technology.

In late March 2023, Staff launched the community engagement on the Procedural By-law Review through various communication channels. Targeting stakeholders, volunteers, community partners, and residents, Staff developed an innovative educational video and a survey aimed to collect public input on key sections of the By-law such as:

- Date, time, and location of meetings;
- Hybrid versus in-person meetings;
- Role of Question Period;
- Presentation topic and timing; and
- Gauging community understanding of the role of the Deputy Mayor.

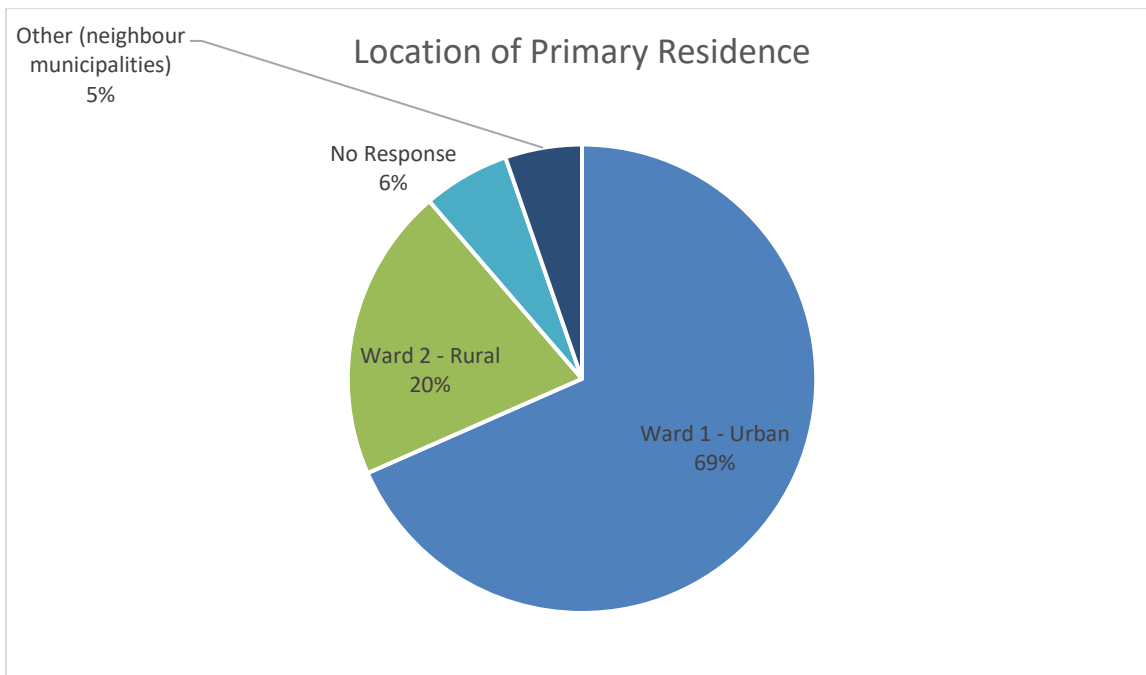
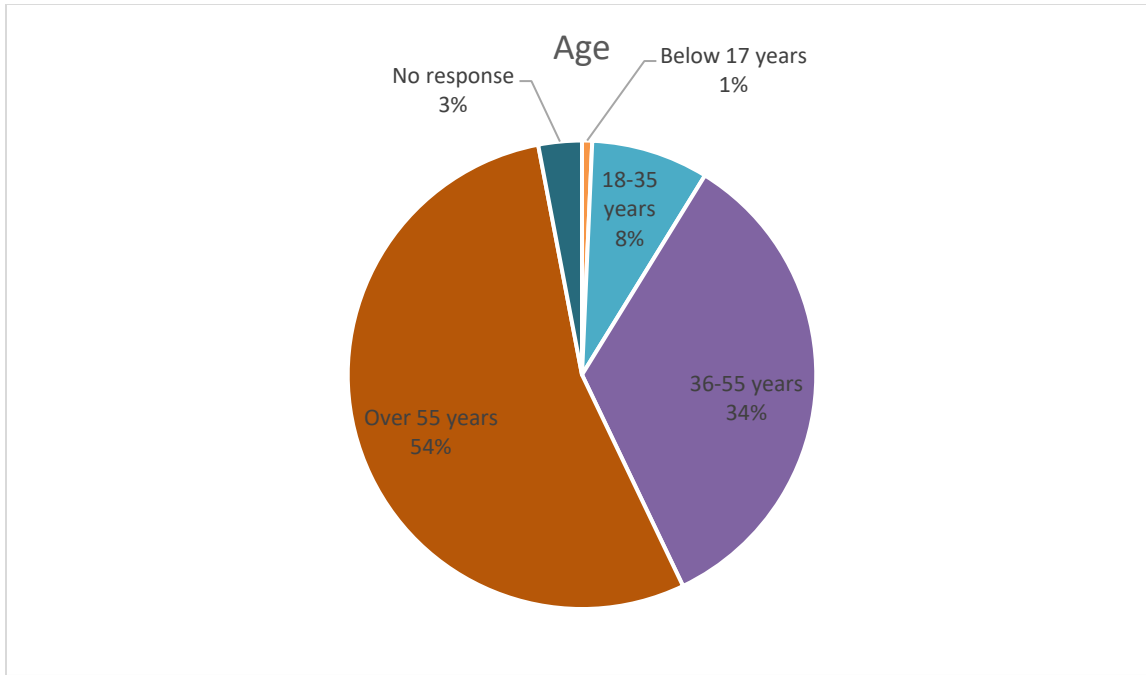
The survey was posted online for a period of one month, and received an exceptional response.

