

THE REGIONAL MUNICIPALITY OF NIAGARA

BY-LAW NO. <>

A BY-LAW TO AMEND BY-LAW 120-2010,  
THE PROCEDURAL BY-LAW

WHEREAS subsection 238(2) of the Municipal Act, 2001, S.O. 2001, Chapter 25, as amended, provides that every municipality shall pass a procedure by-law for governing the calling, place and proceedings of meetings; and

WHEREAS Regional Council deems it advisable to amend various sections of By-law 120-2010, The Procedural By-law.

NOW THEREFORE the Council of The Regional Municipality of Niagara enacts as follows:

1. That the following definitions be added to By-law No. 120-2010 in Section 1.1 - Definitions:

“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. That the following wording be added to Sections 11 and 22:

Items or matters will not be added to the agenda of a Standing Committee or Council after publication unless directed by the Regional Chair/Committee 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.

3. That Section 11.3 be deleted and replaced with the following:

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. the day before the Council meeting.

4. That Section 13.3 be deleted and replaced with the following:

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. the day before the Council meeting.

5. That Section 13.4 be deleted and replaced with the following:

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 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 they represent. The brief will for part of the official record of the proceedings of Committee or Council and therefore will be considered to be a public document.

6. That Section 13.5 be deleted and replaced with the following:

In the case of extenuating circumstances, a Standing Committee may, by a Majority vote permit a person to appear as delegation who does not appear on the agenda. A written request must be made to the Clerk by 9:00 a.m. the day before Standing Committee 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 the request/direction the presenter is seeking from the Standing Committee. If the delegation request does not relate to a matter already on the agenda it must pertain to an emergent matter.

7. That Section 13.6 be deleted and replaced with the following:

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.

8. That the following wording be added to Section 13:

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, in consultation with the Regional Chair/Committee Chair, 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 opportunity 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 Committee Chair/Co-Chair or 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 a motion 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.

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.
9. That this by-law shall come into force and effect on the day upon which it is passed.

THE REGIONAL MUNICIPALITY OF NIAGARA

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James Bradley, Regional Chair

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Ann-Marie Norio, Regional Clerk

Passed: <date>