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

Report Number: 2020-16

Department(s): Legislative Services

Author(s): Kiran Saini, Deputy Town Clerk

Meeting Date: February 24, 2020

Recommendations

1. That the report entitled Procedure By-law Review for 2018-2022 Term of Council dated February 24, 2020 be received; and,
2. That Council approve the revised 2020 meeting schedule (**Attachment 1**) effective March 3, 2020 for a one-year trial period, and:
 - a. All regular Council meetings begin at 1:00 PM;
 - b. All regular Committee of the Whole meetings begin at 1:00 PM;
 - c. All regular Site Plan Review Committee meetings begin at 10:00 AM;
 - d. All regular Council Public Planning meetings be scheduled at 7:00 PM; and,
3. That staff be directed to report to Council in Q2 2021 on the feedback received following the one-year trial period of the new meeting schedule and daytime Council meetings; and,
4. That Council repeal By-laws 2015-50, 2016-43, 2017-75, as amended, and replace with the attached Procedure By-law (**Attachment 2**); and,
5. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Executive Summary

This report forms the Procedure By-law review for the 2018-2022 term of Council and serves to formalize the proposed amendments that were presented to Council at a Workshop in October 2019. This report highlights some of the key amendments to the By-law and to Council's meeting schedule. In addition to many housekeeping items, this report recommends daytime Council meetings based on the number of deputants that attend these meetings, Council's preference, and the ease of access to the live and archived video streaming for all Council and Committee of the Whole meetings.

Purpose

This report seeks Council's approval to amend the Procedure By-law to reflect the changes that were presented at a Council Workshop, the feedback received at that Workshop and the subsequent survey that was administered to Council.

Background

On October 28, 2019, a Procedure By-law review [Council Workshop](#) was held and indicated that a review of Council's Procedure By-law once per term was considered a best practice. A number of key areas were identified for review or that required update, and were organized into 3 themes: 1) housekeeping & best practices; 2) modernization & trends; and, 3) transparency. These themes emerged following Staff's use of the following guiding principles:

- Newmarket Council is the decision-making body for the Corporation and decision making processes should be:
 - Transparent
 - Conducted in a respectful environment
 - Considerate of all Newmarket residents
 - Considerate of balancing debate with timely decisions; and,
 - Considerate of budget and human resource impacts
- Stakeholder feedback is important and Council receives input through a variety of in-person and online channels
- Procedure rules should facilitate sound decision-making and be easy to understand.

Discussion

Attachment 2 is the proposed amended Procedure By-law. The following highlights many of the changes in this new By-law.

Housekeeping & Best Practice Updates

- The By-law was re-organized to assist with readability and the functionality of the By-law.

- Gender neutral language is now being used throughout the By-law and pronouns such as “his” and “her” have been removed.
- The Appointment Committee is an example of a committee made up of 3 Members of Council and has experienced awkwardness of having both a mover and seconder for each motion. As such, the Procedure By-law has been amended to stipulate that Committees of 3 or less only require a mover for a motion.
- Council motions are no longer required for additional or corrected items that have been properly published to a revised agenda. Motions will still be required for any additional or corrected items following the publishing of the revised agenda the Thursday preceding the meeting.
- Reports by Regional Representatives will now only be made at Council.
- The motions section of the By-law has been clarified to note that these are procedural motions, and does not dictate the types of motions that can be moved under the “motions” order of business on an agenda.
- There is greater clarity under the New Business section to provide criteria for items that may be introduced by a Member under this section. The By-law now states that Members of Council, under New Business, may present a motion if it is a statutory time requirement, an emergency, or time sensitive. Members are always encouraged to provide notice, wherever possible to allow sufficient notice to the public and other Members of their intent to introduce a matter for consideration.
- A new Notice of Motion form has been developed for use by Members when providing their motion in writing to the Clerk (see **Attachment 3**). Members are encouraged to provide this completed form to the Clerk for inclusion under the Notice section on the regular agenda.
- The inaugural meeting of a newly elected Council and the matters it considers at its first meeting are articulated in the By-law.
- The revised agenda publishing timeframe is provided for in the By-law (it is made available on the Thursday immediately preceding the Committee of the Whole meeting).
- To support effective meeting management, recorded votes at Council will now be only upon the request of a Member of Council, instead of for every motion. The Town’s previous agenda management software had an online searchable database; however, the current electronic agenda management system does not have this feature. As Members vote by raising their hands on every item, the public can easily see the manner in which a Member voted through the live and archived video stream.

Modernization & Trends

- After every 2 hours of meeting time, the Mayor can recess the meeting for 15 minutes in support of health and wellness. Flexibility to accommodate no recess with Members’ consensus has been incorporated into the By-law.
- A land acknowledgement will be read prior to the beginning of every regular Council meeting. The statement will be developed in consultation with members

from the Indigenous community and will be prepared prior to the Council meeting in June 2020.