Staff reviewed the comments and feedback from community engagement, as well as the feedback received from Council Members. Along with the robust review of secondary research and the collective expertise of staff, a draft of the Procedural By-law was created. To ensure legislative accuracy, staff also retained the services of a leading Registered Parliamentarian to review the final draft and provide feedback, which was incorporated into the final draft.

A detailed overview of the changes and additions that staff are recommending is outlined in the discussion portion of this report. This includes an overview of the findings from the public and Council engagement.

Discussion:

Through the public input process, staff received feedback from approximately 137 members of the public, community leaders and volunteers, as well as members of advisory committees. The demographic breakdown of the survey participants is as follows:



Of the 137 responses, people were asked to identify their relationship(s) with the Municipality of Port Hope. Some respondents have multiple relationships with the Municipality, for example, they could be residents and an advisory board member. 113 people said that they were residents of Port Hope, and 18 were employed within the Municipality. 16 people were part of a community or non-profit organization, and 26 were volunteers. 20 respondents indicated that they were business owners in Port Hope, and 29 indicated that they were part of an advisory board or committee.

As this survey was conducted through the Municipality's engagement platform, staff are limited in their ability to splice the data structure to review responses based on demographic sets. That being said, the overall information collected on the demographics of the respondents provides important context for this Review.

In addition to the public engagement, staff also met with Members of Council to gather feedback based on their experience participating in Council and Committee meetings, and their vision of how best to engage with staff and the community through these meetings. Below is an overview of the findings.

Date, Time and Location of Meetings

68% of Respondents indicated that they were satisfied with Town Hall being the primary location for Council and Committee Meetings. 16% indicated that they did not have a preference as to where the meetings were held, and 12% indicated that they would prefer if some meetings were held at the Port Hope Community Hub, even if they were not live-streamed. Only 4% of the respondents indicated that they would like to meet in other municipal facilities throughout Port Hope, understanding that it would mean that the meetings would not be live-streamed.

