



Procedure By-law Review for 2018 to 2022 Term of Council

Council Workshop

Monday, October 28, 2019

Presented by: Lisa Lyons, Director of
Legislative Services/Town Clerk
Kiran Saini, Deputy Town Clerk

Overview of Today's Workshop

1. Background

**2. Principles of Current Procedure
By-law**

3. Guiding Principles of Review

4. Areas Identified in Review

5. Next Steps

6. Discussion with Council

Background

- The Municipal Act requires every Council & Local Board to adopt a Procedure By-law
- Current Procedure By-law adopted in 2015
 - Legislative & housekeeping amendments made since adopted
- Best practice to review the Procedure By-law once every term

Principles of Current Procedure By-law

1. The principles of openness, transparency & accountability to the public guide the Town's decision-making process. In the context of Council & other Committee proceedings, this is accomplished by:
 - Ensuring the decision-making process is understood by the public & other stakeholders
 - Providing access to information & opportunities for input by the public & other stakeholder consistent with the requirements of the By-law & legislation
 - Exercising & respecting individual & collective roles & responsibilities provided for in the By-law & legislation

Principles of Current Procedure By-law

2. The protection of basic rights by recognizing the right of the majority to decide, the minority to be heard & individuals to have the opportunity to participate

Principles of Current Procedure By-law

3. The principles of parliamentary law governing Council & Committee meetings include:
 - The majority of members have the right to decide
 - The minority of members have the right to be heard
 - All members have the right information to help make decisions, unless prevented by law
 - All members have the right to attend an efficient meeting
 - All members have a right to be treated with respect & courtesy
 - All members have equal rights, privileges & obligations

Guiding Principles of Review

1. Newmarket Council is the decision-making body for the Corporation & decision-making processes should be:
 - Transparent
 - Conducted in a respectful environment
 - Considerate of all Newmarket residents
 - Considerate of balancing debate with timely decisions
 - Considerate of budget & human resource impacts

Guiding Principles of Review

2. Stakeholder feedback is important, &:
 - Council receives input through multiple in-person & online channels
 - Committee of the Whole makes recommendations to Council
3. Procedure rules should facilitate sound decision-making & be easy to understand

Themed Areas Identified for Review

Housekeeping
&
Best Practices

Modernization
& Trends

Transparency

Housekeeping & Best Practices: Additions & Corrections

- **Current State:**
 - Require motion from Committee or Council for items already published to agenda.
- **Proposed Change:**
 - Require motions for additional items that are added to the agenda **after** the revised agenda is published.
 - Maintain requiring motions for corrected items after original agenda is published.

Housekeeping & Best Practices: Presentations & Recognitions

- **Current State:**
 - 10 minute time limit for presentations can be insufficient for sensitive or complex matters
- **Review to Include:**
 - Evaluation of time limit, especially as it relates to presentations with an accompanying staff report



Housekeeping & Best Practices: Reports by Regional Representatives

- **Current State:**
 - Procedure By-law provides for Mayor, & Deputy Mayor & Regional Councillor to update regarding Regional Council matters
- **Proposed Change:**
 - Remove “Reports by Regional Representatives” as an order of business on from Committee of the Whole agenda

Housekeeping & Best Practices: Notice of Motion

- **Current State:**
 - No timeframe for when a notice of motion should be brought forward to the next Council or Committee of the Whole meeting
 - Oral motions/subjects are typically provided at meeting
 - Motions are also considered under New Business
- **Proposed Change:**
 - Add in timeframe for clarity
 - Template for Members to provide motions in writing for publication with agenda

Housekeeping & Best Practices: Motions

- **Current State:**
 - Procedure By-law outlines types of motions
 - Lacks clarity
- **Proposed Change:**
 - Review language to ensure clarity
 - “Motions” is listed on the agenda for the purpose of discussing motions that have been given proper notice under the By-law

Housekeeping & Best Practices: New Business

- **Current State:**
 - Operational matters to be discussed with the Chief Administrative Officer
 - Substantive policy matters should not be discussed under New Business
- **Review to Include:**
 - Review for additional criteria as to what qualifies as New Business
 - Conduct review of motions discussed/considered under New Business

Housekeeping & Best Practices: Correspondence

- **Current State:**
 - No order of business for standalone correspondence
 - Correspondence received by the Clerk is circulated via Council Information Packages on biweekly basis with “bump up” process
 - Written correspondence regarding matters on agenda are included with agenda item (typical with planning matters)
- **Proposed Change:**
 - Maintain current process & group correspondence with the agenda item.
 - For standalone correspondence, will be included under consent items as per current practice.

