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**MEMORANDUM**

**PBLRC-C 10-2022**

**Subject: Referral of Correspondence Item CL-C 11-2022 – Procedural By-law Amendments**

**Date: April 11, 2022**

**To: Procedural By-law Review Committee**

**From: Ann-Marie Norio, Regional Clerk**

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At its meeting held January 20, 2022, Regional Council considered Correspondence Item CL-C 11-2022 (attached), respecting Procedural By-law Amendments. At the meeting, amendments were proposed and Council subsequently referred Item CL-C 11-2022 and the proposed amendments (Council Minute Excerpt attached) to the Procedural By-law Review Committee.

Below are the proposed changes recommended by staff in Item CL-C 11-2022 and the proposed amendments as provided at the Regional Council meeting for Committee's consideration. Staff have included some additional rationale to assist the Committee in its deliberations with respect to these amendments.

1. The addition of the following definitions as they are not currently defined within the By-law:

**“Delegation”:** means information provided to a Committee or Council in person, or over video conference, by an individual or group, on an issue already on an agenda of Committee or Council, or which is within the jurisdiction and mandate of Committee or Council to take action on.

**“Presentation”:** means information presented to Committee or Council in person, or over video conference, by an individual or group, on an issue which typically does not require any action to be taken by Committee or Council and or a presentation by staff related to an item on an agenda.

2. Change “Other Business” as noted on the Council agenda to **“Announcements”**.

**Rationale:** This changed section, would be for announcements by Councillors related to activities and events within the Region and area municipalities. It has been the practice of Regional Council to use the “Other Business” section for announcements as the appropriate place for items of Other Business to be raised is at Standing Committee or through a notice of motion.

**Proposed amendment:** That “**Announcements**” **BE ADDED** to the Agenda, rather than replace “Other Business”.

3. Concerns regarding timing of agenda items are also being addressed by the inclusion of the following language:

**Items or matters will not be added to the agenda of a Standing Committee or Council after publication unless directed by the Regional Chair and/or Chief Administrative Officer (CAO) in consultation with the Regional Clerk, and only if the urgent nature of the matter requires a decision prior to the next Council or Committee meeting.**

**Rationale:** This will address the issue of new items being added to an agenda after it has been published, with the exception of matters that are deemed urgent and require a decision prior to the next Council or Committee meeting.

**Proposed amendment:** Items or matters will not be added **by staff** to the agenda of a Standing Committee or Council after publication unless directed by the Regional Chair ~~and/or~~ **in consultation with the** Chief Administrative Officer ~~in consultation with~~ **and** the Regional Clerk, and only if the urgent nature of the matter requires a decision prior to the next Council or Committee meeting.

In order to accommodate Council’s concerns with items being added to the Council agenda the day of the meeting, the following change is also recommended:

11.3 All reports, notices, motions and any other material to be included in the agenda for a regular Council meeting shall be delivered in writing or electronically to the Clerk, by 9:00 a.m. on the Friday preceding the regular Council meeting. The deadline for the submission of matters permitted for inclusion in the addendum to the Council agenda shall be 9:00 a.m. ~~on the day~~ **before** ~~of~~ the Council meeting.

3. Delegations and Presentations – In an effort to streamline and enhance meeting efficiency the following changes to section 13 – Delegations and Presentations are proposed (new wording in bold):

13.2 It is Council's preference that all delegations be made to the appropriate Standing Committee. Nevertheless, delegations shall be permitted to appear at **regular** Council meetings with respect to items on the **regular** Council agenda provided a written request is made to the Clerk by 9:00 a.m. on ~~Friday~~ **Tuesday** prior to the meeting. Delegations appearing before a Standing Committee can only appear as a delegation at Council to present new information, **subject to the approval of the Regional Chair, CAO and/or Clerk. Speaking notes and/or presentation materials must be provided for review by the Regional Clerk (and appropriate staff) to ensure only new information is being provided at the time of the delegation request.**

**Rationale:** Council has previously expressed concerns with not having enough information provided by a delegate to be able to consider their request. By including the above provision, delegates will be required to provide what they will be presenting in advance so that Council has a full understanding of their request to Council. The reference to a review by "appropriate staff" provides an opportunity to ensure a delegate who has already appeared is in fact providing new information at any subsequent delegation.

