

DATE OF MEETING FEBRUARY 24, 2025

AUTHORED BY KAREN ROBERTSON, DEPUTY CORPORATE OFFICER

SUBJECT OPTIONS FOR AMENDMENTS TO COUNCIL'S PROCEDURE BYLAW AND RESPECTFUL SPACES BYLAW

OVERVIEW

Purpose of Report

To introduce amendments to Council's Procedure Bylaw related to provisions associated with electronic devices and signs in Council and Committee meetings and delegations, and housekeeping amendments to the Respectful Spaces Bylaw.

Recommendation

That Council consider the proposed amendments to Council's Procedure Bylaw and the Respectful Spaces Bylaw as outlined in the 2025-FEB-24 report by the Deputy Corporate Officer.

BACKGROUND

On 2024-JUL-08, Council adopted the Respectful Spaces Bylaw. This bylaw sets out the behavioural expectations of all persons using and accessing City facilities and services and acknowledges that everyone has the right to an inclusive environment that is free of harassment, intimidating, discrimination and violence. It also outlines the criteria and threshold for Inappropriate Behaviour, including an appeal process.

The Respectful Spaces Bylaw defines "Inappropriate Behaviour" as behaviour that obstructs or interferes with the lawful free use and enjoyment of Municipal Facilities or participation in Municipal Services, programs or events, or that compromises the safety and well-being of others, including Municipal Staff, volunteers, Council and members of the public.

A Public Code of Conduct is defined within the bylaw as a document posted in a "Municipal Facility" that outlines the rules, roles, rights or responsibilities of members of the public and the bylaw prohibits a person from committing or engaging in Inappropriate Behaviour in any space in which Municipal Services are provided.

While the Public Code of Conduct applies to all "Municipal Facilities" there are additional limits imposed under the *Canadian Charter of Rights and Freedoms* when it comes to expelling a member of the public from a Council or Committee meeting for "Inappropriate Behaviour". In these instances, the Inappropriate Behaviour has to be addressed by the Presiding Chair through the authority granted to them under Section 133 of the *Community Charter* as opposed to the Respectful Spaces Bylaw.

The powers of the Presiding Chair under section 133 to maintain proper decorum are very broad. Despite this, clarity was needed as to what constitutes inappropriate behaviour in a Council or Committee meeting when it comes to electronic recording devices and offensive signage given some of the recent incidences during Council meetings.

Staff provided Council with legal advice on these matters at its 2025-NOV-04 in-camera meeting. Based on those discussions staff is bringing forward proposed amendments to the Council Procedure Bylaw for Council's consideration related to:

- Defining inappropriate behaviour within Council's Procedure Bylaw;
- prohibiting the use of electronic devices during Council and Committee meetings by members of the public unless authorized by the Chair; and
- including parameters around signage in Council and Committee meetings.

Should Council choose to include those provisions within Council's Procedure Bylaw, it is also necessary to bring forward housekeeping amendments to the Respectful Spaces Bylaw so that it's clear that "Inappropriate Behaviour" within Municipal Facilities would be governed through the Respectful Spaces Bylaw and "Inappropriate Behaviour" within a Council or Committee meeting would be governed through Council's Procedure Bylaw.

Council also sought clarity at its 2025-JAN-20 regular meeting around the process generally for Committees requesting specific associations to attend as a delegation and report back to a future Governance and Priorities Committee meeting. In addition, Council cited concerns with the impact that unlimited delegations can have on decision making, particularly when a large number of delegations on the same topic making it difficult to address the full business of Council. As such, Council requested staff to review how other like sized municipalities addressed delegations and to bring back options for consideration that may assist in streamlining the process.

Given Council would be considering amendments to Council's Procedure Bylaw on other topics, staff felt it would be beneficial to bring forward the information and options related to delegations for Council's consideration to this meeting so they could be considered simultaneously.