Housekeeping & Best Practices: Special Agendas

- **Current State:**
 - No set Orders of Business for Inaugural meeting of Council, Final Meeting of Council or Special Agendas
- **Proposed Change:**
 - Orders of Business be listed in By-law for clarity on what is considered at these meetings

Housekeeping & Best Practices: Revised Agenda Publishing

- **Current State:**
 - No timelines in By-law
- **Proposed Change:**
 - Include date when revised agenda (addendum material) is published for clarity



Housekeeping & Best Practices: Video Streaming

- **Current State:**
 - Motion from Council to stream meetings anytime there is a quorum of Council
 - Currently streaming Council, Committee of the Whole, Public Hearing Matters, Site Plan Review Committee
- **Proposed Change:**
 - Formalize when meetings are streamed into By-law
- **Review to Include:**
 - Streaming of decision making bodies:
 - Committee of Adjustment, Appeal Committee & Property Standards Committee

Modernization & Trends:

Council Information Packages (CIP)

- **Current State:**

- Since 2017, general correspondence, motions not requiring endorsement, proclamations, lighting & flag raisings are all listed on Council Information Packages
- Process allows for Council Members to “bump up” an item to a Committee of the Whole agenda for discussion

- **Proposed Change:**

- Advisory Committee Minutes for receipt only (motions requiring endorsement would still be automatically listed on a CoW Agenda) & Outstanding Matters List be listed on CIP

Modernization & Trends: Land Acknowledgment at Meetings

- **Current State:**
 - Acknowledgement read at first Council meeting of every year and at Council meeting that is on or before National Indigenous Peoples Day in June every year
- **Proposed Change:**
 - Land acknowledgement continue as per current practice

Modernization & Trends: Health & Wellness Break

- **Current State:**
 - Break is typically requested by a Member
 - Not articulated in Procedure By-law
- **Proposed Change:**



Modernization & Trends: Deputations

- **Current State:**
 - Individual may address Committee or Council on any municipal matter
 - Very broad provisions
- **Proposed Change:**
 - Known active litigation matters not being permitted at Committee or Council until such time the matter has been resolved
 - Reducing scope from “any municipal matter” to more focused requirement

Modernization & Trends: Staff Motions

- **Current State:**
 - Staff write reports and present recommendations as part of the report
- **Review to Include:**
 - Staff motions presented directly on an agenda without an accompanying staff report

Modernization & Trends: Current Meeting Schedule

Week 1 of cycle	
12:30 PM	Committee of the Whole
7:00 PM	Public Hearing Matters
Week 2 of cycle	
2:00 PM	Site Plan Review
7:00 PM	Council

Modernization & Trends: Recommended Meeting Schedule

Week 1 of cycle	
12:30 PM	Committee of the Whole
Week 2 of cycle	
9:00 AM	Site Plan Review
12:30 PM	Council
6:00 PM	Statutory Public Planning Meetings

- More individuals address Committee of the Whole
- Continue with special evening Council meetings for significant public interest matters
- Community recognition process to be reviewed
- Public always has the option to submit written comments
- “9 to 5” is no longer the “normal working day”

Modernization & Trends: Bill 108 – Planning Changes

- **Changes to decision timelines**

	Pre Bill 108	Post Bill 108
Official Plan Amendment	210 Days	120 Days
Zoning By-law Amendment	150 Days	90 Days
Plan of Subdivision	180 Days	120 Days