**Proposed Amendment:** It is Council's preference that all delegations be made to the appropriate Standing Committee. Nevertheless, delegations shall be permitted to appear at regular Council meetings with respect to items on the regular Council agenda provided a written request is made to the Clerk by 9:00 a.m. on Tuesday prior to the meeting. Delegations appearing before a Standing Committee can only appear as a delegation at Council to present new information, subject to the approval of the Regional Chair **in consultation with the** CAO and/or Clerk. **If available,** speaking notes and/or presentation materials must be provided for review by the Regional Clerk ~~(and appropriate staff)~~ to ensure only new information is being provided at the time of the delegation request.

13.3 Any person wishing to submit a written communication regarding a Standing Committee recommendation for inclusion in the Council agenda may do so by filing a written communication with the Clerk by 9:00 a.m. on the Friday prior to the Council meeting. Written submissions for inclusion in the Addendum to the Council agenda must be filed with the Clerk by 9:00 a.m. ~~on~~ the day **before** of the Council meeting.

13.4 Written notice to the Clerk from a delegation shall include the person's name, address; telephone number and a detailed brief of their presentation **including the reason(s) for the delegation, the specific nature of their presentation including presentation materials and/or speaking notes and** ~~outlining~~ the request/direction the presenter is seeking from the Standing Committee or Council and if applicable, the name, address and telephone number of any person(s) or organization which he or she represents. The brief will form part of the official record of the proceedings of Committee or Council and therefore will be considered to be a public document.

13.5 In the case of extenuating circumstances, a Standing Committee ~~or Council~~ may, by a Majority vote permit a person to appear as a delegation who does not appear on the agenda. A written request must be made to the Clerk by 9:00 a.m. ~~on~~ the day **before** of the Standing Committee ~~or Council~~ meeting to request a delegation under this section that contains the person's name, address; telephone number and a detailed brief of their presentation **including the reason(s) for the delegation, the specific nature of their presentation including presentation materials and/or speaking notes and** ~~outlining~~ the request/direction the presenter is seeking from the Standing Committee ~~or Council~~. If the delegation request does not relate to a matter already on the agenda it must pertain to an emergent matter.

**Rationale:** The language currently in the Procedural By-law only includes that a delegate must submit a detailed brief. The proposed language strengthens this provision and will assist Council in having enough information to make an informed decision regarding a delegate's request.

**Proposed Amendment:** That sections 13.4 and 13.5 include the following with respect to presentation materials and/or speaking notes:

"if available at the time of the request"

13.6 Delegations and presentations shall be limited to a presentation of not more than ten (10) minutes **at Standing Committee and five (5) minutes at Council**, unless otherwise determined by the Committee Chair/Co-Chair or Regional Chair. A delegation of not more than five (5) persons, representing a group or organization, shall be limited to two (2) speakers, permitted to speak not more than ten (10) minutes in total **at Standing Committee and five (5) minutes at Council**. Only new information is to be presented by successive speakers of such delegation. **Delegations shall confine their remarks to the business stated in their request.**

**13.13 A request to appear before Council or Committee shall not be permitted regarding any of the following:**

- (a) a matter that is under litigation between the Delegate or a client of the Delegate and the Region, including matters before administrative tribunals;**
- (b) a matter that is under investigation by either the Ombudsman, Integrity Commissioner or pursuant to the Region's Whistleblower Policy;**
- (c) appeals by vendors or service providers who were not the successful proponents for awards of contract by the Region;**
- (d) during a Committee or Council Education Session, Training or Workshop;**
- (e) for the sole purpose of generating publicity for an event or to promote a business;**
- (f) in exceptional circumstances, notwithstanding Sections 13.1, 13.2, and 13.5, where the CAO, Clerk and Legal Counsel determine, acting reasonably, that a person requesting to be a delegate at a meeting is likely to engage in unreasonable or offensive conduct, make unreasonable or offensive statements or demands, repeatedly speak on a subject matter that is not within the Region's jurisdiction, or otherwise misuse the privilege of addressing Committee or Council.**

