



**COUNCIL WORKSHOP  
AGENDA**

**(Procedural By-law Review)**

**TUESDAY, DECEMBER 15, 2015**

**6:30 P.M. to 8:30 P.M.**

**COUNCIL CHAMBERS  
AURORA TOWN HALL**



## **TOWN OF AURORA COUNCIL WORKSHOP AGENDA**

Tuesday, December 15, 2015  
6:30 p.m. – 8:30 p.m.  
Council Chambers

**1. DECLARATION OF PECUNIARY INTEREST AND GENERAL NATURE THEREOF**

**2. APPROVAL OF THE AGENDA**

RECOMMENDED:

THAT the agenda as circulated by Legal and Legislative Services be approved.

**3. CONSIDERATION OF ITEM REQUIRING SEPARATE DISCUSSION**

**4. READING OF BY-LAW**

RECOMMENDED:

THAT the following confirming by-law be given first, second, and third readings and enacted:

**5796-15** BEING A BY-LAW to Confirm Actions by Council pg. 41  
Resulting from Council Workshop on December 15, 2015.

**5. ADJOURNMENT**

**AGENDA ITEMS**

**1. Procedural By-law Review**

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RECOMMENDED:

THAT Council provide direction.



# **Procedural By-law Review**

## **Council Workshop**

**December 15, 2015**

**6:30 p.m. to 8:30 p.m.**

**Council Chambers**

# Topics for Discussion

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# Background

- Council held a Procedural By-law Review Workshop on November 24, 2015.
- Council received a presentation and adopted several recommendations to improve the Procedural By-law.
- Council deferred consideration of several matters to another Council Workshop.
- This presentation highlights the policy decisions already adopted by Council, and continues the items deferred from the November 24, 2015 Council Workshop.

# Purpose

- To continue to review the key thematic areas of the Procedural By-law and determine if changes to the Procedural By-law are required
- If changes are required, to endorse policy statements that staff will use to report back on possible amendments to the Procedural By-law



# Role of a Procedural By-law

## ADOPTED ON NOVEMBER 24, 2015

- THAT the inclusion of the following principles of parliamentary procedure in the Procedural By-law as an interpretive tool be endorsed:
  - a) Every Member has the right to one vote, unless prevented by law;
  - b) Each Member of Council has the right to be heard on a matter, unless prevented by law;
  - c) Each Member of Council has the right to information to help make decisions, unless prevented by law;
  - d) Each Member of Council has the right to an efficient meeting;
  - e) Each Member of Council has the right to be treated with respect and courtesy;
  - f) Each Member of Council represents the public and will first and foremost consider the well-being and interests of the municipality.





# Council/Committee Structure

## ADOPTED ON NOVEMBER 24, 2015

- THAT the creation of a new “Budget Committee,” comprised of all Members of Council, to make recommendations to Council on approval of the Town’s annual Operating and Capital Budgets be endorsed; and
- THAT the Budget Committee order of business be the same as currently used for Special General Committee – Budget meetings; and
- THAT the Budget Committee be delegated the authority to:
  - a) Approve the meeting minutes of Budget Committee;
  - b) Direct staff to bring forward information to the Budget Committee as needed, and defer matters to a future Budget Committee meeting; and
  - c) Direct staff to prepare and bring forth for Council’s consideration a report summarizing Committee recommendations on the annual Capital and Operating Budgets.



# Meeting Time & Schedule

## REGULAR MEETING SCHEDULE ADOPTED ON NOVEMBER 24, 2015

- THAT the following schedule of regular Council, General Committee and Special Council – Public Planning meetings be endorsed:
  - a) General Committee shall generally meet on the first (1<sup>st</sup>) and third (3<sup>rd</sup>) Tuesday of the month at 7 p.m.;
  - b) Council shall generally meet on the second (2<sup>nd</sup>) and fourth (4<sup>th</sup>) Tuesday of the month at 7 p.m.;
  - c) Special Council – Public Planning meetings will normally be held on the third (3<sup>rd</sup>) Wednesday of the month; and
  - d) Only one (1) General Committee meeting, one (1) Council meeting and one (1) Public Planning meeting will be held in each of December and January.



# Meeting Time & Schedule (cont'd)

## SUMMER MEETING SCHEDULE ADOPTED ON NOVEMBER 24, 2015

- THAT one (1) General Committee meeting and one (1) Council meeting be held in each of July and August.



