

TO:	CHAIR AND MEMBERS CORPORATE SERVICES COMMITTEE MEETING ON JUNE 19, 2018
FROM:	CATHARINE SAUNDERS CITY CLERK AND DAVE O'BRIEN DIVISION MANAGER, CORPORATE SECURITY AND EMERGENCY MANAGEMENT
SUBJECT	COUNCIL POLICY PUBLIC ACCESS DURING COUNCIL AND STANDING COMMITTEE MEETINGS

RECOMMENDATION

That, on the recommendation of the City Clerk and the Division Manager, Corporate Security and Emergency Management, with the concurrence of the Managing Director, Corporate Services and Chief Human Resources Officer and the Managing Director, Corporate Services and City Solicitor, the attached proposed by-law (Appendix "A") BE INTRODUCED at the Municipal Council meeting to be held on June 26, 2018 to establish a new policy pertaining to public access during Council and Standing Committee meetings.

PREVIOUS REPORTS PERTINENT TO THIS MATTER
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Corporate Services Committee – March 8, 2016
Corporate Services Committee – December 5, 2017

BACKGROUND

At its meeting held on March 22, 2016, the Municipal Council resolved that:

- "b) the Civic Administration BE DIRECTED to review the recommendations outlined in the report noted in a), above, (the Ontario Ombudsman Report dated February 2016 – Investigation into complaints about a meeting held by Council for the City of London on June 10, 2016) and report back with the necessary policies and procedures to address the recommendations of the Ontario Ombudsman;"

The following recommendations were contained in the above-noted February 2016 Ontario Ombudsman Report:

1. All members of council for the City of London should be vigilant in adhering to their individual and collective obligation to ensure that the city complies with its responsibilities under the Municipal Act, 2001 and its own procedure by-law.
2. The City of London should ensure that the public has unimpeded access to council chambers in order to observe all open meetings of council and committees.
3. The City of London should ensure that a formal written policy is created and implemented that sets out security protocols during meetings of council or committees.

In response to this direction, the Civic Administration submitted a report to the December 5, 2017 meeting of the Corporate Service Committee recommending the adoption of a procedure to address concerns with respect to “crowd control” during open meetings of Council and Standing Committees.

At its meeting held on December 12, 2017, the Municipal Council resolved:

“That the staff report dated December 5, 2017 and entitled “Crowd Control Procedures at Meetings” BE REFERRED back to the Civic Administration to incorporate additional procedures with respect to the entry doors into the Chambers Gallery during Council and Standing Committee meetings.”

The purpose of this report is to respond to the concerns raised by the Ontario Ombudsman and the further direction given by Municipal Council in response to the draft policy submitted by the Civic Administration in December 2017.

DISCUSSION

The Civic Administration has expanded upon the draft procedure regarding “Crowd Control” attached to the December 5, 2017 staff report, and is recommending the proposed attached Council Policy with respect to public access during Council and Standing Committee meetings. This policy should not only address the recommendations of the Ontario Ombudsman, but will also provide additional clarity for the Municipal Council, the Civic Administration and the public for various situations that may arise that could require limiting public access to Council and Standing Committee meetings.

PREPARED AND RECOMMENDED BY:	PREPARED AND RECOMMENDED BY:
CATHARINE SAUNDERS CITY CLERK	DAVE O'BRIEN, DIVISION MANAGER CORPORATE SECURITY AND EMERGENCY MANAGEMENT
CONCURRED BY:	CONCURRED BY:
WILLIAM C. COXHEAD, MANAGING DIRECTOR, CORPORATE SERVICES AND CHIEF HUMAN RESOURCES OFFICER	BARRY CARD, MANAGING DIRECTOR, CORPORATE SERVICES AND CITY SOLICITOR

APPENDIX "A"

Bill No.
2018

By-law No. CPOL.-

A by-law to implement a Council policy pertaining to public access during Council and Standing Committee Meetings.

WHEREAS the Ontario Ombudsman is the closed meeting investigator for the City of London under section 239.2(1) of the *Municipal Act, 2001*, as amended;

AND WHEREAS the Ontario Ombudsman, in a report dated February 2016 recommended that the City of London establish a written policy that sets out security protocols during meetings of council and standing committees to ensure that that meetings are open and accessible to members of the public;

AND WHEREAS section 5(3) of the *Municipal Act, 2001*, S.O. 2001, C.25, as amended, provides that a municipal power shall be exercised by by-law;

AND WHEREAS section 9 of the *Municipal Act, 2001*, S.O. 2001, C.25, as amended, provides a municipality with the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority;

AND WHEREAS the Municipal Council of The Corporation of the City of London wishes to establish a policy pertaining to public access during Council and Standing Committee Meetings;

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

1. The policy entitled "Public Access During Council and Standing Committee Meetings", attached hereto as Schedule "A" is hereby approved.
2. This by-law shall come into force and effect on the date it is passed.