Support for hybrid meetings, where Council, Staff, Delegates and the general public can participate remotely was split, with 40% saying that they are in support of this, and 44% saying that they are satisfied with the current practice of meeting in-person with meetings live-streamed. 12% indicated that they do not have a preference, and 4% indicated that they were open to the hybrid format as long as the general public was required to attend in person. **The draft Procedure By-law recommends that the location of Council and Committee of the Whole Meetings remains in Council Chambers to allow for livestreaming/hybrid meeting opportunities, but allows for flexibility in changing the location.**

Respondents provided a varied response for the timing of meetings, with 44% stating that they were satisfied with the current schedule of meetings commencing at 6:30 p.m. 37% indicated preference for alternative times, with 19% stating that they do not have a preference. 17% of respondents stated preference for meetings held during regular working hours, 11% preferred a mix of daytime and evening meetings, and 9% stated a preference for meetings that start earlier than the current start time. Staff also discussed timing and length of meetings with Members of Council as well as other staff that commonly attend Meetings. Feedback was received regarding the challenges around evening meetings. Evening meetings extended the workday for staff, Council and meeting guests. Meetings that started later in the evening also could pose a safety risk

especially during the winter months with hazardous driving conditions at night. Evening meetings would also mean that consultants that are attending could charge additional fees for attending outside of business hours, which would increase costs for the municipality. Based on the feedback received, **it is recommended the Council and Committee of the Whole Meetings be split, with Committee of the Whole Meetings beginning earlier in the day (3:00 p.m.), followed by Council at 6:00 p.m.** The schedule would be prepared to also ensure a break of one week between Council and Committee of the Whole Meetings, in the following manner: Council at 6:00 p.m. (Week 1), Committee of the Whole at 3:00 p.m. (Week 2), Break (Week 3), Council at 6:00 p.m. (Week 4).

To address concerns regarding shorter Council meetings, Staff are also recommending a **change to the Order of Business for Council and Committee of the Whole**, so that there are more opportunities for recognitions, updates and presentations during Council meetings. Committee of the Whole would focus largely on discussing and deliberating staff reports.

Redundant items in the Order of Business for both Council and Committee of the Whole have also been cleaned up. Further, with the removal of the standing committees, there is no longer a need for rotating chairs (a practice that is unique to Port Hope). **Staff recommend that the Mayor chair both Council and Committee of the Whole Meetings.** There was some discussion regarding the Deputy Mayor chairing Committee of the Whole as well, but due to the rotating nature of that appointment, it may be challenging to ensure procedural consistency that is necessary for a Chair to have. It is important to reiterate, however, that Portfolio Chairs will remain in place, and will have an opportunity to introduce and speak to items that are part of their portfolio. The role of Portfolio Chairs is also further defined in the By-law.

Research regarding the “cycle of staff reports” was also conducted, and discussed with staff and peers in the Clerks’ field. The Municipality of Port Hope is one of the very few municipalities that directs staff to “prepare resolutions” for certain staff reports that are presented at Council, but for those reports that come to the Committee of the Whole that direct staff, or are received for information, there is no disposition by Council. As such, the Order of Business for Council and Committee of the Whole would now change so that every report that is considered by Committee of the Whole would also be considered by Council, regardless of the recommended action. The only reports that would not be considered by Council would be those that are referred or deferred by the Committee of the Whole. This is in line with best practices on procedural management of meetings, and also ensures that there is a permanent record of the disposition of a particular matter by Council. This is an administrative change to process.

At the request of Planning Staff, the schedule of meetings also includes placeholders for monthly Public Meetings. If a statutory Public Meeting is not necessary that month, then the date will be released. However, to ensure Council availability, **staff are recommending that a monthly date be put aside for statutory Public Meetings.**

Question Period

44% of survey respondents indicated that they believed the current model for Question Period is working well, and should be open to all topics. 27% of respondents stated that Question Period should be specific to an item on the agenda, and should be limited to questions only. 17% stated that Question Period should be removed completely, as there were better options to engage with Council such as regular Town halls, Mayor's Corner, and providing feedback through surveys, social media and email. Interestingly, 9% stated that they do not have a preference as to whether the practice of Question Period should continue.

