

Proposed Procedural By-law Changes

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

Daryl Barnhart, MA, APR
Chief of Staff, Office of the Regional Chair

Background: Direction from Council

On April 25, 2024, the following motion was passed by Council:

That Regional staff **BE DIRECTED** to provide a report for the Regional Council meeting being held on July 25, 2024, that contains the following:

- a. A summary of the Integrity Commissioner's recommendations from the April 25, 2024, training session;
- b. Options for implementation (including suggested amendments to the Procedural By-Law, Code of Conduct and any other relevant policies); and
- c. An environmental scan of best practices for consideration that may assist Council in the management of agendas and general decorum.

Summary of the IC's Findings

1. **Eliminate “scope creep” and respect jurisdiction:** Council should define “core business” and take steps to limit “unusual” and “non-core” motions.
2. **Mandatory seconders for “non-core” business:** Council should mandate a seconder be identified for “non-core” motions before they are placed on the agenda.
3. **Collaborate with colleagues and staff:** Councillors are encouraged to collaborate with their seconder, and work with staff, to ensure motions are viable.
4. **Meeting Etiquette:** Councillors should pay full attention to the meeting and avoid interactions with members of the public in the gallery (this includes leaving the Council Chamber) while the meeting is in session.

Environmental Scan Process

- Reviewed Procedural By-laws of numerous municipalities across Ontario
- Considered rules from senior-levels of government
- Consulted with Senior staff on best practices they have observed as part of their municipal experience
- Reflected on incidents that have occurred over the last five years

Environmental Scan Results

1.

Signage policies for
the public gallery and
general decorum

2.

Strengthening
correspondence policies
(conduct and anonymous
communication)

Options for Implementation

Recommendation #1: Eliminate Scope Creep

Based on the recommendation of the IC, it is recommended that the following definition be added under section 1.1 of the Procedural By-law:

“Jurisdiction” means the scope of authority granted to the Region, encompassing powers, duties and responsibilities, as outlined in the Municipal Act, 2001, or specifically granted under any other Federal or Provincial Acts. This includes but is not limited to by-laws, public services, infrastructure and regulatory matters, within the geographic boundaries of the municipality.

Recommendation 2: Mandatory Secnder

Aligned with the IC's presentation, it is recommended that the following be added to section 19 of the Procedural By-law:

Motions outside the Niagara Region's jurisdiction

- (a) All motions outside the Regional Council's core jurisdiction **must** have a mover and seconder identified prior to being placed on the agenda*
- (b) Members wishing to move a motion outside the Regional Municipality's jurisdiction **should** consult with the Chief Administrative Officer and Regional Clerk prior to requesting the motion be placed on the agenda*

Recommendation #3: Engagement with the Gallery

Aligned with the IC's presentation, it is recommended that the following be added to section 5 of the Code of Conduct:

In carrying out their duties, Members shall:...

*refrain from conversing or fraternizing with members of the public or delegates in the gallery while Council or Committee is in session.
This includes leaving the Council Chamber to engage with members of the public or standing in the gallery while Council or Committee is in session.*

Recommendation #4: Signage Policies & General Decorum in the Gallery

Further to the recommendation of the Procedural By-law Review Committee, Section 9 of the Procedural By-law be amended to include the following:

“Members of the public, including delegates, are not permitted to have signs, props, placards or flags of any kind at meetings of Regional Council or its Committees.”

Note: This DOES NOT PREVENT signage from being used during instances of peaceful assembly outside the Council Chamber.

****This amendment was approved by the
Procedural By-Law Review Committee on June 25****

Recommendation #5: Strengthening Policies Regarding Correspondence

Section 223 of the *Municipal Act, 2001*, states that it is the role of the Integrity Commissioner to apply a council's Code of Conduct and to advise on any penalties.

To this end, it is recommended that the following language be included in section 11 of the Procedural By-law:

Any correspondence submitted by a member of the public regarding the conduct of a Councillor(s) shall not be placed on a Council or Committee agenda and the member of the public shall be directed to address the concern(s) through the established Code of Conduct complaint process.

Recommendation #6: Anonymous Correspondence

It is recommended that the following language be added to section 11 of the Procedural By-law:

All communications and correspondence must:

- (a) be delivered to the Clerk in person or by mail, e-mail or fax;*
- (b) be addressed to Council, a Committee or to the Clerk;*
- (c) be legible;*
- (d) include the name and the mailing address or telephone number of the author*
- (e) be in a reproducible format; and*
- (f) not be defamatory or contain inappropriate content or offensive language.*

Correspondence may form part of an agenda and will be considered part of the public record. Anonymous communications will not be forwarded to Council Members or Regional staff and will not be retained by the Clerk.

Timelines and Approval Process

Section 2.5 of the Procedural By-law states:

This By-law shall not be amended or repealed except by an affirmative vote of two-thirds of the Members present, but no such amendment or repeal may be considered at any meeting of Council unless notice of the proposed amendment or repeal has been given at a previous regular meeting of Council. The requirement to give notice shall not be waived.

Should Council approve the recommended amendments, an amending By-law will be placed on the August 29 Council agenda. In accordance with the above provision, an affirmative vote of **2/3rds members present** would be required for the by-law to pass.

Questions