Municipality of Port Hope
Staff Report

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Report Title: One Year Review of the Procedural By-law - Approach

Report to: Committee of the Whole

Date of meeting: October 1, 2024

Report Author:

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Department responsible:

Corporate Services

Report Number: CS-14-24

Recommended Action:

That Council direct staff to proceed with community engagement regarding the one-year review of the Procedural By-law to solicit feedback from members of the public; and

That Council direct staff to bring back a report on recommended amendments to the Procedural By-law for Council consideration before December 2024; and

That Council direct staff to finalize and present the final 2025 Meeting Calendar for Council's review and approval before December 2024.

Highlights:

- The Procedural By-law 60-2023 underwent a comprehensive review in 2023, which included a significant and extensive community engagement component. At the one-year mark, staff recommended a scoped review of the revised by-law to determine which aspects were working well, and which aspects could be amended to better facilitate effective meetings.
- As part of that review, staff committed to monitoring the progress of the procedural changes, including collecting further community feedback and recommending any amendments to Council for their consideration.
- This report outlines the recommended approach and anticipated timelines for Council consideration.

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.

In December 2022, Council directed staff to complete a comprehensive review of the Municipality of Port Hope Procedure By-law ('the Procedural By-law' or the "Procedure By-law'), as such a review had not taken place since 2015, save and except a few amendments to reflect legislative or circumstantial changes. 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 municipalities. Typically, a review of this nature takes 12 months to complete. In 2023, staff conducted rigorous secondary research of best practices in Ontario with respect to procedural governance, met with numerous subject matter experts, interviewed Council Members, and also launched an extensive community engagement campaign to gather public input on the Procedural By-law. This engagement received excellent response, with over 120 people providing feedback on items such as:

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

Staff also created an innovative educational video on the role of the Procedural By-law, and shared this along with the survey for a period of one month.

Following this engagement and the collection of all primary and secondary data, staff conducted a robust review, which included engaging the services of a registered parliamentarian to review the draft by-law, before presenting the final draft by-law for Council's review and approval. This by-law was presented to Council at a Special Meeting in October 2023 along with a presentation of the findings and survey data. For reference, this information is available here. The draft by-law modernized and simplified language, was responsive to the provincial legislative changes that had been implemented, and expanded public participation options, including a new Petition Policy and the separation of presentations and deputations. Key changes included but not limited to:

- A revised meeting schedule that separated Council and Committee of the Whole meetings to separate nights;
- Removal of Question Period from Council Meetings only, and the addition of Deputations at Council, allowing residents to provide feedback on an item on the agenda before Council votes on that item;
- Removal of rotating Chairs at Committee of the Whole;
- 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;
- Implementing a Petition Policy;
- Expanded meeting types including workshops, and language for Youth Councillor involvement in meetings;

- 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.
- 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; and
- 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.

Council considered this draft by-law and the community/stakeholder feedback as outlined in Report CS-16-23, and provided extensive feedback to Staff with respect to any amendments or changes that needed to take place, including changes to the meeting schedule. Further, following Council's approval of the Procedural By-law in late 2023, staff committed to monitoring the process and procedural changes to determine what was or was not working well. Staff also recommended that a one-year review of the by-law take place, albeit on a smaller scale, as a fulsome community engagement had already taken place when the by-law was first reviewed in mid 2023.

The goal of the one-year review was to determine whether any adjustments to the new Procedural By-law needed to be made, incorporate any feedback from the public and/or Council (when legislatively possible), and also ensure that the Procedural By-law continued to be responsive to current legislation.

Discussion:

As the one-year anniversary of the new Procedural By-law (60-2023) approaches, staff have been working diligently to review the feedback received from Council and members of the public to determine which recommendations can be incorporated. Staff are committed to ensuring a coordinated approach, and that recommended amendments take into account community engagement, expert procedural advice, legislative compliance obligations as well as Council Members' own experience as the participants in the procedural process.

As such, staff are seeking approval from Council to commence scoped community engagement regarding the following aspects of the by-law. There are a number of items that have been highlighted by some Council members and members of the public as potential areas of engagement. The tentative list of these items is as follows:

- Addition of Question Period to Council Meetings;
- Notice of Motion process;
- Location of meetings;
- The role of the Deputy Mayor;
- Portfolio Chairs
- Time limits/processes for presentations/deputations.

It is important to note that the above noted list is not exhaustive, as the engagement is being refined. The community engagement around these issues will serve as one aspect of Council's overall consideration of any potential amendments to the by-law.

Another goal of the community engagement is to also solicit open-ended feedback to allow the public flexibility in providing suggestions, comments and constructive comments to the Municipality on key areas that have been identified by Council and the public over the past year.

In addition to this engagement, staff have received some feedback from community members as well as Council for the past year. This feedback will be incorporated into Staff's review to shape the recommendations provided for Council consideration.

Staff have also identified minor housekeeping amendments that will form part of staff's recommendation for Council's consideration

Staff will also be recommending the 2025 Council and Committee of the Whole Meeting schedule for Council's review and consideration. A **draft schedule** is provided for Council's information (Appendix A), and it is not likely that staff will be recommending a change to this schedule or time of meetings. It is ultimately Council's prerogative as to whether this is a change they would like to see implemented. A reminder to Council that this schedule must be finalized before December 2024 to provide staff with enough time to incorporate the schedule into their 2025 workplans, and to make the necessary template changes to the Municipality's agenda management system.

Tentative timelines for the one-year review are as follows:

- **October 7 – 27** – Community Engagement open
- **October 28 – November 1** – Review of results
- **November 1 – 7** – Final draft of recommended changes posted to Committee of the Whole agenda for Council consideration. Members of the public may provide further feedback by emailing the Clerk or Members of Council.
- **November 12** – Council in Committee of the Whole reviews draft changes and proposed calendar and provides feedback. Members of the public may ask questions of Council during Question Period.
- **November 12 – 25** – Members of the public may provide further feedback by writing to Council or to the Clerk. This information will be shared with Council as part of their weekly correspondence index.
- **November 26** - Council Meeting where final consideration of the by-law takes place. Members of the public may provide a deputation on the matter as per normal process.

As it noted above, members of the public will have multiple opportunities to engage with Council and staff on this topic during the community engagement as well as during the consideration of this item by Council, and are encouraged to do so.

Once the amendments to the procedural by-law are approved, staff will ensure that all templates are updated and advise staff of the 2025 Council and Committee calendar so that they may incorporate into their workplans.

Financial Considerations:

There are no noted financial considerations for this report. Any communications and public engagement efforts will utilize existing tools and resources.

Communication and Public Engagement:

Public engagement is anticipated through the review period. A dedicated page on the Municipality's engagement site will be created to solicit public comment and advertised through the Municipality's communication channels. Social media will further be utilized to encourage feedback and suggestions.

Conclusion:

The Procedural By-law review is a comprehensive and collaborative exercise that has invested significant staff resources over the past year. The one-year review aims to refine the by-law to be more responsive to community and Council needs. Council's support of the recommended direction will provide staff the authority to commence this review and ensure it is completed before the end of the year.

Attachments:

Appendix A – Draft Council and Committee Calendar