

# Staff Report for Decision

DATE OF MEETING    SEPTEMBER 24, 2018

AUTHORED BY        SHEILA GURRIE, CITY CLERK AND CORPORATE OFFICER

SUBJECT              PROPOSED COUNCIL PROCEDURE BYLAW

## **OVERVIEW**

### **Purpose of Report**

To obtain feedback and direction from Council on the new proposed Council Procedure Bylaw. |

### **Recommendation**

That Council proceed with forwarding the new proposed Council Procedure Bylaw to the 2018-OCT-01 Council meeting as presented.

## **BACKGROUND**

In January, 2012, the Strategic Planning Steering Committee set in motion the development of a Corporate Strategic Plan, approved by Council on July 9, 2012. One of the identified Strategic Priorities was: Taking Responsibility, to be an excellent municipal government. Implementation of this priority was led by the Governance Steering Committee (GSC), established in January of 2013. The GSC retained a consultant to complete a Governance Policy, Structure and Processes Review and Audit. That report contained 59 recommendations adopted by Council, and includes references to a Procedure Bylaw review.

Since the Watson Report recommendations were adopted by Council, a number of the recommendations have been implemented, and significant work has been done by Staff to rewrite the Council Procedure Bylaw including:

- In 2014, Staff retained Eli Mina, Registered Parliamentarian to provide a draft bylaw for Council's consideration. Council did not proceed with the changes at that time;
- In 2016, Staff retained Lisa Zwarn, Professional Registered Parliamentarian to engage Council for their suggestions and draft a bylaw for Council consideration. Work was done on this project, some recommendations and an amendment to the bylaw was done at that time; and,
- In 2017 Staff produced a draft bylaw incorporating the recommendations from the Watson Report, and work done by Eli Mina and Lisa Zwarn. With the referendum, by-election and lack of resources in 2017, it was not brought before Council.

This Council and the previous Council has committed to Good Governance as one of its 5 priorities in their strategic plan and goals for achieving in their term(s). With the upcoming 2018 Municipal Election, Staff feel adopting a new procedure bylaw prior to the Election is an opportune time as it will allow the current council to implement a bylaw that is a tool for new members of Council to assist them in participating in effective Council Meetings for years to come.

The current bylaw was adopted by Council in 2007 and has had three minor amendments since then.

When drafting a new bylaw for council to consider, it is important to identify what problems are trying to be fixed. The Watson Report and reviews of the current bylaw identified deficiencies in the current bylaw that needed to be addressed. These include, but are not limited to:

1. Absence of parliamentary procedures such as:
  - a. proper steps for reconsideration of a matter;
  - b. point of order;
  - c. tabling or referring a matter back to staff; and,
  - d. the proper time to debate a bylaw at the appropriate reading of the bylaw.
2. Requirements for council raising a hand at the time of a vote. This requirement that is in our current bylaw prohibits advancements in technology that we now have with escribe. Escribe has a function that allows voting to occur on your tablets and appear on the screen. With the new bylaw, this will be allowed, and therefore, voting can be done in this manner when the technology is tested and available.
3. There is little to no mention of decorum in our current bylaw; this new bylaw will give a clear picture of acceptable conduct and debate using parliamentary procedures for Council Meetings, Committee of the Whole Meetings, Public Hearings and Committees. This will be utilized as a reference and will assist in better meeting management.
4. Decorum for the public. This is now clearly outlined in the bylaw. How to address Mayor and Council; how to address staff; and the tools that can be used to address unruly decorum. Again, this will assist in better meeting management and is outlined clearly in the bylaw for delegations, presentations and question period decorum.
5. In Camera meeting times. What is addressed in the new Council Procedure bylaw is the changing of the times of the regularly scheduled council meetings. Currently we have our regularly scheduled meetings of Council starting at 7:00 p.m. In order to have a closed, in camera meeting prior to the open session, it requires a special meeting notice, for a special meeting and yet another council agenda, or a "Notice of Time Change". The new bylaw allows for the regularly scheduled meetings to start early in order to proceed in camera, with the regular open session to commence at 7:00 p.m.
6. Addressing the issue of late items and addendums. Currently we print agendas the preceding week on Tuesday's, for the meeting the following Monday. Addendums are printed on Friday afternoons and this at times ends up being a full second agenda. Moving the printing and publishing of the agenda to the Thursday before the meeting, and having no addendum will cut down on staff resources needed to produce agendas and reduce the amount of late items on the agenda. The public will be able to sign up until Monday to speak to an item on the agenda.
7. Committee of the Whole Meetings. There has been a problem with Committee of the Whole meetings ultimately being another meeting of council and this is not the traditional intent of these meetings. Committee of the Whole, is intended to be a less formal meeting, in a less formal setting, to have council "roll up their sleeves" and get down to work on the issues.

The issues brought to the table at Committee of the Whole can be debated and discussed fully, before coming to a council meeting to be voted on. This will help two-fold. This will get back to the true purpose of the Committee of the Whole, and shorten council meetings as the items will have had a fulsome discussion at the COW meeting.

