

## Staff Report

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**Report To:** Corporate Services Committee  
**Report From:** Briana Bloomfield, City Clerk  
**Meeting Date:** July 11, 2024  
**Report Code:** CR-24-077  
**Subject:** Procedural By-law Review

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### Recommendations:

THAT in consideration of Staff Report CR-24-077 respecting a review of the Procedural By-law, the Corporate Services Committee recommends that City Council directs staff to:

1. Bring forward a by-law to:
  - a. Adopt an updated Procedural By-law as outlined in the report; and
  - b. Repeal Procedural By-law No. 2021-123; and
2. Provide notice of the Procedural By-law update as required by the Notice By-law.

### Highlights:

- The Procedural By-law should provide for effective governance and support the City's mission of strengthening our community through sound leadership.
- The principles of transparent and accountable government reflect the City's core values of Caring, Creativity, Integrity and Sustainability.

### Strategic Plan Alignment:

[Strategic Plan](#) Priority: This report supports the delivery of Core Service.

## **Climate and Environmental Implications:**

There are no anticipated climate or environmental impacts.

## **Previous Report/Authority:**

*Municipal Act, 2001*

[Procedural By-law](#)

[Notice By-law](#)

## **Background:**

The *Municipal Act, 2001* requires that each municipality pass a by-law for governing the calling, place and proceedings of meetings. The last review of the City's Procedural By-law was in 2021, with updates occurring in 2023 (change to start time, duration, and order of meetings). Staff is bringing this report forward based on informal feedback from Council, consultation with other municipalities, training, and experience.

## **Analysis:**

It is good for municipalities to review their governance and procedural by-laws for several reasons. Updating procedures can streamline operations and make municipal governance more efficient. Municipalities face evolving challenges and needs; regular reviews allow Owen Sound to adapt and remain effective. Reviews can uncover outdated or problematic rules and procedures, allowing for necessary adjustments. Additionally, staying informed about and incorporating best practices in governance can improve overall municipal performance.

Summarized below are various recommendations for updates to the Procedural By-law (PBL). A committee member may place any of the recommendations on the floor for consideration with each recommendation being voted on separately. After all recommendations have been discussed, the report recommendation listed at the beginning of the report should be brought forward.

The recommendations below are numbered for ease of reference and are listed in the order they appear in the current PBL. Attached to the report is the draft PBL including all recommendations below. The final by-law will reflect all changes approved by committee.

Also included with each recommendation is the purpose based on three key themes: communication, governance, and transparency.

**Application (sections 10-13)**

<p>Recommendation #1 (Governance)</p>	<p>Add a clause that only items within the jurisdiction of Council/committee can be placed on an agenda and it is at the discretion of the Mayor and/or chair in consultation with the City Manager and Clerk what is within Council/committee jurisdiction.</p>
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Staff propose formalizing this common practice by including a clause in the PBL that requires that only items within the jurisdiction of Council or committee be placed on an agenda.

**Inaugural Meeting (section 20)**

<p>Recommendation #2 (Governance)</p>	<p>Change the first meeting of Council following a regular election to November 15 at a time and location to be determined by the Clerk. If November 15 in an election year falls on a Saturday or Sunday, then the inaugural meeting of Council will take place on the following Monday. At the inaugural meeting, each member present will make their declaration of office and sign the Council’s Code of Conduct. Council will not proceed with any regular business at the inaugural meeting.</p>
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Staff propose updates to the inaugural meeting section of the PBL because:

- it will allow the new Council to begin their training and civic duties as soon as their term starts;
- it will limit confusion over which Council members can make decisions;
- the business addressed during the inaugural meeting is not debatable with all matters for discussion being addressed at the first Regular meeting of Council;
- it removes the livestreaming requirement; and
- it will not pose a conflict with Grey County’s inaugural meeting.

## Time of Regular Meetings (section 23)

Recommendation #3 (Governance)	Amend section 23 from Mondays to Tuesdays. This suggestion would take effect for the 2025 Council and Committee meeting calendar.
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Recommendation #4 (Governance)	Amend section 23 to have the first meeting of the month start at 1:30 p.m., the second meeting of the month start at 5:30 p.m., and if there is only one meeting in a month have it start at 5:30 p.m. This suggestion would take effect for the 2025 Council and Committee meeting calendar.
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Council has historically met on Mondays and in 2023, the start time of meetings changed from 7:00 p.m. to 5:30 p.m. There have been no complaints about this change from the public.