DISCUSSION

As outlined above, staff is bringing forward amendments for Council' consideration to both the Council Procedure Bylaw and Respectful Spaces Bylaw. Each of the proposed changes are noted below and also highlighted in the attached strikethrough version of the consolidated bylaws so that Council can see how the amendments would be incorporated. The strikethrough version of Council's Procedure Bylaw can be found on Attachment 2 and the strikethrough version of the Respectful Spaces Bylaw can be found on Attachment 4. The amendment bylaws are also before Council as Attachments 1 and 3.

In addition to the proposed amendments in the draft bylaw, however, there are two provisions which are currently highlighted in the draft bylaw but a Council motion would be required. The proposed options for consideration are outlined at the end of the report.

Once Council has provided direction on the options, staff would then be seeking Council's consideration of giving both bylaws their first three readings. After third reading, staff would then advertise the proposed amendments to the Council Procedure Bylaw pursuant to Section 94.2 of the *Community Charter*.

Council Procedure Bylaw – Proposed Amendments

Definition Section:

The definitions for electronic devices, inappropriate behaviour, prohibited display of signage and prohibited use of an electronic device were provided by the City Solicitor. These definitions would assist Council, staff, and the public in knowing what is considered inappropriate behaviour in a Council or Committee meeting, what kind of electronic devices are prohibited and what the parameters are around signage during a Council and Committee meetings.

Section 9.5 – Question Period for Committees that do not consist of all members of Council

Subsection 9.5 proposes to eliminate Question Period for committees that do not consist of all members of Council. The rationale for this is that committees have no decision-making power and the members of the public appointed to those committees may be unfamiliar with local government legislation and protocol which could put them in a difficult position when trying to respond to questions. This rule would not apply to the Governance and Priorities Committee or the Finance and Audit Committee.

Section 13 - Presentations

The new provisions in section 13 assist in defining what constitute a presentation. Presentations are different from delegations in that a presenter is invited by Council or staff. Typically, presenters are consultants coming to Council to present their findings on a matter that they've been hired to investigate, or if Council wishes to invite a guest speaker to bring forward information on a particular topic. In rare cases, a staff person might be presenter; however, this is not to be confused with staff "presenting" their reports under the report section of the agenda. It would be challenging to assign a time limit to presenters as the time will be topic dependant. Having said that, Council did convey its desire to have both presenters through this section, and staff (when presenting their reports) to be more concise when presenting to Council.

It should be noted that this provision does not extend to Committees. Should a Committee wish to have a presenter at their meetings on a specific topic, other than a staff member, these requests would need to be approved by Council. Committees also do not have the authority to request an individual to be a delegation. The Corporate Officer is the person who has the delegated authority through the bylaw to screen all delegations and therefore is the appropriate individual to vet these requests.

Section 16.4 and 16.5 – Inappropriate Behaviour

This section adds the inappropriate behaviour provisions for members of the public during a Council and Committee meeting as opposed to having to locate them within the Respectful Spaces Bylaw. As noted in the background section of the report the rules are somewhat different in Council and Committee meetings. Inappropriate behaviour by members of the public in municipal facilities would still be governed through the Respectful Spaces Bylaw.

Section 19 – Delegations

Staff has revamped this section to make it flow easier. It has been arranged into the following sections:

- Screening Delegations (which outlines the process)
- Delegations Not Permitted (to clarify what topics are not permitted)
- Delegations Pertaining to Council Agenda Items
- Delegations Not Pertaining to Council Agenda Items; and
- Rules for Delegations

The clauses remain the same with the following exceptions:

Section 19.1(f) and (j) – Delegations that have spoken to Council on the same topic previously.
This section has been added to expand on the parameters for refusing to place a Delegation on a Council or Committee agenda on the same topic if they have already spoken to Council and no new information has been provided.

Often if refused, the individual ends up changing only a word or two on the request form claiming it is new information. With the addition of clause 19.1(f), the applicant will be required to prove to the Corporate Officer's satisfaction that the new information is sufficiently substantive to warrant another delegation. If they are still refused, the individual will be afforded the opportunity to appeal the decision to Council.

