

**Recommendation:**

That the Clerk's Office-2023-22 report, dated August 1, 2023 regarding a response to a request for Procedural Change be received and that Council provides staff direction on the various requests.

**Overview:**

At the June 6<sup>th</sup>, 2023 Council meeting, a request for procedural changes dated May 29<sup>th</sup>, 2023 was received from Lynn McCabe, Marie Howran, Pat Smallman and Susan Field. In the letter they outline three changes they would like to be considered:

- 1) That draft minutes be released within 48 hours of the occurrence of a Council meeting.
- 2) That the Agenda be published in draft form seven days prior to a Council meeting.
- 3) That the public be allowed to ask questions and make statements during the meeting.

In response to these requests, Council passed the following Resolution:

June 6, 2023

**Resolution Number 191-2023**

Moved by: Councillor Johnston

Seconded by: Deputy Mayor Nelson

That the letter from Lynn McCabe, Marie Howran, Pat Smallman and Susan Field dated May 29<sup>th</sup>, 2023, regarding requests for various policy change be received and staff be requested to bring back a report on the request to a future Council meeting. Carried

The current Procedural By-law was approved May 3<sup>rd</sup>, 2022. The By-law was developed with the assistance of a review committee and incorporated recommendation from the Township's Service Delivery Review. The road to approval involved multiple staff reports and many discussions were held with Council prior to it being approved. The Procedural By-law is based on the general principals of Parliamentary Law and Roberts Rules of Order. There are six principals that underlay the rules of any meeting.

- 1) The majority must be allowed to rule
- 2) The minority have rights that must be respected
- 3) Members have a right to information to help make decisions
- 4) Courtesy and respect for others is demanded
- 5) All members have equal rights, privileges and obligations
- 6) Members have the right to an efficient meeting

In addition to these principals the *Municipal Act, 2001, as amended*, requires that municipality operate in an accountable and transparent manner. Since the introduction of Bill 68, Modernizing Ontario's Municipal Legislation Act in 2017, the Township has kept these principals in the forefront of everything the municipality does. This has

resulted in the creation of a Code of Conduct for Council, Codes of Conduct for staff, policies and procedures regarding routine disclosure of information and the ongoing effort to ensure that information the public is looking for or requesting is hosted on our website or is accessible in the format that best suits the requester.

In reviewing the procedural requests above, staff will review each request individually below.

### **Request One**

There are three main purposes of Council Meeting Minutes. The most important purpose is to provide for the legal record, the decisions made and actions taken by Council at a meeting. The second purpose is to provide a record to the members of Council of the actions and decisions they have made. The third purpose is to provide a historical record of the municipality.

The current practice at the Township and throughout Peterborough County is to provide the draft minutes as part of the circulation of the meeting agenda. Staff would recommend keeping this practice and not releasing draft minutes prior to the publishing of the agenda. Circulating draft minutes prior to the agenda would cause confusion as they may be taken as approved minutes which could bring extra risk and liability to the Township. As per the Municipal Act, Council and Committee minutes are prepared by the Clerk or their designate and posting draft minutes would encourage discussion about their accuracy and could cause unnecessary pressure on staff to make changes based on other's interpretation. Any discrepancies in the minutes are discussed and decided on at the next Council meeting to ensure accountability and transparency. The Township live streams and records all regular Council meetings and Committee of the Whole meetings. The public and Council is able to view the recordings on the Township's YouTube Channel within a few hours of the meeting. Further to the immediate access to the meeting recordings both Council and the public are welcome and encouraged to reach out to the Clerk's Office regarding Council agenda and Council minute questions.

### **Request Two**

Under the current Procedural By-law, the agendas for Council meetings are distributed on Thursdays to Council members which is five days prior to the meeting and are published to the website on Friday which is four days prior to the meeting. If the date of circulation of the agenda to Council were to change staff would also need to change the internal and external deadlines that exist for the submission of items to the agenda. Staff do not recommend publishing Draft Agendas, similar to the publishing of draft minutes, publishing multiple versions of an agenda creates confusion for the public and Council. We want to ensure that Council has the correct information prior to the meeting along with sufficient time to review the materials. As stated in the first part of this report one of the principals of parliamentary law is the principal of "Right to Information". This is not limited to just receiving information, the information must also be timely. Agendas, reports and supporting documents must be known in advance of

the meeting. Changes to the agenda and reports limit members right to information and puts road blocks in the transfer and analysis of that information.