Staff have heard from Council members that receiving the agenda on Thursday and being prepared for a meeting on Monday is a short turnaround time. It appears that Council members typically review the agenda over the weekend; this leaves Monday as the only day for members to ask questions and for staff to research and respond. Moving Council meetings from Monday to Tuesday would provide Council with an extra day to review the agenda material and prepare for the meeting. A move to Tuesday meetings would also give staff an extra day to prepare fulsome responses to questions of Council or the public that arise after the agenda is published.

The Committee of Adjustment generally meets once per month on Tuesdays. Council members do not sit on this Committee and while setting the Council and Committee meeting calendar, staff would ensure that there is no conflict between Council and Committee of Adjustment meetings.

In discussions with Rogers Television, the Attack Rap is currently on Tuesdays at 7:00 p.m. Should Council change their meeting days, Rogers has advised that they could tape the Attack Rap to air after the Council meeting. Meetings would also continue to be livestreamed from the City's website and available for viewing on the City's website after the meeting.

Staff are also proposing changes to the time of regular meetings with the first meeting of the month starting at 1:30 p.m., the second meeting of the

month continuing to start at 5:30 p.m., and if there is only one meeting that month it would start at 5:30 p.m.

Outlined below is a chart of the meeting days and times of Grey County municipalities. Grey County municipalities average two (2) Council meetings per month with the following schedule:

<b>Municipality</b>	<b>Day</b>	<b>Time</b>
Blue Mountains	Monday	9:30 a.m.
Chatsworth	Wednesday	9:30 a.m. (1 <sup>st</sup> meeting) 6:30 p.m. (2 <sup>nd</sup> meeting)
Georgian Bluffs	Wednesday	5:00 p.m.
Grey County	Thursday	10:00 a.m.
Grey Highlands	Wednesday	10:00 a.m.
Meaford	Monday	1:00 p.m.
Southgate	Wednesday	9:00 a.m. (1 <sup>st</sup> meeting) 1:00 p.m. (2 <sup>nd</sup> meeting)
West Grey	Tuesday	9:00 a.m.

Multiple evening Council meetings in a month create a challenging schedule for staff and Council members. The advent of livestreaming means that meeting recordings are available on demand, creating a flexibility that supports daytime meetings. A schedule with both daytime and evening meetings will be more equitable for Council members and staff.

Having an afternoon meeting and an evening meeting offers the following additional benefits:

- an increase in accessibility as:
  - public transit would be available before and after the daytime meeting for people who would like to attend in person;
  - candidates may be more inclined to run if there are fewer evening constraints such as finding and paying for evening childcare; and

- members of the public who do not work traditional business hours will have a daytime meeting option;
- an economic advantage as the change would save overtime costs for staff that do not normally attend meetings; and
- promotion of work/life balance as it is one less evening meeting for Council and staff to attend.

**Notice – Regular Meetings (sections 27-28)**

Recommendation #5 (Governance)	Change the minimum notice provision for Regular Council meeting agendas from seventy-two (72) hours to 4:30 p.m. the Wednesday before the Regular Meeting.
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In addition to Recommendation #4 to move Council meetings from Mondays to Tuesdays, staff are proposing that the agenda for Regular Council meetings be published on Wednesdays rather than Thursdays. This will increase the time Council and staff have to prepare for the meeting and provide the public with a longer timeframe to contact Council and/or staff after the agenda is published.

Staff contacted other Grey County municipalities to determine how far in advance they publish their agendas, and the average was one (1) week before the meeting (i.e., publish Tuesday for a Tuesday meeting).

Due to the short turn around times for Council reports related to *Planning Act* applications, it is likely that these reports will not be attached to the agenda when it is first published. Staff will note the report title on the agenda and re-publish when the report is completed.

Staff are not proposing adjustments to Committee agenda timelines.

**Agendas (section 33-36)**

Recommendation #6 (Communication)	Should Recommendation #5 above be approved, add a section to permit the Clerk to re-publish a revised agenda within two (2) days of publishing (Friday).
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On rare occasion, agendas need to be re-published prior to a meeting; for example, if there is an attachment or report listed but not included. If the agenda is published six days prior to a Council meeting rather than four, staff recommend formalizing the process of publishing a revised agenda, if

needed. This informs Council, staff and the public that should changes be required, a complete agenda will be published on Friday. Staff will send an email to notify Council, staff, and the media if a revised agenda is published, including an overview of the changes.