- Changes to Town processes needed to meet requirements
- Risk of increased Local Planning Appeal Tribunals appeals of non-decisions if timelines are not met

Modernization & Trends: Bill 108 – Planning Changes

- **Possible changes to application process**
 - Discontinue non-legislated practice of a preliminary planning report before a statutory public meeting
 - Provide notice of a public meeting date upon declaring application complete
 - Increased frequency of considering multiple applications at the same statutory public meeting
 - Increased frequency of recommendation reports on addendum agendas

Modernization & Trends: Deputations & Presentations at **Council**

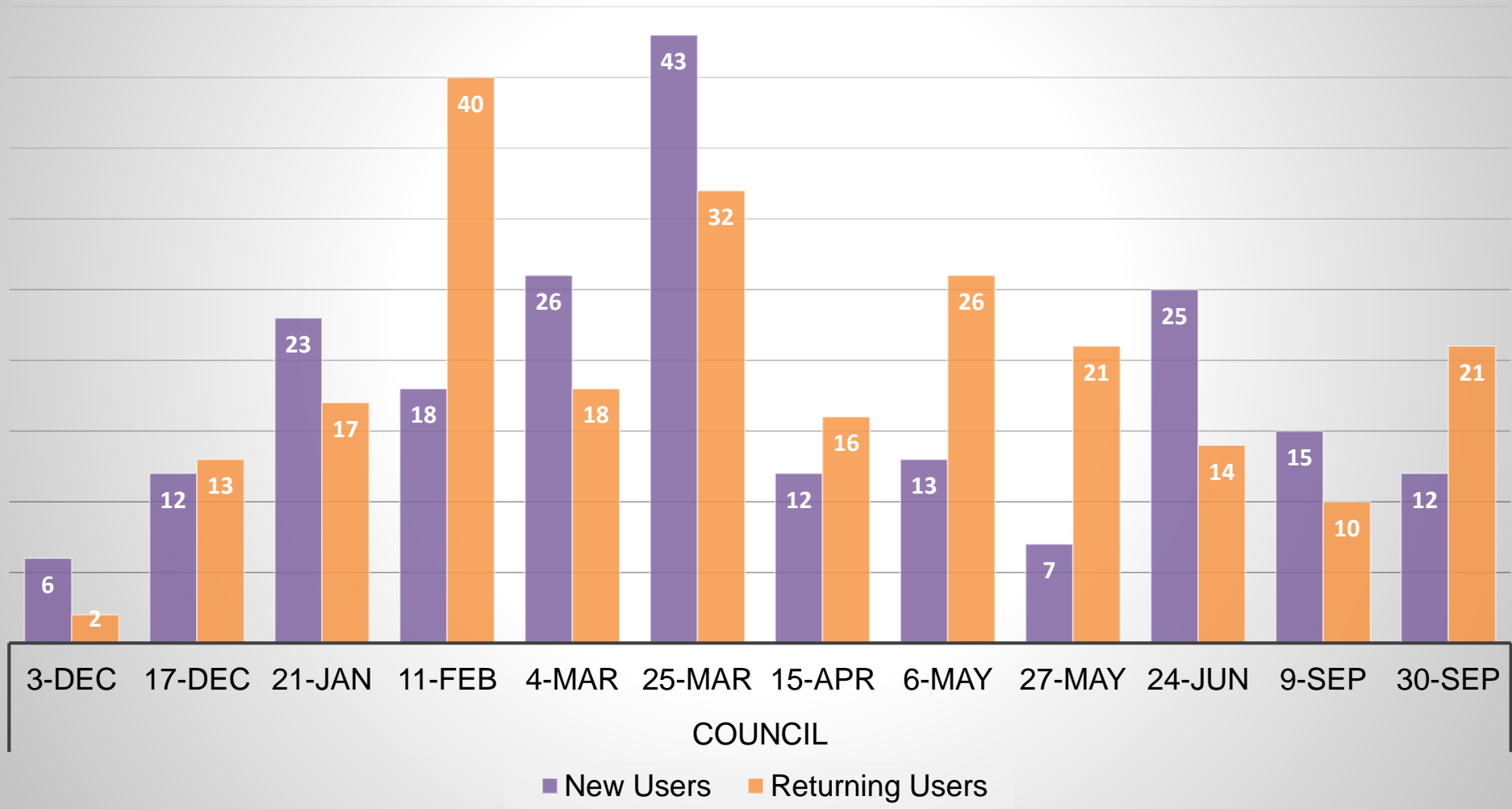
- **December 1, 2018 to September 30, 2019**
 - Total 8 Deputations:
 - 1 related to an item on the agenda
 - 2 related to “municipal interest” matters
 - 5 related to community events/initiatives
 - Total 6 Presentations:
 - 2 related to award or recognition
 - 3 related to York Region or other community agencies
 - 1 related to community events/initiatives

