



Subject: Mid-term Procedure By-law Review

Department: Corporate Services

Division: Clerks

Report #: CPS-2024-073

Meeting Date: 2024-12-16

Recommendations

That report CPS-2024-073, Mid-term Procedure By-law Review, be received; and

That Council direct staff to amend the procedure by-law.

Overview

As a best practice, Council members should undertake a mid-term review of their procedure by-law. At the halfway point of the 2022-2026 term of Council, this review will provide information to Council on potential amendments to the by-law to address inconsistencies with procedural correctness in accordance with Roberts Rules of Order, procedural issues encountered thus far in the term, and items recommended for inclusion by the Clerk based on best practice.

Background

The current procedure by-law was passed on July 17, 2017 with amendments passed by Council on March 23, 2020, September 14, 2020 and September 11, 2023. After two years in this term of Council, now is the time for a mid-term review based on current Council needs and processes. A public meeting was held on this item on November 25th, 2024.

Analysis/Current Situation

Over the course of the last year, a few items in the current by-law have come to staff's attention for updates. The Procedure By-law is scheduled for a full review in 2026, however, there are some minor amendments that should be looked at in the interim. The following chart provides an overview of the proposed changes. Yellow highlighted sections in the chart were added based on discussion at the public meeting.

Topic	Current Section	Current Wording	Proposed Changes	Reason
Public Notice	3.8.2.1	<p>3.8.2.1 Copies of all Council and standing committee meeting agendas shall be posted in the notice case outside the Second Street entrance to the municipal offices and agendas posted on the Town website at least twenty-four (24) hours in advance of the meeting.</p>	<p>Change “Copies” to Notice in the first line; and</p> <p>add “Whenever possible, agendas for Council meetings shall be published at least 3 business days prior to the meeting. Any addendums to the agenda shall be updated and posted to the website by 1 pm on the day of the Council meeting.”</p>	<p>To reference current practice of publishing the agenda on the Wednesday before a Monday meeting.</p>
Method & Technology	3.10.4	<p>3.10.4 The method and technology used to facilitate electronic participation in a meeting shall be determined by the Clerk, in consultation with the Information Technology division.</p> <p>3.10.5 Members wishing to participate electronically for a Council meeting, must provide the</p>	<p>Add: “If at any time the stream for a meeting that is held electronically goes down, the meeting shall recess as soon as it is noticed for a minimum of 15 minutes to allow any participants watching the stream to either connect through telephone at the number listed on the current agenda for connectivity or attend the meeting location.”</p>	

		<p>Clerk (or designate) no less than 72 hours notice prior to the scheduled meeting. The request may be facilitated if technology permits and if physical quorum at the meeting location has been established.</p> <p>3.10.6 Members wishing to participate electronically for a committee meeting must provide the Secretary no less than 72 hours notice prior to the scheduled meeting. The request may be facilitated if technology permits.</p>	<p>3.10.5 Remove “no less than 72 hours notice” and replace it with “as much notice as possible”.</p> <p>3.10.6 Remove “no less than 72 hours notice” and replace it with “as much notice as possible”.</p>	
<p>Electronic Participation</p>	<p>3.10</p>	<p>3.10.5 Members wishing to participate electronically for a Council meeting, must provide the Clerk (or designate) no less than 72 hours notice prior to the scheduled meeting. The request may be facilitated if technology permits</p>	<p>3.10.5 Remove: “and if physical quorum at the meeting location has been established”.</p> <p>3.10.7 Remove: “Clerk and”.</p> <p>Add: “The Clerk and all other members of Council shall be present in Council</p>	<p>Physical quorum is no longer a requirement in the Municipal Act. The Chair is the only position that should be absolutely required to be physically in attendance as they have</p>

		<p>and if physical quorum at the meeting location has been established.</p> <p>3.10.7 The Clerk and Mayor (or designate Chair) are to be physically present in Council Chambers for a meeting.</p> <p>3.10.9 A physical quorum (a majority of the members) at a meeting of Council shall be achieved at the commencement of the meeting and maintained throughout the meeting.</p>	<p>Chambers whenever possible.”</p> <p>3.10.9 – Remove section</p>	<p>a role to maintain order and decorum of the meeting. All remaining required parties should be in physical attendance whenever possible, however this addition would allow for extenuating circumstances to arise without the need to cancel a meeting.</p>
<p>Consent Agenda</p>	<p>6.2.1</p>	<p>6.2.1 When preparing the agenda for Council and Committee of the Whole meetings, the Clerk may identify items which are considered to be routine and non-controversial under the heading “Consent Agenda”, which matters may be considered by Council and Committee of the Whole as a summary matter in</p>	<p>Remove: “may identify items which are considered to be routine and non-controversial”; and</p> <p>Replace it with: “shall place all staff reports, committee minutes and relevant correspondence”</p>	<p>This is to reference current practice. Staff should not be deciding factors on what Council deems to be “routine or non-confrontational”.</p>

