



REPORT TO General Committee

Date of Meeting: April 24, 2006

SUBJECT: Council Meeting Decorum
PREPARED BY: Sheila Birrell, Town Clerk

RECOMMENDATION:

That a by-law be enacted to amend By-Law No. 2001-1, "A By-Law to Govern the Proceedings of Council and Committees of Council" as follows:

1. 3.13 Delegations – add the following new subsection (5):

"Delegates, during the question and answer period, shall respond only through the Chair."

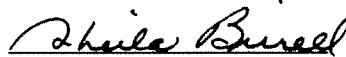
2. 3.14 Decorum – add the following new section:

1. Attendees at a meeting shall maintain order and quiet and shall not display signs or placards, heckle or engage in telephone or other conversation or any behaviour that may be considered disruptive.
2. All cell phones and electronic devices shall be turned off during a meeting.
3. The Chair may request security to expel or exclude from any meeting any person who disturbs the meeting.
4. No person, except Members of Council and staff of the Town, shall be allowed to approach the dais where the Members of Council are seated.
5. Only the Clerk shall be permitted to distribute material at a meeting;

3. Renumber the existing Sections 3.14 to 3.26 to 3.15 to 3.27;

And further, that staff be directed to prepare a communication explaining the rules and the need for same that will be displayed on the large screens in advance of Council meetings and the deputation application form be amended to include similar information.

RECOMMENDED BY:


Sheila Birrell
Town Clerk


Andy Taylor
Commissioner of
Corporate Services

PURPOSE:

To facilitate properly conducted Council meetings that will provide an appropriate venue for decision making.

BACKGROUND:

The Town of Markham Council meetings operate within the parameters of its procedural by-law. In the absence of clarity on any issue, the by-law refers Members of Council to Robert's Rules of Order. The current by-law provides delegates with the right to speak for five minutes. There is no further guidance or information to assist delegates. There are three types of delegate status. The first being those who request delegate status by 4:30 p.m. on the Tuesday prior to the meeting and whose name appears on the agenda. The second being those who submit their request in writing after the time the agenda is printed and whose name appears on an addendum. The third are those who complete the application for delegate status during the meeting and who require a two-thirds vote to be heard.

OPTIONS/ DISCUSSION:

The Municipal Act, 2001 provides that meetings of Council are required to be open, subject to specified exceptions. The Act provides basic rules on how municipalities operate, including the requirement for a procedural by-law. Rules of order refer to written rules of parliamentary procedure. They relate to the orderly transaction of business in meetings and to the duties of officers in that regard. They facilitate the smooth functioning of the meeting and provide a firm basis for resolving questions of procedure. Rules of order derive their proper substance largely from the general nature of the parliamentary process. They should closely correspond to the common parliamentary law.

The need for open meetings bears repeating. Markham Council has always adhered to that rule and, in fact, goes so far as to encourage resident involvement and participation; thus the reason for three different methods of delegate status. However, to date how the delegates should conduct themselves, has not been clarified. Once Council has heard the input from the community, it is then free to render its decision. Order during meetings is essential to the proper conduct of business. The Town of Markham's current procedural by-law, with the exception of the wording regarding "Presentations" and "Delegations", does not contain any rules respecting how residents from the community are to conduct themselves during Council meetings or what Members of Council might expect to be an appropriate manner to gather public input. Procedural by-laws are in place to ensure that everyone is treated fairly and equitably. Ensuring that all delegates are afforded the same rights and privileges is paramount to effective decision making.

There are various methods of gathering input from residents of the community during a meeting: (a) presentations; (b) delegations; (c) e-mail; and telephone calls. Although the Town's procedural by-law is silent on the third and fourth method, these two electronic methods of communication do provide an opportunity for some residents to be heard by Council where others are not. Similarly, residents who appear in person either during presentations or delegations, must all be treated in like manner to ensure fairness and openness.

OPTIONS/ DISCUSSION (cont'd):

While the Town's procedural by-law speaks to discipline upon misconduct by Members of Council, it is silent on how to deal with crowds or situations that impede the natural conduct of business by the elected officials. While rules are important, experience has taught that education reaps greater rewards than discipline. To that end, staff is recommending a number of amendments to the procedural by-law and a method for communicating same:

- Delegates, during the question and answer period, shall respond only through the Chair.
- Attendees at a meeting shall maintain order and quiet and shall not display signs or placards, heckle or engage in telephone or other conversation or any behaviour that may be considered disruptive.
- All cell phones and electronic devices shall be turned off during a meeting.
- The Chair may request security to expel or exclude from any meeting any person who disturbs the meeting.
- No person, except Members of Council and staff of the Town, shall be allowed to approach the dais where the Members of Council are seated.
- Only the Clerk shall be permitted to distribute material at a meeting.

Staff are also recommending the content of the rules of conduct, and the reasons making such rules necessary, will be included in either a video or a power point presentation that would scroll in advance of every meeting. It is also recommended that the delegation application form be amended to include this information.

FINANCIAL TEMPLATE (Separate Attachment):

Not applicable

ENVIRONMENTAL CONSIDERATIONS:

Not applicable

ACCESSIBILITY CONSIDERATIONS:

Not applicable

ENGAGE 21ST CONSIDERATIONS:

Not applicable

BUSINESS UNITS CONSULTED AND AFFECTED:

Not applicable

ATTACHMENTS:

None