Modernization & Trends:

Deputations & Presentations at **Committee of the Whole**

- **December 1, 2018 to September 30, 2019**
 - Total 44 Deputations:
 - 28 related to an item on the agenda
 - 10 related to “municipal interest” matters
 - 6 related to community events/initiatives
 - Total 19 Presentations:
 - 17 related to staff reports or from consultants
 - 2 related to award or recognition

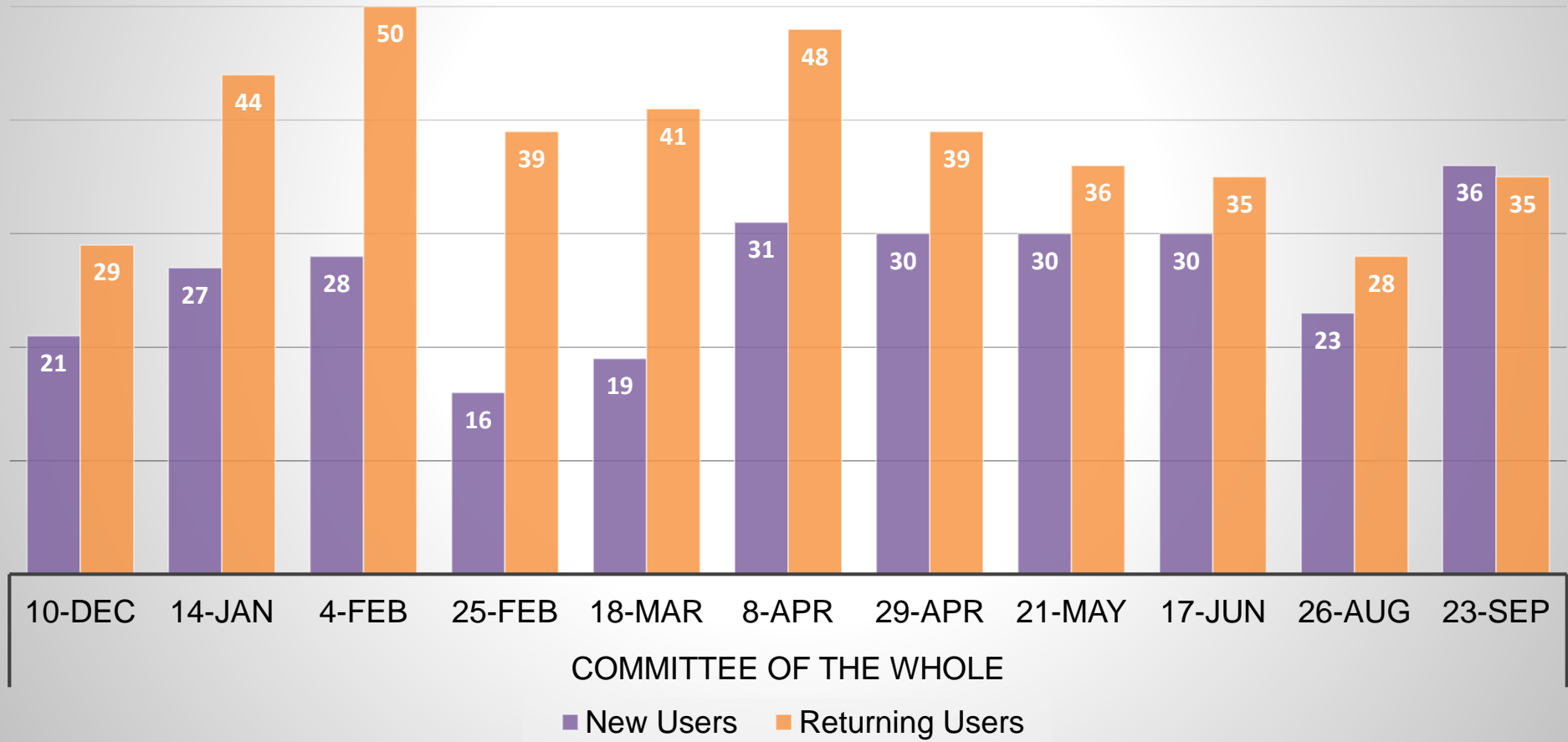
Individuals watching the Council live video stream



