

Staff Report



Corporate Services Department

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REPORT TO: Community and Infrastructure Services Committee

DATE OF MEETING: April 14, 2025

SUBMITTED BY: Amanda Fusco, Director of Legislated Services/City Clerk, 519-904-1402

PREPARED BY: Dianna Saunderson, Manager of Council and Committee Services / Deputy Clerk, 519-904-1410

WARD(S) INVOLVED: N/A

DATE OF REPORT: March 31, 2025

REPORT NO.: COR-2025-162

SUBJECT: Procedural By-law Amendments – Chapter 25 (Procedure) City of Kitchener Municipal Code

RECOMMENDATION:

That Chapter 25 (Procedure) of the City of Kitchener Municipal Code, be repealed and replaced, with the By-law attached as Appendix 'B' to Corporate Services Department report COR-2025-162.

REPORT HIGHLIGHTS:

- The purpose of this report is to make recommendations on amendments to the rules and procedures governing meetings of City Council.
- Recommendations include amendments to Council's Procedural By-law to include formalizing hybrid meeting protocols, reflect provisions of provincial legislation, provide additional clarity, improve accountability and transparency and remove any redundancies.
- The recommendations are proposed to achieve consistency with current municipal best practices and general provincial-wide recommendations from the Ontario Ombudsman.
- This report supports the delivery of core services.

BACKGROUND:

The Municipal Act, 2001 (the "Act") requires the City to adopt a by-law governing the calling, place and proceedings of Council meetings. At the City of Kitchener, Municipal Code Chapter 25 (hereafter referred to as "the Procedural By-law") provides the rules of procedure for Council and all Committees of Council.

The purpose of using parliamentary procedures, such as those found in the Procedural By-law and Robert's Rules of Order, is to facilitate the orderly conduct of business in a meeting so that the deliberate will of the majority is achieved while still protecting all members' rights (whether present or absent). The Procedural By-law should help facilitate, not hinder, Council's ability to conduct business.

On April 11, 2022, Council approved Hybrid Meeting Protocols for a one-year pilot, to allow staff to implement hybrid meetings for Council and Standing Committee meetings, prior to formally incorporating hybrid meeting rules into Council's Procedural By-law. The one-year pilot was intended to test out existing procedures to determine areas of success and improvement, prior to formally adopting the procedures. Since 2022 staff have successfully implemented those approved procedures, and have been able to facilitate members of Council, Staff and members of the public electronically.

The proposed update to the City's Procedural By-law, includes amendments to formalize the Hybrid Meeting Protocols, address matters of Provincial Legislation that have been approved since 2022, help clarify ambiguous language, remove and/or address inconsistencies, implement new accountability and transparency processes related to communication received by the City; and, incorporate feedback on improvements that members of Council may wish to consider in regards to the rules governing Council and Committee meetings.

Lastly, in effort to improve readability, staff are proposing to restructure the By-law to include some additional headings and an enhanced table of contents.

REPORT:

In trying to determine the best recommendations to make to Council regarding revisions to the City of Kitchener Procedural By-Law, staff conducted a municipal scan and comparison of municipalities with a similar or larger population than the City of Kitchener, as well as municipalities that have already incorporated hybrid meeting protocols within their procedures. The municipalities included Cambridge, Oakville, Ottawa, Guelph and Clarington. Jurisdictions outside of Ontario were not considered because of the differences in provincial-municipal relations and governing legislation. Staff also received feedback and input from members of Council individual and through small group sessions, on what they felt was working well and areas for improvement.

A summary of the proposed changes and reasoning for the recommendation have been outlined within the report. Further to that, a copy of the revised By-law including track changes has been provided as Appendix 'B' of the report to provide greater clarity on additions and deletions to the By-law.

1. Structure and readability:

The By-law, specifically related to the structure of Chapter 25 (Procedure) of the City of Kitchener Municipal Code, has been revised to address readability by adding additional headings, grouping like matters, and shortening lengthier sections which may cause confusion. The new structure provides greater understanding for all users and improves customer service.

2. Definitions:

Additional definitions were added for frequently referenced terms in the By-law that were not previously defined as well as, definitions that were referenced in the hybrid meeting protocols, including but not limited to: "Acting Mayor", "Audio Visual", "Delegation", "Electronic Meeting", "Electronic Participant", "Hybrid", "Host Computer", "Livestream"; and, "Presiding Officer".

3. Purpose and Roles and Responsibilities:

A section has been included to provide clarity on the purpose and principles of the Procedural By-law, as well as providing greater understanding related to the roles and responsibilities of Members of Council and specific staff within the organization. The inclusion of these sections are considered a best practice.

4. Hybrid Meeting Protocols:

The proposed amendments in the attached By-law also include the hybrid meeting protocols that were considered and approved by Council as a pilot in 2022 noted above. In September 2024 the Council Chamber conference management and audio-visual system was replaced to improve remote participation experience and ensure equity amongst members participating remotely and those in-person with respect to requests to speak and voting. The hybrid meeting protocols are now being proposed to be included formally within the Procedural By-law.

5. Removal of Committee of the Whole (Committee included within the Council Meeting Agenda):

Staff are recommending removal of the Committee of the Whole within the Council agenda. Committee of the Whole is a standing committee of Council that convenes within a Council meeting. The current process involves recessing Council and having another member of Council other than the Mayor or Acting Mayor assume the Chair, and facilitate a committee meeting midway through the Council meeting.

The intention of Committee of the Whole is to allow for urgent matters of business to be included on the Council agenda that would not be able to receive approval within the existing standing committee cycle.

