

TO:	CHAIR AND MEMBERS FINANCE AND ADMINISTRATIVE SERVICES COMMITTEE MEETING ON APRIL 16, 2012
FROM:	CATHY SAUNDERS CITY CLERK
SUBJECT	AMENDMENTS TO COUNCIL PROCEDURE BY-LAW

RECOMMENDATION

That, on the recommendation of the City Clerk, the attached proposed by-law (Appendix "A") **BE INTRODUCED** at the Municipal Council meeting on May 1, 2012 for the purpose of amending By-law No. A-41 entitled "A by-law to provide for the Rules of Order and Procedure for the Council of The Corporation of the City of London" as it relates to reconsideration of matters, conduct of public at meetings, scheduling of Investment and Economic Prosperity Committee meetings and a housekeeping change to properly reflect the committee responsible for recommending the appointment of Chairs for standing committees.

PREVIOUS REPORTS PERTINENT TO THIS MATTER
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None.

BACKGROUND

Reconsideration

The Municipal Council, at its session held on January 31, 2012 resolved:

*That the City Clerk **BE REQUESTED** to review and report back to the Finance and Administrative Services Committee with respect best practices regarding the period of time that must expire before a motion for reconsideration regarding a decided matter of Council is no longer required.*

At the present time, Section 13.9 the City of London's Procedure By-law states that "No motion for the reconsideration of any decided matter shall be permitted more than twice during any one year nor shall a motion to reconsider be reconsidered." The procedure by-laws of a number of Ontario municipalities were reviewed to determine best practices regarding the period of time that must expire before a motion for reconsideration regarding a decided matter of Council is no longer required. There is a broad range of practices, but generally a matter cannot be reconsidered more than once in a given period. That time period of time ranges anywhere from the Council meeting at which the matter was originally decided, to once in twelve months from the date the decision was originally made by the Council (unless a regular election has occurred following the decision), to once in a Council term. Of the 10 municipalities surveyed, the majority provide for reconsideration of matters previously decided by the Council to once in twelve months from the date the decision was originally made by the Council (unless a regular election has occurred following the decision). It is therefore being recommended that the City of London's Procedure By-law be amended to align with the latter provision. The attached proposed by-law reflects this recommended action.

Conduct of Public at Meetings

When investigating other municipalities' Procedure By-laws, it became evident that the majority of them have, within their Procedure By-law, a section which pertains to the conduct of members of the public at meetings. While the City of London's Procedure By-law does speak to expectations regarding written communications, it lacks reference to the conduct expected of the public at meetings. It is therefore being recommended that the City of London's Procedure By-law be amended, in keeping with other municipalities, to ban signs, banners, emblems, flags, etc. at meetings, to prescribe the

maximum time for delegations to address a committee and to require that order and quiet be maintained during the meeting session. The attached proposed by-law sets parameters for the conduct of public at meetings, in keeping with the best practices of Ontario municipalities, with a view to maintaining safety and order in meetings.

Scheduling of Investment and Economic Prosperity Meetings

At its meeting of March 20, 2012, the Municipal Council resolved that the City Clerk **BE DIRECTED** to take the necessary actions to amend the Annual Schedule of Meetings and the Council Procedure By-law to provide for meetings of the Investment and Economic Prosperity Committee to be held every two weeks, on Tuesdays, commencing at 1:30 PM. Subsequent to this resolution, Members of the Investment and Economic Prosperity Committee have determined that a 3:30 PM start time for the meetings would be more appropriate. The attached proposed by-law incorporates changes to section 23.12 of the By-law as set out in the Council resolution and the subsequent proposal from the Committee to have the meetings commence at 3:30 p.m.

Appointment of Chairs to Standing Committees

Under the new governance model, the Strategic Priorities and Policy Committee is responsible for the nomination of Chairs to standing committees to the Municipal Council which, in turn, makes the appointments. The attached proposed by-law makes the necessary amendment to Section 23.15 to reflect the current process for appointing Chairs to standing committees.

RECOMMENDED BY:
CATHY SAUNDERS CITY CLERK

APPENDIX “A”

Bill No.
2012

By-law No.

A by-law to amend By-law No. A-41 entitled, “A by-law to provide for the Rules of Order and Procedure for the Council of The Corporation of the City of London”.

WHEREAS the Council of The Corporation of the City of London wishes to amend By-law No. A-41 entitled “A by-law to provide for the Rules of Order and Procedure for the Council of The Corporation of the City of London” as it relates to reconsideration of matters, conduct of public at meetings, scheduling of Investment and Economic Prosperity Committee meetings and a housekeeping change to properly reflect the committee responsible for recommending the appointment of Chairs for standing committees;

AND WHEREAS section 5(3) of the *Municipal Act, 2001*, as amended, provides that a municipal power shall be exercised by by-law;

NOW THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

1. **Part 13 – RECONSIDERATION** is deleted in its entirety and replaced with the following new **Part 13 – RECONSIDERATION**:

“Part 13 RECONSIDERATION

13.1 Reconsideration – not in order – legally binding commitments

No motion to reconsider a decided matter shall be in order when the motion has been implemented resulting in a legally binding commitment that is in place on the date that a motion to reconsider is to be debated.