- Deputations regarding staff performance, labour relations, ongoing legal proceedings or solicitation of business will not be heard by Council or Committee. Individuals younger than 18 years old will need to provide their parent or guardian's consent prior to being approved to formally address Council. This practice is recommended as individual names form part of the official meeting record and are indexed by search engines on the internet, and because meetings are all live streamed and archived on the Town's website.
- In previous regular election years staff have reported to Council to recommend that no Council, Committee of the Whole or Advisory Committee meetings take place in the month of October due to the election occurring in that month. Staff are recommending a formalization of that into the By-law to state that no regular meetings will be held after Thanksgiving Day until the inaugural meeting of the new Council. This means there will be, at minimum, one month period where there are no meetings being held.
- The Outstanding Matters List will be included on the Committee of the Whole agenda on a quarterly basis, and additional information on timelines and staff comments will be included to ensure that both Council and the public are aware of staff's intended timeline to bring certain items forward.

Transparency

- After further consultation with staff from Ajax (currently the only community that staff is aware that completes an annual closed session report), staff were advised that their current process and report is subject to lengthy delays for review by legal and senior management staff due to competing priorities.
 - To support enhanced transparency in Newmarket, staff have commenced tracking relevant information (such as closed and open motions, when motions were made public) related to the items that are considered in closed session. Staff believe that internal tracking is a critical component of continued proactive disclosure and dissemination of information to the public, whenever possible. An example of the proactive measures that staff currently undertakes would be the Clock Tower agreements that were proactively made publically available online. Additionally, following receipt of a Freedom of Information request, the Town will make those same requested documents publically available online. There will be continued improvements to the confidential staff reports regarding key points and information that can be made available (recognizing that many confidential matters are no longer confidential after a certain point in time).
- Members may submit any petitions they receive directly to the Clerk prior to the regular agenda being published. This means that the petitions will form part of the agenda, which will provide greater transparency around when these matters are considered by Council.
- The Procedure By-law was updated to clarify that the Electronic Participation in Meetings Policy only applies to the Newmarket Accessibility Advisory Committee. Thus far, the Committee has not used this Policy, but it remains an additional

accessibility enhancement. There was feedback from the Workshop regarding Members of Council and their ability to participate electronically at Council and/or Committee of the Whole meetings. While the legislation permits this participation, it restricts members from counting towards quorum, which means they can only participate in the discussion on various matters. Electronic participation for Members of Council during Council and Committee of the Whole meetings would also require the management of significant technological components as these meetings are live-streamed. There would also need to be further investigation with the Town's audio-visual and agenda management system providers to understand whether the live-stream could integrate with a video or phone call with a Member of Council who is participating remotely so that the public watching from home could see and/or hear what the remote participant is saying. Further to the technological challenges, staff are not aware of any Greater Toronto Area municipalities that allow their Members of Council to participate remotely through electronic means at Council or standing committee meetings.

- The Council Information Package has been expanded to include the following:
 - Memoranda or other forms of communication from staff that are for information
 - Links to Information Reports that were circulated within that distribution period
 - Advisory Committee Minutes (resolutions that require Council endorsement or support will still be directly listed on the appropriate agenda)

Meeting Schedule (Attachment 1)

Traditionally, Council meetings have been held in the evening; however, more and more municipalities are holding their Council meetings during the day instead of the evening. Staff cited the following reasons for moving towards daytime Council meetings:

1. More individuals address Committee of the Whole than Council (this suggests that individuals make themselves available on matters which they consider important).
 - Between December 1, 2018 and September 30, 2019; 44 deputations were heard at Committee of the Whole versus 8 deputations at Council.
2. All Newmarket Council and Committee of the Whole meetings are livestreamed and archived on the Town's website at newmarket.ca/meetings. This means that anyone can watch meetings and the decisions made at a time that is convenient for them.
3. Addressing Council formally in-person is no longer the primary method of engagement (the public engages Council through email, on social media platforms, via telephone, at Public Information Centres, through surveys, and through informal in-person opportunities at community events or meetings). Additionally, the public has the option to submit written comments to Council in-lieu of an in-person address.

4. Working 9-to-5 is no longer considered the “normal” working day.
5. In consultation with the Mayor and CAO, evening meetings would continue to be scheduled for significant public interest matters. For example, an evening Committee of the Whole meeting was held for consideration of retail cannabis stores in Newmarket.

Since the Workshop was held, Markham, Oshawa and Richmond Hill have all made decisions to move towards daytime Council meetings.

In addition to the reasons listed above, Oshawa Council recognized that “attending evening meetings is a challenge for many members of the public, especially during the winter months.” Other Ontario municipal Councils that meet only during the day include: Brampton, London, Mississauga, Toronto, Vaughan and York Region.

Council Survey

Staff surveyed Council on three different options for meeting times.

Option 1 - Status Quo

Option 2 - Moving to daytime Council meetings with a 12:30 PM start time

Option 3 - Moving to daytime Council meetings with a 1:00 PM start time

The majority of Members surveyed prefer daytime Council meetings.

