



**City of Kingston
Report to Council
Report Number 24-211**

To: Mayor and Members of Council
From: Lanie Hurdle, Chief Administrative Officer
Resource Staff: Janet Jaynes, City Clerk
Date of Meeting: September 17, 2024
Subject: Council Procedural By-Law Updates

Council Strategic Plan Alignment:

Theme: Policies & by-laws

Goal: See above

Executive Summary:

City of Kingston By-Law Number 2021-41, A By-Law to Provide Rules for Governing the Order and Procedures of The Corporation of the City of Kingston (the “Council Procedural By-Law”), sets out the meeting rules for both Council and committees of Council. Section 17.2 of the Council Procedural By-Law requires that staff initiate a review of the by-law every five years or at such earlier date as deemed necessary at the discretion of the Clerk. Staff initiated the review of the Council Procedural By-Law at this time as it is mid-way through the Council term. The review focused on improving meeting efficiencies and transparency, eliminating administrative functions from the by-law, and achieving alignment with legislation.

The purpose of this report is to recommend amendments to the Council Procedural By-Law based on the results of the municipal scan undertaken by staff, and the feedback received from Members of Council. Amendments to the by-law would not come into effect until January 1, 2025 to allow staff time to advise the public of changes with respect to delegations.

Recommendation:

That Council approve the by-law attached as Exhibit A to Report Number 24-211 (A By-Law to Amend By-Law Number 2021-41, A By-Law to Provide Rules for Governing the Order and Procedures of the Council of The Corporation of the City of Kingston).

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Authorizing Signatures:

ORIGINAL SIGNED BY CITY CLERK

Janet Jaynes, City Clerk

ORIGINAL SIGNED BY CHIEF

ADMINISTRATIVE OFFICER

**Lanie Hurdle, Chief
Administrative Officer**

Consultation with the following Members of the Corporate Management Team:

Paige Agnew, Commissioner, Growth & Development Services	Not required
Jennifer Campbell, Commissioner, Community Services	Not required
Neil Carbone, Commissioner, Corporate Services	Not required
David Fell, President & CEO, Utilities Kingston	Not required
Peter Huigenbos, Commissioner, Major Projects & Strategic Initiatives	Not required
Brad Joyce, Commissioner, Infrastructure, Transportation & Emergency Services	Not required
Desirée Kennedy, Chief Financial Officer & City Treasurer	Not required

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Options/Discussion:

Background

The Council Procedural By-Law was enacted in 2021. As stated in the Council Procedural By-Law, a review of the by-law is required every five years, at a minimum.

The Clerk's Department has conducted a governance review to ensure that the procedures and practices used by the City of Kingston reflect best practices. To inform the review, staff conducted a broad scan of 24 comparator and larger municipalities to determine which practices in the Council Procedural By-Law needed to be updated.

Through the review of municipal comparators and the Council Procedural By-Law itself, staff determined there was a need to update the by-law sections related to delegations, briefings, how voting is captured, and a variety of administrative functions and staff directions. There were also a number of legacy materials and language regarding old technologies found within the Council Procedural By-Law that had been carried forward from previous versions.

Consideration of the Strong Mayor Powers that were extended to Kingston on July 1, 2023 is also included in the proposed amendments. One of the amendments introduced through the Strong Mayor Powers shifts responsibility for the appointment of the standing committee chairs for the next calendar year to the Mayor. As a result, the section of the Council Procedural By-Law describing the process for electing chairs must be amended to specify that it only occurs at non-standing committees.

The largest updates to the Council Procedural By-Law are discussed in greater detail in the sections below.

Briefings

In the current Council Procedural By-Law, briefings take place early in the agenda and, often, a significant amount of time elapses between the briefing and when the business item that the briefing relates to is debated. Staff are recommending moving briefings, from staff or retained consultants, in the agenda from before Petitions to immediately before the associated report on the agenda to which the briefing pertains. By doing so, briefings will be able to match up more closely with their associated business item, which replicates the current practice at the committee level. No changes are proposed to the length of time for staff briefings.