**Deputations and Presentations (sections 61-64)**

<p>Recommendation #7 (Communication)</p>	<p>Add the requirement that electronic participation for deputations and presentations must be requested a minimum of one (1) business day in advance of the meeting start time and provide the Clerk with the authority to waive the requirement in extenuating circumstances.</p>
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<p>Recommendation #8 (Governance)</p>	<p>Add the requirement that two deputations/presentations from the public are permitted per meeting.</p>
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To provide the Clerk (including recording secretaries) with enough time to prepare for electronic participation, staff propose that the PBL require a minimum of twenty-four (24) hours notice when presentations or deputations are going to be made virtually. In extenuating circumstances, the Clerk (recording secretary) would have the ability to waive this provision.

Typically, there are two or fewer deputations to Council and Committee per meeting. Staff propose formalizing this in the PBL to permit two public deputations/presentations per meeting.

**Public Question Period (sections 65-72)**

<p>Recommendation #9 (Communication)</p>	<p>Amend the PBL to:</p> <ul style="list-style-type: none"> <li>• Remove public question period from section 33 which lists the regular meeting agenda items.</li> <li>• Move the current public question period provisions into the Committee section of the by-law with the following changes:             <ul style="list-style-type: none"> <li>○ change to “public forum” and allow speakers to provide comments without having to ask a question;</li> </ul> </li> </ul>
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	<ul style="list-style-type: none"> <li>○ comments must relate to an item on the agenda;</li> <li>○ reduce the total time allotted for speaking from five (5) minutes to two (2) minutes;</li> <li>○ comments submitted electronically will be circulated to committee and attached to the agenda for archival republishing and must be submitted one (1) business day in advance of the start of the meeting;</li> <li>○ comments submitted electronically that are considered inappropriate or offensive in nature, as determined by the Chair and City Manager, will not be circulated or attached to the agenda;</li> <li>○ Members will hear comments but not enter into discussion or debate until the agenda item is on floor;</li> <li>○ Speakers will need to register in advance in accordance with the Clerk's procedure in effect at the time of the registration; and</li> </ul> <ul style="list-style-type: none"> <li>● Allot ten (10) minutes total for comments.</li> </ul>
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Changing the public question period to a public forum will assist members of the public in providing feedback because they won't have to form a question if they do not have one. Additionally, focusing feedback on items on the agenda will concentrate the input on items that Council is making decisions on, keeping the business of the corporation on track. Input about items not on the agenda can be provided to the City in a number of other ways.

Moving public forum to the committee level will:

- enable members of the public to address issues before they get to Council;
- permit public members on committees to hear and speak to public input;
- allow staff to incorporate public feedback on draft documents; and



- reduce the stress on public speakers by enabling feedback in a less formal environment.

In addition to the public forum, there are a number of ways that the public can be involved in the governance of the City:

1. sitting as a committee member;
2. observing meetings that are conducted in open session;
3. providing input at public meetings;
4. participating in community engagement opportunities; and
5. asking questions and providing input by phone, email, letter mail or through the City’s website.

Staff reviewed agendas from comparator municipalities and Grey County municipalities and found that where a public input section exists on agendas, it is most often a public forum with time limits and a registration process.

Should the Committee want Council to maintain an opportunity for the public to speak at Council meetings, staff recommend that the public forum process outlined above be adopted.

Should the Committee want Council to continue public question period, staff propose adding the clauses outlined in Recommendation #9 and a registration process to the PBL to provide more guidance to the public on the participation requirements.

**Correspondence (sections 73-78)**

Recommendation #10 (Communication)	Add that no resolutions of support will be placed on the Consent Agenda under correspondence for receipt.
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Currently the PBL requires that all resolutions from other municipalities, public agencies or organizations be placed on the Consent Agenda under correspondence for receipt. This includes original motions from municipalities and resolutions of support from other municipalities, which are essentially duplicates. Of late, the information package on the Council agenda that includes resolutions of support is anywhere from 30-100 pages long with an average of over 80 pages long. This creates a large volume of reading material for Council and substantial staff resources to organize and create the package.

Staff considered three (3) options respecting resolutions from other municipalities: maintain the status quo, no longer include municipal resolutions on the agenda, or only include original resolutions on the agenda (no resolutions of support circulated).

