
HALDIMAND COUNTY

Report CLE-14-2023 Additional Information re Procedure By-law For Consideration by Council in Committee on November 21, 2023



OBJECTIVE:

To provide additional information about revisions to the Procedure By-law.

RECOMMENDATIONS:

1. THAT Report CLE-14-2023 Additional Information re Procedure By-law be received;
2. AND THAT notwithstanding the October 16, 2023 adopted recommendation to present the Procedure By-law included in Report CLE-11-2023 for enactment, alternatively, the revised Procedure By-law, included as Attachment 1 to Report CLE-14-2023 be presented for enactment.

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Approved: Cathy Case, Chief Administrative Officer

EXECUTIVE SUMMARY:

In addition to the comprehensive housekeeping amendments to the Procedure By-law that were introduced through Report CLE-11-2023, some additional revisions are presented through this report in response to concerns expressed about public decorum expectations and recording of meetings, to provide clarity around the expectations of formal Council and Committee proceedings. A revised draft Procedure By-law is included as Attachment 1, indicating all recommended changes.

BACKGROUND:

An updated Procedure By-law was presented through Report CLE-11-2023 in October 2023 and Council approved that the revised by-law be presented for enactment. Prior to enactment, some concerns were raised about the wording related to amendments in section 10.8 related to public decorum, and the clause addressing audio/video recordings, so enactment of the by-law was deferred pending legal advice on the matter.

ANALYSIS:

Section 238 of the Municipal Act, 2001 (Act) requires that every municipality shall pass a procedure by-law for governing the calling, place and proceedings of meetings of Council. Aside from the setting of place, dates and times of meetings, the majority of the Procedure By-law speaks to how business comes forward, how the public can participate in meetings, the process around voting and decision-making, and rules of conduct – for both members of Council and the public. Procedure by-laws recognize the importance of appropriate conduct of members of Council as they deliberate and make decisions, and having the attending public act with decorum supports a respectful and safe environment for all participants and observers.

The recommended restriction of signs, banners and placards during a Council or Committee meeting does not extend to the balance of Haldimand County Administration Building premises. The building is located on public property, and people generally have a right to protest and gather on public property. The Procedure By-law does not speak to those rights, rather it spells out the expectation for individuals present in Council Chamber during a Council or Committee meeting, in order to prevent disruption or distraction from official proceedings. The originally recommended wording regarding the display of banners, placards or any other item of demonstration mirrored the wording that is used by the province for those attending the public gallery at the provincial legislature. The newly recommended wording is adjusted to provide clarity on this point.

To support the actions outlined in section 10.9 of the revised by-law, subsection 241 (2) of the Act provides that “the head of council or other presiding officer may expel any person for improper conduct at a meeting”.

The intent of the restriction around recording of meetings was not to impede the media’s access to meeting proceedings. Media coverage is an important aspect of the democratic process. All Council and Committee meetings are livestreamed and the resulting videos are posted to the County’s website as soon after the meeting as practicable. Staff are aware that at least one local media outlet regularly covers Council business without attending meetings in person, indicating that the livestreaming and recorded videos provide a reliable resource for media reporting.

While staff feel that Council and Committee meetings can be covered without the use of external recording devices due to the fact that meetings are livestreamed, it is recognized that some other County boards or committees may benefit from allowing recordings by the media because they are not livestreamed. (Many of the County’s boards and committees that do not have specific procedures in place, rely on the County’s Procedure By-law to govern their proceedings.) This would provide the ability to report on such meetings for public awareness and knowledge. In order to provide the media with the ability to record such meetings, the wording in the newly revised by-law allows that recording devices may be used at the discretion of the Clerk or designate. The intent of this revised clause is:

- to ensure that any recording devices do not disrupt proceedings if they interfere with the County’s technology or the ability to livestream the meeting;
- to ensure that legitimate media sources have the ability to record meetings through evidence/notification to the Clerk by the media outlet of their attending representatives.

A single email by each media outlet to the Clerk would be sufficient to cover off their ability to use a recording device for all meetings.

Haldimand County Council has always had an unwritten requirement to remove hats in Council Chamber. Generally accepted etiquette requires that hats be removed indoors as a sign of respect. The Council Chamber in the old Central Administration Building had a sign on the door reminding that no hats were to be worn, and this rule was observed at Council and Committee meetings as well as court proceedings which took place in the Council Chamber. The inclusion of this generally accepted rule of etiquette with exclusions for religious, ceremonial or medical reasons, reflects ongoing practice and supports a respectful environment during Council and Committee meetings.

FINANCIAL/LEGAL IMPLICATIONS:

The County Solicitor has been consulted and has reviewed the revised wording proposed for section 10.8 of the Procedure By-law.

STAKEHOLDER IMPACTS:

As noted previously, clarity of processes and plainer language provides for a more accessible resource for Council and for the public.

REPORT IMPACTS:

Agreement: No

By-law: Yes

Budget Amendment: No

Policy: No

REFERENCES:

1. [Municipal Act, 2001](#)

ATTACHMENTS:

1. Revised Draft Procedure By-law