PASSED in Open Council on June 26, 2018.

Matt Brown
Mayor

Catharine Saunders
City Clerk

Schedule “A”

Policy Name: Public Access During Council and Standing Committee Meetings

Legislative History: N/A

Last Review Date: June 26, 2018

Service Area Lead: City Clerk

1. Policy Statement

- 1.1 This policy establishes the responsibilities and procedures for public access during Council and Standing Committee meetings, in order to ensure the safety of all attendees and proper decorum during meetings.

2. Definitions

For the purposes of this policy,

- 2.1. **Chair** – shall mean the person presiding at a Council or a Standing Committee meeting.
- 2.2. **City** – shall mean The Corporation of the City of London.
- 2.3. **Council** – shall mean the Municipal Council of The Corporation of the City of London.
- 2.4. **Meeting** – shall mean a public meeting of the Council or a Standing Committee.
- 2.5. **Meeting Room** – shall mean the room in which a Council or Standing Committee meeting is being held.
- 2.6. **Standing Committee** – shall mean a Standing Committee of the Council of The Corporation of the City of London,

3. Applicability

- 3.1. This Council policy applies to all persons attending a public Council or Standing Committee meeting.

4. The Policy

4.1 Roles and Responsibilities

- a) The Chair is responsible for ensuring that meeting attendees conduct themselves with proper decorum at all times, and that there is a safe and respectful meeting environment, pursuant to the procedures outlined in the Council Procedure By-law.
- b) The City Clerk, or their designate, is responsible for providing legislative and secretariat support at a Council or Standing Committee meeting.
- c) The Division Manager, Corporate Security and Emergency Management, or their designate, is responsible for ensuring the physical safety of the meeting room and its occupants.

4.2 Procedures

4.2.1 Prior to the Commencement of a Meeting

- a) Approximately 15 minutes prior to the commencement of a meeting the City Clerk, or their designate, shall ensure that the entry door(s) to the public viewing area of the room in which the meeting is being held is unlocked.
- b) Corporate Security shall ensure that the entry door(s) to the public viewing area of the room in which the meeting is being held is propped open, once it is unlocked by the City Clerk, or their designate.

4.2.2 During a Meeting

Decorum

- a) In the event that any person(s) attending a meeting conducts themselves in a manner that is not in keeping with proper decorum, the Chair shall follow the steps outlined in Part 9 and/or Part 17 of the Council Procedure By-law, as applicable, in order to restore decorum, which could ultimately result in the removal of that person(s) from the meeting.

Immediate or Impending Threat to Safety

- a) If, at any time, the Division Manager, Corporate Security and Emergency Management, or their designate, identifies an individual(s) as being an immediate or impending threat to the safety of themselves or other meeting attendees, steps will be taken to neutralize the threat and remove the individual(s) from the meeting, without warning. The Chair shall suspend the meeting until the immediate threat is contained and order is restored. No other person(s) shall be permitted to enter the meeting until such time as the threat is contained and order is restored, in order to mitigate risk to the safety of other persons. Members of the public wishing to enter the meeting will be advised by a City representative that there is a disruption and that entry to the meeting is temporarily suspended, for their personal safety. Once the disruption has been resolved, meeting attendees will be permitted to enter the meeting and the meeting shall resume.
- b) If, at any time, there is an immediate or impending fire, structural failure, weather event or other environmental threat to the safety of meeting attendees, the Chair shall suspend the meeting, the meeting room will be evacuated so that attendees can move to a safe location, and no further individuals shall be permitted into the meeting room until such time as the threat to safety has been resolved. In the event the threat is likely to be present for an extended period of time, the Chair, upon consultation with the City Clerk, or their designate, and the Division Manager, Corporate Security and Emergency Management, or their designate, may postpone consideration of any unfinished business to a future date and/or time.

Room Capacity

- a) For purposes of compliance with the *Ontario Fire Code*, meeting room capacity is as follows:

Room	Capacity (#)
Committee Room No. 1	60
Committee Room No. 2	60
Committee Room No. 3	60
Committee Room. No. 4	60
Committee Room No. 5	60
Council Chambers Main Level	90
Council Chambers Gallery	90

- b) In accordance with the Council Procedure By-law, no person shall be allowed to enter the main floor of the Council Chambers during meetings without the leave of the Chair, except members, employees and servants of the Corporation and those representatives of the media who have appropriate identification to the satisfaction of the Clerk.
- c) The Division Manager, Corporate Security and Emergency Management, or their designate, shall advise the City Clerk, or their designate, if the meeting room capacity has been exceeded. If such is the case, the City Clerk, or their designate, shall make the necessary arrangements to have an overflow room(s), if available, opened for members of the public, who

would otherwise exceed the meeting room capacity, to observe the meeting via live video stream. Security personnel will then direct any members of the public in excess of meeting room capacity, to the overflow room(s).

