

STAFF REPORT

THE CORPORATION OF THE TOWN OF COBOURG



Report to:	Mayor and Council Members	Priority:	<input type="checkbox"/> High <input checked="" type="checkbox"/> Low
Submitted by:	Brent Larmer Municipal Clerk/Manager of Legislative Services blarmer@cobourg.ca	Meeting Type: Open Session <input checked="" type="checkbox"/> Closed Session <input type="checkbox"/>	
Meeting Date:	April 19, 2021		
Report No.:	Corporate Services-050-21		
Submit comments to Council			

Subject/Title: Analysis of Recording Voting at Council Meetings

RECOMMENDATION:

THAT Council receive this report from the Municipal Clerk/Manager of Legislative Services for information purposes; and

FURTHER THAT Council provide direction to the Municipal Clerk on one of the following options below in regards to recording voting during Municipal Council Meetings:

Option 1: Maintain status quo and conduct recorded votes pursuant to the process that is currently in the Town's Procedural By-law which is alphabetical order;

OR

Option 2: Amend the Procedural By-law to allow for recorded votes to be conducted with the Member who requested the recorded vote to be required to vote first, and then subsequently all other members of Council to announce their vote in alphabetical order thereafter;

OR

Option 3: Amend the Procedural By-law to allow for a random call of members by the Municipal Clerk at the call of a recorded vote by a Member with the Municipal Clerk having authority to choose the order at his/her discretion;

OR

Option 4: Amend the Procedural By-law to incorporate the use of Electronic Voting hosted through the eSCRIBE Agenda Management System to allow all recorded votes by Council to be displayed simultaneously on screen once all votes have been cast by Members at a cost of \$2,450.00 per year with a one-time set-up/training fee of \$1,350 for a total cost of \$3,800.00.

1. STRATEGIC PLAN

Not Applicable

2. PUBLIC ENGAGEMENT

Not Applicable

3. PURPOSE

The purpose of this report is to provide information to Council as requested at the March 29, 2021 Regular Council meeting regarding the taking of Recorded Votes at Council Meetings.

4. ORIGIN AND LEGISLATION

As part of the requirement of the *Municipal Act, 2001, as amended*, Section 246 provides a provision that outlines how a recorded vote must be implemented into each Municipal Council's Procedural By-law.

The relevant section is as follows:

Recorded Vote

246 (1) If a member present at a meeting at the time of a vote requests immediately before or after the taking of the vote that the vote be recorded, each member present, except a member who is disqualified from voting by any Act, shall announce his or her vote openly and the clerk shall record each vote. 2001, c. 25, s. 246 (1).

Failure to vote

(2) A failure to vote under subsection (1) by a member who is present at the meeting at the time of the vote and who is qualified to vote shall be deemed to be a negative vote. 2001, c. 25, s. 246 (2)

On February 4, 2019 Municipal Council passed and approved By-law No.009-2019 Being a By-law to establish the Rules of Order and Procedures for Municipal Council and Committee Meetings of the Corporation of the Town of Cobourg.

5. BACKGROUND

On March 29, 2021 Council, considered a notice of motion put forward by Councillor Brian Darling regarding the conducting of Recorded Votes at Council Meetings.

The motion passed as follows:

THAT Council direct the Municipal Clerk to review Section 23.4 of the Town of Cobourg Procedural By-Law No.009-2019 regarding the conducting of Recorded Votes in alphabetical order at Council meetings; and

FURTHER THAT Council direct the Municipal Clerk to research alternative ways in which Recorded Votes can be conducted at Council Meetings that does not include the requirement of a recorded vote to be taken alphabetically which is not a requirement of the Municipal Act, 2001, and

FURTHER THAT a staff report be brought back to a future Committee of the Whole Meeting on April 19, 2021 for Council decision on options for Council to conduct Recorded Votes at Council Meetings.

6. ANALYSIS

As part of the Town of Cobourg's Procedural By-law 009-2019, the current process of recorded voting in Council Meetings is done through alphabetical order by each Councillor surname. The recorded voting process is outlined under Section 23 of the Council Procedural By-law as follows:

Current Procedural By-law 009-2019 Wording – Recorded Vote:

23.3 Where a vote is required to be recorded, by law or by request of a Member immediately prior or subsequent to the taking of a vote, each Member that is both present and qualified to vote, shall announce his/her vote openly, and any failure to vote by a Member who is not disqualified shall be deemed to be a negative vote and the Clerk shall record each vote in alphabetical order.

23.4 When a Member present requests a recorded vote, all Members present at the Council or Committee meeting must vote in alphabetical order, unless otherwise provided by statute. The names of those who voted for and the names of those who voted against shall be noted in the Minutes of the applicable meeting. The Mayor or Presiding Officer shall announce the results.

23.5 If a Member disagrees with the announced result of any vote, except a recorded vote, the Member must object immediately following the announced results of the vote to require that the vote be taken again.

The process for conducting of a recorded vote has been consistent in its current form through the process of alphabetical order over many Terms of Cobourg Council. In fact, as Clerk I have not yet been able to uncover a procedural by-law that provided for an alternative measure when conducting a recorded vote when request by a Member of Council at a Council Meeting.

