

May 30, 2023

The following information was released in response to a Freedom of Information request:

**RE: Application to Access a Record**

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Please note that on May 2, 2023 I received your request pursuant to Part XX of the Municipal Government Act for access to the following information:

*What are the rules that govern the public's ability to speak at council meetings?*

The municipality's policy regarding public participation at meetings of Council are posted on the municipal website (<https://antigonishcounty.ca/municipal-policies-2/>), and I have included copy for your reference. This policy is Policy 17 - Public Participation at Council/Committee Meetings.

Please note that at their meeting of May 23, 2023, the Committee of the Whole approved amendments to Policy 17 - Public Participation at Council/Committee Meetings, specifically regarding delegation requests. These policy amendments will be considered for approval by Municipal Council at their next regular meeting, which is expected to be in June. I have included a copy of the draft amendments as presented to the Committee of the Whole and included in their May 23, 2023 agenda package for your information as well.

Where the information requested through this application for a record is already available on the public website, I am returning your \$5 application fee.

Sincerely,



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Glenn Horne  
CAO

MUNICIPALITY OF THE COUNTY OF  
**ANTIGONISH**

<b>TOPIC:</b>	<b>Public Participation at Council/Committee Meetings</b>
<b>POLICY NUMBER:</b>	<b>17</b>
<b>DATE APPROVED:</b>	
<b>DATE REVISED:</b>	<b>September, 2014</b>

**TITLE:**

This Policy may be cited as the “Public Participation Policy” of the Municipality of the County of Antigonish.

**PURPOSE:**

Section 23 of the Municipal Government Act permits municipalities to make policies to regulate its own proceedings and preserve order at meetings of Council. This Policy is intended to outline a format whereby ratepayers, residents, corporations doing business within the Municipality of the County of Antigonish, can participate in an orderly and proper fashion in the proceedings of Municipal Council.

**POLICY:**

1. In this Policy:
  - a. “Council” means the Council of the Municipality of the County of Antigonish
  - b. “Board” means the Utility and Review Board;
  - c. “Municipality” means the Municipality of the County of Antigonish;
  - d. “Presiding Member” means:
    - i. The Warden when present at a meeting of the Council;
    - ii. The Deputy Warden when presiding in the absence of the Warden;
    - iii. Such other member as may be presiding at a meeting of council in the absence of the Warden and Deputy Warden.
  - e. “Petition” includes a written or an electronic petition.
  - f. “Petitioner” means a person who represents the redress of grievances, through use of a petition.

**PUBLIC HEARINGS**

2. Council Public Hearings will be advertised to their intent, start time, and location in advance of a hearing as outlined for that purpose in the Municipal Government Act.
3. Those interested in providing a written submission pertaining to the Public Hearing may do so by directing the submission to the Deputy Municipal Clerk. To distribute to members of Council in a timely fashion, submissions should be received no later than two business days before the advertised Public Hearing date.
4. At the onset of a Public Hearing, the presiding member will request staff to:
  - a) present any staff report and recommendation(s),
  - b) outline the recommendation(s) of any committee of Council with authority over the matter at hand, and

- c) confirm the public hearing was advertised in accordance with the requirements of the Municipal Government Act.
5. After the staff presentation, members of Council may ask questions of clarification only.
6. The presiding member shall compile a speakers list by first asking that anyone present wishing to speak against the proposed amendment identify themselves. They will then ask that anyone wishing to speak in favour of the amendment identify themselves. All speakers shall provide their name and community of residence. Only those listed will be called upon to speak.
7. Speakers addressing Council should do so from the podium and with proper decorum. Speakers' comments must be specifically related to the subject of the Public Hearing, be directed to the presiding member and are limited to five (5) minutes.
8. Debates between speakers, members of council, staff or applicants shall not be permitted.
9. The role of Council at a Public Hearing is to listen to the public. Members of Council shall not debate nor challenge the comments being offered by the speaker. Following a speaker's presentation, members of Council may ask questions of the speaker, seeking clarification of the points they have raised. Members of council shall not enter into a dialogue with the public during the Public Hearing.
10. Any questions of Council or staff shall be viewed as a matter for Council to consider in making a decision.
11. No applause or other expressions of emotion, inappropriate language, outbursts or criticisms aimed at individuals or groups will be condoned. No signs shall be displayed.
12. The presiding member may place limits on any speaker necessary to conduct an orderly Public Hearing.
13. When all seeking to provide comment on the matter at hand have had an opportunity, the presiding member shall provide the applicant (if one) followed by staff with an opportunity to briefly respond to points raised by the speakers.
14. At the discretion of the presiding member, Council may take a recess every hour.
15. At the close of the Public Hearing, Council may proceed to immediately consider the matter under consideration and reach a decision. Consideration of a motion to refuse, approve or approve with amendments is subject to the regular rules of order and council proceedings. No further public presentations will be heard once a motion is introduced.
16. If Council requires more time to consider presentations from the Public Hearing, or further information from staff, Council may defer the debate and decision until a later date; usually the next regular meeting.
17. Only members of council present for the entire Public Hearing are permitted to vote.
18. Following the close of the Public Hearing, members of council shall not accept individual, representations, whether oral or in writing, in respect to those matters considered quasi-judicial in nature such as development agreement applications, site-plan appeals, variance appeals, heritage registrations or de-registrations and less than market value property sales.

