



**The Corporation of the City of Cornwall**  
**Regular Meeting of Council**  
**Report**

Department: Corporate Services  
Division: Clerk's Division  
Report Number: 2020-306-Corporate Services  
Prepared By: Manon Levesque, City Clerk  
Meeting Date: July 20, 2020  
Subject: Procedural By-law – Updates and Revisions

**Purpose**

The current draft has been prepared by Administration as a result of the changes to the Municipal Act, in consultation with Mr. Fleming to bring forward examples of best practices that might be utilized in the City's updated Procedural By-law and comments received by Council Members at its Special Meeting of Council on November 25, 2019. Mr. Fleming will be present at this Meeting of Council of July 20, 2020, to address any questions.

The items listed in this Report require direction from Council to finalize the Procedural By-law. The final version will be brought forward at the next Regular Meeting of Council of August 10, 2020, for adoption.

**Recommendation**

That Council receive Report 2020-306-CS and direct Administration to include the Procedural By-law with the approved changes at the next Regular Council Meeting for adoption.

## **Points for Discussion**

### **4.3 Regular – schedule – designate – time**

On January 13, 2020, a motion was approved to direct Administration to prepare a report outlining the process of holding 3 public meetings a month to be held on the first, second, and fourth Monday nights of the month and/or other options to assist Council Members to deal with the amount of material to be reviewed understanding that PAC meetings are scheduled on the third Monday of the month.

Administration recommends that Council continue with two Regular Meetings of Council per month.

Cancelling a Regular Meeting of Council must be planned in advance as this process calls for a Notice of Motion to be on the Agenda at one meeting with a subsequent Resolution on the Agenda at the next meeting.

Calling a Special Meeting of Council is administratively more efficient than cancelling a Regular Meeting of Council and provides greater flexibility to only schedule meetings as they are required.

Changes to the Procedural By-law have not been made.

### **4.7 Electronic participation**

Clause 4.7.1 indicates that Members may not participate electronically in any Regular Meetings of Council that are open to the public. In light of the COVID-19 Pandemic and changes to the Municipal Act, wording has been added to the By-law.

Proposed Clauses:

#### **4.7.1 Electronic participation**

Members may not participate electronically in any council meetings that are open to the public.

#### 4.7.2 Electronic participation – emergencies

Members may participate electronically during any period where an emergency has been declared to exist in all or part of the municipality under section 4 or 7.0.1 of the Emergency Management and Civil Protection Act

- (a) despite subsection 4.7.1, a member of a council, of a local board or of a committee of either of them who is participating electronically in a meeting may be counted in determining whether or not a quorum of members is present at any point in time; and
- (b) despite subsection 4.7.1, a member of a council, of a local board or of a committee of either of them can participate electronically in a meeting that is closed to the public.

### **4.15 Town Hall Meetings**

Administration has brought forward Town Hall Meetings as Council has identified community consultation and participation as key priorities. Town Hall Meetings can be implemented to allow for an open dialogue between residents and Council for a free exchange of ideas and information in an informal atmosphere. The suggested format from Administration would be that Town Hall Meetings be based on a Question and Answer format with all members of the public welcome to pose questions and provide comments to Members of Council. All participants (Members of Council and the public) are expected to adhere to governing principles and meeting guidelines at all times.

A clause has been added to the Procedural By-law and Administration is proposing that a Town Hall Meetings Policy be approved by Council. The Town Hall Meetings Policy would be presented to Council after the Procedural By-law has been approved.

Proposed Clause:

Town Hall meetings allow for an open dialogue between residents and Council for a free exchange of ideas and information in an informal atmosphere. Town Hall Meetings are based on a Question and Answer format with all members of the public welcome to pose questions and provide comments to Council members. Town Hall Meetings will be conducted in accordance to the Town Hall Meetings Policy.

### **6.1.1 Preparation of Members to council meeting**

Further to the comments received from Council Members, Administration understands that steps to make inquiries of staff regarding questions they have may not always be able to be made in advance of the meeting. Accordingly, the word “should” has been replaced by the words “are encouraged to”.

Proposed Clause:

When clarification is required, Members ~~should~~ **are encouraged to** take steps to make inquiries of staff regarding questions they have in advance of the meeting.

### **7.8 Apparel at meetings**

The original clause indicated that wearing of any hats, other than for religious purposes, are strictly forbidden by any Member, staff person or member of the public. This clause has been expanded to include other offensive clothing.

Proposed Clause:

Wearing of any hats, other than for religious purposes, are strictly forbidden by any Member, staff person or member of the public. No Member, staff person or member of the public shall wear clothing with offensive pictures, slogans or profane language statements or clothing that promotes causes that include, but are not limited to politics, religion, sexuality, race, age, gender and ethnicity.

