



THE REGIONAL MUNICIPALITY OF NIAGARA
PROCEDURAL BY-LAW REVIEW COMMITTEE
AGENDA

PBLRC 1-2020

Monday, November 23, 2020

1:00 p.m.

Meeting will be held by electronic participation only

Due to efforts to contain the spread of COVID-19 and to protect all individuals, there is no public access to Niagara Region Headquarters. If you have questions about this meeting, please contact the Office of the Regional Clerk at clerk@niagararegion.ca

	Pages
1. <u>CALL TO ORDER</u>	
2. <u>DISCLOSURES OF PECUNIARY INTEREST</u>	
3. <u>ITEMS FOR CONSIDERATION</u>	
3.1. <u>PBLRC-C 1-2020</u> Proposed Procedural By-law Amendments	2 - 5
3.2. <u>PBLRC-C 2-2020</u> An email from Councillor Fertich, dated October 13, 2020, respecting "Refer/Defer" Motions.	6 - 7
4. <u>CONSENT ITEMS FOR INFORMATION</u> None.	
5. <u>OTHER BUSINESS</u>	
6. <u>NEXT MEETING</u> The next meeting date is to be determined.	
7. <u>ADJOURNMENT</u>	

If you require any accommodations for a disability in order to attend or participate in meetings or events, please contact the Accessibility Advisor at 905-980-6000 ext. 3252 (office), 289-929-8376 (cellphone) or accessibility@niagararegion.ca (email).

MEMORANDUM

PBLRC-C 1-2020

Subject: Proposed Procedural By-law Amendments

Date: November 23, 2020

To: Procedural By-law Review Committee

From: Ann-Marie Norio, Regional Clerk

The review of the Procedural By-law has been an ongoing project. Staff had initially intended to bring a newly drafted by-law to have the proposed amendments considered by the Committee with the intention of having the new proposed by-law considered at a Committee of the Whole meeting that was to be held this fall. Unfortunately, due to COVID-19 and a number of redeployed staff in the Clerk's Office, this was not possible.

Staff have brought forward some suggested improvements to the By-law based on comments by Members and areas of concern noted during meetings. Appendix 1 provides suggested options with respect to Delegations/Presentations and proposed amendments for Committee's consideration.

Staff have also included some options with respect to appropriate items to be considered under "Items of Other Business" at Council meetings.

Should Committee be in favour of moving forward with these changes, staff will undertake the necessary steps to have the Procedural By-law amended.

Respectfully submitted and signed by

Ann-Marie Norio
Regional Clerk

PROPOSED PROCEDURAL BY-LAW AMENDMENTS

Delegations and Presentations

1. Written Notice for a Presentation or Delegation

Written notice for a presentation or a delegation shall include the person's complete name, address, telephone number, reasons for the delegation including the specific nature of their presentation, and if applicable the name, address, and telephone number of any person, corporations or organizations which he or she is representing.

a. Request to Present or Delegate to Items on an Agenda

Persons desiring to address Council/Committee for the purpose of making a presentation with respect to items for Council/Committee consideration that fall under its respective mandate, shall be heard at the meeting, with those delegations having submitted their request in writing to the Clerk by 9 a.m. on the Thursday the week preceding the meeting of Council/Committee, being heard first, in the order in which such requests are received by the Clerk.

b. Request to Present or Delegate to Items Not Already on an Agenda

Presentation/Delegation requests to appear before Committee/Council on matters not already on an agenda, must be submitted to the Clerk no later than 14 days preceding the date and time of the meeting.

c. Presenting/Delegating to Committee/Council

It is Council's preference that all presentations and delegations be made to the appropriate standing committee. Delegations appearing before a Committee may only appear as a delegation at Council on the same matter to present new information.

d. Limit to the Number of Presentations and Delegations

Presentations and delegations will combined be limited to a maximum of three (3) allowed for regular or special meetings of Regional Council. Spaces will be filled on the agenda in the order in which they are received by the Office of the Regional Clerk.

i. After the Limit has been Reached

Any presentation or delegation requests received after the limit has been reached, may be referred to a future meeting, or recommended to submit written material in accordance with section 13.2 of this By-law.

PROPOSED PROCEDURAL BY-LAW AMENDMENTS

2. **Submission of Written Material for Committee/Council – Deadline**

Where possible, written material to be distributed to Council shall be submitted to the Clerk by [time and date] preceding the meeting of Council and the notice shall specify clearly the business to be presented, who the spokesperson(s) shall be and the date at which the delegation wishes to be heard.

3. **Presentations and/or Delegations – Purpose**

Presentations and/or Delegations shall not be permitted to appear before Committee or Council for the sole purpose of generating publicity for an event, or to promote a business.

4. **Presentations**

a. **Time Limit**

Presentations shall be limited to a maximum of ten (10) minutes.

b. **Question Period**

Members shall be permitted a question period for each presentation of five (5) Minutes during Council and during Committee.