**Proposed Amendment:** That sections 13.13 (c), 13.13 (f) **BE REMOVED.**

**13.14 The Clerk may refuse to add a delegation to the agenda when, in the opinion of the Clerk, in consultation with the Regional Chair and CAO, the subject matter of the presentation is beyond the jurisdiction of the Region, does not relate to an agenda item or does not provide new information in the case of a delegation that has already appeared at Committee. In the event the person requesting to appear as a delegation is dissatisfied with the ruling of the Clerk, the person may appeal the decision. In the event of an appeal, the Clerk shall include the request and rationale for refusing the request on the applicable agenda for a determination by Committee or Council. Committee or Council may refuse, by majority vote, to hear a delegation, when in the opinion of Committee or Council, the subject matter is beyond the jurisdiction of the Region or does not relate to an agenda item or does not provide new information in the case of a delegation that has already appeared at Committee.**

**Proposed Amendment:** The ~~Clerk~~ **Regional Chair** may refuse to add a delegation to the agenda when, in the opinion of the ~~Clerk~~ **Chair**, in consultation with the Regional ~~Chair~~ **Clerk** and CAO, the subject matter of the presentation is beyond the jurisdiction of the Region, does not relate to an agenda item or does not provide new information in the case of a delegation that has already appeared at Committee. In the event the person requesting to appear as a delegation is dissatisfied with the ruling of the Clerk, the person may appeal the decision. In the event of an appeal, the Clerk shall include the request and rationale for refusing the request on the applicable agenda for a determination by Committee or Council. Committee or Council may refuse, by majority vote, to hear a delegation, when in the opinion of Committee or Council, the subject matter is beyond the jurisdiction of the Region or does not relate to an agenda item or does not provide new information in the case of a delegation that has already appeared at Committee.

**13.15 Members of Council may only ask questions of clarification of a delegation for a maximum of five (5) minutes and shall hold all statements and debate until an item has been duly moved and seconded.**

**13.16 The Chair may curtail any delegation, any questions of a delegation or a member of Council during a delegation, for disorder or any other breach of this by-law, and if the Chair rules that the delegation is concluded, the person or persons appearing shall immediately withdraw from the meeting.**

**Proposed Amendment: That Section 13.16 BE REMOVED.**

**13.17 Delegations regarding items not already on an agenda are requested to contact Regional staff to determine whether or not the matter may be appropriate for inclusion on a future agenda or if the matter can be resolved without an appearance before Committee or Council.**

**13.18 Delegations shall observe proper decorum and shall not:**

- (a) speak disrespectfully to, or of any person;**
- (b) use offensive words;**
- (c) speak on any subject other than the subject for which they have received approval to address Committee or Council;**
- (d) disobey the rules of procedure or a decision of the Presiding Officer or of Committee or Council;**
- (e) enter into a cross debate with other delegations, administrative staff, Members of Council or the Chair;**
- (f) speak disrespectfully or to the integrity or conduct of any individual including a member of staff, Council, local board or committee, and any such concerns shall be referred to the CAO, the Chair or the appropriate Committee for consideration;**
- (g) reflect upon the motives of Members who may have voted for or against a particular motion;**
- (h) reflect upon the motives of staff in giving advice to Council; and**
- (i) direct enquiries to other members of Council or to staff.**

**Rationale:** The proposed additions of sections 13.16 and 13.18 serve to strengthen the Procedural By-law and provide a mechanism for a presiding officer to utilize in the event a delegation does not follow proper protocol. Section 13.18 has been added to provide parameters for proper decorum of a delegation and can be found in other municipal Procedural By-laws.

**Proposed amendment:** That Section 13.18 **BE REMOVED**.

It is recommended Committee review each suggested revision and proposed amendment if applicable individually.