		one motion rather than as separate items, unless a member of Council otherwise requests.		
Amendment Motions	6.12.1	6.12.1 A motion to amend a motion properly before Council shall be presented in writing.	Remove section	No amendments are presented in writing as current practice
Presentations Petitions and Delegations	7.6	<p>7.6.2 Person wishing to speak to an item on the Agenda should notify the Clerk no later than 10 am on the date of the meeting.</p> <p>7.6.3 Any person desiring to be heard by Council shall submit a request in writing to the Clerk at least seven (7) days before a Council/Committee meeting. The request shall include the requester’s name, mailing address and phone number, and state the nature of the business to be discussed, the requested course of action and the reasons therefor.</p>	<p>Separate definitions:</p> <p>Presentations: Staff, consultants or organizations presenting on behalf of the Town.</p> <p>Delegations: Members of the public who register to speak to Council in advance - maximum speaking time 5 minutes.</p> <p>Open Forum: Requests from members of the Public to speak to an item on the current agenda or ask questions of Council. Maximum speaking time of 3 minutes.</p> <p>Note: <i>Multiple sections under this heading would be re-worded to meet the</i></p>	To provide clarity around the deadlines for submission and requests for delegates wishing to speak to Council on general items vs those requesting to speak to an item on the agenda after publishing. Also provides for separation of staff/consultant presentations from public requests. Combined question period and the morning of delegates to create the

		Verbal remarks to Council at a meeting shall be confined to the stated business.	<i>intent of the above definitions.</i>	open forum section.
Delegations – Restrictions	7	7.6.1 Except as provided in this by-law, no person shall address Council without the permission of Council.	<p>Add sections:</p> <p>7.6.1.1 No member of the public shall be permitted to delegate to Council for the purposes of solicitation of services or other such endeavours.</p> <p>7.6.1.2 No delegations will be approved for any member of the public who has previously spoken to the matter at a public meeting held for the same topic with the same information.</p> <p>7.6.1.3 No delegations shall be permitted on any item that is deemed to be outside of the jurisdiction of Council.</p> <p>7.6.1.4 Delegates speaking on a service or opportunity in the Town of Orangeville shall be required to consult with relevant staff prior to submitting a request to delegate.</p>	Prevent “sales calls”, improve efficiency to limit duplication and non-jurisdictional items and increase efficiency of meeting to allow staff first opportunity to provide a response or solve an issue.

			<p>7.6.1.5 Only residents, taxpayers, service providers or members speaking on behalf of an association or organization that serves Town of Orangeville are permitted to delegate to Council. Exceptions to this sub-section may be permitted with approval from the CAO or Council.</p> <p>7.6.1.6 No person shall speak to a repeat topic that they had previously spoken to during either a delegation or open forum in the previous 3 months.</p> <p><i>Note: Additional changes and reorganization required to meet the intent of the changes.</i></p>	
<p>Question Period</p>	<p>7.8.1 and 7.8.2</p>	<p>7.8.1 A person on his/her own behalf, or as a spokesperson for a delegation, may ask questions of Council during the public question period time.</p> <p>7.8.2 A person addressing Council with a question may</p>	<p>7.8.1 Change “public question time” to “open forum time”</p> <p>7.8.2 Remove; “may speak for not more than three (3) minutes, except with the leave of Council.”; and replace with: “shall be allocated three (3) minutes of time at the delegate stand after which time</p>	<p>Combined question period and “morning of delegations” to form a new “open forum” section. Provide clarity on time and improve efficiency of meetings by limiting</p>