Briefings conducted by members of upper levels of government would remain on the agenda before Petitions. This heading on the agenda would only be listed when a scheduled briefing from an upper level of government was to occur. To allow flexibility in managing conversations with upper levels of government, briefings from upper levels of government would not require an accompanying staff report. In addition, it is proposed to delete the portion of the Delegations section relating to upper levels of government, and instead, to have all appearances from these bodies take the form of a briefing.

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Delegations

Delegations are one form of opportunity for members of the public to engage with their elected Council to share their views. The current Council Procedural By-Law proscribes that there be a maximum of three delegations per meeting at Council. With an affirmative vote of two-thirds of the Council Members present and voting on the matter, Council has the ability to add additional delegations. It is a regular occurrence for Council to add delegations in this manner.

The municipal scan undertaken by staff revealed that while there is no commonality amongst municipalities with respect to delegations permitted at a Council, all municipalities do impose some form of limitations on delegations. Some municipalities, primarily larger municipalities, such as Hamilton, London, Ottawa and Toronto, do not permit any delegations at Council. Other municipalities have no limitation on the number of delegations at Council, but instead have time or topic-based limitations that apply to delegations.

Staff are recommending an increase in the number of delegations permitted at a Council meeting from three to six. In addition to increasing the number of as-of-right permitted delegations, this change improves transparency because permitted delegations are listed on the Council Agenda, thus providing advance notice to the public of individuals who will be speaking at a meeting and the subject of their delegation. Further, staff are recommending an amendment wherein each Member of Council would be permitted to move a motion to add one additional delegation to the meeting. Such a motion would require an affirmative vote of two-thirds of the Members present. Staff are recommending that additional delegations be permitted three minutes to address Council. No changes to delegations at committees are proposed.

To improve meeting efficiency, staff are recommending that delegations at a Council meeting be limited to staff reports that contain a recommendation (i.e. CAO Consent, Recommend, and Consider reports), reports from Advisory Committees, and New Motions. Delegations on reports from Standing Committees (Planning, Arts, Recreation & Community Policies, Environment, Infrastructure & Transportation Policies, and Administrative Polices) or information reports from staff would not be permitted.

Delegations will still be permitted, in their current format, at all Standing Committee meetings. A Standing Committee is composed entirely of Members of Council. The primary purpose of a Standing Committee is to consider policies in the functional areas under the committee's jurisdiction and make recommendations to Council. By providing feedback at the committee level, members of the public help the committee in making the best possible recommendation to Council. Provision of feedback at this level also respects the important role that committees play in the governance process. The proposed process does not represent a significant change in approach as it relates to Planning Committee, as the Council Procedural By-Law already prohibits delegations on most planning applications under the *Planning Act*.

Information Reports to Council do not contain a staff recommendation and, as such, there is no decision being requested of Council. For this reason, staff are recommending that delegations

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on information reports be removed. Delegations on the subject matter of an information report would be permitted when the matter returns to Council with a recommendation.

As stated above, delegations on reports from Advisory Committees will still be permitted. Advisory Committees are composed primarily of public members and one or two Members of Council. These committees advise Council and staff on matters related to their mandate. Advisory Committees, with the exception of the Kingston Heritage Properties Committee, do not frequently make recommendations to Council.

Updating Voting Procedures

Currently, every Council vote, regardless of whether it is procedural in nature or advances the business of the City, is displayed in the Minutes with a recorded vote indicating which Members voted in favour, against, or were absent. This has been a long-standing practice but was never set out in the Council Procedural By-Law. The proposed amendments to the Council Procedural By-Law would codify that any motion which either advances the business of the City, or requires a two-thirds vote to pass, will be displayed in the Minutes as a recorded vote. Procedural votes, such as adoption of the Minutes and adjournment, will no longer be displayed as a recorded vote, and instead, will be noted by their final disposition, for example 'carried' or 'lost'. Any vote conducted electronically will be displayed on the screen in the Council Chamber after the vote has concluded for members of Council and the public to see. Staff are recommending this amendment to improve meeting efficacy as votes on matters of a procedural nature are typically unanimous in support. Any Member who desires a recorded vote always has the option to request same.