A new user is someone accessing the newmarket.ca/meetings webpage for the first time or after 2 years of having initially accessed the site.



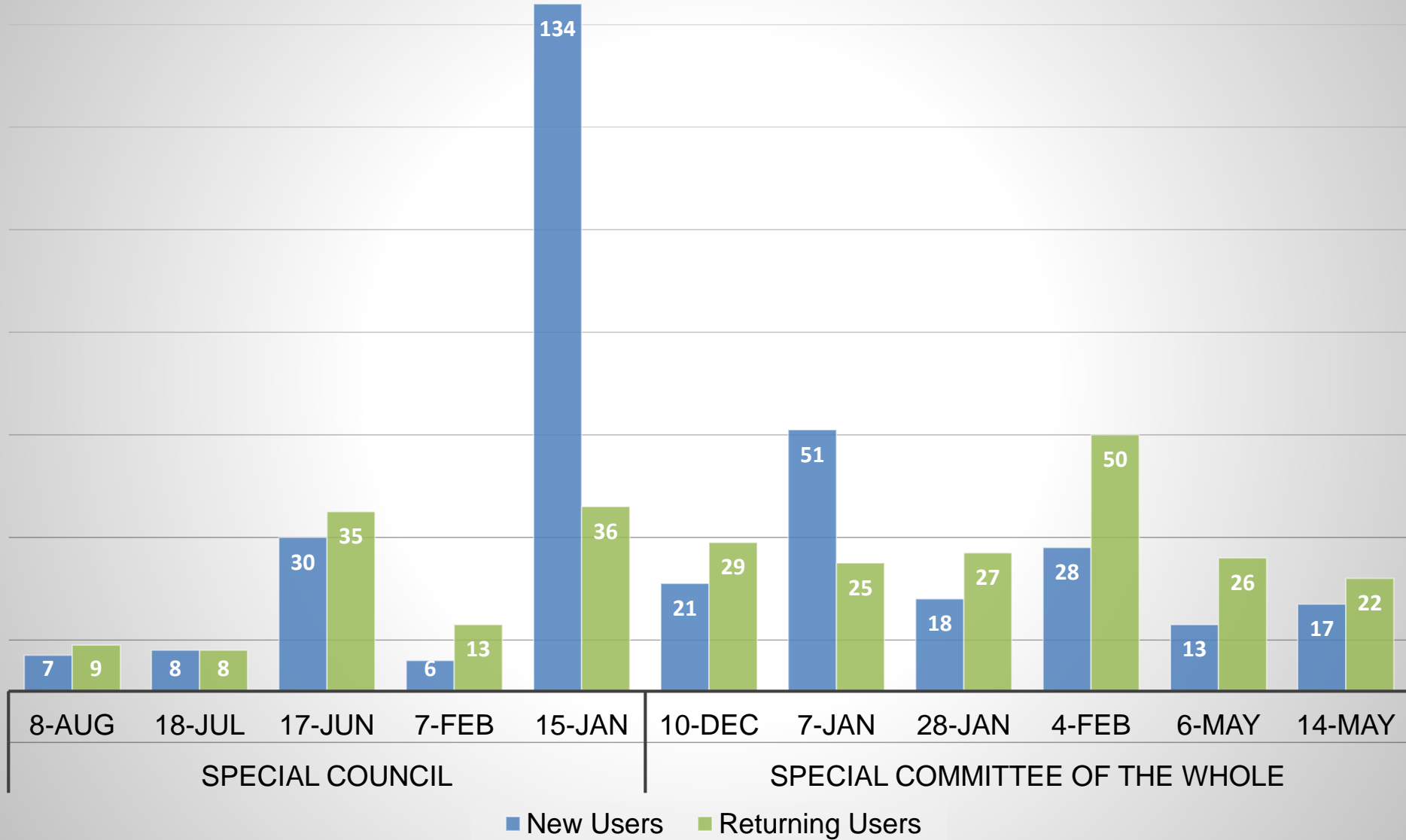
Individuals watching the live Committee of the Whole video stream



