



## Clerks Services Staff Report

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Report Number: C08-2025  
Report Title: Procedural By-law Mid-term Review  
Author: Jeff Smith, Director of Corporate Services/Clerk  
Meeting Type: Committee of the Whole Meeting  
Meeting Date: March 4, 2025  
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Consent Item: No  
Final Version: Yes  
Reviewed By: Alex Smyth, Deputy Clerk  
Final Review: Senior Management Team

### **Recommendation:**

That the Council of the Township of Woolwich, considering Report C08-2025 respecting Procedural By-law Mid-term Review:

1. Direct staff to bring the draft Procedural By-law attached to this report to the next meeting; and
2. Approve the revised Council meeting schedule attached to this report.

### **Background:**

On August 31, 2021, Council passed the Township's latest Procedural By-law No. 49-2021 to govern the proceedings of Council, local board and committee meetings as required by section 239 of the Municipal Act, 2001. The by-law is posted on the Township's website for transparency.

Since then, the by-law has been updated four times as requested by Council, including:

1. Changing the day Council meets to Mondays;
2. The inclusion of a land acknowledgement at meetings;
3. The introduction of a Council information package and revising notice of motion procedures; and
4. Changing the day Council meets back to Tuesdays.

Staff took this time to review the by-law since it is the halfway point of the Council term, with a focus on supporting Council's preferences, increasing efficiency, improving public transparency and including recent guidance from the Ontario Ombudsman.

## **Comments:**

### **Public Delegations**

Staff reviewed the speaking time for public delegations and believe it is still appropriate. Prior to the current by-law, public delegations were given 10 minutes to speak while nearby comparator municipalities were providing 5 minutes. Council requested the speaking time be set at 7 minutes with the ability for Council or the Clerk to set a different time. Staff believe this has worked well and provides the public sufficient time to make express themselves. No change to the speaking time is being recommended.

### **Public Correspondence**

The Procedural By-law is an important document to ensure public transparency into local government and set out how to influence municipal decision making. However, while the public must be able to observe meetings with limited exceptions, there is no right to participate.

The Township's Procedural By-law allows the public to speak at Council meetings and sets the parameters to do so, including requiring everyone speaking to follow the Township's Respectful Behaviour Policy and as a last resort, allows the Chair to remove someone who is being disrespectful. While this covers verbal communications, staff recommend there also be a process for written communications. The proposed Procedural By-law includes a process for disrespectful written comments that includes:

1. Staff will review written correspondence for comments that do not follow the Township's Respectful Behaviour Policy,
2. Staff will notify the writer and provide the option for them to resubmit with disrespectful language removed for inclusion on the agenda,
3. If the writer will not remove disrespectful language, the correspondence will not be placed on the public agenda and will not form part of the public record.

If the writer is not happy with the staff decision, they may request a review through the Township's compliments and complaints process.

### **Meeting Schedule**

Council recently decided to adjust their meeting schedule so that there is typically a meeting one week with a break week before the next meeting. During breaks from regular meetings, such as during the budget and July, the Clerk's office schedules special meetings for urgent planning items and cancels them if they are not required to meet deadlines under the Planning Act. While this new schedule increases efficiency and reduces staff time, it also presents challenges including scheduling over the typical July break, getting approval for urgent matters and confusion among residents about the process where the Committee of the Whole makes recommendations for final approval by Council.

To address these challenges, staff propose reducing the number of Special Council Planning meetings and changing Committee of the Whole meetings to regular Council meetings in the meeting schedule. With municipalities no longer required to refund planning fees, Special Council Planning meetings will only be required to reduce the risk planning matters are appealed to the Ontario Land Tribunal (OLT) for a delayed decision. As always, they will be cancelled if they are not required for planning matters.

By only holding Council meetings, each meeting can provide final approval for simple matters while Council can take additional time to consider any matter by deferring specific matters to a future meeting. Additionally, any required by-laws coming forward will come at the meeting following their introduction in a report and only if approved by Council. The benefits of this approach include:

- Increased clarity for members of the public: a decision is either made or deferred to a future meeting (rather than needing to be ratified)
- Approval of simple, urgent matters at any regularly scheduled meeting without the need for special Council meetings
- Allows for “sober second thought” with any by-laws coming at a future meeting or allowing Council to defer any report they wish to take more time to digest information or seek feedback from their constituents
- By-laws will not need to be removed from an agenda where Council has not approved their introductory report
- Further increased staff efficiency with only one “type” of meeting and fewer rushed items to make a specific type of agenda

While there could be perceived drawbacks to this approach, staff believe they are minimal, including members of Council no longer having the opportunity to regularly chair Committee of the Whole meetings (though they would chair when the Mayor is unable to) and public perception that Council no longer has the typical two-step process for making decisions (though staff believe most residents are not aware of this process).