### **9.1 Agenda – content**

The order of business has been updated to reflect the changes made throughout the Procedural By-law:

Proposed Order of Business:

- (a) In-Camera Session / Rise and Report
- (b) Moment of Personal Reflection
- (c) National Anthem
- (d) Opening
- (e) Roll Call
- (f) Additions, Deletions or Amendments
- (g) Adoption of Agenda

- (h) Disclosures of Interest
- (i) Committee of the Whole
- (j) Adoption of Minutes
- (k) Presentations
- (l) Delegations
- (m) Consent Reports
- (n) Resolutions
- (o) Reports from Unfinished Business and Unfinished Business Listing
- (p) Communication Reports
- (q) New Business Motions
- (r) By-laws
- (s) Reports from Standing, Advisory, Special and Ad Hoc Committees
- (t) Notices of Motion
- (u) Confirming By-law
- (v) Adjournment and Next Regular Meeting of Council

#### **9.1.1 Delivery of Agenda**

Administration will strive to release the Agenda late on the Tuesday preceding the scheduled public Council Meeting, but at times, due to statutory holidays or extenuating circumstances, the release of the document could be later.

Proposed Clause:

The agenda will be delivered by electronic transmission to each Member by the Clerk's Division no later than the ~~Thursday~~ **Wednesday** preceding the scheduled public Council Meeting. Exceptions may be allowed when preparations of a Council Agenda fall on a week providing for four workdays due to statutory holidays or extenuating circumstances. The Agenda will be available to staff and media **by way of posting it on the City's website** after it has been **electronically** delivered to Members of Council.

#### **9.1.2 National anthem – commencement of meeting**

This clause has been removed since clause 9.1 includes the National Anthem.

## **11.2 Reports to be considered**

Further to the comments received from Council Members, Tenders and Requests for Proposals will be presented to Council in the Consent portion of the Agenda. Accordingly, that wording has been removed from this clause.

Proposes Clause:

While in Committee of the Whole, the following reports shall be considered: Adoption of minutes, presentation, delegations, resolutions ~~/business arising from notice of motions~~, consent/~~correspondence~~ reports, ~~reports from~~ unfinished business ~~reports and Unfinished Business Listing~~, communication reports and ~~tenders and request for proposal reports and~~ by-laws.

## **13.3 Presentation defined**

The definition of a Presentation has been expanded.

Proposed Clause:

A request made for a presentation may be made by Council to an individual, group or organization or to Council by individuals, groups or organizations for matters that fall under Council's mandate. ~~A request shall be considered a presentation if there is no action expected from Council and is for information only.~~ Should the request to present be made where it requires that action be taken by Council, the request shall be made under Delegations.

### **13.3.2 (b) Presentations and/or Delegations from non-profit and charitable organizations**

In order to accommodate the many requests to present to Council, Administration is suggesting that non-profit and charitable organizations who wish to promote an event do so by submitting documentation to the Clerk who will in turn include that information on the Consent portion of the Agenda similar to Proclamations.



Proposed Clause:

~~Presentations and/or delegations from~~ Non-profit and charitable organizations, who wish to promote an event to raise Cornwall's profile to visitors and potential residents, shall ~~have their documentation included on the Consent portion of the Agenda for Council to receive~~ ~~permitted to appear before Council~~.

### **13.3.2(c) Number of presentations and/or delegations - meetings**

There is a maximum of three presentations per meeting with ten (10) minutes each. There is no need for the wording "speak for a maximum of 30 minutes". Administration is suggesting removing that part of the sentence.

Proposed Clause:

On any given scheduled Council meeting, there shall be a maximum of three (3) combined presentations and/or delegations permitted.

### **13.9 Delegation – limit per issue**

Administration is proposing a new clause that would allow for Council to hear from two sides of an issue.

Proposed Clause:

No more than two delegations shall be allowed to speak on an issue: one delegation from the prevailing side; and one delegation from the opposing side.

### **14.4 Readings – prior to passing**

As the City Clerk no longer reads the caption of every By-law, Administration is proposing that the following clause be added:

Proposed Clause

Council may pass a series of by-laws without reading the captions of each provided that the by-laws listed on the agenda and the motion to adopt refers to the by-law numbers as set out on the agenda.

## **15.4 Petitions**

Based on recent Petitions that contained information that was not verifiable, Administration is suggesting that a Petition Policy be approved by Council. The Petition Policy would be presented to Council after the Procedural By-law has been approved.

