

COMMITTEE OF THE WHOLE FEBRUARY 19, 2008

CITY OF VAUGHAN PROCEDURAL BYLAW #400-2002, AS AMENDED PROPOSED AMENDMENTS

Council, at their meeting of December 10, 2007, adopted the following:

That this matter be referred back to staff to provide further information addressing the comments expressed by Members of Council; and

That the deputation of Mr. Richard Lorello, 235 Treelawn Boulevard, P.O. Box 927, Kleinburg, L0J 1C0, be received.

Recommendation of the Commissioner of Legal and Administrative Services and City Solicitor, dated November 27, 2007

The Commissioner of Legal and Administrative Services and City Solicitor recommends:

That staff be directed to give Notice of the proposed adoption of amendments to the City's Procedural Bylaw #400-2002, as amended, and that the proposed amendments as set out in this report be prepared for presentation at the Committee of the Whole Meeting on January 21, 2008.

Economic Impact

There is no economic impact as a result of this report.

Communications Plan

The City's Notice Bylaw requires 10 days notice of proposed amendments to the Procedural Bylaw, to allow for public comment.

Purpose

The purpose of this report is to recommend amendments to the City's Procedural Bylaw.

Background

Staff have undertaken a review of the City's Procedural Bylaw to ensure compliance with the new *Municipal Act, 2001*, S.O. 2001, c. 25, as amended ("*Municipal Act*"). Staff have also conducted a comparative review of procedural bylaws of other municipalities, including Toronto, Mississauga, Brampton, Richmond Hill, Markham and the Region of York. Consideration has been given to amendments that would clarify the meaning and application of existing sections of the City's Procedural Bylaw #400-2002, as amended, and which would make changes to existing procedure, so that Council's public meetings are carried out as effectively and efficiently as possible. Proposed amendments also include prior Council directions.

Analysis and Options

Amendments are recommended with respect to the following sections of the City's present Procedural Bylaw:

- i. Closed Meetings [section 2.4] - education training
- ii. Deputations [section 3] – parameters
- iii. Ceremonial Presentations [section 3] – time limits

- iv. Presentations [section 3]– time limits
- v. Special Purpose Committees [sections 5.11, 5.12, 5.13, 6.4] - to include Presentations and Deputations
- vi. Emergency Meetings of Council
- vii. “New Business”
- viii. Additional Information– cut off times
- ix. Use of electronic devices in Council Chambers and at Meetings
- x. Public Notice
- x. Headings and general house-keeping

Closed Meetings of Council:

The *Municipal Act, 2001*, provides that meetings of council or committee may only be closed to the public for certain specified matters. The recent amendments to the *Act* provide for an additional instance where a meeting may be closed to the public, namely, where training occurs.

Staff recommends that the City’s Procedural Bylaw be amended to provide that meetings of council or committee may be closed to the public where:

- (i) The meeting is held for the purpose of educating or training the members.
- (ii) At the meeting , no member discusses or otherwise deals with any matter in a way at materially advances the business or decision-making of the council, a local board or committee.

Deputations:

The existing Procedural Bylaw provides that any person may make a deputation to the Committee of the Whole on a matter not listed on the Agenda, provided that a written request is received in the Clerk’s office by 12:00 noon on the Wednesday being 12 days prior to the Meeting, and provided that the Clerk has placed the person’s name on the Agenda for a deputation at the particular meeting [Section 3.3(3)]. The person seeking to make a deputation must (i) advise of the specific nature of the matter to be presented, (ii) provide any related written material by 12:00 noon on the Friday prior to the Meeting, and, (iii) speak for no longer than 5 minutes [3.3(4)]. Also, any deputation on behalf of an organization, including any corporation, association or on behalf of any group, shall be made by a single representative [Section 3.3(4)].

