



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

**Presentation to General Committee
October 31, 2016**

Purpose

- Review suggested amendments to Markham City Council's current Procedural By-law.
- The goal of the proposed amendments is to:
 - Update current By-law provisions to provide greater clarity of procedural rules
 - Increase the effectiveness & efficiency of Markham's Council & Standing Committee meetings.

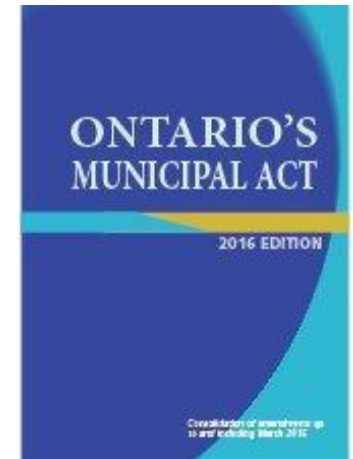
Presentation Overview

1. Background
2. Guiding Principles of the By-law Review
3. Best Practice Review
4. Councillor Feedback
5. Housekeeping/Administrative Amendments to By-law
6. Proposed Substantive Amendments to By-law
7. Conclusion
8. Next Steps & Recommendations



1. Background

- In accordance with Section 238(2) of the Municipal Act every Ontario municipality & local board is required to adopt a procedural by-law to govern the calling, location & proceedings of meetings.
- A well constructed Procedural By-Law facilitates the business of City Council.



1. Background (Cont'd)

- Markham City Council enacted its current Procedural By-law in 2001 & minor amendments were made in 2008 (see [Appendix A](#) to this Presentation for current By-law).
- In 2015, Legislative Services Staff provided a “*Procedural By-law Overview*” presentation to General Committee & advised Committee that staff would be reviewing the By-law & reporting back with proposed amendments in 2016.

2. Guiding Principles of By-law Review

1. Markham City Council is the decision-making body of the Corporation - decisions of Council are paramount;
2. Council's Committees make recommendations to Council. Committees are not the final decision-making bodies unless that power has been explicitly granted by Council;
3. Stakeholder input is a valued part of the decision-making process;



2. Guiding Principles (Cont'd)



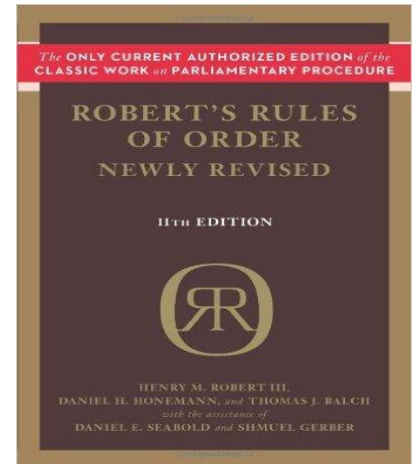
4. Council's decision-making processes should:
 - Be open & transparent;
 - Be conducted in an environment which is respectful of all participants;
 - Balance debate with the need to make recommendations/decisions in a timely manner;
5. Procedural rules should facilitate – not hinder – the business of Council; &

2. Guiding Principles (Cont'd)

6. Procedural rules should comply with Robert's Rules of Order & should be written in plain language.

"The application of parliamentary law is the best method yet devised to enable assemblies of any size, with due regard for every member's opinion, to arrive at the general will on the maximum number of questions of varying complexity in a minimum amount of time and under all kinds of internal climate ranging from total harmony to hardened or impassioned division of opinion."

- Robert's Rules of Order (11th edition)



3. Best Practice Review

- Over the past several months, Staff conducted best practice research on municipal meeting management.
- Staff also reviewed the Procedural By-laws of *16 Ontario municipalities.
- A summary of the municipal research is attached to this Presentation as [Appendix B](#).



*Aurora, Barrie, Brampton, Burlington, London, Mississauga, Oakville, Oshawa, Ottawa, Richmond Hill, Thunder Bay, Toronto, Vaughan, Waterloo, Whitby & York Region.

4. Councillor Feedback

- Staff met with individual Councillors to obtain feedback on the current Procedural By-law.
- Discussions with Councillors focused on what worked/didn't work with the current By-law & meeting practices as well as a clarification of existing By-law definitions/requirements.
- A summary of feedback received from Councillors is attached as [Appendix C](#).



4. Councillor Feedback (Cont'd)

- Councillor interviews - common themes:
 - Council & Committee meetings are overly long & lead to public perception of diminished decision-making (especially during late night meetings).
 - “Sitting is the new smoking”.
 - Greater enforcement of decorum & speaking limits by Chairs is needed.
 - Delegation rules should be revised to avoid unnecessary duplication & to eliminate confusion with respect to speaking limits.
 - Process for getting an item listed on an agenda needs to be reviewed.



5. Administrative Amendments - Definitions

- The proposed revised Procedural By-law is attached to this presentation as [Appendix D](#) – new or substantively revised provisions are highlighted in blue.
- Several definitions were amended in the Procedural By-law for greater clarity, including: Committee (Page 3), Member (Page 3), & Meeting (Page 3)

“Unless the reason for a rule is understood, it is difficult to learn the rule, and it is still more difficult to apply it successfully in practice.” - George C. Crocker, 1889

5. Definitions (Cont'd)

- A number of new definitions were *added* to the By-law including:
 - Confidential Meeting (Page 3)
 - Frivolous (Page 3)
 - Pecuniary Interest (Page 4)
 - Postpone (Page 4)
 - Vexatious (Page 5)
 - Workshop (Page 5)



5. Administrative Amendments – Orders of Business

- Staff are proposing to amend the “Orders of Business” section of the Council agenda to remove petitions (Section 4.11, Page 8).
- Petitions will instead be presented at Standing Committee as typically they are referred (at Council meetings) back to staff for a report.
- This change should make the petition process more effective & efficient.