A new user is someone accessing the newmarket.ca/meetings webpage for the first time or after 2 years of having initially accessed the site.



Individuals watching a live stream for Special Council or Special Committee of the Whole



A new user is someone accessing the newmarket.ca/meetings webpage for the first time or after 2 years of having initially accessed the site.



Individuals watching the live Council Workshop video stream



A new user is someone accessing the newmarket.ca/meetings webpage for the first time or after 2 years of having initially accessed the site.

Modernization & Trends: Announcement & Community Events

- **Current State:**

- Members permitted to speak for 3 minutes, usually providing information on upcoming events
 - The events have already taken place by the time the minutes are approved and posted online

- **Review to Include:**

- Review whether these can be done in a different format instead of formally at a meeting
- Exclude from minutes due to relevancy & point in time

Modernization & Trends:

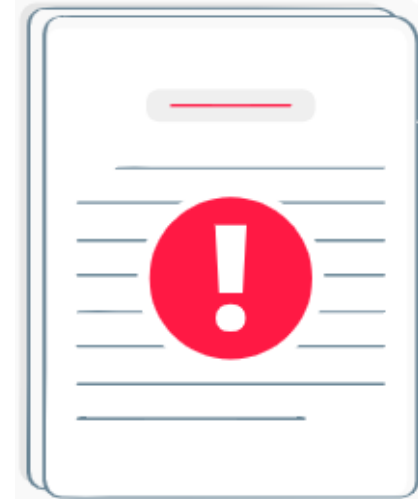
How do we communicate right now?

- Current Communication Methods of Community Events & Reach
 - Town Page in Newmarket Era – reaches 28,000 households
 - 13,000 Twitter followers
 - Digital copy of Town Page on website (1,000+ organic visits since January 2019)
 - Newmarket Now – 4,066 subscribers
 - Community Calendar on website (14,600+ unique page visits since January 2019)

Transparency:

Closed Session Reporting Out

- **Current State:**
 - Mayor verbally reads out motion
- **Review to Include:**
 - Different ways to communicate when information becomes public
 - Annual closed session report



Transparency: Petitions

- **Current State:**
 - Practice has been to present petitions under New Business
- **Proposed Change:**
 - List petitions under Consent Items with a motion to refer to staff.
 - Allows staff to review and report back accordingly.

Transparency:

Electronic Participation in Meetings Policy

- **Current State:**

- Policy approved by Council in 2017
- Currently permitted for Accessibility Advisory Committee
- No requests to participate electronically received to-date

- **Proposed Change:**

- Maintain Policy permissions for Accessibility Advisory Committee only

Next Steps

- Use Council feedback to conduct a review of identified areas
 - Public outreach on review
- Report to future Committee of the Whole meeting in early 2020 with research on best practices from other municipalities with new Procedure By-law
- Template amendments to Staff Report to continue to support Council's decision-making process
- Conduct public education "Governance 101"
 - Focused engagement sessions during Local Government Week October 2020

