

1. Policy

Policy Number:	P-CAO-25-XX
Policy Name:	Delegation Policy
Effective Date:	April 25, 2023 February 25, 2025
Last Revised:	April 25, 2023 February 13, 2017
Last Reviewed:	March 21, 2023 February 11, 2025

2. Policy Purpose

The purpose of this policy is to provide a process and criteria for members of the public residents of the municipality or local organizations to address Town Council or a Committee thereof, on a matter over which the Town has legislative, legal, financial, geographic, or operational effect for decision-making ~~a matter of concern.~~

3. Scope

Notwithstanding any procedures to the contrary within a Committee's Terms of Reference, ~~The scope of this policy applies to Council and its Committees including Committee of the Whole, but excludes and statutory public meetings as required under the Planning Act. Procedures regarding delegating to a Committee of Council are the same as this policy unless otherwise outlined in the Committee's Terms of Reference. Would this apply to all Committees of Council?~~

4. Definitions

TERM	DEFINITION
Town Clerk	The Town Clerk of The Corporation of the Town of Niagara-on-the-Lake.
<u>Recording Secretary</u>	<u>A Member of Staff, typically the Town Clerk or designate who is responsible to record without note or comment, all recommendations or resolutions, decisions and other proceedings of the Council or Committee that serves as the Town Clerk in Committees of Council</u>
Council	<u>The municipal body own Council Members</u> consisting of 9 elected members-at-large, including a Lord Mayor and eight (8) Councillors.
Council Meeting	<u>A meeting established Council meets</u> as per the calendar approved by Council <u>or a Special Meeting duly authorized in accordance with the Procedure By-law where a quorum of Council is in attendance.</u>

Committee of the Whole (COTW)	A Committee session of Council, presided over by a member of Council. COTW meets as per the calendar approved by Council. This includes any statutory meetings as required under the <i>Planning Act</i> .
<u>Committee</u> , Committee of the Whole (COTW) or Council Agenda	The order of business for the Meeting which can be prepared in paper or electronically.
<u>Committee of Council</u>	<u>Committees established by, and/or otherwise comprised of Members of -of-Council other than that are not Committee of the Whole.</u>
<u>Council Meeting</u>	<u>Council meets as per the calendar approved by Council.</u>
Delegation	A presentation made by a person or persons <u>or on behalf of an organization</u> who has (have) made a formal request through the Town Clerk to address <u>the proceedings Town Council</u> at either a Council, <u>Committee of Council</u> or COTW Meeting on a given <u>agenda matters</u> subject. <u>Unless under extenuating circumstances, delegates</u> When possible, shall <u>delegates are encouraged to</u> present to <u>a Committee of Council or</u> COTW meetings rather than Council meetings.
Delegation Request Form	Online request form that must be completed and submitted on the Town's website to be considered as either an Agenda or Non-Agenda Delegation.
Electronic Participation	Participating in a <u>Committee</u> , COTW or Council Meeting by joining remotely via a Microsoft Teams invitation. <u>The</u> <u>i</u> ntention of Electronic Participation is indicated by checking the Participating Electronically check box on the Request Form.
In-Person Participation	Participating in a <u>Committee</u> , COTW or Council Meeting by attending the Council Chambers at Town Hall. Intention of In-Person Participation is indicated by checking the Participating In-Person check box on the Request Form.
<u>Non-jurisdictional Items</u>	<u>means issues over which the Town does not have legislative, legal, financial, geographic, or operational effect for decision-making</u>

5. Policy Statement

Council and its Committees values and welcomes input, comments, and constructive suggestions from residents and local organizations. Since Council and its Committees generally must consider a large number of issues and concerns at any given time, the

Delegation Policy outlines procedures to ensure fair and equal consideration is given to all requests and also details the protocols required of the delegate when presenting.

6. Policy Details

There are two broad categories of delegations. Each category will be noted as such on the Council, [Committee](#) or COTW meeting Agenda:

Category 1 – Non-Agenda Delegation	This is a presentation that addresses topics that do not appear on the Committee, Council or COTW Agenda and for which no related staff report has been prepared for or included on the applicable agenda. Council by Staff. Non-Agenda Delegations are only permitted at Committee and Committee of the Whole meetings. Are not permitted at Committee of Council Meetings.
Category 2 – Agenda Delegation	This is a presentation which specifically addresses a COTW, Committee of Council or Council Agenda item.

