

City of North Bay Report to Council

Report No: CORP-2025-010

Date: January 22, 2025

Originator: Peter Leckie, City Solicitor and Karen McIsaac, City Clerk

Business Unit:

Department:

Corporate Services

Clerks Department

Subject: City of North Bay Procedural By-Law Amendments

Closed Session: yes ☐ no ☒

Recommendation

That Council refer Report to Council CORP 2025-010 dated January 22, 2025, from Peter Leckie and Karen McIsaac to the General Government Committee.

Background

Town Hall Meetings:

The City's Procedural By-Law 2019-80, provides for Town Hall Meetings. Section 10 of the By-Law reads:

10. Town Hall Meeting

- 10.1 The purpose of a Town Hall Meeting is to allow Participants an opportunity to provide comment and input to Council as a whole. Town Hall Meetings are not a statutory requirement of Council and are offered as an added opportunity for dialogue with the community grounded in principles of transparency, responsiveness, participation, respect and collaboration.
- 10.2 The rules of decorum as set out in Sections 13, 38.3 and 38.4 of this By-Law will apply to Town Hall Meetings.
- 10.3 Two (2) Town Hall Meetings per year will be held at the call of the Presiding Officer. The Presiding Officer will determine the date, time and location of the Town Hall Meeting. Town Hall Meetings will be two (2) hours in length.
- 10.4 The Presiding Officer will chair the Town Hall Meeting.

- 10.5 The proceedings of Town Hall Meeting will not be recorded and minutes will not be available.
- 10.6 Participants may speak for up to three (3) minutes and may not speak a second time to ensure that all Participants have had an equal opportunity to speak.
- 10.7 Participants will be required to register by noon on the day preceding the Town Hall Meeting with the Clerk and provide a brief outline of their presentation.
- 10.8 Town Hall Meetings will not take place within six (6) months of a Municipal Election.
- 10.9 At least two (2) weeks' notice must be provided on the City's Website prior to the Town Hall Meeting being held.

The Procedural By-Law previous to the current Procedural By-Law 2019-80, had provided for an unlimited number of unscheduled five-minute presentations by the public. Procedural By-Law 2019-80 was peer reviewed by Fred Dean. It was Mr. Dean's suggestion, to the Council of the day, that unscheduled presentations put Council at risk of being ambushed and suggested Town Hall Meetings in the place and stead of those presentations. As Town Hall Meetings are set out in the Procedural By-Law they are governed by it, including the Rules of Decorum and the requirement for prior registration by the participants where they provide a brief outline of the presentation. At the time of the peer review Mr. Dean was a lawyer, with over two decades of municipal experience. Presently, Mr. Dean continues to work with Municipalities and Municipal Associations in Ontario including AMO where he has facilitated *Municipal Act*, 2001, training and the Effective Municipal Councillor Program, among making other significant contributions to that Organization.

In addition to the Town Hall Meetings, members of the public have the ability to contact Members of Council informally through regular mail, email, telephone, social media, in-person meetings and formally they may also present to Council at a Regular Council Meetings in accordance with Procedural By-Law 2019-80.

A Town Hall Meeting was scheduled for 6:00 p.m. on September 24, 2024, at the North Bay Public Library Auditorium. Pursuant to section 10.3 of the Procedural By-Law the location of Town Hall Meetings are determined by the Presiding Officer. While Council Chambers provide a more formal venue, the Presiding Officer together with the City Clerk look for City-related venues that are accessible and available at no cost to the City which provide a more relaxed atmosphere. The intent of which is to make participants feel more comfortable speaking publicly, and this is also why the meetings are not recorded or livestreamed.

The meeting was advertised in accordance with the City's Procedural By-Law 2019-80, being advertised on the City of North Bay's website. The City's Communications Officer has advised that the meeting was also promoted for eighteen (18) days from September 6, 2024 to September 24, 2024 via the following means:

- City's social media channels including Facebook, Twitter, LinkedIn and Instagram, including paid advertising through Meta, reaching more than 4,500 accounts.
- A Public Service Announcement was shared with local media which was picked up by most local outlets and radio stations.

Despite all this advertising, the media reported that only sixteen (16) people attended the meeting, (which would have included the four (4) presenters). While Section 10.3 of the Procedural By-Law provides in part that Town Hall Meetings will be two (2) hours in length, this meeting adjourned after only approximately thirty (30) minutes.