- d) In the event that an overflow room(s) is not available, or has reached its capacity, the Division Manager, Corporate Security and Emergency Management, or their designate, shall create a staging area in an appropriate area within the building the meeting is being held, where members of the public will be held until such time as room becomes available in either the meeting room or an overflow room.
- e) In the event that the number of members of the public waiting to enter a meeting is of a size that is too large to be accommodated as provided for in part d), above, the Division Manager, Corporate Security and Emergency Management, or their designate, after consultation with the City Clerk or their designate, will advise members of the public that the indoor staging area, overflow rooms(s) and meeting room are at capacity and request members of the public to wait outside of the building until such time as capacity becomes available.
- f) No group of individuals will be allowed to enter a meeting if the number of individuals within that group will create a situation where the room capacity is exceeded. The group may be divided into smaller groups in order to ensure that, upon being granted entry, room capacity is not exceeded.
- g) The Division Manager, Corporate Security and Emergency Management, or their designate, shall inform the City Clerk, or their designate, of the status of capacity throughout the meeting, unless it is otherwise evident that capacity is not being exceeded. The City Clerk, or their designate, will keep the Chair apprised if capacity is exceeded, so that the Chair can, if necessary, encourage members of the public to leave once their item is addressed, in order to make room for other members of the public to enter the meeting for their item(s) of interest.

Protests

- a) In the event that the Division Manager, Corporate Security and Emergency Management, or their designate, have reasonable grounds to believe that a person or group of persons may be attending a meeting in order to disrupt its proceedings or threaten the safety of meeting participants, the Division Manager, Corporate Security and Emergency Management, or their designate, may take reasonable measures, including, but not limited to prohibiting that person or group of persons from entering the building and will, as soon as is reasonably possible, advise the Chair via the City Clerk, or their designate, of this action.

Prohibited Objects

- a) The following objects are prohibited from being brought into meetings, due to safety concerns:
 - i) weapons (guns, knives, slingshots, explosives, etc.)
 - ii) projectiles
 - iii) large, unwieldy objects (i.e. sign posts)
 - iv) any other item determined by the Division Manager, Corporate Security and Emergency Management, or their designate, to pose a risk to the safety of meeting attendees.
- b) Any person who arrives to attend a meeting with a prohibited object(s) may be denied entry to the meeting. The Division Manager, Corporate Security and Emergency Management, or their designate, may, at their own discretion, agree to hold the prohibited object(s), if that object(s) is

otherwise legal to carry, for the person for the duration of the individual's attendance at the meeting, thus permitting the individual to enter the meeting. The prohibited object(s) will be returned to the individual after the individual has left the meeting.

Prohibited Access

- a) Prohibition of access to a meeting by banning entry to the building and/or meeting room shall be authorized by the Division Manager, Corporate Security and Emergency Management, or their designate and who will, as soon as is reasonably possible, seek the concurrence of the meeting Chair, via consultation with the City Clerk, or their designate, of this action.

Off-Site Meetings

When it is necessary to hold meetings at a venue outside of City Hall, a crowd control plan will be developed specific to the alternate venue by the Division Manager, Corporate Security and Emergency Management, or their designate, in consultation with the City Clerk, or their designate. The City Clerk shall ensure the meeting Chair is advised of the crowd control plan.

Trespass Notices

The Division Manager, Corporate Security and Emergency Management, or their designate, has the authority to issue Trespass Notices pursuant to the *Trespass to Property Act, 1990, c.T.21*, as amended, to restrict access to individuals who are deemed to be of a safety risk to the Members of Council, the Civic Administration or members of the public, to any property owned, leased or otherwise occupied by the City.

General Provisions

Nothing in this policy restricts the Division Manager, Corporate Security and Emergency Management, or their designate, from taking reasonable measures to ensure the safety and security of any property owned, leased or otherwise occupied by the City, and the persons occupying that property. Where such measures relate to a meeting, the Division Manager, Corporate Security and Emergency Management will consult with the applicable meeting Chair, via the City Clerk or their designate, with respect to the safety and security measures being put in place for the protection of all meeting participants.