		<p>Speak for not more than three (3) minutes, except with the leave of Council.</p>	<p>the microphone shall be turned off.”</p> <p>Add new section:</p> <p>7.8.3 No person shall be permitted to speak at the same meeting for which they are a registered delegate on that topic.</p> <p>7.8.4 No person shall speak to a repeat topic that they had previously spoken to during either a delegation or open forum in the previous 3 months.</p> <p>7.8.5 Only residents, taxpayer, service providers or members speaking on behalf of an association or organization that serves the Town of Orangeville are permitted to speak during open forum.</p> <p>7.8.5.1 Notwithstanding section 7.8.5, any member of the public may provide their comments at a statutory public meeting held pursuant to regulations included in the legislation requiring such meeting.</p>	<p>repeat comments and restricted speakers to those persons/organizations relevant to the Town of Orangeville with the exception of at a statutory public meeting held pursuant to relevant legislation (i.e.: Planning Act)</p>
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<p>Notice of Motion</p>	<p>7.11 & 7.12</p>	<p>7.11.1 A written copy of a proposed motion submitted to the Clerk by a member of Council at least seven (7) days in advance of and included in the agenda for the next regular meeting of Council shall be considered at that meeting of Council.</p> <p>7.12.4 Notices of Motion for future consideration shall be received without comment or debate by any member.</p>	<p>7.11.1 Add: “along with supporting background information” after “a written copy of a proposed motion”</p> <p>Add section: 7.12.4.1 The member who presented the notice for future consideration shall provide the Clerk with a written copy of the proposed motion along with supporting background information at least seven (7) days prior to the meeting they wish to have the motion considered.</p>	<p>Provide further information to the rest of Council to support the member’s motion</p>
<p>Agenda Headings</p>	<p>7.3.4</p>	<p>7.3.4 The Clerk shall have prepared and provided for the use of members at the regular meetings of Council, an agenda under the following headings:</p> <ol style="list-style-type: none"> 1. Call to Order 2. Approval of Agenda 3. Disclosures of (Direct or Indirect) 	<ol style="list-style-type: none"> 1. Call to Order 2. Approval of Agenda 3. Disclosures of (Direct or Indirect) Pecuniary Interest 4. Closed Meeting 5. Opening Meeting – 7:00 p.m. 6. Singing of National Anthem 7. Land Acknowledgement 8. Announcement by Chair 9. Rise and Report 10. Adoption of Minutes of Previous Council Meetings 11. Open Forum 	<p>Change the headings to be reflective of the proposed changes in this report.</p>

		<p>Pecuniary Interest</p> <p>4. Closed Meeting</p> <p>5. Opening Meeting – 7:00 p.m.</p> <p>6. Singing of National Anthem</p> <p>7. Land Acknowledgement</p> <p>8. Announcement by Chair</p> <p>9. Rise and Report</p> <p>10. Adoption of Minutes of Previous Council Meetings</p> <p>11. Question Period</p> <p>12. Presentations, Petitions and/or Delegations</p> <p>13. Consent Agenda</p> <p>14. Staff Reports</p> <p>15. Correspondence</p> <p>16. Notice of Motion Prior to Meeting</p> <p>17. Notice of Motion at Meeting</p> <p>18. Announcements</p> <p>19. By-laws</p> <p>20. Adjournment</p>	<p>12. Presentations, Petitions and/or Delegations</p> <p><i>12.1 Public Delegations / Petitions</i></p> <p><i>12.2 Staff/Consultant Presentations</i></p> <p>13. Consent Agenda</p> <p>13.1 Staff Reports</p> <p>13.2 Correspondence</p> <p>13.3 Committee Minutes</p> <p>14. Notice of Motion Prior to Meeting</p> <p>15. Notice of Motion at Meeting</p> <p>16. Announcements</p> <p>17. By-laws</p> <p>18. Adjournment</p>	
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Corporate Implications

This report will not generate any direct corporate implications. Indirect implications that may be seen due to increased efficiency in evening meetings could be a reduction in staff overtime or lieu time.

Conclusion

The by-law is attached in tracked change form to provide clarity on the proposed changes for reference. The changes proposed help to provide more efficient and effective meetings for Council.

Strategic Alignment

Strategic Plan

Strategic Goal: Future-Readiness

Objective: Due Diligence – Confirm applicable governance and policy regimes

Notice Provisions

In accordance with the Notice Policy, notice is prepared to be placed in the Orangeville Banner and placed on the Town website prior to the date of the meeting.

Respectfully submitted,

Reviewed & prepared by:

Antonietta Minichillo
General Manager, Corporate Services

Raylene Martell
Town Clerk, Clerks Division

Attachment(s): 1. Proposed Consolidated Procedure By-law.