The Committee of the Whole format when discussed with some members of Council, is cumbersome and concerns were raised with regards to transparency and confusion about the meeting's purpose; issues related to technology and access to the speaker's queue; confusion over the meeting format and the Chair rotation schedule; as well as the adjournment procedure. Further to those concerns, some members of Council have noted a preference not to Chair the meeting where possible due to these concerns.

As such, staff are recommending the removal of Committee of the Whole and replacing it with a heading for staff reports that would still permit similar urgent type items on the Council agenda while eliminating some of the challenges outlined above.

6. Removal of First and Second Readings of the By-law

Staff are recommending removal of First and Second Readings of the By-law from the Council agenda. The process mimics an outdated provincial practice that allow for time to lapse and potentially allow for additional debate to occur prior to third reading of the By-law. This approach is currently being used for Special Council and is being recommended to mimic the similar practice.

7. Strong Mayor Legislation and Formalizing Acting Mayor Duties:

In 2022, the Province of Ontario brought forward Bill 3, Strong Mayors, Building Homes Act, 2022, which came into force and effect on July 1, 2023, providing Special Power

provisions to a number of municipalities, including the City of Kitchener. The proposed amendments include minor housekeeping amendments to address the Special Powers including duties of the Mayor and additional agenda headings for Council and Special Council, already in practice. Further to those changes, the proposed By-law includes clarification and definition related to the “Acting Mayor” when members of Council are serving in that role.

8. Post Meeting Minutes:

As of January 1, 2024, Legislated Services started utilizing the City’s agenda management platform to publish a comprehensive post minute package, which includes all documents (i.e. presentation materials and written submissions) that were received or utilized as part of the meeting, along with the meeting minutes. This enhances customer service and transparency such that all materials are in one location and can be easily referenced. The proposed by-law provision has formalized the post meeting minutes package to confirm and clarify its’ purpose.

9. Revised/Addendum Standing Committee Agenda process:

The proposed By-law includes a new provision related to the Standing Committee agendas that would allow Legislated Services staff to prepare a revised Committee agenda consisting of any additional documentation received or delegations that register after the agenda is published (10-days prior to the Standing Committee meeting).

Following publishing of Standing Committee agendas, staff receive written submissions or delegation requests, sometimes up to and including at the start of the meeting. Staff recommend that a revised agenda, also known as an addendum agenda, consisting of those additional written submissions or delegation registrations be published no later than noon on the Friday prior to the meeting, to share with Members of Council and members of the public.

This process will provide a greater transparent and accountable meeting agenda for all users. The revised agenda package would not capture any submissions or delegation requests that may be received after noon on the Friday prior to the meeting. As such, there may still be written submissions that will be sent by email prior to the start of the Standing Committee meeting. These submissions will be attached to the meeting minutes and published on the City’s website. Lastly, the revised agenda package would not allow for the inclusion of any additional agenda items.

10. Electronic Council Correspondence and Information Package (ECCIP):

The City regularly receives correspondence, including but not limited to: resolutions adopted by other municipalities, correspondence from other levels of government and petitions. Currently staff forward a consolidated correspondence to Members of Council through email on a weekly basis. Staff are recommending a new Electronic Council Correspondence and Information Package (ECCIP) to consolidate all correspondence received by the City, to be published online once a week, through the City’s agenda management software similar to the agenda packages.

This recommendation would allow for both Members of Council and the Public to have access to all correspondence received, will reduce the number of emails that Members

of Council receive, and will also allow for the correspondence to be searchable, if Members of Council or the Public would like to recall any correspondence. The information package provides for a more accountable and transparent method for access to the materials received. This is a municipal best practice currently in place in many municipalities as it serves so many benefits.

The ECCIP is strictly for information, thus, any of the matters included within the package would not constitute the required notice requirements. If a Member of Council wishes to discuss or debate a matter in the ECCIP, it would be subject to the provisions of the Procedural By-law and the Member would need to follow-up with Council and Committee Services to have the matter included on an agenda.

11. Housekeeping Amendments:

A general housekeeping amendment has also been included to address existing practises that are not formally included within the By-law (i.e. the inclusion of Audit Committee, the Mayor being the Chair of Audit Committee, the order of business for Standing Committees).

Following the implementation of the hybrid meeting protocols, staff have also implemented an agenda management software, which has introduced enhancements to the meeting agendas and minutes which have not been previously available. Staff in anticipation of preparing this report also met with small groups of Council to discuss meeting procedures, potential pain points for consideration and to share a summary of proposed changes that were being considered.

A draft Procedural By-law demonstrating the new structure and proposed changes highlighted in yellow have been attached to this report as Attachment 'A'. The proposed By-law for Council's consideration and adoption has been included as Schedule 'B'.

STRATEGIC PLAN ALIGNMENT:

This report supports the delivery of core services.

FINANCIAL IMPLICATIONS:

Capital Budget – The recommendation has no impact on the Capital Budget.

Operating Budget – The recommendation has no impact on the Operating Budget.

COMMUNITY ENGAGEMENT:

INFORM – This report has been posted to the City's website with the agenda in advance of the council / committee meeting.

PREVIOUS REPORTS/AUTHORITIES:

- *Municipal Act, 2001*
- COR-20-006 - Amendment to Procedural By-law Regarding Electronic Meeting Participation
- COR-20-012 - Proposed Amendments to City of Kitchener Municipal Code Chapter 25 (Procedure)

- COR-2022-154 - In-Person and Hybrid Council and Committee Meetings

APPROVED BY: Victoria Raab. General Manager, Corporate Services

ATTACHMENTS:

Attachment A - Municipal Code Chapter 25 (Procedure) Including track changes

Attachment B – Municipal Code Chapter 25 (Procedure) Proposed By-law