If this situation arises for a committee meeting, through section 19.1(j) the Corporate Officer shall offer the applicant an opportunity to apply as a Delegation to a Council meeting.

Section 19.1(k) and (l) – election campaigning and matters contrary to a City Policy

When reviewing other like sized municipal Council Procedure Bylaws, many of them include a provision to prohibit an individual from being a delegation on an election related issue or to do election campaigning. As this has been a request in the past and because local governments must remain neutral on election related issues, it is recommended to include the provision so that it is clear to anyone inquiring.

Additionally, it is recommended that delegations to matters that are contrary to a City policy or legislative requirement not be permitted. Instead, these requests should be addressed to Mayor and Council. Then, should a member of Council be interested in pursuing the matter, they can request that the correspondence be added to an agenda for discussion.

Section 19.6- Option for limiting the time for multiple delegations on the same topic

Council had enquired about the impact that unlimited delegations can have on decision making when a large number of delegations become repetitive on the same topic, resulting in late meetings.

Staff conducted a survey of the comparator municipalities with the same sized population and found that only two had no limits. The others ranged from a limit of two per meeting to a maximum of six, with the average being three to four.

With the recent changes in the provincial housing legislation there are limited opportunities for members of the public to comment on development applications. Also, if a limit is imposed, there is the chance that the delegations could get stacked quickly on a topic that is of interest to the community. Therefore, staff did not bring forward an option to limit the number of delegations pertaining to Council agenda items. Instead, staff have proposed a provision that would give Council the opportunity, by a majority vote of Council members present, to limit the time for Delegations to three minutes in cases where there are multiple delegations. This same opportunity exists during public hearings.

An option to consider adding a section 19.6 (c) to give Council the option of reducing the time limit from five minutes to three, or the option to retain the status quo of unlimited delegations with a 5-minute time limit for all is outlined below.

Option 1:

That Council add the following provision to subsection 19.6:

“19.6(c) despite subsection 19.6 (b), when there are multiple Delegations for the same item on the agenda, Council may, by a motion passed by a majority vote of Council members present, limit the time for Delegations to verbally address Council to three (3) minutes.”

Or

Option 2:

That Council retain the status quo of allowing unlimited delegations pertaining to agenda items each with a 5-minute time limit.

Recommendation: That Council select either option 1 or 2 for Delegations pertaining to Council agenda items.

Section 19.8 – Delegation Submission Deadlines

This section is more housekeeping in nature in that the bylaw currently allows delegation requests for items not related to agenda items up until 11:00 am on Friday before the meeting, or in the case of a Committee, 11:00 am the day before the meeting. With this tight timeframe, it makes it challenging to review the requests. Also, an addendum agenda must be prepared. Staff recommend that applications for delegations not related to agenda items be submitted a week prior to the applicable meeting date. That way, they can be included on the agenda.

Section 19.10 through 19.13 – Delegation maximums for matters not related to the Agenda

As noted in section 19.6, Council was looking for options when it comes to delegations for matters not related to the Agenda. Currently the bylaw allows for up to 4 delegations not related to the agenda, with 5 minutes each. This is in addition to the unlimited delegations for matters related to the agenda. Staff has provided 3 options for Council’s consideration:

Option 1

This option still provides for 4 delegations to speak to matters unrelated to the agenda; however, these delegations would only have 3 minutes to speak.

Advantages: This option would still retain the maximum number at 4 but it would shave 8 minutes of speaking time from the meeting.

Disadvantages: None, other than reduced speaking time for the delegation.

Option 2

This option would reduce the number of delegations from four to two. Each speaker would still be given 5 minutes each. With the reduced number, priority would be given to delegations that have not previously appeared before Council.

Advantages: This option would shave 10 minutes of speaking time from the meeting.

Disadvantages: The option would involve a bit more staff time to administer as staff would be unable to confirm the delegations until after the deadline. With the reduced number there is the potential for a backlog of requests.

Option 3

This option would see no changes to the bylaw.

Advantages: The advantage would fall to the applicants as there would be no change to the bylaw.