# Agenda & Order of Business

## ADOPTED ON NOVEMBER 24, 2015

- THAT the listing of the Confirming By-law as a separate Council Agenda Item be endorsed; and
- THAT the removal of the General Committee Agenda Item “Presentations by the Advisory Committee Chair” be endorsed; and
- THAT the listing of “Declaration of Pecuniary Interest and General Nature Thereof” following “Approval of the Agenda” be endorsed; and
- THAT staff report back on implementing a policy that Information Reports, generally defined as staff reports that do not contain recommendations requiring Council action or decisions, normally be published on the Town’s website and only be included on a Council or Committee Agenda if requested by a Member of Council.



# Agenda & Order of Business (cont'd)

## ADOPTED ON NOVEMBER 24, 2015 (cont'd)

- THAT Committee meeting Agendas be published seven (7) days prior to the meeting; and
- THAT Committee Additional Items be published twenty-four (24) hours before the meeting; and
- THAT Council meeting Agendas be published on the Friday prior to the meeting; and
- THAT Council Additional Items be published on the day of the meeting.



# Rules of Debate

## CURRENT RULES

- To address Council, a Member shall request to speak and be recognized by the Chair.
- When two (2) or more Members indicate their desire to speak at the same time, the Chair shall designate the order of speakers.
- No Member shall speak for longer than ten (10) minutes on a question without Council's permission.
- No Member shall speak more than two (2) times to the same question without Council's permission, except that a reply shall be permitted only from a Member who has presented the main motion.



# Rules of Debate (cont'd)

## SURVEY COMMENTS

- There should be stricter limits on speaking times and greater enforcement.
- Members' speaking times at Council and General Committee should be changed to two (2) times for a maximum of five (5) minutes each time.
- The current rules are working well.
- Members' speaking times should be changed as follows:
  - At Committee meetings, Members should be permitted to speak twice on a subject, the first time being for a maximum of ten (10) minutes, and the second time being for a maximum of five (5) minutes; and
  - At Council meetings, Members should be permitted to speak twice on a subject for a maximum of five (5) minutes each time.



# Rules of Debate (cont'd)

## OPTIONS

1. Members' speaking times at Council and General Committee should be changed to two (2) times for a maximum of five (5) minutes each time.
2. Members' speaking times should be changed as follows:
  - a) At Committee meetings, Members should be permitted to speak two (2) times on a subject, the first time being for a maximum of ten (10) minutes, and the second time being for a maximum of five (5) minutes; and
  - b) At Council meetings, Members should be permitted to speak two (2) times on a subject for a maximum of five (5) minutes each time.





# Public Participation

## CURRENT RULES (Delegations & Presentations)

- Delegations shall be encouraged to appear at the appropriate Committee first.
- The Clerk shall give due consideration to the length of the Agenda and the number of Delegations and shall advise to the requester the earliest possible date when their Delegation may be accommodated. (Committee Only)
- A maximum of three (3) Delegations shall be allowed to address Council per meeting.
- No person other than the designated spokesperson may speak on the matter and not for more than five (5) minutes.
- A Delegation not on the Agenda shall not be heard without the consent of at least a two-thirds (2/3) majority of the Members present.
- Presentations of general interest shall be placed on the Council Agenda and shall be limited to ten (10) minutes per Presentation.



# Public Participation (Open Forum)

## CURRENT RULES (Open Forum)

- During the twenty (20) minutes preceding each regular Council meeting, the Members shall attend in the Council Chambers for the purpose of providing an informal opportunity for any person to voice opinions on subjects of municipal concern.
- Each person shall be required to sign the Open Forum Register prior to being permitted to address Council, and each person shall be limited to addressing Council for a maximum of five (5) minutes.
- No decisions will be made as a result of comments made during Open Forum.
- Any comments made during Open Forum shall not form part of the minutes of the Council meeting.



# Public Participation (cont'd)

## SURVEY COMMENTS

- Provide more time for registration as delegates.
- The current rules are working well.
- The current Advisory Committee minute process is working well.
- Eliminate Open Forum, or move it to 6:45 p.m.
- More flexibility for public participation (e.g., allow Presenters and Delegates to answer questions during debate on the specific item, and allow the public to participate remotely in meeting by email questions)
- Delegates and Presenters are often provided additional speaking time which is not efficient.