DELEGATIONS S GUIDELINES:

- All delegate presentations shall not exceed 10-minutes in length including requests for multiple topics. However, the length of time may be limited by the [Town Clerk](#), Proceeding Officer or Chair if a large volume of individuals is expected to speak to the item [or as determined by the Town Clerk to facilitate a timely meeting. -Where there are more than three \(3\) delegations on the same subject each delegation is limited to five \(5\) minutes. A maximum of three non-agenda delegations shall be permitted at a meeting.](#)
- Remarks are to be concise. Discussion on topics, other than the subject matter of the delegation request, will not be permitted. In the event that a delegate submits multiple requests for the same meeting consideration will be given in consultation with the Town Clerk and [/or](#) the Lord Mayor.
- Personal attacks or inappropriate language will not be tolerated.
- Where possible, it is requested that one spokesperson represent the similar interests of a group of delegates.

- A written copy of the presentation and/or summary of remarks and all related documentation must be submitted made available to the Town Clerk no later than 12:00 p.m. on the Monday prior to the meeting. This allows for any clarification and/or follow-up that may be required.
- For Committees of Council, timelines are determined by the Terms of Reference or timelines as otherwise noted.
- Where delegations are not permitted under the Terms of Reference, speakers may be invited to speak at the meeting by the Recording Secretary.
- Every item of correspondence, petition, report and other communication intended to support the delegation shall be easy to read and signed by at least one person or clearly indicate the identity of the sender

DELEGATION APPLICATIONS:

- Requests to appear as a non-agenda delegation must be made through the completion of the Request Form submitted on the Town's website no later than **12 p.m. on the Thursday prior to the COTW ~~or Council~~ meeting.** Scheduling of the non-agenda delegations shall be at the discretion of the Town Clerk or designate.
- A delegation request to present information to COTW or Council regarding a Staff Report listed on a published agenda must be made through the completion of the Request Form submitted on the Town's website by **12:00 p.m. on the Monday prior to the scheduled meeting.**
- ~~All agenda~~ Delegations shall pertain to a matter which is within Council's statutory jurisdiction. The Town Clerk will be authorized to refuse ~~such~~ delegations on non-jurisdictional items.
- A delegate must confine their remarks to the business stated on their form.
- The Delegation Request Form may be submitted electronically via the Town's website or a hardcopy may be mailed or dropped off at Town Hall, addressed to the Clerks Office. Electronic and hardcopy forms must be received prior to the

deadlines outlined above.

- Communications or petitions containing obscene or defamatory language are not accepted or presented to the Council.
- A maximum of three (3) delegations may take place during a COTW or Council meeting, with priority being given to delegations relating to an agenda items. This maximum may increase at the discretion of the Town Clerk or request of the Lord Mayor. For non-agenda items should more than three (3) delegation requests be received, the first three received will appear on the agenda and the remaining will be offered the chance to appear at a subsequent meeting. Council will be notified of the remaining requests.
- By a motion duly put and passed by a two-thirds vote any person not registered as a delegate with the Town Clerk may be heard.
- If an applicant wishes to address an issue they have previously spoken to at COTW or Council, they will only be permitted to do so if they bring forward significant new information. Specific details of how this information is new must be identified on the application form and is subject to approval by the Town Clerk. Only the new information will be heard. Significant new information is information previously unknown to Council or Committee which would reasonably be expected to change the outcome of deliberations.
- Individuals are to present their comments regarding applications under the Planning Act at the scheduled public meeting where their comments can be considered along with all other submissions.
- No application is necessary for individuals speaking at a public meeting under the Planning Act.
- For meetings scheduled in accordance with the Planning Act, timelines will be outlined on the Public Notice.
- A delegation is not permitted on any matter that is the subject of a future statutory public meeting or of a statutory public meeting which has been closed.
- Delegations regarding a bylaw in respect of which a public hearing has been held, where the public hearing is required under an enactment as a pre-requisite to the adoption of the bylaw are not permitted.

- Delegations addressing a staff report are encouraged, when possible, to speak at the COTW meeting.
- No delegations shall be permitted on matters relating to:
 - a) Any matter matters which have been previously decided upon by Council within the ~~term of Council~~last six (6) months.
 - b) Litigation or potential litigation, including those matters which are before and under the jurisdiction of any court or administrative tribunals.
 - c) ~~Issues~~ Matters which are non-jurisdictional to the ~~outside the jurisdiction of the Town.~~
 - d) Notices of Motion, provided that Delegates will have an opportunity to speak at the subsequent Council meeting when that item will be discussed.
 - e) Previous Minutes and Committee Minutes listed on the agenda.
 - f) By-laws on the agenda.
 - g) Closed Session items, or a matter which, in the opinion of the Clerk or Chief Administrative Officer, is the proper subject matter of a Closed Session.
 - h) Reports filed by the Integrity Commissioner.
 - a)i) Relief from user fees and charges or any requests relating to tax bills, water bills, or Town-issued offence notices, administrative penalties and/or orders unless otherwise outlined in a Town Policy or by invitation by the Recording Secretary or Town Clerk
- b) Delegations are not permitted for the following agenda items: closed session items, notices of motion, motions to reconsider, and adoption of minutes.