Over the last year, Staff have been collecting data on the usage of Question Period (Appendix E) as a means of asking questions to Council (which is its intended purpose as per the Municipality's current Procedure By-law). On average, there are 2-3 questions asked during a Council or Committee of the Whole meeting, most of which are comments that are posed as questions. There are also on average 1-2 comments that are made which are not posed as questions. Many of those questions are either directed to staff by the member of the public or Council, especially in the last few meetings. This poses a challenge to both Council and staff, as they have have no way to prepare for questions without any prior notice. The goal of a Meeting is to advance the business of Council, and the business of Council is listed on the agenda. Question Period is an unknown aspect of that agenda, which neither staff nor Council have any way to prepare for. Keeping that in mind, Staff reviewed different options for ensuring that the Public had an opportunity to engage with Council during a Meeting, but it could be a more managed process that allowed for salient and meaningful discussion. As such, **Staff are recommending that Question Period be removed from the Council agenda, and replaced with "deputations"**.

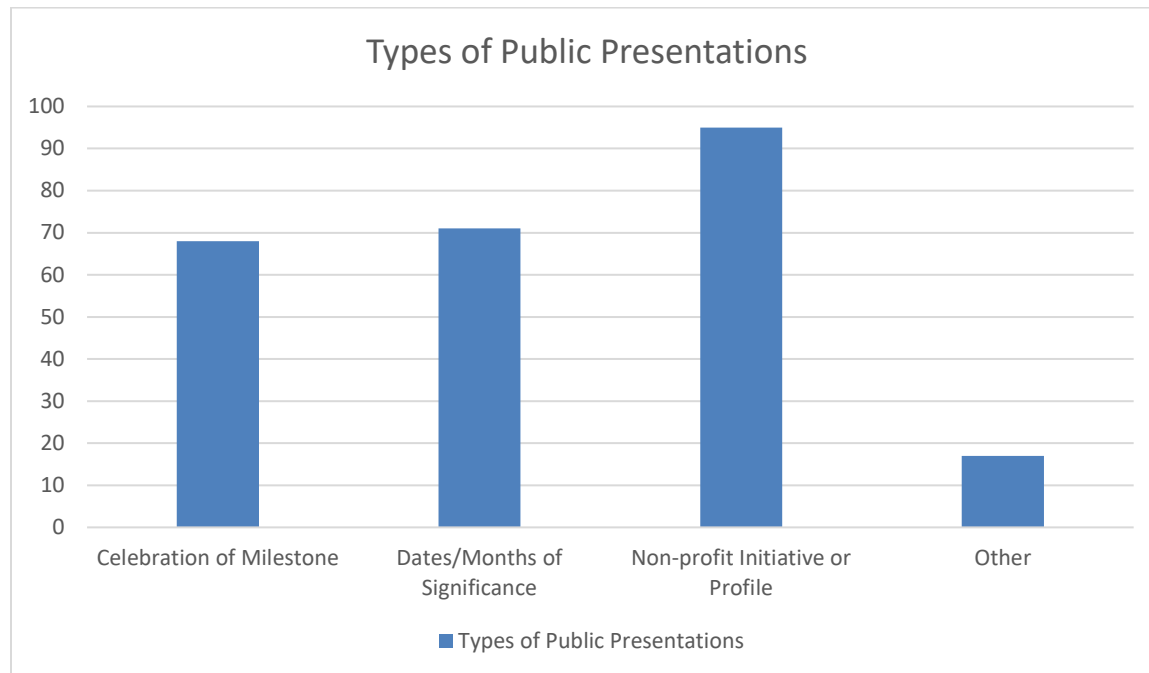
A deputation will be an opportunity for a resident to speak to a matter on the agenda. They will be allowed 5 minutes to speak, and must register in advance. There will be no limit to how many deputations can occur during in meeting, and they will be placed before the consideration of items on the Council agenda. Deputations that are speaking on the same topic will be encouraged through the By-law to speak as one, as opposed to individual deputations. As a result, residents will be encouraged to do research and think through the information they wish to share regarding an item on the agenda, and will be able to present that to Council before Council can make a decision on that matter. Limiting deputations to matters on the agenda will also allow for the business of Council to proceed smoothly. That being said, community engagement data shows that a large group of residents believe that Question Period should remain as it is, and feel strongly about being able to engage with Council through that avenue. As a result, **Staff recommend that the Question Period be included in the Order of Business for Committee of the Whole**, so anyone who wishes to ask a question can attend that meeting, and ask the question to Council. If a question can not be answered in the meeting, then Council has the ability to follow up with the member of the public, or direct them to staff for an off-line discussion.