Proposed Clause:

All petitions must be in compliance with the council-approved petition policy and will be presented to Council under the consent agenda with recommendation to refer it to Administration for a Report.

## **15.5 Tenders**

Further to the comments received from Council Members, Administration has moved the Tenders to be included on the Consent portion of the Agenda. Accordingly, there will be no separate discussions of these items unless they are moved by a Council Member to the Communication section for discussion.

Proposed Clause:

All reports identified as tenders, quotations or requests for proposals, pursuant to the City's Procurement Policy, presented to Council for approval, shall be included under the consent agenda.

## **16.3 Resolution by council members**

Although current practice, a clause on resolutions was absent in our previous Procedural By-law.

Proposed Clause:

Members may introduce a Resolution without the necessity of introducing a notice of motion first if the matter is not to amend, repeal or alter a by-law, the pre-approved budget or any motion previously approved by Council, and where the motion is not to introduce any measure of change in Council's previously established policies.



#### **17.4 Unfinished business**

Administration is proposing to move the stand-alone Unfinished Business Listing that is currently at the end of the Meeting of Council to be received by Council immediately after Council deals with the Unfinished Business Reports listed on the Agenda.

This new clause 17.4 replaces clause 19.1 which has now been deleted.

#### **17.4 Tender – quotation – RFP reports**

This clause has been deleted and has been replaced with clause 15.5 as noted previously.

#### **18.2 Disclosing pecuniary interest - written statement – no influencing**

Requirements under the Municipal Act require Council Members to file Disclosures of Interest in writing. Administration has changed the wording in the Procedural By-law as approved by Council

Proposed Clauses:

- (a) At a Meeting where a Member discloses a pecuniary interest, the Member shall file a written statement of the pecuniary interest and its general nature with the Clerk prior to the start of the meeting.
- (b) The Member shall disclose the pecuniary interest, including the general nature thereof, prior to any consideration of the matter and shall not take part in the discussion of or vote on any question in respect of the matter and shall not attempt in any way whether before, during or after the Meeting to influence the voting on any such question.

## **19 New Business Motions and Notices of Motion**

One June 8, 2020, a motion to

- limit New Business Motions and Notices of Motion to two per Member of Council at each Meeting
- require a seconder prior to submitting it to the Clerk
- require the motion to be included on the Council Agenda

was defeated.

This matter was deferred to this Special Meeting Council Meeting for discussion. Changes to the Procedural By-law have not been made.

### **20.4 Member abstaining from voting**

The rule in the Municipal Act is that an abstention during a recorded vote is a negative vote. It is recommended that we build this in our process which means that, even when the vote is not recorded, it is a negative vote.

Proposed Clause:

Refusing or failing to vote is considered an abstention and shall be deemed to be a negative vote unless the member is not participating in the vote due to a declared conflict of interest. The minutes shall record the vote as “abstain”.

### **28.1 Motion to amend – basic forms**

This clause is new and follows Robert’s Rules of Order. It makes it clear as to what is being amended in the motion. Administration is suggesting that following clause be added to the Procedural By-law.

Proposed Clause:

A motion to amend takes three basic forms:

- (a) Inserting or adding words or paragraph
- (b) Striking out words or paragraph
- (c) Striking out words and inserting or adding others, or substituting an entire paragraph or complete resolution for another

## **28.6 Amendment – only once**

Clarification on amendments was absent in our previous Procedural By-law. Administration is proposing that the following clause be added.

Proposed Clause:

Only one amendment shall be allowed to a motion at one time. A motion to amend an amendment shall not be permitted.

## **28.7 Friendly amendment**

Although currently in practice, a clause on friendly amendment was absent in our previous Procedural By-law.

Proposed Clause:

If it appears to the Presiding Member that an amendment is uncontroversial, it is proper for the Presiding Member to ask if there are any objections to adopting the friendly amendment. If no objection is made, the Presiding Member may declare the amendment adopted and the amended motion may be voted on without a separate vote to approve the amendment.

## **Meeting – continuation – 11:00 p.m.**

In order to continue a regularly scheduled Council Meeting past 11:00 p.m., a motion to extend the Meeting of Council must be decided by a two-thirds (2/3) vote of the Members present. Some wording has been removed to simplify the matter.

Proposed Clause:

No item of business other than the Confirming By-law shall be considered at a meeting of Council after the hour of 11:00 p.m. local time, unless otherwise decided by a two-thirds (2/3) vote of the Members present. The motion is not debatable.

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This report and all of its attachments were approved and signed as outlined below:

**Geoffrey Clarke - Jul 15, 2020 - 1:32 PM**

**Maureen Adams - Jul 15, 2020 - 3:42 PM**