DELEGATION PROTOCOL

- 1) When called upon by the Chair of the COTW meeting, or the Lord Mayor at Council meetings, the delegate shall proceed immediately to the podium at the front of the Council Chambers.
- 2) If participating electronically, the delegate must wait on the Teams meeting with their microphone muted and their camera off. When called upon by the Chair of the COTW meeting, or the Lord Mayor at Council meetings, the delegate shall unmute their microphone and turn on their camera.
- 3) Remarks should be brief and to a maximum length of 10 minutes per delegate. Comments should be stated in a clear, concise, and factual manner. The Town set the timer when the delegate begins to speak. The Chair may at their discretion extend their length of time.

- 4) For agenda delegations, to reduce the possibility of any misunderstanding, and to facilitate necessary follow-up, the Town Clerk requires a written copy of the presentation or remarks no later than 12:00 p.m. the Monday prior to the meeting. If a written copy is not received either electronically or in hardcopy by the deadline, the delegate may be removed from the agenda.
- 5) ~~No delegation shall: Discussion on topics other than the subject matter of the delegation request will not be permitted.~~
 - ~~a) speak to a matter other than the subject matter identified in their request;~~
 - ~~b) speak disrespectfully or use offensive language;~~
 - ~~c) disobey a decision of the Chair;~~
 - ~~d) enter into cross debate with Members of Council, other delegations or staff;~~
 - ~~a)e) use the presentation to advertise, publicize or promote any business or commercial enterprise or event.~~
- 6) ~~Subsequent delegations on the same topic, without significant new information, will not be permitted. The Town Clerk will determine if the new information is significant.~~
- 7) It is considered proper protocol to not ridicule or berate any individuals. Remarks or questions concerning the character or performance of named individuals or groups shall be immediately ruled out of order. The Chair reserves the right to immediately end the delegation for improper conduct. Any future offences at a subsequent meeting by the same individual will result in forfeiture of their right to speak for a period of time to be determined by Council, dependent upon the seriousness of the offence. Refusal of the individual to respect the ruling of the Chair will result in the meeting being immediately halted until the individual exits the Council Chambers or the Teams call.
- 8) Upon completion of their remarks, the delegate should remain in position to allow for possible questions from Council members. Council members may ask questions for clarification purposes only. Staff shall not be called upon during a delegation.
- 9) After completion of questions, the delegate will be asked to return to their seat in the public gallery or if participating electronically mute their microphone and turn off their camera.
- 10) Members of the public are to refrain from making audible comments or noise (i.e. applause) while in the Council Chambers.
- 11) Members of the public are not permitted to join meetings electronically unless they have been sent an invitation through the Clerk's Office. Members of the

public who wish to watch the meetings electronically are welcome to do so via the Livestream link available on the Town's website.

[Response to Delegation](#)

No decision on the Delegation's requested action, if presented, will be made during the meeting at which a Delegation is heard. Following the Delegation, Council or the Committee may take no action, or may refer the issue to one or more of the following:

- the next or another meeting of Council or Committee where the presentation occurred;
- staff for a report; and or
- a Committee of council.

8. Forms

The Delegation Request Form can be completed online at the Town's website or a hardcopy can be submitted at Town Hall, addressed to the Town Clerk.

9. Responsibilities

POSITION or OFFICE	RESPONSIBILITIES
Clerks Office	<ul style="list-style-type: none"> • Receive and Process complete Delegation Request Forms. • Add Delegation Request Forms and accompanying documents (presentation/written materials) to agenda. • Monitor the presentation time of each delegation.

10. Related Information

Procedure By-law of the Town of Niagara-on-the-Lake
The Planning Act, 1990
The Municipal Act, 2001

11. Contacts

Please direct any questions regarding this policy to:

OFFICE	PHONE	EMAIL
Clerks Office	905-468-6418	clerks@notl.com

POLICY GOVERNANCE	
Policy Number:	P-CS-23-01
Effective Date:	February 25, 2025 April 25, 2023
Last Reviewed Date:	January 3, 2023 April 25, 2023
Target Review Date:	January 31, 2026
Approval Authority:	Council
Policy Owner:	Town Clerk
Responsible Office:	Clerks Division
Supplemental Documents:	Delegation Request Form