If Council approves this change, staff have prepared draft revisions to Council’s 2025 meeting schedule (see attachment 2). This schedule includes the following changes:

- Starting in April, the Committee of the Whole meeting dates switch to Council meetings
- The April 29<sup>th</sup> and July 22<sup>nd</sup> Special Council planning meetings are switched to a Special Council meeting for urgent items, that can be cancelled if nothing urgent is required
- The July 29<sup>th</sup> Special Council meeting can be cancelled

An early review of the 2026 Council calendar suggests this will provide even more flexibility in future years.

## **Joint Council Meetings**

In September 2024, the Ontario Ombudsman released a report following an investigation into a closed meeting jointly held by the Town of Grimsby, the Town of Lincoln, and the Township of West Lincoln. The Ombudsman recognized that the Municipal Act permits two or more municipalities to hold a joint meeting to consider “matters of common interest,” but decided that the meeting may be separate and subject to each municipality’s procedure by-law.

To ensure that the Township is following this decision, the proposed Procedural By-law includes two options for when Council is invited to a joint meeting with other municipalities:

1. The Clerk will treat it as a Woolwich meeting, including providing public notice, posting an agenda and attending to take minutes. This option would be recommended when the municipalities are making decisions or Woolwich is hosting the meeting.
2. The Clerk will delegate their authority to post agendas and take minutes to another Clerk who volunteers to host the joint meeting. This option would be recommended for joint meetings for training, when no decisions are being made, or when Woolwich is not hosting.

Providing both options allows for increased public transparency and efficient use of staff time. Council will continue to pass a resolution to participate in a joint meeting for transparency.

## **In Person and Hybrid Meetings**

Since the COVID-19 pandemic, Council has been holding hybrid meetings, offering both an in-person and zoom option that are livestreamed for anyone watching. The video recording is retained on the Township’s YouTube account. This has increased transparency and made Council meetings more accessible to the public.

In September 2023, the Ontario Ombudsman released a report following an investigation into a meeting at the Municipality of West Elgin that was advertised as a “hybrid” meeting. The Ombudsman found that the municipality properly livestreamed the open portion of the meeting and had no concerns with the closed portion of the meeting. However, when the Council returned to open session after the closed meeting, the public was not able to view the livestream. The Ombudsman found that West Elgin did not comply with the open meeting rules.

Since this decision was released, this Council began livestreaming all open portions of the meeting, including when Council meets for a short time to pass a resolution to move into closed session. Staff recommend continuing this practice.

Staff also recommend updating procedures for electronic participation to clarify that:

1. The meeting is primarily held in person
2. The electronic participation option, livestream and long-term recording posted online are not guaranteed and are provided for convenient access only
3. The official record of the meeting are the minutes taken by the Clerk.

### **Recommendations from Local Boards and Committees**

Staff propose providing clarity to local boards and committees on how to provide advice or make requests to Council. The draft Procedural By-law adds to the requirement for board and committee minutes to be submitted to Council by requiring advice for Council to take action or any requests for Council approval to come in the form of a presentation, memo, report or otherwise in writing, with a clear recommendation for Council approval.

### **Housekeeping**

Staff also propose the following changes to the Procedural By-law for housekeeping, including:

- Revising the standard order of the agenda to simplify and expedite meetings by:
  - approving minutes as part of the consent agenda, unless Council wishes to pull a specific set of minutes for separate discussion and debate
  - combining presentations and delegations and allowing the Clerk to order according to expected public turnout
  - moving Items for Information and Public Notices closer to the end of the agenda under other business, since Council does not need to pass a resolution receive these items
- Removal of the Committee of the Whole agenda outline, since it is no longer required
- Other clarified language, headings and minor housekeeping

### **Interdepartmental Impacts:**

The Clerk's division will continue to be the primary support Council and most committee meetings. Other departments have reviewed this report and expect to benefit from improved flexibility and efficiencies.

### **Financial Impacts:**

None.

### **Community Strategic Plan Impacts:**

Reviewing and updating the Township's Procedural By-law to ensure it provides the best possible Council meetings supports the following areas of the Township's strategic plan:

- Empower communities to be adaptable and engaged by attempting to increase public awareness and engagement of Council, local board and committee meetings

- Provide effective and open leadership by ensuring meetings open to the public are transparent and efficient
- Maintain an innovative customer service focus by finding ways to make meetings more customer-centric

### **Conclusion:**

Staff recommend updating the Township's Procedural By-law now that Council has passed the mid-point of the Council term to ensure that the meetings are efficient and effective. Staff also recommend that the meeting Calendar can be updated to relax some of the requirements for Special Council Planning Meetings with recent legislative changes.

### **Attachments:**

1. Draft Procedural By-law
2. Draft 2025 Meeting Calendar