8. Speaking limits. There is currently nothing in the bylaw that addresses speaking times for members during the meetings. It is recommended in the new bylaw that this addressed with the repurposing of COW meetings, though some items will appear at a Council Meeting that have not been to a COW. Putting speaking limits on the members of Council will help to move the meetings along and help to keep the items on topic. This can always be altered and members can speak longer with a motion and vote, but ultimately these time limits, if adhered to, should help the meetings run more efficiently.
9. Consent Items: the new Council procedure bylaw allows for the Corporate Officer to prepare a list of consent items which lists various items and recommendations to address those items. Some matters that will not be included in a "Consent Items" are:
  - items pertaining any changes to the financial plan;
  - items pertaining the annual municipal report; or
  - items pertaining any changes to any strategic plans.

Council may vote on and adopt in one motion all recommendations appearing in the consent items section unless a Council Member makes a request to remove an item from the consent items for the purposes of debate or discussion; they would be voting in opposition to a recommendation on the consent agenda; or declaring a conflict of interest. If these issues occurred, the Chair would remove the applicable item and its recommendation from the consent items list and have it considered separately by Council immediately after the consideration of the remaining consent items recommendations.

10. Public Hearings and process that were absent from the current bylaw are addressed in the new bylaw. The new bylaw outlines the processes for the hearing and again is designed to assist the Chair and council members with the proper procedures to follow during a public hearing.
11. Supporting Policies. There is a new section in the new Council Procedure bylaw that clearly defines when a supporting policy would be helpful to provide additional administrative or procedural rules to support the new bylaw. These policies would be adopted by council; would not be in contravention of the new bylaw, or the *Community Charter*, and are easier to amend as they require a resolution of council and not an amendment to the bylaw. Feedback received during the Procedure Bylaw Education and Engagement session has prompted Staff to commence drafting supporting policies for Council approval as soon as possible.

As noted above, Staff have attempted to take a number of the issues that have been brought to the attention of Council either by Council itself, by a member of the public, or problems that Staff have noticed and attempted to address these issues in a clear and concise manner in the new procedure bylaw.

Section 124 of the *Community Charter* states that the procedure bylaw cannot be amended, repealed or substituted without first providing notice describing the proposed changes in general terms in accordance with section 94. Section 94 of the *Community Charter* requires an ad to run two consecutive weeks in a local newspaper. Further to the legislated requirements outlined in the *Community Charter*, Staff felt that it was important to engage with the public on the new procedure bylaw. To date, the following presentations and sessions have been held:

- 2018-JUL-09 – PowerPoint Presentation to Council highlighting the significant changes and next steps.
- 2018-AUG-28 – Public Education and Engagement Session (3 hours) with Professional Registered Parliamentarian, Lisa Zwarn, reviewing legislation, proposed changes, and education on parliamentary procedures. There was a breakout session with participants engaging in and providing input on the new proposed Procedure Bylaw. Nearly 30 members of the public attended this session and provided feedback and input with respect to the new bylaw. Many of the suggestions have been incorporated into the bylaw, or will be inserted into the policies created to compliment the bylaw.

#### Next Steps:

- 2018-SEP-24 – Committee of the Whole. The draft Council Procedure Bylaw will be presented to Council at the Committee of the Whole to seek input and feedback from Council.

[Note: Staff will incorporate Council recommendations into the bylaw or into future accompanying policies where applicable.]

- Advertising in local paper pursuant to Sections 124 and 98 of the *Community Charter*.
- 2018-OCT-01 – Council can give first three readings to the new Council Procedure Bylaw.
- 2018-OCT-15 – Council can adopt the new Council Procedure Bylaw. |

#### OPTIONS

1. That Council proceed with forwarding the new proposed Council Procedure Bylaw to the 2018-OCT-01 Council meeting as presented.
  - **Strategic Priorities Implication:** Good Governance is one of Council's Strategic Priorities.
2. That Council provide direction to Staff to make changes to the new proposed Council Procedure Bylaw, and outline what the changes are, prior to returning to Council on 2018-OCT-01 for three readings.
  - **Strategic Priorities Implication:** Good Governance is one of Council's Strategic Priorities.
3. That Council provide alternate direction. |

### **SUMMARY POINTS**

- In January 2013 the Governance Steering Committee retained a consultant to complete a Governance Policy, Structure and Processes Review and Audit. One of the recommendations contained in the report referenced a Procedure Bylaw review.
- Staff feel with the upcoming 2018 Municipal Election this is the opportune time to adopt a new procedure bylaw as a tool for new members of Council.
- The Watson Report and reviews of the current bylaw identified deficiencies in the current bylaw that need to be addressed.
- In addition to requirements set forth under Section 94 of the *Community Charter* for advertisements to be published in the local newspaper, Staff have attempted to engage with the public on the new procedure bylaw by hosting a Public Education and Engagement Session 2018-AUG-28.

### **ATTACHMENTS**

Attachment A: Draft Bylaw

Attachment B: Draft Bylaw Comparison document |

#### **Submitted by:**

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City Clerk and Corporate Officer |

#### **Concurrence by:**

Jake Rudolph  
Chief Administrative Officer |