Staff further recommend that in order to participate in Question Period, attendees must attend the meeting in person. This is especially important as Staff work towards a Hybrid Meeting Model, as it is difficult to manage attendees that wish to speak at a meeting, without prior registration.

Presentations

Community engagement was also conducted with response to the types of presentations that should be made to Council, as well as the time limit. The purpose of these questions was to gather feedback on what types of matters Council should be hearing from the public, and provide further clarity on how presentations can be managed at Council. Respondents had a varied response:

Community Feedback on the Types of Public Presentations Made at Council:



Most respondents (49%) were fine with the 10 minute time limit for presentations. 28% wanted it reduced to 5 minutes, and 15% were in support of a time limit of 8 minutes. In the draft Procedure By-law, staff have cleaned up the language regarding what types of presentations can or can not be made to Council. Staff are also recommending that the **10-minute time limit be maintained for Presentations**. Presentations will only be made during Council, so that the Committee of the Whole agenda is focused on the consideration of reports.

Role of the Deputy Mayor

On January 10, 2023, Committee of the Whole directed staff to include a community review of the Role of Deputy Mayor at the end of the 4 year cycle. In order to establish a baseline for this review, the Procedural By-law survey asked the following questions: Do you understand the Deputy Mayor role and its purpose; and Would you like to learn more about the role of the Deputy Mayor? For the first, 79% responded Yes and 20% responded No, which indicated a strong understanding of the role of the Deputy Mayor. For the second question, 62% stated that they did not want to learn more about the Role of the Deputy Mayor, and 34% stated that they were interested in learning more about the role.

Respondents were further asked if they preferred the rotating appointment approach to the Deputy Mayor role. The response was split, with 38% responding that they preferred the rotating appointment, 32% stating that they preferred the four-year appointment of the Deputy Mayor, and 20% stating that they did not have a preference. As respondents were fairly split on the matter, and Council has made it clear they would like the rotating appointment, **Staff recommend that the current rotating appointment process for the Deputy Mayor be maintained.** The draft by-law also further outlines the role of the Deputy Mayor, as outlined in the Municipal Act.

For a comprehensive review of the community engagement results, please review Appendix A.

Public Participation

Respondents clearly indicated that they have a strong desire to engage with Council on a variety of issues, and past Meetings are an indication of the strong civic engagement mindset that many residents have. Keeping that in mind, Staff wanted to ensure that the various avenues to engage with Council are clearly outlined in the Procedure By-law. It is important to note that the public participation outlined in this By-law is limited to the confines of the scope of the By-law. Residents have additional ways of engaging with Council, namely writing emails, setting up meetings, etc. Council Members also regularly engage with residents and stakeholders on a variety of issues prior to their consideration at a Council Meeting.

The Procedure By-law cleans up language regarding how correspondence is circulated to Council, and then “lifted” to be placed on an agenda. It provides clear guidance on the disposition options for correspondence as well.

The By-law also now includes detailed information on how interested parties can bring forward a petition for Council’s consideration and includes reference to a Petition Policy (Appendix D). **Staff are bringing this Petition Policy to Council for consideration in conjunction with the draft Procedure By-law, as they go hand in hand.** This is an additional avenue available to residents to engage with Council.