# Public Participation (cont'd)

## STAFF OBSERVATIONS

- Delegates can appear at both General Committee and Council, limiting opportunities for other delegates to address an Agenda item.
- The requirements of the Procedural By-law are often waived to permit staff Presentations or Delegations to exceed the ten (10) or five (5) minute rule.
- Delegation and Presentation material is not provided to the Clerk's Office in sufficient time for inclusion on the Agenda.



# Public Participation (cont'd)

## OPTIONS (Open Forum)

### 1. Eliminate Open Forum

THAT the removal of Open Forum from the Procedural By-law be endorsed.

### 2. Move Open Forum to 6:45 p.m.

THAT a change in the start time of Open Forum to 6:45 p.m. be endorsed.

### 3. Maintain current Open Forum rules

(no motion needs to be adopted)



# Public Participation (cont'd)

## OPTIONS (Delegations)

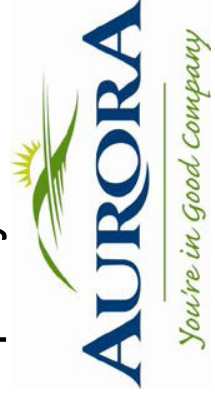
### 1. Delegations can appear at General Committee or Council

THAT Delegations who appear before General Committee not be permitted to delegate again at the following Council meeting, but may submit written material to Members of Council through the Clerk's Office.

### 2. Delegations by the Public (Time Limits)

THAT a policy which permits Delegations, on a majority vote, no more than one (1) extension of up to five (5) minutes be endorsed; and

THAT the Procedural By-law rules giving effect to this policy cannot be waived on a two-thirds (2/3) vote.



# Public Participation (cont'd)

## OPTIONS (Delegations cont'd)

### 3. Presentation and Delegation Material

THAT a policy requiring Presentations and Delegations to submit any Presentation or Delegation material prior to a meeting, to be included on an Additional Items Agenda, be endorsed.

### 4. Delegations/Presentations by Staff (Time Limits)

THAT an increase in the time limit for Delegations or Presentations by Town staff, consultants or contractors retained by the Town, or other persons delegated authority by the Town, to ten (10) minutes be endorsed.

## Public Participation (cont'd)

### SUBMISSION OF DELEGATION REQUESTS (New)

- Council has adopted a policy that Committee Agendas be provided seven (7) days prior to a meeting, and Additional Items be provided to a Committee twenty-four (24) hours prior to a meeting, which requires a change in the timing for submission of Delegation requests.

### RECOMMENDED (New)

- THAT Delegations wishing to appear before Committee be required to advise the Town Clerk in writing no later than 4:30 p.m. two (2) days prior to the meeting.





# Notices of Motion

## CURRENT RULES

- Notices of Motion must be provided to the Clerk by 4:30 p.m. on the Thursday prior to either a regular General Committee or regular Council meeting.
- Motions for Which Notice Has Been Given are included on the next regular Council Agenda for consideration and disposition.



# Notices of Motion (cont'd)

## SURVEY COMMENTS

- Notices of Motions should be considered at the next immediately following meeting (e.g., at the next GC meeting if presented at Council).
- The Procedural By-law should not be waived to permit the addition of a late Notice of Motion.
- The delay in considering Notices of Motion in the summer is too long (i.e., a Notice of Motion placed on the July Agenda cannot be considered until the August meeting).
- Generally working well



# Notices of Motion (cont'd)

## RECOMMENDATIONS

1. Maintain the current rules on Notices of Motion to permit Members time to review the subject matter before consideration.
2. Do not permit the Procedural By-law to be waived to consider a Motion where notice has not been provided unless it is time-sensitive.
3. If the current summer meeting schedule is maintained, provide alternate rules to permit consideration of time-sensitive Notices of Motion at the same meeting on a majority vote.
4. Adopt a policy on the maximum number of Notices of Motion that can be considered at each Council meeting.



# Specific Motions

## CURRENT RULES

1. Withdrawal of Motion: Motions can only be withdrawn with consent of mover, seconder and majority vote of Members present.
2. Motion to Recess (*suspends the meeting*): is not a debatable motion; and must specify the length of the recess. The motion may only be amended as to the length of the recess.
3. Motion to Adjourn (*ends the meeting*): is not a debatable motion; and is in order except when a Member is speaking, a vote has been called, or a Member has indicated a desire to speak to the matter prior to the meeting.
4. Motion to Call the Question (*ends debate on a motion, starts voting*): is not debatable; and the mover, if the motion is lost, will not be allowed to speak to the motion again.



