
MEMORANDUM

PBRLC-C 8-2019

**Subject: Outstanding Recommendations from the Ontario Ombudsman Report
“Press Pause”**

Date: July 30, 2019

To: Procedural By-law Review Committee

From: Ann-Marie Norio, Regional Clerk

Further to the recommendations of the Ontario Ombudsman Report “Press Pause”, there are some outstanding items to be reviewed by the Procedural Review Committee. Those items are noted below. The referenced policies are attached.

3. The Regional Municipality of Niagara should clarify its intent with respect to the authority of staff to seize personal property in its procedure by-law and policies, with reference to the rights protected by the *Canadian Charter of Rights and Freedoms*.

Action Taken:

On March 22, 2018, Regional Council approved By-law 2018-31, a by-law that amended Niagara Region Procedural By-law 120-2010, as amended, to include provisions respecting personal recording devices being found during a closed session meeting.

Council further approved policy C-RC-007 Management of Personal Items, Equipment and Disruptive Behaviour Prior to a Closed Session of Committee or Council was approved by Council on July 5, 2018.

This matter can be further reviewed by the Procedural By-law Review Committee to consider further refinements that may be required.

4. The Regional Municipality of Niagara should ensure that any by-law or policy that references “improper conduct” include a definition of that term, including reference to specific categories or examples.

Action Taken:

Policy C-RC-007 does reference “disruptive behaviour” and “improper conduct” and the Procedural By-law (section 9.5) references expulsion for “improper conduct” and policy C-A-025 Managing Public Spaces in a Safe and Welcoming

Environment. This policy will be referred to the Procedural By-law Review Committee for further examination.

5. The Regional Municipality of Niagara should amend its procedural by-law and relevant policies to state that expulsion from a meeting should not take place unless the Chair is satisfied that evidence exists to support expulsion.

Action Taken:

Currently the Procedural By-law does not contain any provisions related to this; however, staff will include this recommendation for consideration by the Procedural By-law Review Committee.

6. The Regional Municipality of Niagara should amend its procedural by-law to specify that, where the Chair exercises his authority under the *Municipal Act, 2001*, to expel an individual from a meeting, the reasons for the expulsion must be recorded in the meeting minutes.

Action Taken:

Currently the Procedural By-law does not contain any provisions related to this; however, staff will include this recommendation for consideration by the Procedural By-law Review Committee.

9. The Regional Municipality of Niagara should amend its procedural by-law to clarify council's authority to exercise discretion to hold a closed session outside of a set agenda order.

Action Taken:

The Procedural By-law (section 9.13) provides as follows:

After the Council agenda has been adopted by resolution, a motion to move into closed session is only in order if the motion relates to an item already on the approved agenda and a closed session is permitted in accordance with the provisions of this by-law.

This; however, can be further reviewed by the Procedural By-law Review Committee to see if further clarification to other related provisions of the by-law would be beneficial.

Respectfully submitted and signed by

Ann-Marie Norio
Regional Clerk