Staff are happy to publish the agenda for the public on the same day that Council receives the agenda (Thursdays) if that is something Council is approving of. It should be noted that the change would eliminate Council's ability to review the agenda prior to receiving questions or comments from the public regarding the agenda.

### **Request Three**

In the review of the current Procedural By-law the idea of a question period for the public was considered as the Township of Selwyn has a question period as part of their agenda. Staff reached out to Selwyn to find out more about how the question period works and what problems may arise. The information was presented to Council at a Committee of the Whole meeting held on April 12, 2022. It has been copied and pasted below for reference:

There was a comment regarding the introduction of a question period similar to Selwyn Township Staff reached out to Selwyn to discuss the question period that they have included on their agenda. Staff told us that they allow for questions from the public to be asked during the 15 minutes after "Delegations". Each person present is able to ask a question to Council, questions are referred to staff to answer after the meeting. The names of the persons, their questions and the answers are not recorded in the minutes. Selwyn staff mentioned that the Question Period can be problematic as the questions are not known in advance and the Chair can be placed in a difficult position trying to manage an angry or upset person in a live Council meeting which is then available on YouTube after. Township staff are recommending that Question Period left for now and if a future Council would like to have it implemented advice be sought from the Township Solicitor.

Township staff still stand by the recommendation to not permit a question period or allow the public to make statements during the meeting outside of the Delegation section of the meeting. The work of the municipality can be complex and multifaceted, questions received in an impromptu manner place Council in a position where they might not know the answer or the full context which could lead to misinformation being spread in the community. Similar to Council, staff may not be able to answer the questions on the spot for the same reasons. Questions or comments received in advance can be addressed by staff or individual Council members and it allows time for any research to be conducted. It is strongly recommended that if members of the public have questions regarding the material on the agenda, they reach out to Senior Staff at the Township or members of Council.

**Conclusion:**

The Procedural By-law is a vital tool to ensure that Council can conduct fair, transparent and efficient meetings. There is legislation that must be adhered to in the creation and implementation of the By-law, there is a modicum of flexibility awarded to municipalities to ensure that the By-law they have in place addresses the culture of Council and the local community.

**Financial Impact:**

There may be legal costs associated depending on Council's direction to ensure that any changes to the Procedural By-law complies with current legislation and will not be in conflict with recent decisions from the Information and Privacy Commission, the Ontario Ombudsman's Office and Divisional and Superior Court.

**Strategic Plan Applicability:**

To ensure and enable an effective and efficient municipal administration.

**Sustainability Plan Applicability:** N/A**Additional Reading:**

Report to Council – Procedural By-law Review Report – No. 6 dated May 3, 2022  
<https://pub-douro-dummer.escribemeetings.com/Meeting.aspx?Id=680b76dd-5287-4c3b-9790-fb73aed0b3b0&Agenda=PostMinutes&lang=English&Item=40&Tab=attachments>

Committee of the Whole Report – Review of Procedural By-law dated April 12, 2022  
<https://pub-douro-dummer.escribemeetings.com/Meeting.aspx?Id=94db1d11-352c-43b0-88cb-277931191e4e&Agenda=PostMinutes&lang=English&Item=21&Tab=attachments>

Report to Council – Procedural By-law Review Project – Update 4 dated December 7, 2021  
<https://pub-douro-dummer.escribemeetings.com/Meeting.aspx?Id=0a72687f-8767-467f-ada7-e8ca9d9f6c73&Agenda=PostMinutes&lang=English&Item=46&Tab=attachments>

Report to Council – Procedural By-law Review dated November 2, 2021. Also includes links to reports dated September 7, 2021, September 28, 2021 and March 30, 2021  
<https://pub-douro-dummer.escribemeetings.com/Meeting.aspx?Id=58584a44-0826-43e5-bad3-dac06ec30b2b&Agenda=PostMinutes&lang=English&Item=37&Tab=attachments>

Report to Council – Review of Procedural By-law dated April 6, 2021  
<https://pub-douro-dummer.escribemeetings.com/Meeting.aspx?Id=56a71c4c-f7ab-4ee0-a9ae-bcdf1e3e032a&Agenda=PostMinutes&lang=English&Item=47&Tab=attachments>

### **Report Approval Details**

Document Title:	Response to Request for Procedural Changes .docx
Attachments:	- Policy change Request for Douro-Dummer - May 2023.pdf
Final Approval Date:	Jul 25, 2023

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

Elana Arthurs