# Specific Motions (cont'd)

## CURRENT RULES (cont'd)

5. Motion to Table (*stops all debate and voting on the motion*): cannot be amended or debated; and applies to the motion and any amendments under debate. If the motion to table passes, unless Council decides otherwise (motion to take from the table), the matter cannot be discussed until the C.A.O., or Member through a Notice of Motion, brings it forward to a subsequent meeting.
6. Motion to Defer (*delays consideration of a motion to a different date and time*): is debatable; applies to the motion and any amendments under debate; and shall include the time period and purpose.



# Specific Motions (cont'd)

## CURRENT RULES (cont'd)

7. Motion to Refer (sends a motion to a Committee or staff for further consideration): is debatable; applies to the motion and any amendments under debate; and shall include the name of the Committee or official to whom the matter is referred, the terms, and the time period.
8. Motion to Amend (changes the motion): is debatable; must be relevant (germane) to the main motion; and cannot propose the direct opposite to the main motion. Only one (1) motion to amend shall be on the floor at any one time.



# Specific Motions (cont'd)

## CURRENT RULES (cont'd)

9. Motion to Postpone Indefinitely (*stops all consideration of a motion*): is debatable but cannot be amended; similar to a motion to table except that it may be reconsidered.
10. Reconsideration of Matter: After Council's final vote on a matter, it cannot be reconsidered within six (6) months except on a motion to reconsider carried on a two-thirds (2/3) vote. Where a motion is lost due to a tie vote as the result of the absence of a Member, that motion may be reconsidered at the next meeting by a motion to reconsider carried on a majority vote.



# Specific Motions (cont'd)

## SURVEY COMMENTS

- Some of the language in motions (e.g., refer vs. defer) can be confusing, which may be alleviated with the use of more plain language.
- A simple guide on the hierarchy of motions would be beneficial.
- The current rules are working well.





# Specific Motions (cont'd)

## STAFF OBSERVATIONS

- “Friendly Amendments” (minor amendments approved by the mover and seconder that are not voted on) have been used at meetings despite not being provided for in the Procedural By-law.
- Motions have been withdrawn with the consent of the mover and seconder



# Specific Motions (cont'd)

## RECOMMENDATIONS

1. THAT the inclusion in the Procedural By-law of rules on “Friendly Amendments,” defined as minor amendments approved by the mover and seconder that are not voted on, be endorsed.
2. THAT an amendment to the Procedural By-law that would permit the withdrawal of a motion with only the consent of the mover and seconder, but only after all Members who have indicated that they wish to speak to the motion have spoken, be endorsed.

# Voting

## CURRENT RULES

- Members must vote on all motions unless prevented by Law (e.g., *Municipal Conflict of Interest Act*).
- Members must remain in their seats during the taking of a vote.
- Distinct proposals may be voted on separately (e.g., individual clauses in a motion can be voted on separately provided that they are not dependent on another clause in the motion).
- A failure to vote is deemed to be a ‘No’ vote.
- Tied votes are deemed to be decided in the negative.
- Votes at Committee meetings are demonstrated by a show of hands only.
- Votes at Council meetings are demonstrated by a show of hands or when requested, by recorded vote.



# Voting (cont'd)

## SURVEY COMMENTS

- The current rules work well.
- Members should clearly raise their hands high during a vote to assist the Chair.
- The use of electronic voting should be explored.
- All votes should be a recorded vote.
- Once the necessary technology is in place, all votes on major items should be by recorded vote (not including Approval of Agenda, Adjournment, etc.).



# Voting (cont'd)

## RECOMMENDATIONS

1. THAT staff be directed to report back to Council on options to use electronic voting at Council meetings following acquisition of an electronic meeting management system, and upgrades to the audio visual equipment in the Council Chambers.
2. THAT the inclusion of rules in the Procedural By-law to permit electronic voting by members be endorsed.



## Other Survey Comments

- Minutes should have more details with comments credited to those who made them (e.g., Councillor X indicated...)
- Meetings are not efficient, rules need to be more closely followed (e.g., Procedural By-law rules should not be waived unless absolutely necessary)
- Generally, the current rules work well; not in favour of significant changes
- Public Service Announcements not needed as most information is posted on the Town's website
- Clarification of what requires a Notice of Motion vs. what can be considered under New Business is needed



# Other Staff Recommendations

## OTHER RECOMMENDATION #1 – Rules of Order

- The current rules require that reference be made to *Bourinot's Rules of Order* (“*Bourinot's*”) for any matter not provided for in the Procedural By-law.
- *Bourinot's* rules are generally viewed as Canadian parliamentary rules of order; however, they provide very high-level guidance only (e.g., the House of Commons and Senate operate using their much more extensive *Standing Orders*).
- *Robert's Rules of Order* provides very detailed and specific rules to address almost any scenario that may arise in the course of a meeting that may not be accounted for in the Procedural By-law.