5. Administrative Amendments - Announcements

- Staff are proposing to add an “Announcement” section of Standing Committee & Council agendas (Section 4.17, Page 11).
- Council Members will be permitted to make general interest announcements or offering congratulations or condolences:
 - Restricted to 1 minute per Member & non-debatable
 - Occurs after New/Other business



5. Administrative Amendments – New/Other Business

- The current By-law defines New/Other Business as *information items* only (not substantive items).
- Staff are proposing to revise the current definition to clarify the intent (Section 4.16, Page 11).
- The proposed new section stipulates that New/Other Business items must fall into one of the following categories:
 - Information that has a statutory time requirement
 - Information that is time sensitive
 - An emergency



5. Administrative Amendments – Close Debate

- Staff propose to add a Section to the revised Procedural By-law to “Close Debate & Vote Immediately” (sometimes referred to as “call the question”) (Section 5.9 (e), Pages 16-17).
- The practice of “calling the question” is already in use by Markham City Council – the new Section reflects this practice & is written in plain language.
- Allows Councillor to make a motion to end debate & force a vote on the motion in question – it requires 2/3 consent & the speakers’ list must first be exhausted.

5. Administrative Amendments – Conduct of Members

- The City has periodically received complaints from the public that Councillors are reading from emails, etc. that are not part of the public record & are relying on this information as part of their decision making process.
- Staff propose to add a restriction to the current “Conduct of Members” section to prohibit Councillors from reading aloud (at a meeting) from any emails, text, social media posts, papers, etc. without the consent of the majority of Councillors present (Section 7.2(f), Page 22).



5. 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



6. 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 in other words).



6. 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 Council); &
 - Prohibit delegations that make requests for financial assistance, are frivolous or vexatious in nature, or lobby Council for the purpose of soliciting business.

6. Meeting Times

- In general, there appears to be growing interest in greater work/life balance by all meeting participants.
- Concerns have also been expressed that late night meetings (particularly when preceded by a full day of other meetings) are not conducive to effective decision-making or public participation.
- In the past 24 Council meetings, 12 Meetings went past the hour of 10 PM (5 of these 12 meetings went beyond midnight).
- The current lack of a hard end time for Council & Standing Committee meetings makes it difficult for all meeting participants to manage their time.





6. Meeting Times (Cont'd)

- To address concerns, staff propose the following with respect to Council & Standing Committee meeting times:
 - Council meetings to be held in the mornings & Committee meetings in the afternoon to free-up evening hours for attendance at constituent meetings, special events, etc.
 - Hard stop times for meetings allow participants to better manage their time.

	Monday	Tuesday
Week 1	General Committee 1:00 PM – 6:00 PM	Development Services Committee 1:00 PM – 6:00 PM
Week 2	Development Services Public 6:00 PM – 9:00 PM	Council 9:30 AM – 1:00 PM

For Example: November 2016

Sun.	Monday	Tuesday	Wednesday	Thursday	Friday	Sat.
		1	2	3	4	5
6	7 G.C. 1:00–6:00pm	8 D.S.C. 1:00–6:00pm	9	10	11	12
13	14	15 Council 9:30am-1:00pm	16	17	18	19
20	21 G.C. 1:00–6:00pm	22 D.S.C. 1:00–6:00pm	23	24	25	26
27	28 D.S. Public 6:00–9:00pm	29 Council 9:30am-1:00pm	30	G.C. - General Committee D.S.C. - Development Services Committee D.S. Public - Development Services Public Mtg.		

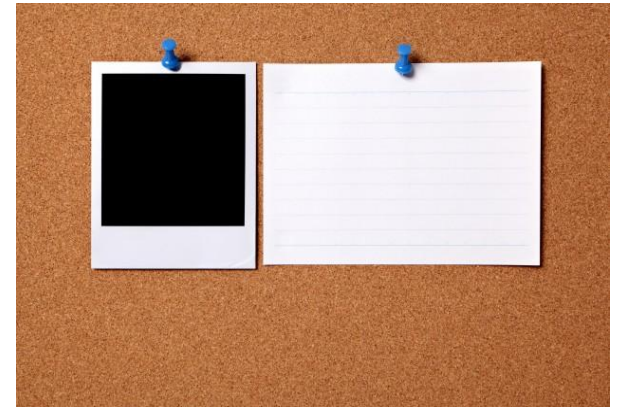
6. Speaking Limits

- 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.



6. 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.



6. 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 the Standing Committee level 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.

6. 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.



7. 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



7. 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.



8. Next Steps

- 1) Present an amended By-law for Council adoption.
- 2) Develop any required procedures &/or implement changes resulting from the By-law amendments.
- 3) Return to General Committee in November with a proposed 2017 Standing Committee & Council meeting calendar based on today's feedback.
- 4) Return in Q2 2017 to General Committee with revised procedures for Boards & Advisory Committees.

9. 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 next Markham City Council meeting.

Recommended



Questions?