Respectfully submitted and signed by

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Ann-Marie Norio  
Regional Clerk

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**MEMORANDUM**

**CL-C 11-2022**

**Subject: Procedural By-law Amendments**

**Date: January 20, 2022**

**To: Regional Council**

**From: Ann-Marie Norio, Regional Clerk**

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At its meeting held on December 16, 2021, Regional Council was in receipt of Correspondence Item CL-C 182-2021 respecting Notice of Amendment to the Procedural By-law and Minutes of the Procedural By-law Review Committee meeting held on November 15, 2021.

At the Procedural By-law Review Committee meeting in November, Committee considered changes to the Procedural By-law including definitions for presentations and delegations as well as changes to the time limits for delegations to a maximum of ten (10) minutes at Committee and a maximum of five (5) minutes at Regional Council.

As a result of discussion at Committee, staff recommend the following changes:

1. The addition of the following definitions as they are not currently defined within the By-law:

**“Delegation”:** means information provided to a Committee or Council in person, or over video conference, by an individual or group, on an issue already on an agenda of Committee or Council, or which is within the jurisdiction and mandate of Committee or Council to take action on.

**“Presentation”:** means information presented to Committee or Council in person, or over video conference, by an individual or group, on an issue which typically does not require any action to be taken by Committee or Council and or a presentation by staff related to an item on an agenda.

2. Change “Other Business” as noted on the Council agenda to **“Announcements”**. This changed section, would be for announcements by Councillors related to activities and events within the Region and area municipalities. It has been the

practice of Regional Council to use the “Other Business” section for announcements as the appropriate place for items of Other Business to be raised is at Standing Committee or through a notice of motion.

3. Concerns regarding timing of agenda items are also being addressed by the inclusion of the following language:

**Items or matters will not be added to the agenda of a Standing Committee or Council after publication unless directed by the Regional Chair and/or Chief Administrative Officer (CAO) in consultation with the Regional Clerk, and only if the urgent nature of the matter requires a decision prior to the next Council or Committee meeting.**

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In order to accommodate Council’s concerns with items being added to the Council agenda the day of the meeting, the following change is also recommended:

11.3 All reports, notices, motions and any other material to be included in the agenda for a regular Council meeting shall be delivered in writing or electronically to the Clerk, by 9:00 a.m. on the Friday preceding the regular Council meeting. The deadline for the submission of matters permitted for inclusion in the addendum to the Council agenda shall be 9:00 a.m. ~~on~~ the day **before** of the Council meeting.

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**Clerk (and appropriate staff) to ensure only new information is being provided at the time of the delegation request.**

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- (d) during a Committee or Council Education Session, Training or Workshop;**
- (e) for the sole purpose of generating publicity for an event or to promote a business;**
- (f) in exceptional circumstances, notwithstanding Sections 13.1, 13.2, and 13.5, where the CAO, Clerk and Legal Counsel determine, acting reasonably, that a person requesting to be a delegate at a meeting is likely to engage in unreasonable or offensive conduct, make unreasonable or offensive statements or demands, repeatedly speak on a subject matter that is not within the Region's jurisdiction, or otherwise misuse the privilege of addressing Committee or Council.**

**13.14 The Clerk may refuse to add a delegation to the agenda when, in the opinion of the Clerk, in consultation with the Regional Chair and CAO, the subject matter of the presentation is beyond the jurisdiction of the Region, does not relate to an agenda item or does not provide new information in the case of a delegation that has already appeared at Committee. In the event the person requesting to appear as a delegation is dissatisfied with the ruling of the Clerk, the person may appeal the decision. In the event of**

an appeal, the Clerk shall include the request and rationale for refusing the request on the applicable agenda for a determination by Committee or Council. Committee or Council may refuse, by majority vote, to hear a delegation, when in the opinion of Committee or Council, the subject matter is beyond the jurisdiction of the Region or does not relate to an agenda item or does not provide new information in the case of a delegation that has already appeared at Committee.

**13.15** Members of Council may only ask questions of clarification of a delegation for a maximum of five (5) minutes and shall hold all statements and debate until an item has been duly moved and seconded.

**13.16** The Chair may curtail any delegation, any questions of a delegation or a member of Council during a delegation, for disorder or any other breach of this by-law, and if the Chair rules that the delegation is concluded, the person or persons appearing shall immediately withdraw from the meeting.