- Council Members provided comments as part of the survey and a few indicated that they would support reverting back to the 1:30 PM start time to allow for a full morning of meetings or attending to other matters.

Statutory Public Planning meetings would be a standalone meeting

In support of the majority of Council’s recommendations, which staff support, the evening public planning meetings would become Council meetings, with their own formal agenda. This will support transparency and clarity for members of the public who are looking for when certain development applications will be considered by Council.

Community Awards and Recognitions

In consideration of moving to daytime Council meeting, staff reviewed the number of Community Award Recognition since 2017 for external recipients and have found only two regular award presentations: 1) the High School Art Contest; and 2) the Heritage Art Contest.

As these award programs are both organized by Recreation & Culture, Staff recommend that these awards be presented at the Newmarket Celebrates the Arts event. This event is held annually in autumn, with the ceremony taking place in the evening, and

celebrates local achievements in the arts sector. As most of the awards recipients for the High School Art Contest are returning students, absences due to students leaving for post-secondary education should not be a major factor. An opportunity for a reception prior to or after the formal awards portion of the ceremony will be considered as part of all 2020 award ceremonies.

If Council would prefer an alternative event to the Newmarket Celebrates the Arts option, hosting a small reception in Council Chambers similar to the Newmarket Sports Hall of Fame induction ceremonies is a viable option.

This change in process will not preclude any organization from making a request that their recognition occur at Committee of the Whole or at Council.

Staff recommend daytime Council meetings as a one-year pilot project

Attachment 1 depicts staff's recommendation, which supports daytime Council meetings for a one-year trial basis. This would allow staff to compile feedback and report to Council on the findings of the same.

One of the considerations of daytime Council meetings would be that more staff are present and are available to answer any questions from Members of Council. Additionally, there is a linkage to continuous improvement on service levels, which was identified as part of [Council's Strategic Priority of Long-Term Financial Sustainability](#). There is an opportunity to divert the additional hours in the evening into regular working hours for staff, and thereby reducing the lieu time or overtime hours incurred by support staff.

Announcements & Community Events

Members of Council will typically use this portion of the Council agenda to provide verbal updates or communicate events that will be happening in the near future. Many of these events are also promoted by Corporate Communications through various channels such as social media, the Town's website and in the newspaper.

Staff recommend using a different model to support announcement & publication of community events at Council meetings. This would be through visual display of events and information on how residents can "get involved". For example, staff would use the display in the Council Chambers to promote the fact that Council is recruiting members for an Advisory Committee whenever there is a vacancy. This information would be pushed out through the live stream during the Open Forum portion of the agenda, which means it would benefit the audience sitting in the Council Chambers as well as those watching from home.

Corporate Communications will continue to provide Council with Toolkits for large public engagements

As with past high-profile engagements, Corporate Communications will share social media content with Council Members to use in distributing to their own networks (e.g. Council Toolkit).

In addition, Council Members can continue to retweet and share social media posts from the Town's corporate Twitter and Facebook accounts. Information on upcoming events in the community are included in the [Town Page](#), which can easily be shared or distributed in electronic and hard copy formats.

Advisory Committee Updates

To build greater awareness around the work that is being undertaken by Advisory Committees, staff proposes that a section of the Council agenda be dedicated for Council member representatives to provide updates on the same. Currently, the Advisory Committee minutes are received at Committee of the Whole for information purposes, but there is rarely discussion on these past meetings. This section of the Council agenda would be treated much the same as the "Reports by Regional Representatives" section of the meeting. Legislative Services staff support all Advisory Committees, and would also support Member representatives by providing updates to Councillors to read aloud during a Council meeting.

Conclusion

This report makes several recommended changes to Council's Procedure By-law. Following adoption of the new By-law, staff will undertake a process to educate Council, staff and the public on any changes. Additionally, staff will work on a public education campaign focusing on how the public can engage with Council.

Business Plan and Strategic Plan Linkages

This report aligns with one of Council's actions of creating an environment for an engaged, accessible and inclusive community through meeting efficiencies. Additionally, this report aligns with Council's Strategic Priority of Long-Term Financial Sustainability as moving to daytime Council meetings would mean fewer overtime hours being incurred by staff having to stay in the evenings to support meetings.

Consultation

The Strategic Leadership Team, Operational Leadership Team as well as staff from Corporate Communications and Recreation and Culture were consulted as part of this report.

Procedure By-laws from the cities of Brampton, Markham, Mississauga, Oshawa, Ottawa and Richmond Hill were reviewed as part of this report.

Council Members were surveyed as to their preference in moving Council meetings to the daytime, and the feedback from the Workshop discussion were all used to form staff's recommendations.

Human Resource Considerations

None.

Budget Impact

None.

Attachments

Attachment 1 – Revised Council and Committee of the Whole Meeting Schedule 2020

Attachment 2 – Draft Procedure By-law

Attachment 3 – Notice of Motion Form

Approval

Lisa Lyons, Director of Legislative Services/Town Clerk, Legislative Services

Esther Armchuk, Commissioner of Corporate Services, Corporate Services

Contact

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