The Agendas at the City’s Committee of the Whole Meetings are typically lengthy, and with the City’s rapid growth over the past years, the matters are increasingly complex and numerous. Senior staff are in attendance for all or part of the Meetings. Where deputations are listed to be heard, the normal order of business must often be interrupted for the hearing of deputations at the 3:00pm scheduled start-time. As a result, the matters scheduled to be dealt with on the Agenda for a particular day, may be delayed, or not fully addressed due to time constraints. In addition to the considerable use of staff and Council time when this occurs, there is also a concern about inconveniencing members of the public or various business representatives and professionals, who attend Committee of the Whole specifically to address or hear about matters that are listed on the Agenda. As the Committee of the Whole meetings on Monday’s are followed by Closed Session and Public Hearings, it may be more appropriate for deputations to be heard at the Working Sessions, rather than the Monday Committee meetings.

Working Session agendas include matters which usually require lengthy discussion. Accordingly, it is also recommended that a maximum of 5 deputations be listed on any one agenda, and that a deputant be restricted to one subject matter. This allows Committee adequate time to complete consideration of items on the agenda.

Additionally, the present Procedural Bylaw does not restrict deputations to topics over which the City has jurisdiction, or to subject matters which are not otherwise more appropriately within the purview of City administration or management, or other Special Committees.

The Procedural Bylaws in some municipalities provide more detailed guidelines about the scope of deputations (often referred to as "delegations"). For example, in Toronto, persons may only speak at the particular Committee with a mandate related to the topic, and even then, only where an Information Report related to the intended subject matter is being presented at the particular Committee Meeting, and the Committee has given notice of its intention to hear public "presentations" on the particular Information Report. This means persons may only speak to any item on the agenda. Other matters or questions may be directed to Members of Council who may then place an item on an agenda, or not.

The City's present Procedural Bylaw requires that those seeking to appear on deputation must only advise of the intended subject matter. In order to ensure that speakers do not digress from the stated subject matter, staff recommends an amendment that would provide for the requirement of written outlines. Written outlines would also assist members of Council in preparing for Committee Meetings.

Presently deputation requests are required by 12:00 p.m. on the Wednesday. However, Agenda Review meetings are held on Wednesday mornings. An amendment is suggested changing the deadline for deputation requests to 12:00 p.m. on the Tuesday, so that deputation requests are known when the draft agenda is reviewed, and proposed deputants may then be directed to the appropriate Committee, if any.

Occasionally, requests are received to speak regarding a recent Council decision. Proposed deputants are advised that a reconsideration motion will be required prior to Committee hearing the deputation. An amendment is suggested for inclusion to codify the City's longstanding practice.

The following is a summary of the amendments which are recommended:

- i) That deputations for items not listed on the Agenda may be heard only at the Committee of the Whole (Working Session), commencing at 9:30am;
- ii) That proposed deputants may be required to appear before a Special Purpose Committee more appropriately able to consider the subject of the deputation (Audit and Operational Review Committee, Strategic Planning Committee, Budget Committee, Environment Committee);
- iii) That deputations be permitted only in relation to matters that are appropriately within Council's purview, as opposed to the purview of City administration or management;
That deputations be permitted only in relation to matters over which the City has jurisdiction;
- v) That persons seeking to appear at deputation will be required to provide a written outline of the subject matter that he or she intends to discuss;
- vi) That a person may be listed to appear at deputation regarding only one subject matter per Meeting;
- vii) That a maximum of 5 (five) persons be permitted to provide deputations at any given meeting, and that the Clerk may further reduce the number of permitted speakers for deputation at any given Meeting of the Committee of the Whole (Working Session), or other Special Purpose Committee, where the matters listed on the Agenda are expected to require the time allotted for that Meeting; Persons that cannot be listed for deputation at a particular Meeting may be scheduled for the next Meeting;
- viii) That if a deputation is with respect to a matter that has been recently considered, it shall not be heard by the committee, council or other body that considered the matter, within the next four of its regular meetings after the meeting at which it was originally considered, unless a reconsideration motion is passed.

It is recommended that the City maintain the 5-minute speaking limit, the restriction that deputations made on behalf of a group shall be made by a single representative, and also the notice requirements for deputation requests.

Ceremonial Presentations:

The City's present Procedural Bylaw permits "ceremonial presentations" [3.3(3)]. However, the Bylaw does not provide parameters surrounding the nature of matters appropriately dealt with through formal presentations to Council.

It is recommended that the Procedural Bylaw be amended to provide that a Ceremonial Presentation to Council, be on a subject matter within Council's purview and jurisdiction.

