



# **Proposed Amendments to Markham City Council's Procedural By-law**

**Presentation to General Committee  
January 16, 2017**

## Purpose

- To continue review of suggested amendments to Markham City Council's current Procedural By-law (follow-up to November 14, 2016 & October 31, 2016 General Committee meetings).
- The proposed revised By-law is attached to this presentation as Appendix "A".
- The goal of proposed By-law amendments:
  - Update current By-law provisions to provide greater clarity of procedural rules; &
  - Increase the effectiveness & efficiency of Markham's Council & Standing Committee meetings.

# Presentation Overview

1. Housekeeping/Administrative Amendments
2. Proposed Substantive Amendments
3. Conclusion
4. Next Steps
5. Recommendations



# 1. Administrative Amendments – Conduct of Members

- The City has periodically received complaints from the public that Councillors are reading aloud from emails, etc. that are not part of the meeting record (i.e. residents don't get the benefit of seeing what is being referred to as the material hasn't been provided to the City Clerk).
- Staff propose to add a provision in the current "Conduct of Members" section to prohibit Councillors from reading **aloud** (at a meeting) from any emails, text, social media posts, papers, etc., unless they are part of the meeting record, without the consent of the majority of Councillors present (Section 7.2(f), Page 22).

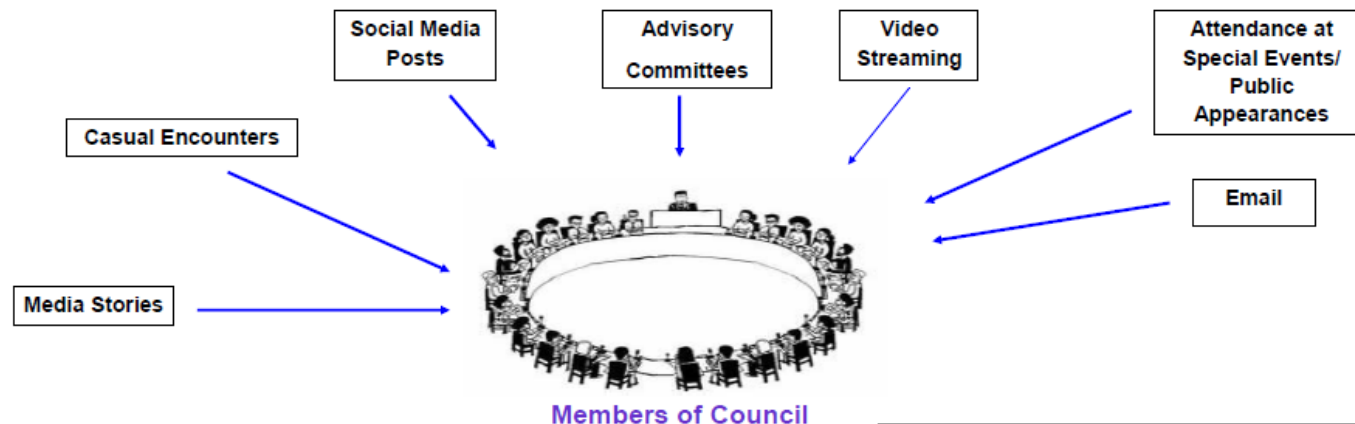


# 1. Administrative Amendments – Public Decorum

- The City has occasionally received complaints from Councillors & the public regarding the conduct of meeting attendees.
- Staff propose to include additional provisions to the “Public Decorum” section of the Revised By-law (Section 7.6, Page 23), including:
  - Not addressing Council without Council’s permission;
  - Not interrupting a Councillor or a Delegate while they are speaking; &
  - Not speaking disrespectfully of any person.



# How Council Members Receive Public Feedback



## In-Person

- Valued form of public feedback
- Allows Councillor to ask questions for immediate clarification
- Speaking time is regulated
- Appeals to individuals who are accustomed to traditional feedback methods

## Written

- Valued form of public feedback
- No limit on the length of a written delegation
- An accessible & convenient option
- Consistent with modern communication methods & reflect the changing lifestyles of Markham residents
- Appeals to individuals who are not comfortable with public speaking

## 2. Substantive Amendments - Delegations

- The most significant debate on a matter typically occurs at the Standing Committee level.
- Unlike some Ontario municipalities, Markham Standing Committees are comprised of all Members of Council.
- Delegates frequently attend both Standing Committee & Council meetings on the same item & often provide identical information (Members of Council hear the deputation twice).



## 2. Delegations (Cont'd)

- Markham's current Procedural By-law (Section 3.13) allows:
  - An individual to speak for 5 minutes at Standing Committee &/or Council.
  - An individual representing more than 5 persons **who are present at the meeting** to speak for 10 minutes.
- The current provision has not been consistently applied & has resulted in confusion as to what constitutes a "group".