Other Updates

Administrative functions that have been removed from the Council Procedural By-Law and other minor changes are summarized below:

- "Town Hall" meetings have been renamed "Public Participation Meetings" to better reflect their intended purpose.
- With the clarification of the above item, the "Public Consultation" meeting type has been removed.
- The one-minute time limit for discussion on Motions to Defer has been added to the By-Law as this common practice was not included in the By-Law.
- "Ceremonial Presentations" have been renamed "Presentations" and increased to a maximum time limit of 10 minutes.
- The "Entrance of the Mayor" and "Roll Call" sections have been removed; and
- Communications have been streamlined into a single section of the agenda, to be titled "Communications Package". All correspondence received will be listed in the package for the relevant Council meeting and displayed as a single attachment to the agenda.

The proposed amendments include removing detailed administrative processes with respect to the creation of the agenda, and the annual calendar of meetings. Staff will continue to bring a

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proposed calendar of meetings to Council for approval in the fourth quarter of each year. In addition, the Council Procedural By-Law currently contains several legacy details regarding old voting systems and log in / log out procedures, which have been removed in the amending by-law.

To ensure continued openness and transparency, and in consideration of Council's role as decision maker, staff are recommending that reports with multiple options for consideration ("options reports") be limited to reports provided directly to Council. Because of the manner in which options reports function and how Standing Committees report to Council, only the option(s) recommended by the committee would otherwise be brought forward for consideration by Council as a whole. This limits Council's ability to debate or propose the other options originally proposed in the options report to the committee.

The municipal scan undertaken by staff did not disclose a common procedure for dealing with motions that are outside of jurisdiction. Some municipalities do not permit any motion that is outside of the jurisdiction of Council while others left the decision of jurisdiction to either the Mayor or a majority decision of Council, with such a motion to be decided without debate. In recent years, several international issues have arisen that have generated interest from the public and resulted in requests for the City to take an official position on those issues. The results of these decisions can have unintended consequences and cause divisiveness. As international geopolitical issues and other spontaneous world events are outside the scope of the municipality, staff recommend that motions seeking an official City position on these matters be prohibited. Motions requesting action from other levels of government in Canada, or their agencies, would continue to be permitted.

Next Steps

Once approved by Council, the proposed amendments will come into effect on January 1, 2025. The purpose of the delayed effective date is to allow staff time to share information with the public regarding the changes, and in particular the changes to delegations.

Existing Policy/By-Law

City of Kingston By-Law Number 2021-41, A By-Law to Provide Rules for Governing the Order and Procedures of the Council of The Corporation of the City of Kingston.

Notice Provisions

As required by the City of Kingston Public Notice Policy, notice of the proposed amendments to the Council Procedural By-Law was given 14 days in advance of this report's consideration by Council. Notice was provided via a news release on the [City of Kingston website](#).

Financial Considerations

None.

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Contacts:

Janet Jaynes, City Clerk, 613-546-4291 extension 1262

Other City of Kingston Staff Consulted:

Derek Ochej, Deputy City Clerk

Iain Sullivan, Committee Clerk

Exhibits Attached:

Exhibit A – A By-Law to Amend By-Law Number 2021-41, A By-Law to Provide Rules for Governing the Order and Procedures of the Council of The Corporation of the City of Kingston

City of Kingston By-Law Number 2024–XXX

By-Law to Amend City of Kingston By-Law Number 2021-41 A By-Law to Provide Rules for Governing the Order and Procedures of the Council of The Corporation of the City of Kingston

Whereas:

The Corporation of the City of Kingston (the “**City**”) is a single-tier municipality incorporated pursuant to an order made under Subsection 25.2 of the *Municipal Act*, R.S.O. 1990, c. M.45.