Presentations:

While persons making presentations are advised of a general 10 minute guideline, often presentations exceed this limit, and can be quite lengthy. In striving for efficiency, staff recommends that presentations at Committee of the Whole or Council Meetings be limited to 10 minutes.

Special Purpose Committees:

A "house-keeping" amendment is required to reflect the order of business for the Environment Committee [Section 6.4]. The Order of Business for all Special Purpose Committees will include "Presentations and Deputations".

Emergency Meetings:

It is recommended that the Procedural Bylaw be amended to permit the calling of an "emergency meeting" on less than 48 hours notice by the Mayor or the City Manager or without notice, and that notice be attempted by written or electronic mail, on the condition that a majority of Council members consent to the having of the Emergency Meeting, by providing written consent thereto, at the commencement of the Emergency Meeting.

This proposed amendment is in keeping with the City's emergency preparedness plans.

New Business:

Staff recommends that the Procedural Bylaw be amended to clarify what types of matters may be introduced under "New Business". These could include matters of a general nature, and requests for staff to attend public and/or neighborhood meetings held after normal working hours. Requests for staff reports for matters raised under "New Business", should be put over to a future Committee of the Whole meeting, to ensure that adequate time is provided for the preparation and consideration of these reports. This is codification of Council's resolution in April, 2004.

Additional Information:

The City's Procedural Bylaw presently provides that on the Thursday, 10 days prior to each regular meeting of the Committee of the Whole, the Clerk or his designate (under the supervision of the City Manager), shall prepare an Agenda of all business to be brought before the Committee. [Section 5.4(1)] For those affected parties, professional representatives, and/or members of the public who are not able to attend the Meeting in person to speak to items listed on the Agenda, the City also accepts written submissions or other written material for consideration when the item is being heard at the Meeting (referred to as "Additional Information").

At times, individuals deliver, fax or email correspondence intended as "Additional Information", to the Clerk's Office shortly prior to or after commencement of the Meeting. Also, some individuals attend at the Meeting, and then seek to add their documents as "Additional Information". The Clerks Office cannot ensure adequate distribution in a timely manner. Also, untimely submission of Additional Information requires that members of Council consider information on short notice.

It is therefore recommended that the Procedural Bylaw be amended to provide that any written material intended as "Additional Information" pertaining to an item listed on a Committee of the Whole or Council Agenda, must be addressed to the Clerk and received in the Clerk's Office by no later than 11:00 am on the day of the Meeting.

Use of Electronic Devices in Council Chambers and Meeting Rooms:

The use of cellular telephones and other electronic devices has become increasingly common. The City's Procedural Bylaw does not presently address their use during Meetings.

Therefore, it is recommended that the Procedural Bylaw be amended to provide that all electronic devices, including cellular phones must be turned to silent mode in Council Chambers and all other locations during the course of Meetings held in accordance with the Bylaw.

Public Notice

The *Municipal Act, 2001* requires the By-law to indicate public notice of meetings. The posting of the schedule of meetings on the City's website shall be inserted in the Bylaw in compliance with this requirement.

Headings and other "House-keeping" Revisions:

It is also recommended that additional headings and subheadings be added to the present Procedural Bylaw, to make it more user-friendly.

Relationship to Vaughan Vision 2007

This report is consistent with the priorities previously set by Council. In particular, striving to use Council Meetings in the most effective manner possible is consistent with a Guiding Principle in Vaughan Vision, whereby "Accountable to the electorate, Council's role is to establish policy. Based upon this policy direction, Council empowers/authorizes Staff to deliver approved programs and services to the City of Vaughan". This report is also consistent with subsection 1.3, to "Provide effective and efficient delivery of services".

Regional Implications

None.

Conclusion

It is recommended that the amendments to the Procedural Bylaw be presented at the Committee of the Whole Meeting on January 21, 2008, and that appropriate public notice be given prior to the Meeting. Adoption of the recommendation herein should ensure consistent, efficient and effective use of Council public-meeting times, and the use of staff resources as determined by Council.

Subject to Council's direction, staff will finalize a draft Bylaw and Public Notice will be issued in January 2008.

Attachments

None

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