Public Participation also includes Question Period, presentations and deputations, of which the Procedure By-law provides simplified and clear explanation. Feedback was received regarding inclusion of Town Halls as an additional means to engage with the

public. However, there are mechanisms in the By-law where order of business can be sufficiently adjusted to develop Town Hall meetings, if Council should so desire.

Workshops and Youth Councillor

Staff recommending the inclusion of workshops as education and training sessions for Council, to allow them to discuss and brainstorm items in a more casual setting. Increasingly, Councils want the opportunity to have these kinds of discussions, and many municipalities are including language in their Procedure By-laws to allow for such type of workshops. These workshops are generally not livestreamed, but are generally open to the public, subject to the Municipal Act.

In addition, staff have included language in the By-law regarding the Youth Councillor, which was a request that Council had made through Resolution 12/2023. Should Council decide to appoint a Youth Councillor, there will be an opportunity for them to report to Council on matters of youth interest during Council meetings.

Additional elements of this Procedure By-law include:

- An updated Table of Contents for easier navigation and more user-friendly document. This includes a thorough review of language, grammar, etc for enhanced readability and understanding.
- Added definitions to provide greater clarification, including a clearer understanding of the Administrative Authority of the Clerk.
- Clarified and expanded the Duties and Conduct of the Chair, Members and also Attendees as recommended by Council Members to ensure decorum and respect during Meetings.
- Included provisions for the selection of a Deputy Mayor, Mayor's Designate to Committees, and Portfolio Chairs. Enhanced information regarding the role of Portfolio Chairs.
- Updated and enhanced how notice of meetings is provided, including notice of cancellation or postponement of Meetings.
- A proposed meeting schedule (Appendix C) for Council's consideration.
- Included provisions for Electronic Meeting participation including provisions for Hybrid Meetings, should the technology exist. Clarified expectations regarding Electronic Meetings participation.
- Explanation of the role of Staff Reports in advancing the business of the Municipality.
- Simplified and clarified rules of debate, voting, and points of order and privilege. Further explanation and clarification on how Notices of Motion can be brought forward for Council consideration.
- Expanded Public Participation options, including the separation of presentations and deputations. Expanded, simplified, and clarified rules regarding what constitutes a presentation versus a deputation, and when can either be made.

- Further expansion and explanation of the role of Correspondence in bringing business in front of Council, including the role of the Council Information Index.
- Included provisions for reconsideration of a Council decision whether it be at the same meeting or a subsequent meeting.
- Clarified and expanded explanation on motions; To defer, to refer, to amend, to call the question.
- Further clarification and explanation of the role of Public Meetings under the Planning Act, including simplified procedures for conducting such meetings, and setting specific dates aside for Public Meetings, so that staff can work towards those dates. If a Public Meeting is not required, then the date is released.

Financial Considerations:

There are no noted financial considerations for this report.

Communication and Public Engagement:

As outlined in the report, the Procedure By-law Review was widely advertised through the Municipality's communication channels, and the survey received an unprecedented response from the public. Other key stakeholders such as Council, staff and peers in the Clerks departments across Ontario were also consulted prior to the drafting of the proposed by-law.

Once finalized, this by-law will be posted on the municipal website, and will be circulated through municipal communication channels. It is recommended that the by-law, changes to the order of business, and the proposed schedule change for Council/Committee meetings come into effect in 2024, as staff have already been working towards the current deadlines in 2023. There are only 4 more meetings remaining in 2023, so the impact of this change will be minimal. This will also give Clerks staff time to update the Public Participation language on the website and create easy to understand info-graphics on how to engage with Council.

Conclusion:

The draft Procedure By-law is a result of hundreds of hours of work and review over the course of 2023. It encompasses feedback from residents, community members, staff, and Council, as well as best practices from around Ontario. It is presented to Council for their final review and feedback prior to adoption.

Attachments:

Appendix A: Community Engagement Results

Appendix B: Draft Procedural By-law

Appendix C: 2024 Meeting Schedule

Appendix D: Petition Policy

Appendix E: Question Period Usage