The powers of a municipality must be exercised by its council (*Municipal Act, 2001*, S.O. 2001, c. 25 (the “**Municipal Act, 2001**”), s. 5 (1)).

A municipal power must be exercised by by-law unless the municipality is specifically authorized to do otherwise (*Municipal Act, 2001*, s. 5 (3)).

A single tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public (*Municipal Act, 2001*, s. 10 (1)).

Every municipality must pass a procedure by-law for governing the calling, place and proceedings of meetings (*Municipal Act, 2001*, s. 238).

On March 18, 2021, council for the City (“**council**”) enacted *City of Kingston By-Law Number 2021-41 “A By-Law to Provide Rules for Governing the Order and Procedures of the Council of The Corporation of the City of Kingston, and to Repeal By-Law Number 2010-1, Council Procedural By-Law, as Amended, in its Entirety”* (the “**By-Law**”).

Council considers it necessary and desirable for the public to amend the *By-Law*.

Therefore, *council* enacts:

1. Amendment of Section 4

1.1 Subsection 4.9 of the *By-Law* is amended:

- (a) in clause (b), by deleting the words “at the next Council Meeting”;

- (b) by deleting clause (c) in its entirety; and
- (c) by renumbering clause (d) to (c) and by adding “as an item of miscellaneous business” at the end of the clause.

2. Amendment of Section 5

- 2.1 Subsection 5.8 of the *By-Law* is amended by adding “that is not a Standing Committee” between “Committee” and “in”.

3. Amendment of Section 6

- 3.1 Subsection 6.4 of the *By-Law* is amended by deleting it in its entirety and subsequent subsections are renumbered accordingly.
- 3.2 Subsection 6.5 of the *By-Law* is amended by deleting it in its entirety and subsequent subsections are renumbered accordingly.
- 3.3 Subsection 6.4 of the *By-Law*, as renumbered by this by-law, is amended by deleting “budget items”.
- 3.4 The heading above subsection 6.8 of the *By-Law*, as renumbered by this by-law, is amended by deleting it in its entirety and substituting “Public Participation”.
- 3.5 Subsections 6.8, 6.9, 6.10, 6.11, 6.12, 6.13, 6.14 and 6.15 of the *By-Law*, all as renumbered by this by-law, are each amended by deleting “town hall” and substituting “public participation”.
- 3.6 Subsection 6.16 of the *By-Law*, as renumbered by this by-law, is amended by deleting it in its entirety and subsequent subsections are renumbered accordingly.
- 3.7 Subsection 6.19 of the *By-Law*, as renumbered by this by-law, is amended by deleting “6.19” and “6.21” and substituting “6.16” and “6.18” respectively.
- 3.8 Subsection 6.20 of the *By-Law*, as renumbered by this by-law, is amended by deleting it in its entirety.

4. Amendment of Section 8

- 4.1 Subsection 8.1 of the *By-Law* is amended by deleting it in its entirety and substituting:

Exhibit A to Report Number 24-211

“The Clerk shall prepare and deliver the Agenda for all Council Meetings with the order of business listed as follows:

- (a) Call Meeting to Order;
- (b) The Committee of the Whole “Closed Session” (if any);
- (c) Report of the Committee of the Whole “Closed Session” (if any);
- (d) Approval of the Addendum (if any);
- (e) Disclosure of Pecuniary Interest;
- (f) Presentations;
- (g) Delegations;
- (h) Petitions;
- (i) Deferred Motions;
- (j) Motions of Congratulations, Recognition, Sympathy, Speedy Recover, etc.;
- (k) Briefings;
- (l) Reports:
 - (i) CAO Consent, Recommend, and Consider;
 - (ii) Administrative Policies Committee;
 - (iii) Arts, Recreation and Community Policies Committee;
 - (iv) Environment, Infrastructure and Transportation Policies Committee;
 - (v) Kingston Heritage Properties Committee;
 - (vi) Planning Committee;
 - (vii) All other Committees reporting to Council in alphabetical order; and

- (viii) Other Reports;
- (m) Committee of the Whole Report;
- (n) Information Reports; Information Reports from Members of Council;
- (o) Miscellaneous Business;
- (p) New Motions;
- (q) Notice of Motions;
- (r) Minutes;
- (s) Communications Package;
- (t) Other Business;
- (u) By-Laws; and
- (v) Adjournment.”