## 2. Delegations (Cont'd)

- Over the past 3 years, the average number of delegations at Markham's meetings is as follows:
  - Standing Committee (daytime meeting) – 3 people; &
  - City Council (evening meeting) – 3 people.
- In-person delegations are typically linked to a high interest agenda item (example: PowerStream merger).

## 2. Delegations (Cont'd)

- Of the 16 Ontario municipalities surveyed:
  - 13 do not distinguish between individuals & groups in terms of speaking time allocation (& do not define “groups”).
  - 10 have a 5 minute delegate speaking limit & 6 have a 10 minute limit.
  - 7 do not permit delegations at Council meetings.
  - 6 have some form of delegation restriction, such as the ability to appear at Standing Committee or at Council, but not at both.

## 2. Delegations (Cont'd)

- Staff are proposing the following changes to the City's current provisions regarding delegations (Section 4.15, Pages 9-11):
  - Remove the distinction between an individual & group;
  - Impose a 5 minute maximum speaking limit on all delegations;
  - Restrict in-person delegations to the Standing Committee level only (written delegations still permitted at both Council & Standing Committee); &
  - Prohibit delegations that make requests for financial assistance, are frivolous or vexatious in nature, or lobby Council for the purpose of soliciting business.

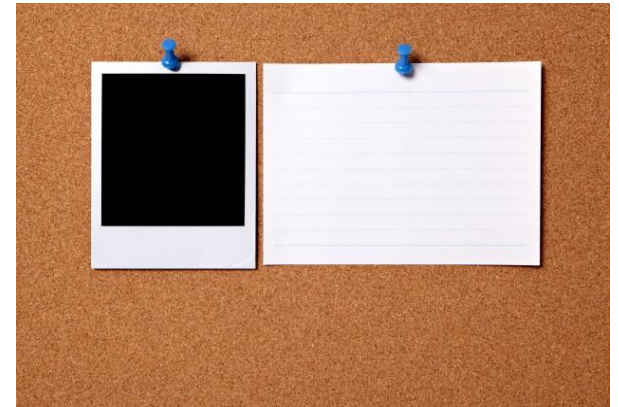
## 2. Speaking Limits – Members of Council

- Staff propose the following speaking limits be incorporated into the Revised Procedural By-law (Section 7.4(a)(b), Page 22):
  - **At Standing Committee** – No speaking limit for the first time a Councillor speaks to a matter & a 5 minute restriction for their second time speaking to the same matter.
  - **At Council** – Members have a 10 minute speaking limit the first time they speak to a matter & a 5 minute restriction for their second time speaking to the same matter.



## 2. Notice of Motion

- A Notice of Motion is currently permitted at the Council level only.
- Markham Councillors have introduced Notices of Motion on a variety of matters including: the jurisdiction of the OMB & the election of the Chair of York Region.



## 2. Notice of Motion (Cont'd)

- Staff propose the following changes be included in the Revised Procedural By-law (Section 5.4, Pages 12-13):
  - Notices of Motion will be permitted at Standing Committee only, except for a Notice of Motion for Reconsideration of a matter, which must occur at Council.
  - The City Clerk may remove the Motion from a Standing Committee agenda if it has been on the agenda for 2 successive meetings without being debated.

## 2. Health & Wellness Break

- Research has linked sitting for long periods of time with various health concerns, including obesity, cardiovascular disease & premature aging.
- Staff are proposing that Councillors take a minimum 10 minute “Health & Wellness Break” after every 2 hours of discussion/debate (Section 7.1(h) – Page 21).
- Staff suggest meeting Chairs actively encourage meeting participants to stand/move around during meetings.



### 3. Conclusion

- The objective of the revised Procedural By-law is to assist Members of Councillors in carrying out the business of Council in an efficient & effective manner.
- Proposed amendments to Markham City Council's Procedural By-law are based on:
  - Best practice research
  - Feedback from Members of Council
  - Guiding Principles
  - Robert's Rules of Order & Provincial legislation





### 3. Conclusion (Cont'd)

- As part of this review, Markham's current Procedural By-law, as well as the proposed amendments to it, were also reviewed by Jim Lochrie, Certified Professional Parliamentarian & Parliamentary Law Instructor for input.



## 4. Next Steps

- 1) Present an amended By-law for Council adoption in February, 2017.
- 2) Return in Q2 2017 to General Committee with revised procedures for Markham's Boards & Advisory Committees.

## 5. Recommendations

- 1) That the presentation entitled “*Proposed Amendments to Markham City Council’s Procedural By-law*” be received;  
&
- 2) That Staff provide a revised Procedural By-law for consideration at the February 13, 2017 Markham City Council meeting.

Recommended



# Questions?