The recommendation being proposed by staff ensures that Council will continue to be informed of business from other municipalities while reducing the volume of material on agendas and work completed by staff.

Clerks across the province are requesting that when Council is supporting resolutions from other municipalities, the motion should be circulated to the municipality that sent the original motion, applicable local representatives (M.P., M.P.P.), and AMO and/or FCM (not all 444 Ontario municipalities).

### **Livestreaming Meetings (sections 86-87)**

Recommendation #11 (Governance)	Amend section 87, where public attendance is permitted, to allow the meeting to continue should technical difficulties arise, and they are unable to be fixed within 15 minutes.
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During COVID-19, the PBL was updated to provide that all Regular meetings would be live-streamed because otherwise, they would be considered closed meetings. Now that COVID-19 has abated and the public can attend Council meetings in person, staff is proposing updates to the livestreaming requirements to permit the meeting to continue if the livestream is not working.

It is important that the meeting can proceed because it ensures that the business of the City can continue, it maximizes taxpayer dollars as consultants in attendance at meetings will not have to be paid to attend a subsequent meeting, and it ensures that there is no duplication in staff time to arrange an additional meeting and publish additional agendas.

For the most part, when there have been technical difficulties, they have been addressed. If for some reason they can't be addressed within the allotted 15 minutes, staff propose that the meeting continue, as members of the public are permitted to attend in person. As a further backup option, the Clerk will use the audio recording system in the Council Chambers that would be available for the public to review.

## Motions (sections 120-158)

Recommendation #12 (Transparency)	Add a section to provide the Clerk with the authority to make administrative edits to motions and amendments. Council will confirm any edits by way of approving the minutes at a subsequent Council meeting. Edits: <ul style="list-style-type: none"><li>• Will maintain or clarify the original intent of the motion;</li><li>• May include grammatical and typographical corrections; and</li><li>• Can occur prior to, during, or following adjournment of a meeting.</li></ul>
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The City Clerk reviews all minutes of committees and Council for readability and uniformity, which sometimes requires editing motions. Staff propose formalizing this common practice in the PBL.

## Budget Amendment Vote (sections 168-169)

Recommendation #13 (Governance)	Add that a majority vote may approve any revision to the multi-year capital budget plan.
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The PBL requires a 2/3 vote for budget amendments that affect the tax levy i.e. amendments made between when the budget is passed and when the tax bills are issued each year. For clarity, staff recommend explicitly stating that adjustments to the multi-year capital plan do not also require a special majority.

Staff have begun using a multi-year capital plan and the development of a policy to outline this process is underway. The multi-year capital plan is reviewed by Council twice a year. Staff recommend formalizing in the PBL that when considering the multi-year capital plan, changes can be made by a majority vote. Multi-year budgeting is intended to be a fluid document with changes being made based on the priorities at the time.

## Appendix

Recommendation #14 (Governance)	Add a motions table as an appendix to the PBL.
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Staff has included a motion table as an appendix to the PBL to provide members of Council, committee, the public, and staff with a reference tool.

### **Financial Implications:**

There are no financial implications respecting the proposed changes to the Procedural By-law. However, some of the proposed changes will provide for greater efficiency within administrative operations, such as recommendation number 10. A newspaper notice will cost approximately \$500.

### **Communication Strategy:**

The Notice By-law requires that when a Procedural By-law is to be enacted, notice be provided in the newspaper and on the City's website at least 10 days before the Council meeting where the by-law will be considered.

The minutes of the Corporate Services Committee will be reviewed by Council on July 22. Notice will be provided after that meeting with the by-law coming forward for approval on September 9.

The revised PBL will come into effect January 1, 2025 which will give staff time to update the public and staff of any changes to procedures and make any necessary updates to the website and forms.

### **Consultation:**

City Manager, Manager of Legislative Services, Deputy Clerks (Staci Landry and Allison Penner), SLT

### **Attachments:**

Draft Procedural By-law and Appendix

### **Recommended by:**

Briana Bloomfield, City Clerk  
Kate Allan, Director of Corporate Services

### **Submission approved by:**

Tim Simmonds, City Manager

For more information on this report, please contact Briana Bloomfield, City Clerk at [bbloomfield@owensound.ca](mailto:bbloomfield@owensound.ca) or 519-376-4440 ext. 1247.