4.2 Subsection 8.3 of the *By-Law* is amended by deleting “in consultation with the Mayor or Chief Administrative Officer”.

5. Amendment of Section 9

5.1 Subsection 9.6 of the *By-Law* is amended by deleting it in its entirety and substituting:

“Subject to Subsection 3.4 (c) of this By-Law, a Member who intends to leave a Meeting shall advise the Chair or Clerk before doing so.”

6. Amendment of Section 12

6.1 Subsection 12.1 of the *By-Law* is amended by deleting it in its entirety and subsequent subsections are renumbered accordingly.

6.2 Subsection 12.2 of the *By-Law*, as renumbered by this by-law, is amended by deleting it in its entirety and subsequent subsections are renumbered accordingly.

6.3 The heading above subsection 12.5 of the *By-Law*, as renumbered by this by-

law, is amended by deleting “Ceremonial”.

6.4 Subsection 12.5 of the *By-Law*, as renumbered by this by-law, is amended by deleting “Ceremonial presentations” and substituting “Presentations”.

6.5 Subsection 12.6 of the *By-Law*, as renumbered by this by-law, is amended by deleting it in its entirety and substituting:

“A presentation shall not exceed five minutes.”

6.6 Subsection 12.7 of the *By-Law*, as renumbered by this by-law, is amended by adding “The Clerk will not accept a request received after the deadline” after “heard.”

6.7 Subsection 12.8 of the *By-Law*, as renumbered by this by-law, is amended by deleting “an item” and replacing with “a Report or New Motion”.

6.8 Subsection 12.9 of the *By-Law*, as renumbered by this by-law, is amended by deleting it in its entirety and substituting:

“Subject to the following terms, the number of Delegations at a Meeting shall not exceed six. At a Meeting, each Member may make one, but no more than one, Motion to permit one, but no more than one, Delegation in excess of such limit. In order for such a Motion to pass, a two-thirds majority of all votes must be cast in its favour. No debate is permitted on such a Motion.”

6.9 Subsection 12.14 of the *By-Law*, as renumbered by this by-law, is amended by deleting it in its entirety and subsequent subsections are renumbered accordingly.

6.10 Subsection 12.16 of the *By-Law*, as renumbered by this by-law, is amended:

- (a) in clause (c), by deleting “but have not yet been heard by Council”;
- (b) by adding the following clause (d): “reports received from a Standing Committee;” and subsequent clauses are renumbered accordingly; and
- (c) by adding the following clause (e): “an Information Report to Council;” and subsequent clauses are renumbered accordingly.

6.11 Subsection 12.16 of the *By-Law*, as renumbered by this by-law, is amended by adding “, expand the scope of the completed delegation,” between “opinions”

and “or”.