5. **Delegations**

a. **Time Limit**

Delegates shall be limited to a maximum of ten (10) minutes during Committee, and a maximum of five (5) minutes during Council.

b. **Question Period**

Members shall be permitted to ask questions of delegates but shall not make statements nor enter into debate with such persons. Members shall be permitted a question period for each delegation of five (5) minutes during Council, and ten (10) minutes during Committee.

c. **Restrictions**

i. **Labour Relations Matters**

Delegations concerning labour relations, union negotiations and/or any employee relations matters shall not be permitted to appear before Committee or Council. All signed submissions received by the Clerk concerning these matters shall be referred to the Chief Administrative Officer.

ii. **Planning Matters**

Delegations concerning planning matters that were considered at a public meeting pursuant to the provisions of the *Planning Act* shall not be permitted to appear before Council.

PROPOSED PROCEDURAL BY-LAW AMENDMENTS

iii. Conduct of Delegates

No persons addressing Council or Committee as a delegation shall:

1. Speak disrespectfully of any person
2. Use offensive words
3. Engage in improper conduct
4. Speak on any subject other than the subject for which they have received approval to address Council or Committee
5. Disobey the rules of procedure or a decision of the presiding officer or of Council or Committee
6. Speakers will be requested to not repeat anything stated by previous speakers and provide only new information.

Items of Other Business

Currently the Procedural By-law is silent with respect to Other Business. The practice of the previous term of Council was to limit this to announcements only. This section could be renamed Other Business/Announcements in keeping with how it is typically being utilized.

Committee could consider allowing members to bring up items of other business with some specific provisions put in place. For example, other business could be limited to emergent matters only given that most matters can be raised at Standing Committee.

There is no consistency in how other municipalities handle this item. Some have provisions that any submissions under this section are to be submitted to the Clerk in writing.

From: [Fertich, Wayne](#)
To: [Norio, Ann-Marie](#)
Cc: [Witteveen, Albert](#)
Subject: RE: "Refer/Defer" motions
Date: Tuesday, October 13, 2020 11:15:29 AM

Ann-Marie

After some consultation I wish to have my suggested motion to be brought forward to committee.

Thanks for your help

Sent from [Workspace ONE Boxer](#)
Wayne F. Fertich
Grimsby Regional Councillor

On October 9, 2020 at 10:55:38 AM EDT, Norio, Ann-Marie <Ann-Marie.Norio@niagararegion.ca> wrote:

Good morning Councillor Fertich,

I wanted to provide you with some information on this prior to actioning it.

Although I can appreciate your desire to allow members the ability to speak when a motion has been referred or deferred, the use of a motion to refer or defer is a tool that can be used when it is apparent that the body either needs more information in order to make a decision or would like another body to consider the issue. A deferral motion is used when a body does not want to make the decision at that point in time. There is an obligation on the part of the majority to respect its own decisions and similarly the minority is obliged to accept and respect the decisions of the majority. A decision reached by due process must be recognized and observed. If the members that are still on the speakers list when a referral or deferral motion is put forward, still want the opportunity to speak to the matter, then the opportunity to defeat the motion is available to them. Allowing additional discussion on the matter after a referral/deferral motion has been made would in essence only continue the original debate and defeats the purpose of a referral/deferral motion ending debate on a matter.

Should you wish to pursue this, consideration of your suggestion should be made to the Procedural By-law Review Committee. A meeting of this Committee will be set in the near future. I can include your suggestion as an agenda item for their next meeting.

If you have any questions, please let me know.

Ann-Marie

Ann-Marie Norio, BA, Dipl. M.A., CMM III

Regional Clerk

Phone: 905-980-6000 ext 3220

From: Fertich, Wayne <Wayne.Fertich@niagararegion.ca>

Sent: Friday, October 09, 2020 10:30 AM

To: Norio, Ann-Marie <Ann-Marie.Norio@niagararegion.ca>

Cc: Witteveen, Albert <Albert.Witteveen@niagararegion.ca>

Subject: Re: "Refer/Defer" motions

Ms Norio:

I don't see my suggestion about the motion to "defer/ refer" on the agenda of the Corporate Services meeting for this week. Would it go directly to Council?

Thanks for your help.

Sent from [Workspace ONE Boxer](#)

Wayne F. Fertich

Grimsby Regional Councillor

On September 23, 2020 at 9:30:54 AM EDT, Fertich, Wayne
<Wayne.Fertich@niagararegion.ca> wrote:

Ann-Marie :

May I submit the following resolution for consideration:

Be it resolved when a councillor calls for a motion to "Refer/Defer" a motion that the Councillors that are registered to speak about the motion, prior to the motion just been declared "Referred/Deferred" be given 5(five) minutes to speak about the motion. Then after the last speaker the motion will be "Referred/Deferred".

This gives everyone an opportunity to speak to the motion. Many times councillors have not been able to speak to the motion.

Thanks for your help

Sent from [Workspace ONE Boxer](#)

Wayne F. Fertich

Grimsby Regional Councillor