



Staff Report

Report To: Council
Report From: Jamie Eckenswiller, Director of Legislative Services/Clerk
Meeting Date: November 5, 2024
Subject: 2024 Procedural Bylaw Update

Recommendations:

THAT in consideration of staff report '2024 Procedural Bylaw Update', council directs staff to bring forward a bylaw to:

1. Adopt an updated procedural bylaw as attached to this report; and
2. Repeal bylaw 16-2021.

Highlights:

- A procedural bylaw ensures effective governance by providing a clear framework for conducting meetings and making decisions.
- The current procedural bylaw was enacted in 2021 and is in need of an update to ensure effective governance and promote transparent and accountable government.
- Regular reviews and updates to the bylaw can streamline operations, making municipal governance more efficient and responsive to evolving challenges.

Previous Report/Authority:

Not applicable.

Analysis:

The *Municipal Act, 2001* requires that each municipality pass a bylaw for governing the calling, place, and proceedings of meetings. The last review was completed in 2021, with the bylaw being passed on March 16, 2021. Staff is bringing this report forward based on informal feedback from council, consultation with other municipalities, training, and experience.

It is good for municipalities to review their governance and procedural bylaws for several reasons. Updating procedures can streamline operations and make municipal governance more efficient. Municipalities face evolving challenges and needs; regular reviews will allow West Grey to adapt and remain effective. Reviews can uncover outdated or problematic rules and procedures, allowing for necessary adjustments. Additionally, staying informed about and incorporating best practices in governance can improve overall municipal performance.

Summarized below are a list of updates made in the new draft procedural bylaw, excluding minor administrative changes.

Addition of provision to suspend the rules

A common tool in many procedural bylaws is a provision to suspend the rules within the procedural bylaw. When council wishes to do something during a meeting that it cannot do without violating one or more of its rules, a motion to suspend the rule interfering with the proposed action may be made. As noted in the draft procedural bylaw, a motion to suspend the rules must be passed by a two-thirds vote of the whole members of council to ensure that its application is not misused.

Change the date of agenda publishing from seven days in advance of the meeting to five days in advance of the meeting

The current procedural bylaw requires that a regular council agenda be published seven days in advance of the council meeting. The seven-day requirement can lead to information not being presented to council in a timely manner or can create situations that lead to addendum agendas being required to ensure that time sensitive reports are able to be included in an agenda for council's consideration. The publishing of addendum agendas can lead to confusion among the public and council should they not be aware that an addendum has been issued. Additionally, based on internal report submission deadlines, should council provide direction to staff at a meeting to report back on a particular matter, based on the current timelines it is not possible for staff to return at the next meeting with a report, meaning that there is a minimum four-week turnaround between council direction and a staff report back.

Staff are recommending that the agenda publishing timeline be changed to five days prior to a regular council meeting. This change would allow staff to be able to present matters to council in a timelier manner and will seek to reduce the number of addendums issued. It will also allow more time for delegates to submit presentation material inclusion on a council agenda.

Notice of Motion

Notices of motion allow council members to bring items before council for consideration, discussion, and debate. The current procedural bylaw does contain a section where notices of motion are dealt with, titled 'new business'. This section on the agenda is not

clear that it is meant to be used for the introduction of motions and has often been confused with ‘announcements’. The revised bylaw removes ‘new business’ and replaces it with ‘Notice of Motion’ and ‘Motions for Which Notice was Previously Given’. By retitling that section and separating it into two categories, it better reflects the notice of motion process where the notice of a motion is given at one meeting, and the motion is debated and discussed at the next meeting.

Staff are also proposing a change to how notices of motion are introduced in the new draft of the procedural bylaw. Currently, a notice of motion can be provided on any matter and the motion will be discussed at a subsequent meeting. When notices of motion are provided, they often prompt responses from the public and result in the expenditure of staff time conducting research and preparing information on the matter. To ensure the subject matter of a notice of motion has merit, staff recommends that a notice of motion require the support of at least one other member of Council at the time the notice is provided.

Livestreaming of regular council meetings

To provide for better access to government and to ensure transparency in the decision-making process, West Grey livestreams all regular council meetings. The currently bylaw does not reference the livestreaming of meetings so staff has incorporated livestreaming into the new draft of the bylaw, as well as the process to be followed should technical difficulties arise with the livestream.