- 6.12 Subsection 12.19 of the *By-Law*, as renumbered by this by-law, is amended by deleting it in its entirety and subsequent subsections are renumbered accordingly.
- 6.13 Clause 12.19 (e) of the *By-Law*, as renumbered by this by-law, is amended by deleting “their name, address and a valid email address” and substituting “their name and either their address or postal code”.
- 6.14 Subsection 12.21 of *the By-Law*, as renumbered by this by-law, is amended by deleting “and may request, without a Motion, that it be referred to a particular member of staff or a Committee for a report to Council”.
- 6.15 Section 12 of the *By-Law* is amended by adding the heading “Briefings” under subsection 12.25 of the *By-Law*, as renumbered by this by-law.
- 6.16 Section 12 of the *By-Law* is amended by adding the following subsection 12.26:
“Subject to subsection 12.27 and the following terms, staff may give a Briefing with respect to any item on the Agenda. A Briefing shall not exceed ten minutes unless the Chief Administrative Officer has recommended an extension of such limit and the Clerk has approved such extension.”
Subsequent subsections are renumbered accordingly.
- 6.17 Section 12 of the *By-Law* is amended by adding the following subsection 12.27:
“A Minister or staff of the Government of Ontario or the Government of Canada, or an agency, board or corporation of the Government of Ontario or the Government of Canada, may give a Briefing with respect to any item on the Agenda. There is no limit on the length of time permitted for such a Briefing.”
Subsequent subsections are renumbered accordingly.
- 6.18 Section 12 of the *By-Law* is amended by adding the following subsection 12.32:
“A CAO consider report is not permitted at a Committee Meeting.”
Subsequent subsections are renumbered accordingly.
- 6.19 Section 12 of the *By-Law* is amended by adding the following subsection 12.45:

“A Member may not make a New Motion to adopt an official City position in response to an international political activity or spontaneous world event.”

6.20 Subsection 12.52 of *the By-Law*, as renumbered by this by-law, is amended by deleting it in its entirety and subsequent subsections are renumbered accordingly.

6.21 The heading below subsection 12.51 of the *By-Law*, as renumbered by this by-law, is amended by adding “Package” after “Communications”.

6.22 Section 12 of the *By-Law* is amended by adding the following subsection 12.52:

“The Clerk shall assemble, in a manner that will ensure its efficient presentation to Council, all documents received as a communication from a local board or agency and intended for presentation to Council, including meeting agendas, meeting minutes and financial statements.”

Subsequent subsections are renumbered accordingly.

6.23 Subsection 12.56 of the *By-Law*, as renumbered by this by-law, is amended by deleting it in its entirety and subsequent subsections are renumbered accordingly.

6.24 Subsection 12.59 of the *By-Law*, as renumbered by this by-law, is amended by deleting it in its entirety and substituting:

“The Clerk may add to an Agenda communications received from the council of another municipality requesting consideration or endorsement of such council’s resolution or by-law. Communications received from another municipality requesting the support of another municipality’s resolution or by-law will not be included with communications assembled under Subsection 12.52.”

6.25 Subsection 12.60 of the *By-Law*, as renumbered by this by-law, is amended by deleting “or ask a question during this portion of the Meeting. A Member may bring forward a matter of other business when the item comes up on the Agenda”.

7. Amendment of Section 13

7.1 Section 13 of the *By-Law* is amended by adding the following subsection 13.15:

“Members make speak to a Motion to Defer but, when doing so, shall not exceed one minute.”

Subsequent subsections are renumbered accordingly.

8. Amendment of Section 14

8.1 Subsection 14.3 of the *By-Law* is amended by deleting it in its entirety and substituting:

“The mover of a Motion shall speak first and may also speak last.”

8.2 Subsection 14.4 of the *By-Law* is amended by deleting it in its entirety and subsequent subsections are renumbered accordingly.

9. Amendment of Section 15

9.1 Subsection 15.11 of the *By-Law* is amended by deleting “All votes captured in a digital format will be displayed on the Council Chamber projection screen(s).” and by deleting “15.13” and replacing it with “15.14”.

9.2 Section 15 of the *By-Law* is amended by adding the following subsection 15.14 under the “Recorded Vote” heading:

“In a Council Meeting where electronic voting is available, the Clerk shall take a recorded vote on all Motions that advance the business or decision-making of Council.”

Subsequent subsections are renumbered accordingly.

10. Coming into Force

10.1 This by-law will come into force and take effect on January 1, 2025.

Exhibit A to Report Number 24-211

1 st Reading	date
2 nd Reading	date
3 rd Reading	date
Passed	date

Janet Jaynes
City Clerk

Bryan Paterson
Mayor