### **PETITIONS**

19. Every ratepayer or resident of the Municipality, and every corporation doing business therein, shall have the right to be heard before Council by petition and every petitioner shall be entitled to be heard at the time of presentation of the petition.
20. Persons accompanying the petitioner may be heard, in support of such petition, if they have obtained consent by a majority vote of the Council.
21. Every petition shall be presented to the Council either by a member of Council or by the individual presenting the petition and the Council member or presenter shall be prepared to advise Council that the petition does not contain any impertinent or improper matter and that the petition shows due respect and reverence in its language and contents.
22. When petitioners, or person speaking in support of a petition, address Council, they shall exhibit the utmost of respect and reverence for the Council and its members both in speech and in action. They shall at no time argue with the Council in answer to any question put by the Council or by a Council member, but they shall answer the same respectfully.
23. Every communication, including a petition designed to be presented to the Council, shall be legibly written or printed and shall not contain any obscene or improper matter or language and shall be signed by at least one person and filed with the Clerk.
24. The filing of a petition with the Clerk shall be done at least one week before the date of the meeting of Council at which it is to be considered, and the Clerk shall keep a book containing a record of all petitions so filed.

#### **DELEGATIONS & PRESENTATIONS**

25. Any delegation, wishing to address the Council, shall give notice of such request to the Clerk at least seven (7) business days prior to the Council meeting at which such delegation is to appear.
26. All material to be presented to Council shall be provided to the Clerk by 4pm of the Thursday prior to the meeting at which the delegation is schedule to appear. If material is not provided the Clerk may cancel or reschedule the delegation's appearance.

#### **DECORUM**

27. Any persons who are not members of Council or officers of the Municipality of the County of Antigonish shall observe silence and order in the Council Chambers, unless given permission to speak on behalf of a petition or otherwise allowed in this Policy. Any such persons disturbing the proceedings of Council shall be called to order by the Chairman and, if they fail to comply, shall be ordered, by the Chairman to leave the Council Chambers.
28. A person, not a member of Council, shall be heard with permission of the Council; and such person shall be limited to ten minutes in addressing the Council.

#### **POLICY REVIEW**

This Policy is to be reviewed once each calendar year, unless deemed otherwise by the Policy Committee from time to time.

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## REQUEST FOR DECISION

**TO:** Committee of the Whole  
**FROM:** BETH SCHUMACHER, DEPUTY CLERK  
**SUBJECT:** POLICY FOR CONSIDERATION OF DELEGATION REQUESTS  
**DATE:** 23/05/2023

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### SUMMARY

Currently, the Municipality has a policy that provides little guidance regarding delegations or individuals presenting at either a council or a committee meeting; *Policy 17: Public Participation at Council / Committee Meetings* (attached). It would be helpful to staff when receiving requests to present to have criteria approved by Council against which the request can be evaluated. Staff has drafted amendments based on existing practice and Council input, and these amendments have been reviewed with the Committee. The attached draft is provided for your consideration.

### BACKGROUND

At the April 25, 2023 Committee of the Whole meeting, staff brought forward a memo seeking direction regarding consideration of amendments to *Policy 17: Public Participation at Council / Committee Meetings*. Based on the feedback from the Committee at that meeting, an amended draft was prepared for discussion with the Committee at their May 9, 2023 meeting. Staff has further reviewed the document to incorporate the questions and comments provided by the Committee.

### DISCUSSION

Staff has addressed the questions and concerns raised at the May 9, 2023 Committee of the Whole meeting where the policy was reviewed, and have incorporated those into the policy as follows:

Question Asked: Will decisions not to hear a presentation be referred to the Committee of the Whole for discussion?

**Clause 28(a)(i)** as drafted notes that the person or group that was turned down, or a councillor on their behalf, can request in writing to have to the committee or Municipal Council reconsider their request. This would be brought forward for discussion by the committee or Municipal Council as soon as is practical.

Concern Raised: The timelines noted in the policy are not clear.