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- (c) speak on any subject other than the subject for which they have received approval to address Committee or Council;
- (d) disobey the rules of procedure or a decision of the Presiding Officer or of Committee or Council;
- (e) enter into a cross debate with other delegations, administrative staff, Members of Council or the Chair;
- (f) speak disrespectfully or to the integrity or conduct of any individual including a member of staff, Council, local board or

**committee, and any such concerns shall be referred to the CAO, the Chair or the appropriate Committee for consideration;**

**(g) reflect upon the motives of Members who may have voted for or against a particular motion;**

**(h) reflect upon the motives of staff in giving advice to Council; and**

**(i) direct enquiries to other members of Council or to staff.**

Bill 2022-03 to amend the Procedural By-law has been included on the agenda for the January 20, 2022, subject to Council's consideration of the changes outlined in Appendix 1.

Respectfully submitted and signed by

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Ann-Marie Norio  
Regional Clerk

## Excerpt of Minute Item 9.2.1 of Regional Council Minutes CL 2-2022, January 20, 2022

### 9.2.1 CL-C 11-2022

#### Procedural By-law Amendments

Moved by Councillor Edgar

Seconded by Councillor Whalen

That Correspondence Item CL-C 11-2022, being a memorandum from A.-M. Norio, Regional Clerk, dated January 20, 2022, respecting Procedural By-law Amendments **BE RECEIVED**; and

That the proposed amendments respecting Sections 1, 11, and 13 of By-law No. 120-2010, being the Procedural By-law, **BE APPROVED**.

Moved by Councillor Gale

Seconded by Councillor Fertich

That the proposed amendments respecting Sections 1, 11 and 13 of By-law No. 120-2010, being the Procedural By-law, **BE AMENDED** as follows:

1. That “**Announcements**” **BE ADDED** to the Agenda, rather than replace “Other Business”;
2. Items or matters will not be added **by staff** to the agenda of a Standing Committee or Council after publication unless directed by the Regional Chair ~~and/or~~ **in consultation with the** Chief Administrative Officer ~~in consultation with~~ **and** the Regional Clerk, and only if the urgent nature of the matter requires a decision prior to the next Council or Committee meeting;
3. It is Council’s preference that all delegations be made to the appropriate Standing Committee. Nevertheless, delegations shall be permitted to appear at regular Council meetings with respect to items on the regular Council agenda provided a written request is made to the Clerk by 9:00 a.m. on Tuesday prior to the meeting. Delegations appearing before a Standing Committee can only appear as a delegation at Council to present new information, subject to the approval of the Regional Chair **in consultation with the** CAO and/or Clerk. **If available**, speaking notes and/or presentation materials must be provided for review by the Regional Clerk ~~(and appropriate staff)~~ to ensure only new information is being provided at the time of the delegation request;

4. That sections 13.4 and 13.5 include the following with respect to presentation materials and/or speaking notes:

***“if available at the time of the request”***

5. The Clerk **Regional Chair** may refuse to add a delegation to the agenda when, in the opinion of the Clerk **Chair**, in consultation with the Regional Chair **Clerk** and CAO, the subject matter of the presentation is beyond the jurisdiction of the Region, does not relate to an agenda item or does not provide new information in the case of a delegation that has already appeared at Committee. In the event the person requesting to appear as a delegation is dissatisfied with the ruling of the Clerk, the person may appeal the decision. In the event of an appeal, the Clerk shall include the request and rationale for refusing the request on the applicable agenda for a determination by Committee or Council. Committee or Council may refuse, by majority vote, to hear a delegation, when in the opinion of Committee or Council, the subject matter is beyond the jurisdiction of the Region or does not relate to an agenda item or does not provide new information in the case of a delegation that has already appeared at Committee; and
6. That the following sections **BE REMOVED**:

13.13 (c), 13.13 (f), 13.16, and 13.18.

Moved by Councillor Edgar

Seconded by Councillor Ip

That Correspondence Item CL-C 11-2022 and the proposed amendments **BE REFERRED** to the Procedural By-law Review Committee.

**Carried**