Disadvantages: Retaining a 5-minute time limit would mean there is potential for 20 minutes of speaking time in addition to the unlimited delegations pertaining to agenda items.

Recommendation: That Council select one of the three options for Delegations not pertaining to Council agenda items.

Section 23.3 (f) and 27.14 adding inappropriate behaviour within Question Period and Decorum
With the inclusion of inappropriate behaviour within the bylaw, it should be added to the Question Period and decorum sections.

Section 50.4 Delegation Rules as they apply to Committees

With the clarity provided to the language in the delegation section both for Council and Committee agendas, staff needed to remove the existing language for delegations in the Committee section and instead reference section 19.

Section 53.1 - Consideration of Motions

At times, there is confusion between a motion to refer, table or postpone. As such, staff felt it would be helpful to list the definitions to help provide clarity for Council, Committee members, and staff. These definitions mimic those within Robert's Rules of Order.

Section 54.1 – Withdrawal of Motions

This section as it currently reads conflicts with Robert’s Rules of Order. Once a motion has been moved and seconded the motion is on the floor and is deemed to be in the possession of Council. Challenges can occur if a Council member objects to the motion being withdrawn, particularly if debate has already occurred, even if the mover and seconder agree to withdraw it. Best practise is have the motion withdrawn only with the consent of all Council members present. If supported by all, the motion can be withdrawn. If not, then a vote on the motion is required – even if it is to simply defeat it.

Attachment A – Prohibited Display of Signage

The Appendix identifies the parameters for displaying signage in Council and Committee meetings, including Task Forces, the Board of Variance, and the Parcel Tax Roll Review Panel. In short, these provisions prohibit signage that causes a disturbance or interrupts the business of the City, blocks people’s view, blocks audio or video equipment, or depicts explicit graphic violence. Signage must also not be left unattended or affixed to any walls, furniture or equipment.

Recommendation:

That “Council Procedure Bylaw Amendment Bylaw 2025 No. 7272.05” – a bylaw to include provisions associated with delegations, inappropriate behaviour, electronic devices and signs in Council and Committee meetings and minor housekeeping amendments” pass first reading.

That “Council Procedure Bylaw Amendment Bylaw 2025 No. 7272.05” pass second reading.

That “Council Procedure Bylaw Amendment Bylaw 2025 No. 7272.05” pass third reading.

Respectful Spaces Amendment Bylaw

It is a local government employer’s obligation to ensure worker health and safety is protected and that a safe work environment is provided for all staff, free of harassment and intimidation. There are also privacy implications associated with filming and taking photos of individuals without their permission.

While it is considered a violation of the City’s Public Code of Conduct to use electronic devices to take photographs or record video of staff or members of the public unless expressly authorized, the City Solicitor recommended that for clarity a definition of “Electronic Devices” should be added to the Respectful Spaces Bylaw and included within the definition of “Inappropriate Behaviour”.

Other housekeeping amendments include adding “Municipal Employees that support the RCMP” to the definition of “Municipal Staff” so that the bylaw would be applicable those employees and to remove the clauses referencing Council and Committee proceedings as they will now be governed through the Council Procedure Bylaw.

Recommendation:

That “Respectful Spaces Amendment Bylaw 2025 No. 7381.01” - a bylaw to include electronic devices and other housekeeping amendments pass first reading.

That “Respectful Spaces Amendment Bylaw 2025 No. 7381.01” pass second reading.

That “Respectful Spaces Amendment Bylaw 2025 No. 7381.01” pass third reading.

ATTACHMENTS:

Attachment 1 - BL7272.05 – Council Procedure Amendment Bylaw

Attachment 2 - Council Procedure Bylaw Amendment – redlined version

Attachment 3 - BL7381.01 – Respectful Spaces Amendment Bylaw

Attachment 4 - Respectful Spaces Bylaw – redlined version

Submitted by:

Karen Robertson,
Deputy Corporate Officer

Concurrence by:

Sheila Gurrie,
Director, Legislative Services

Dale Lindsay, CAO