At the conclusion of the Meeting two members of the public raised their concerns with respect to the format of the meeting. While the City Clerk, as of the date of this report, has not received any complaints with respect to the Town Hall Meeting, the following concerns have come to light through local media and social media, that included, format, forum, time of meeting, registration requirements, advertising, technology and amount of time allowed to speak.

Consequently, Council passed Resolution 2024-297, for staff to review Section 10 of the City's Procedural By-Law, as follows:

Whereas Section 10 of the City of North Bay's Procedure By-Law sets out the purpose and procedures for Town Hall Meetings.

Therefore Be It Resolved that Council direct the City Solicitor and City Clerk to review the procedures for Town Hall meetings and bring forward suggested changes to the procedures.

Staff have undertaken a review of Procedural By-Law 2019-80, which has included consulting with four (4) Municipalities and the review of sixty-four (64) Municipal Procedural By-Laws.

The four (4) Municipalities that were consulted, each have different procedures for Town Hall Meetings, as summarized below:

Municipality	Comments
City of Barrie	• Not part of the Procedural By-Law. • Not Council Meetings. • Register in advance of or at the meeting. • Topic Specific.
City of Sault Ste. Marie	• Not Part of the Procedural By-Law. • Open Houses not run by Council.
City of Timmins	• Not part of the Procedural By-Law. • Mayor and the Councillor for the ward attend it is a meet and greet any member of the public can speak on any topic – Staff does not attend. • Also have Open Houses on specific topics (i.e. homelessness) this is driven by members of Council. No Staff present.
Township of Mono	• Not part of Procedural By-Law. • Topic specific. • Presentation from a consultant – 15 minutes in length. • Open floor question and answer period

The sixty-four (64) Municipal Procedural By-Laws that were reviewed come from Municipalities whose Legal Departments are members of the Municipal Law Departments Association of Ontario. That review demonstrated that only three (3) Municipalities, Kingston, Kawartha Lakes and Stouffville, provide for Town Hall Meetings in their Procedural By-Laws.

Recommendations:

- Option 1: Remain status quo.
- Option 2: Amend the Procedural By-Law to eliminate Town Hall Meetings.
- Option 3: Amend the Procedural By-Law to remove Town Hall Meetings from the By-Law and the City adopt a Policy for holding Open Houses that are topic specific.
- Option 4: Amend the Procedural By-Law to have Town Hall Meetings remain in the By-Law but the procedures be amended as follows:
- i) Be on a specific topic that is chosen from a survey of the citizens of the municipality.
 - ii) Questions from members of the public shall be in relation to the topic as determined in section (i) above and shall be directed to the Members of Council.
 - iii) No registration required.
 - iv) Town Hall Meetings will be held at the call of the Presiding Officer. The Presiding Officer will determine the date, time and location of the Town Hall Meeting. Town Hall Meetings will be two (2) hours in length.
 - v) All other procedures remain the same as set out in sections 10.2, 10.4, 10.5, 10.6, 10.8 and 10.9, of the City of North Bay Procedural By-Law 2019-80.

Hybrid Meetings - Electronic Participation:

The City's Municipal Accessibility Advisory Committee (MAAC) is required to adhere to the City's Procedural By-Law. MAAC have requested that the Council make an amendment to Procedural By-Law 2019-80 to allow MAAC members the opportunity to attend meetings via electronic participation.

A hybrid meeting would be defined as a proceeding where some members participate virtually and some members participate in-person at Council and Committee meetings.

MAAC currently meets in the Mayor's Boardroom therefore there would be no costs associated with the holding of hybrid meetings.

If Council is interested in adopting hybrid meetings, we have had the opportunity to discuss upgrading the Council Chambers with the City's Information Services Department to determine what, if any costs, would be incurred. Information Services has provided the following preliminary fees:

Installation of cabling and the necessary equipment in the closed session room	@ \$30,000.00 + taxes
Upgrade of system in the Council Chambers (for 15 remote licenses)	@\$53,930.00 + taxes
Annual Licensing Fees for 15 remote licenses	@\$ 2,700.00 + taxes
Information Systems Overtime Costs	@\$ 250 (at time and a half for 2 hours)

We have reviewed numerous Procedural By-Laws from other Municipalities and each one differs significantly. If Council wishes to go forward with hybrid meetings/electronic participation, the following are preliminary recommendations or procedures to be put in place:

1. The City's Procedural By-Law setting out the rules and procedure must be observed by Members that are attending a hybrid meeting.
2. Inaugural Meetings of Council will only be held in-person. Hybrid Meetings will not be allowed.
3. Any Council member may attend up to four (4) meetings in a twelve (12) month period per Council Meeting or Committee Meeting of Council including Special Meetings, by electronic participation.
4. Meeting participation by the members of Agencies, Boards and Commissions (ABC's) that adhere to the City of North Bay's Procedural By-Law shall not be subject to the four (4) meeting maximum in a twelve-month period.
5. Members of Council or members of ABC's shall provide not less than forty-eight (48) hours' notice prior to a scheduled Meeting to the Clerk or City Liaison, as the case may be, if they will be attending the Meeting electronically.
6. Members of Council or member of ABC's may participate in open and closed sessions of the meeting and will be counted towards quorum.
7. If quorum cannot be maintained during a hybrid meeting, due to a loss of members electronic connection, the Clerk will advise the Mayor or Deputy Mayor that quorum is lost, and the meeting will be recessed for up to fifteen (15) minutes to allow for the member's electronic connection to be restored. If quorum cannot be restored within fifteen (15) minutes, the meeting will be adjourned and all matters on the Agenda that have not been addressed will be moved to the next Meeting of Committee of Council, Council or ABC Meeting.

8. Electronic Participation will be limited to video conferencing with internet access and conferencing software or programming. The Member of Council or the Member of the ABC attending virtually must ensure their video conferencing is capable of allowing the public to watch and hear, all Members participating electronically in the Meeting, except for any part of the Meeting that is closed to the public. The Members video must be on at all times during all Meetings.
9. The Clerk or City Liaison will provide the Member with an electronic participation link and, if applicable, a confidential password. The password and meeting ID are not to be shared.
10. Members of Council or ABC'S participating electronically shall be responsible for testing and ensuring the reliability of their connection using audio-visual communication prior to the start of the meeting.
11. Members participating electronically shall login to the electronic meeting within 15 minutes of the start of the meeting to test connectivity and audio and visual quality.
12. The City will not provide equipment or pay any associated costs that may be required for a Member who wishes to participate electronically.
13. In the event of a Closed Meeting, Member(s) participating electronically must ensure that the meeting discussion and materials are not accessible by individuals that are not subject to be part of the closed portion of the Meeting. Members must still respect their Oath and Council Code of Conduct regarding the protection of confidential information from unauthorized disclosure, release, publication or use. In addition, a Member shall be prohibited from recording any part of the closed meeting. The Chair may ask each Member participating electronically to confirm they are the only one present in the room or within hearing distance from the Member.
14. Members of Council or Committees participating electronically shall advise the Clerk or the City Liaison if they will be leaving the meeting early.
15. At the call of the Chair any Meeting may be held virtually for all Members in the case of an Emergency.

Housekeeping

In addition to amendments as noted above, we will also be bringing forward in our presentation to Council housekeeping amendments to the By-Law.

Financial/Legal Implications

The cost to upgrade and install the electronic systems in the Council Chambers would be in the range of \$83,930 + taxes, together with the additional licensing fees of \$2,750.00 year and the overtime cost for the Information Services employee.

There are no legal implications.

Corporate Strategic Plan

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| ☐ Natural North and Near | ☐ Economic Prosperity |
| ☐ Affordable Balanced Growth | ☐ Spirited Safe Community |
| ☒ Responsible and Responsive Government | |

Specific Objectives

Ensure continuous improvement of governance and administration.

Options Analysis

Option 1: That Council refer Report to Council CORP 2025-010 dated January 22, 2025 from Peter Leckie and Karen McIsaac to the General Government Committee.

This is the recommended option.

Option 2: That Council does not refer Report to Council CORP 2025-010 dated January 22, 2025 from Peter Leckie and Karen McIsaac to the General Government Committee.

This is not the recommended option.

Recommended Option

That Council refer Report to Council CORP 2025-010 dated January 22, 2025 from Peter Leckie and Karen McIsaac to the General Government Committee.

Respectfully submitted,

Name: Peter E.G. Leckie, B.A. (Hons.), LL.B.

Title: City Solicitor

Name: Karen McIsaac, Dipl. M.A.

Title: City Clerk

I concur with this report and recommendation

Name: John Severino, P.Eng., MBA

Title: Chief Administrative Officer

Personnel designated for continuance:

Name: Peter E.G. Leckie, B.A. (Hons.), LL.B.

Title: City Solicitor

Name: Karen McIsaac, Dipl. M.A.

Title: City Clerk