13.2 Reconsideration – same standing committee meeting – any time

A motion to reconsider a decided matter may be introduced at any time when it is made at the same standing committee meeting at which the original motion was decided.

13.3 Reconsideration – same standing committee meeting – introduction

A motion to reconsider a decided matter at the same standing committee meeting at which the original motion was decided must be made by a member who voted with the majority on the original motion.

13.4 Reconsideration – same standing committee meeting – once only

No motion to reconsider a decided matter at the same standing committee meeting at which the original motion was decided shall be permitted more than once.

13.5 Reconsideration – same standing committee meeting – majority vote

A motion to recommend the reconsideration of a decided matter at the same standing committee meeting at which the original motion was decided shall only require the approval of the majority of the members present at that standing committee meeting.

13.6 Reconsideration – decided matter of Council – same meeting

A motion to reconsider a decided matter of Council at the same meeting at which the original motion was decided shall be introduced at Stage XI (Emergent Motions) of the Council agenda.

13.7 Reconsideration – decided matter of Council – subsequent meeting

A motion to reconsider a decided matter of Council at a meeting subsequent to the meeting at which the original motion was decided shall require a notice of motion submitted in accordance with section 7.2 of this by-law, and shall be introduced at Stage VI (Motions of Which Notice Given) of the Council agenda.

13.8 Reconsideration – decided matter of Council – introduction

A motion to reconsider a decided matter of Council must be made by a member who voted with the majority on the original motion.

13.9 Reconsideration – decided matter of Council – only once

No motion to reconsider a decided matter of Council shall be made more than once in the twelve month period from the date the matter was decided, unless a regular election has occurred following the decision.

13.10 Reconsideration – decided matter of Council – 2/3 vote – whole Council

A motion to reconsider a decide matter of Council shall require the approval of at least two-thirds of the whole Council.

13.11 Affirmative vote – original matter – next business

If a motion to reconsider is decided in the affirmative at a meeting, then consideration of the original matter shall become the next order of business.

13.12 Debate – prohibited – statement of reason – permitted

No debate on a motion to reconsider a decided matter shall be permitted; however the mover of a motion to reconsider may provide a brief and concise statement outlining the reasons for proposing such reconsideration.”

2. **Part 14 – DELEGATIONS** amended by inserting the following new section 14.5.1 after section 14.5:

“14.5.1 Speaking – limited - 5 minutes

No delegation shall speak on a matter longer than a 5 minute period, without leave of Council or a Committee, except as otherwise prescribed by applicable legislation.”

3. The following new **Part 15.1 – PUBLIC AT COUNCIL AND COMMITTEE MEETINGS** is inserted after **Part 15 – COMMUNICATIONS – PETITIONS**:

**“Part 15.1
PUBLIC AT COUNCIL AND COMMITTEE MEETINGS**

15.1.1 Public to Maintain Order and Quiet

Members of the public present during a Council or Committee meeting shall maintain order and quiet and shall not address Council or the Committee except with the permission of Council or the Committee.

15.1.2 No signs, placards, flags or emblems

No person shall display signs, placards, flags, or emblems during the proceedings of Council or the Committee.

15.1.3 No applause or other disruptive behavior

No person shall applaud or heckle participants in debate, or engage in conversation or other behavior which is disruptive to the proceedings of Council or the Committee.

15.1.4 No food, drink, electronic devices emitting sound

No person shall bring into the Council Chambers or Committee meeting room food or drinks, or cellular telephones, pagers or other electronic devices which emit a sound unless such devices are turned off or silenced.

15.1.5 No indecent, offensive, insulting language or speaking disrespectfully

When invited to address Council or a Committee, no person shall use indecent, offensive or insulting language or speak disrespectfully of the Royal Family, the Governor General, the Lieutenant Governor of any Province, any member of the Federal or Provincial Governments or of the Municipal Council, or any employee of the Municipality.

15.1.6 No entry to floor of place of meeting

No member of the public shall enter the floor of the place of meeting unless invited by the Chair as a delegation.

15.1.7 No placement or distribution of materials

No member of the public shall place at the seats of members or staff, or otherwise distribute any material whatsoever, unless such person is acting with the consent of the City Clerk or designate.

15.1.8 Expelled from meeting

Any person not being a Member of Council who contravenes any provision of this section may be expelled from the meeting by the Chair.

15.1.9 Suspension of meeting – order restored

The Chair may unilaterally suspend the meeting until order is restored in the meeting.”

4. Part (d) of section 23.12 is amended by deleting part (d) and by replacing it with a new part (d) as follows:

“(d) Regular meetings of the Investment and Economic Prosperity Committee shall commence at 3:30 p.m., on Tuesdays to be identified in the annual meeting schedule. The Chair may amend the time of the Committee meeting, or cancel a Committee meeting, when the content of the Agenda warrants a change to be necessary. The date and time may be varied where a holiday falls on a regular meeting date.”

5. Section 23.15 is amended by deleting the words “Committee of the Whole” and by replacing them with the words “Strategic Priorities and Policy Committee”.

6. This by-law comes into force and effect on the day it is passed.

PASSED in Open Council on May 1, 2012.

Joe Fontana
Mayor

Catharine Saunders
City Clerk

First Reading – May 1, 2012
Second Reading – May 1, 2012
Third Reading – May 1, 2012