It is important that the meeting can proceed because it ensures that the business of the municipality can continue, it maximizes taxpayer dollars as consultants in attendance at meetings will not have to be paid to attend a subsequent meeting, and it ensures that there is no duplication in staff time to arrange an additional meeting and publish additional agendas.

Most often, when there have been technical difficulties with the livestream, they have been addressed. If for some reason they cannot be addressed within the allotted 15 minutes, staff propose that the meeting continue, as members of the public are permitted to attend in person should they choose.

Delegations and presentations

Delegations are an excellent way for the public to provide information to council. West Grey’s current bylaw contains a provision for delegations, however, to ensure that meetings continue to be efficient. In the draft procedural bylaw, staff has proposed updates to the delegation portion of the meeting to ensure that the content being discussed during a delegation is relevant to conducting the business of the municipality, promoting the work of partners of the municipality, works being undertaken by individuals or groups which benefit the community, or topics of community interest. The

new procedural bylaw also contains a provision indicating the types of delegations that are not permitted at council, specifically:

- A tender or request for proposal which is either proposed, pending, or actually before council;
- Labour relations;
- Legal issues including litigation and potential litigation, and matters currently before the courts or administrative tribunals;
- Insurance claims;
- Contract negotiations; or
- A subject that is beyond the jurisdiction of the municipality.

With the new agenda publishing timelines, staff has also proposed that the submission timeframe for delegate presentation material be reduced from 12 days to 10 days to allow delegate more time to put their presentation material together.

Comment period

Comment period is listed in the current procedural bylaw and allows for members of the public to speak for up to two minutes to provide comments on agenda items. While comment period is mentioned in the current procedural bylaw, it is only referenced in the definitions section of the bylaw. Staff has incorporated comment period into the body of the draft procedural bylaw and has listed some parameters to formalize, and add to, some of the current practices. These parameters include persons making a comment being required to provide their name and the municipality in which they reside, noting how individuals can participate in comment period, and establishing a timeframe for submitting written comments. This section also notes that the Clerk will acknowledge receipt of written comments received and circulate the comments to Council, but that written comments received in advance of the meeting will not be read aloud at the meeting.

Motion to reconsider

A motion to reconsider allows council to revisit a previously decided matter for further discussion and a new vote. In accordance with Robert's Rules of Order and the current West Grey procedural bylaw, only a member who voted with the prevailing side of the original motion can move to reconsider. This creates challenges because the way each member votes on a matter is not recorded in the minutes, meaning that we have no way of knowing how a member voted on the original motion. The draft procedural bylaw provides that any member may put forward a motion to reconsider a previously decided matter regardless of how they voted on the original motion, however, to pass, such a motion will require a two-thirds vote of the whole of council, meaning that a minimum of five of the seven council members must be in favour of the motion to reconsider for it to pass.

Budget amendment vote

A budget amendment vote is a process by which council can make changes to the previously approved budget levy. This process is crucial for addressing unforeseen financial needs and only applies if there is a need to change the approved tax levy for the year; this process does not apply to the reallocation of money already raised in the current year's budget. The procedure for a budget amending vote is outlined in the draft procedural bylaw. For a budget amendment vote to pass, such a motion will require a two-thirds vote of the whole of council, meaning that a minimum of five of the seven council members must be in favour of the motion.

Financial Implications:

There are no financial implications associated with this report.

Communication Plan:

Following council direction to bring forward a new procedural bylaw, notice of the update will be provided in accordance with West Grey's notice bylaw before the new procedural bylaw is brought forward for adoption. After adoption, the new procedural bylaw will be placed on West Grey's website for access by staff and the public.

Consultation:

Chief Administrative Officer

Attachments:

Draft procedural bylaw

Recommended by:

Jamie Eckenswiller, AOMC, AMP
Director of Legislative Services/Clerk

Submission approved by:

Michele Harris, Chief Administrative Officer

For more information on this report, please contact Jamie Eckenswiller, Director of Legislative Services/Clerk at clerk@westgrey.com or 519-369-2200, ext. 229.