### RECOMMENDATION:

THAT the provisions of section 4.9 of the Procedural By-law be amended by replacing “*Bourinot's Rules of Order*” with “*Robert's Rules of Order*.”



# Other Staff Recommendations (cont'd)

## OTHER RECOMMENDATION #2 – Closed Session

- On January 1, 2016, subsection 239(3) of the *Municipal Act, 2001* (“Act”) will be amended to require (i.e., it is mandatory) a municipality to hold a closed session meeting if the subject matter is “an ongoing investigation respecting the municipality, a local board or a municipally-controlled corporation by the Ombudsman appointed under the *Ombudsman Act*, an Ombudsman referred to in subsection 223.13 (1) of this Act, or the investigator referred to in subsection 239.2 (1).”

### RECOMMENDATION:

THAT section 2.20 of the Procedural By-law be amended to include a requirement that a Meeting shall be closed to the public when the subject matter to be considered is an ongoing investigation respecting the municipality, a local board or a municipally-controlled corporation by the Ombudsman appointed under the *Ombudsman Act*, an Ombudsman referred to in subsection 223.13 (1) of the *Municipal Act, 2001*, or the investigator referred to in subsection 239.2 (1) of the *Municipal Act, 2001*.





# Other Staff Recommendations (cont'd)

## OTHER RECOMMENDATION #3 – Clarification & Interpretation

- Survey responses received suggest that consistency, clarification, and use of plain language would help.

### RECOMMENDATIONS:

1. THAT the Procedural By-law be amended to authorize the Clerk to create and amend an annotated version of the Procedural By-law to assist Members in complying with the rules as enforced and interpreted from time to time.
2. THAT the Procedural By-law be amended to permit the Clerk to amend by-laws, minutes and other Council and Committee documentation for technical, typographical, or other administrative errors and omissions for the purpose of ensuring an accurate and complete record of proceedings.



# Other Staff Recommendations (cont'd)

## OTHER RECOMMENDATION #4 – Meeting Efficiency

- Survey responses provided the following comments on the efficiency of meetings:
  - Rules of procedure are not always strictly followed, or are frequently waived.
  - Meetings should have a firm end time.
  - Council Public Service Announcements are duplications of information already available.

### OPTIONS:

1. Council could:
  - a) Identify procedural rules that should not be waived even by a two-thirds (2/3) vote; or
  - b) Direct staff to report back on options for procedural rules that should not be waived even by a two-thirds (2/3) vote based on other municipal practices.



# Next Steps

## RECOMMENDATION

1. THAT staff be directed to report on the necessary changes to the Procedural By-law to give effect to the policies adopted by Council at its Workshops on November 24 and December 15, 2015, including any necessary transition plan.



**THE CORPORATION OF THE TOWN OF AURORA**

**By-law Number 5796-15**

**BEING A BY-LAW to Confirm Actions by Council  
Resulting From Council Workshop on December  
15, 2015.**

**THE COUNCIL OF THE CORPORATION OF THE TOWN OF AURORA HEREBY  
ENACTS AS FOLLOWS:**

1. THAT the actions by Council at its Council Workshop held on December 15, 2015, in respect of each motion, resolution and other action passed and taken by the Council at the said meeting is, except where prior approval of the Ontario Municipal Board is required, hereby adopted ratified and confirmed.
2. THAT the Mayor and the proper officers of the Town are hereby authorized and directed to do all things necessary to give effect to the said action or to obtain approvals where required and to execute all documents as may be necessary in that behalf and the Clerk is hereby authorized and directed to affix the corporate seal to all such documents.

**READ A FIRST AND SECOND TIME THIS 15<sup>TH</sup> DAY OF DECEMBER, 2015.**

**READ A THIRD TIME AND FINALLY PASSED THIS 15<sup>TH</sup> DAY OF DECEMBER,  
2015.**

\_\_\_\_\_  
GEOFFREY DAWE, MAYOR

\_\_\_\_\_  
PATTY THOMA, DEPUTY CLERK