Time frames for the submission and response to requests to present to a committee or Council are expressed in the draft policy as deadlines. The intent of these timelines is to provide staff with an adequate timeframe to receive, process, and respond to requests when considering the timelines in place for the production and distribution of committee and Council agendas. The timelines given in the

policy are expressed as minimums; groups and individuals can request to present at a meeting further in advance than ten days before a meeting, and staff do their best to ensure that such requests are responded to at their earliest opportunity.

**Clause 25** is drafted to provide a minimum ten (10) days in advance of a meeting for a request to present at that meeting to be received. If a request was received with less than ten days until the next committee or Council meeting, that request would be considered for a future meeting.

**Clause 26** is drafted to require that any materials to be presented to the committee or Council be submitted a minimum of ten (10) days in advance of the meeting at which the delegation is scheduled to appear. If a delegation requested to appear at a meeting ten days before that meeting, they would have to submit their presentation materials along with their request.

**Clause 29** is drafted to commit that any party making a request to appear as a delegation will have, at minimum, five (5) working days notice. This timeline is consistent with the timeline for staff finalizing committee and Council agendas.

Concern Raised: Clause 31 notes that groups are encouraged to only have one speaker, where some organizations may have several individuals presenting.

**Clause 31** as drafted does note that presentations may have more than one speaker, but collectively, speakers are limited to stay within the time limit allocated to the delegation.

Questions about interpretation of the terms “legal proceedings” and whether a topic is within the jurisdiction of the municipality were addressed directly through discussion at the meeting on May 9<sup>th</sup>.

## **CONSIDERATIONS**

Staff had requested direction from the Committee regarding the length of time that a delegation is granted as noted in Clause 31. Based on the feedback received from the Committee, the time limit noted in this clause has been set at 15 minutes. This amount of time is consistent with the Town of Antigonish’s practice for delegations at their meetings.

## **NEXT STEPS**

If the Committee wishes to proceed with the policy amendment as drafted, the following motion would be in order:

That the Committee recommends that Municipal Council approves the amendments to the *Public Participation at Council / Committee Meetings* policy as proposed.

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### **DELEGATIONS & PRESENTATIONS**

25. ~~Any delegation, wishing to address the Council, shall give notice of such request to the Clerk at least seven (7) business days prior to the Council meeting at which such delegation is to appear.~~ **All persons or groups wishing to make a presentation to Council shall provide their request in writing to the Deputy Clerk, not less than ten (10) working days prior to the Council Meeting, at which the delegation wishes to appear.**
26. All material to be presented to **Municipal Council or a Committee** shall be provided to the **Deputy Clerk not less than ten (10) business days** ~~by 4pm of the Thursday~~ prior to

the meeting at which the delegation is schedule to appear. If material is not provided the **Deputy Clerk** may cancel or reschedule the delegation's appearance.

27. **The Municipality has the right to refuse a presentation.**
  - a) **Presentations related to personnel, or matters in which the Municipality of Antigonish has entered into legal proceedings, will not be received.**
  - b) **Presentation related to matters that are not within the Municipality's jurisdiction or reflective of a community interest will not be received.**
  - c) **Presentations related to matters for which a formal public engagement process has been adopted will not be received, and the persons or groups shall be directed to participation in that process.**
28. **The Deputy Clerk shall review each presentation request, and if there are concerns regarding the appropriateness of the presentation content, raise those concerns with the CAO and Warden. If either the CAO or Warden have concerns regarding the appropriateness of the presentation content, the presentation will not be scheduled.**
  - a) **If a presentation is not scheduled on the grounds of Section 25 (a) or (b), it will be communicated to the person or group wishing to present and the appropriate committee / Municipal Council.**
    - i) **The person or group, or a councillor on behalf of the person or group, may request the committee or Municipal Council reconsider this decision by applying in writing. The matter will be brought forward for discussion by the committee or Municipal Council as soon as practical.**
29. **The Deputy Clerk will respond to presentation requests not less than five (5) working days prior to the Council Meeting, if the presentation is appropriate for Council, and shall advise the presenter of the location and time of the meeting.**
31. **Presentations may have more than one speaker but are encouraged to have only one and collectively are limited to the 15-minute time period.**
32. **Questions from members of Council may follow the presentation.**

### **DECORUM**

34. **Any persons who are not members of Council or officers of the Municipality of the County of Antigonish shall observe silence and order in the Council Chambers, unless given permission to speak on behalf of a petition or otherwise allowed in this Policy. Any such persons disturbing the proceedings of Council shall be called to order by the Chairman and, if they fail to comply, shall be ordered, by the Chairman to leave the Council Chambers.**
35. **A person, not a member of Council, shall be heard with permission of the Council; and such person shall be limited to ten minutes in addressing the Council.**

**POLICY REVIEW**

This Policy is to be reviewed **within six months after a municipal election** ~~once each calendar year~~, unless deemed otherwise by the **Committee of the Whole** ~~Policy Committee~~ from time to time.