In order to further gather information to help Council with the decision to potentially change the way recorded votes are conducted at Council Meetings, Staff has provided research in this report into how other Northumberland County municipalities conduct their recorded votes at their individual Council Meetings. Staff have also provided an analysis of other comparator municipalities for additional information outside Northumberland County for Council's consideration.

The research is summarized within Table 1 and Table 2 of the report.

Table #1 - Northumberland County Municipalities Recorded Voting:

Municipality	Recorded Vote Type/Process
Municipality of Brighton	Alphabetical Order
Township of Cramahe	Using a random order of voters as determined by randomized listings prepared in advance and in the control of the Clerk
Township of Alnwick/Haldimand	Alphabetical Order starting with the Member who called for the recorded vote
Township of Hamilton	Alphabetical Order
Municipality of Port Hope	Alphabetical Order with the Mayor Voting Last
Municipality of Trent Hills	Alphabetical Order starting with the Member who called for the recorded vote
County of Northumberland	Alphabetical Order with the Warden Voting Last (Weighted Voting)

Table #2 - Other Municipal Comparators (from KPMG Listing):

Municipality	Recorded Vote Type/Process
Township of Essex	Start with the Member who requested the Vote and then proceeding in a Clock-wise direction to other members.
Town of Huntsville	Alphabetical Order starting with the Member who called for the recorded vote, and the Chair shall vote last.
City of Owen Sound	Alphabetical Order, Deputy Mayor to Vote Second Last and the Mayor to Vote last.
Municipality of Strathroy-Caradoc	Votes are called in the order determined by the Clerk.
The Town of Tecumseh	Not Specified in the Procedural By-law.
Town of Tillsonburg	Alphabetical Order starting with the Member who called for the recorded vote, and the Chair shall vote last.

As Council will see within the information gathered by Staff, there is a commonality within municipalities to conduct their Recorded Votes in alphabetical order. Where there are differences, is how the Mayor, Deputy Mayor, Chair and the Council Member who called the vote fit in the sequence of alphabetical voting.

Electronic Voting:

As part of the eSCRIBE Meeting Management Solution that Council transitioned to from the former ICompass/Civic Meeting Management Module in June 2020, eSCRIBE offers many more features that can be utilized to advance the way

municipalities conduct their meetings outside of the basic meeting management function.

The Town's Meeting Management vendor eSCRIBE has a module called '*Vote Manager & Request to Speak*'. This module allows meeting participants to electronically vote on resolutions in real-time through their Participant Portal, iPad or Windows 10 tablet. The module supports a wide range of vote types and is fully integrated with roll call, check-in/out, and pecuniary interest management. Vote results can be graphically displayed in-chamber or through virtual-chamber Zoom, and, when used with the Internet publishing plus module, published to the web. When the Town of Cobourg transitioned to eSCRIBE as part of the bundle we purchased the Participant Portal and Internet Publishing Plus, thus the addition of the Vote Manager would be a minimal cost to the Town of Cobourg.

The module also comes with some additional unique features such as:

- Supports multiple vote types: simple majority, majority present, weighted, two-thirds (present/members), 3/4 majority, and unanimous;
- Fully-integrated with roll call, check in/out, pecuniary interest, voting areas
- Easily manage member debates with Request to Speak;
- Graphical public display screens with configurable voting results details
- Participants using the Meetings Pro App can offer to move or second motions.

The above noted extra additional features can be leveraged in the future when Council starts to transition to in-person meetings which could result in a conducting of a successful hybrid Council Meeting type in which some members are in person and others participating electronically due to the current and future COVID-19 Public Health restrictions. This functionality of electronic voting would assist with advancing the electronic council meetings which could be with the Town for a little while longer.

7. FINANCIAL IMPLICATIONS/BUDGET IMPACTS

There are no financial Implications related to Options #1, #2, or #3 as these options if Council chooses which is to change nothing and remain with the status quo, or implement minor amendments to the wording of Section 23 of the Procedural By-law related to changes in recorded voting without the use of technology. In the case of Option #4, which includes utilizing eSCRIBE Electronic Voting Module, there will be financial implications and future budget impacts in the noted Service Fees quotation provided by eSCRIBE:

Services Fees:

Module	Addition/Deletion	Annual Fee	Quantity	Cost
eSCRIBE Vote Manager	Annual	\$ 2,450	1	\$ 2,450
Total - Annual Subscription Fees				\$ 2,450

Implementation Fees:

Training Fees		Service Fee	Quantity	Cost
Vote Manager Training and Setup	One Time	\$ 1,350	1	\$ 1,350
Total Training Fees				\$ 1,350

8. CONCLUSION

In conclusion, the ultimate decision as to how Municipal Council conducts Recorded Votes at Council Meetings is completely up to how Council wishes to proceed. *The Municipal Act, 2001*, is clear that Council's Procedure By-law must provide in which a way Recorded Votes are recorded at meetings, but it does not provide a specific process as to how the municipality must conduct the process when Members are asked to provide their Vote and are required to Vote unless prohibited by Law.

Report Approval Details

Document Title:	Council Recorded Voting Staff Report - Corporate Services-050-21.docx
Attachments:	
Final Approval Date:	Apr 9, 2021

This report and all of its attachments were approved and signed as outlined below:

Tracey Vaughan, Chief Administrative Officer - Apr 9, 2021 - 3:52 PM