

Presentation to Council

March 20, 2018

Good evening council.

Thank you for the opportunity to speak to you tonite.

My presentation will speak to a perceived problem in basic democracy. As you well know, Municipalities in Ontario are creatures of the Province. Municipalities are granted their obligations and authorities mainly through the Municipal act of the Province. In this act, there exists a requirement for each Municipality to have a Municipal procedural bylaw.

This bylaw sets out most of the details of the operation of the Municipality's Council meetings.

Item 11.2 of our procedural bylaw states:

" It shall be the duty of the Clerk to ensure that the minutes of the last regular meeting, and all special and committee meetings held more than five (5) business days prior to a regular meeting, together with the agenda and related materials are made available to each member not less than forty-eight (48) hours before the hour appointed for the holding of such regular meeting."

This is commonly referred to as the Council "package" If we back up 48 hours from the scheduled meeting time of 19:00 hrs we arrive at 19:00 hrs on Sunday evening. I could find no specific guideline with respect to Saturday and Sunday being treated as business days or not for the purposes of notice of meeting however; it has been recent practice that the Council "package" is usually announced by Friday of the preceding week.

Item 4.3 of our procedural bylaw states:

" Notice of regular and special meetings shall be posted by the Clerk in accordance with the Municipal Notice By-law."

This item covers the online posting of the notice of meeting.

This online posting is the first time constituents who have internet access gain knowledge of what will be contained in the Council meeting agenda.

So, the above covers off when some people get to see the contents of the "package".

Now let's talk about the time constraints with respect to a constituent's ability to address an item contained in the Council "package".

Currently, the time requirement to apply for a deputation to Council is described in item 12.1 of our procedural bylaw and states:

"Persons requesting to present information verbally on matters of fact, give a presentation to or make a request of Council shall give verbal/written notice to the Clerk at least five (5) business days prior to the next regular meeting of the Council. Any information received later than that date may be withheld to the next regular meeting of Council."

So herein lies what I perceive to be a problem with democracy. The constituent doesn't find out about a matter until Friday, yet when that constituent wants to address Council in person about that matter, they have to apply for a deputation to Council to do so two days before they find out about it.

Should a person be unable to physically appear before Council to present an opposing view, a supporting view, provide new information, or even a simple correction of fact, we have no procedural method for them to do so and have it become part of the public record.

This leaves one with limited options to make their views known to Council. One option is to email Council members and/or staff and the other is to call them. These options may bring the concerns to the attention of staff and Council however, neither of these methods ensures that the constituents concerns become part of the public record.

Recent experiences in this regard have met with very limited results. I will give you separate copy of details of that frustrating exercise in the near future.

I am suggesting changes to our procedural bylaw that would allow a constituent to make their views on a subject known to Council and become a part of the public record in the process.

Suggested Change one

12.1.(a) Persons requesting to present information verbally on matters of fact, give a presentation to or make a request of Council **for a matter not on the published Council agenda** shall give verbal/written notice to the Clerk at least five (5) business days prior to the next regular meeting of the Council. Any information received later than that date may be withheld to the next regular meeting of Council.

Suggested Change two

12.1.(b) Persons requesting to present information verbally on matters of fact, give a presentation to or make a request of Council for a matter(s) on the published Council agenda shall give verbal/written notice to the Clerk at least 24 hours prior to the next regular meeting of the Council. The request shall contain the listing description of the agenda item(s). Section 12.16 will apply to item 12.1(b)

Suggested Change three

12.1(c)) Persons making a written comment to Council for a matter(s) on the published Council agenda shall give that written comment to the Clerk and Council at least 24 hours prior to the scheduled meeting of the Council. The comment shall contain the listing description of the agenda item(s) and clearly outline the constituent's position with respect to the item in question. This will be included as late correspondence. The written comments will be read in to the Council debate on the issue at hand if a majority of Council deems it appropriate to do so.

Suggested Change four

12.11. Any matter put before Council by a delegate using item 12.1(a) shall be referred to staff for a report prior to any decision being made by Council. Any matter put before Council using item 12.1(b) will be for Council's consideration when that matter is discussed on the agenda.

Agenda items in your Council package that require a decision of Council, usually by resolution, are invariably accompanied by a staff report that is produced after appropriate research has been completed. This is a pretty safe assumption.

What cannot be assumed is that the research done reflects constituent's concerns or opinions either in favor or in opposition to the recommended course of action by Council. Only a duly executed referendum can do that and I don't think anyone wants to do that.

However, we do need a process for constituents to place concerns on the Council table. These suggested changes would provide an opportunity for Council to hear other facts and issues and would place Council in a more knowledgeable position to make an informed decision one way or another.

I have, for your consideration, a draft resolution to bring to the April meeting. It is as follows:

Whereas a timing anomaly has been identified in council's procedural bylaw

And whereas Council wishes to operate in an open and transparent manner

And whereas constituents participation in the democratic process is to be encouraged

And whereas Council wishes to enhance that participation

Be it hereby resolved that the following changes to the Municipality's procedural bylaw 2015-07 presented by deputation at the March 20, 2018 regularly scheduled Council meeting be authorized by Council, namely: (the proposed highlighted changes above)

A couple of years ago I had occasion to present a primer to a group on the mechanics of how to make a deputation to a Municipal Council. In preparation for this presentation I read all the procedural bylaws of the 17 Municipalities in Renfrew County and am proud to say that ours was among the best and in my humble opinion was the best when it came to deputations to Council.

I would suggest that the adoption of these suggested changes would enhance democracy and would improve an already good Procedural bylaw.

It is my hope that Council gives these suggestions due consideration and I will be pleased to answer any questions of clarification from members of Council.

Thank you for listening to this deputation.

Jim Gibson