

DATE OF MEETING JULY 15, 2019

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SUBJECT **AMENDMENTS TO “COUNCIL PROCEDURE BYLAW 2018 NO. 7272”**

## **OVERVIEW**

### **Purpose of Report**

To provide the Committee of the Whole with the draft “Council Procedure Amendment Bylaw 2019 No. 7272.01” for information and to request feedback.

### **Recommendation**

That the Committee of the Whole provide feedback regarding proposed changes to “Council Procedure Bylaw 2018 No. 7272”.

## **BACKGROUND**

In October 2018 Council adopted “Council Procedure Bylaw 2018 No. 7272” which established the rules of procedure for Council, Committee of the Whole (COW) and Committee meetings. Prior to bringing forward “Council Procedure Bylaw 2019 No. 7272” for adoption, Staff held a round table session with the public to invite feedback on the proposed changes. Many of the changes incorporated in the bylaw were suggestions from that session. Feedback from the COW regarding delegations and moving forward with a new governance model have been incorporated into the amendment bylaw. Staff will be bringing forward other opportunities for engagement that Council has requested in a separate report.

Since adoption of the bylaw and working through new procedures, Staff have identified a number of amendments that are necessary in order to streamline the administrative process related to meeting preparation and to reflect Council’s direction regarding the conclusion of the Committee of the Whole.

Once the Committee of the Whole has provided input Staff will update the bylaw and advertise as required under the *Community Charter* before bringing the bylaw forward to Council for three readings at the 2019-JUL-22 Council meeting. If significant changes are required Staff will return to the 2019-AUG-26 Council meeting for three readings.

## **DISCUSSION**

A summary of the significant changes and their rationale is provided. A full listing of the amendments can be found in the attached amendment bylaw (Attachment A).

1. Remove all references to the Committee of the Whole.

At Council's meeting 2019-APR-29, Council adopted the Governance and Priorities Committee (GPC) Terms of Reference. The purpose of the Governance and Priorities Committee is to enable members of Council to review upcoming and important issues with members of City Staff. This committee will replace the Committee of the Whole which is no longer needed.

2. Add definition "Task Force"

Council has expressed an interest in using task forces as a means to accomplish Council directed projects within a specific time frame.

3. In Camera Council Meeting Start Time

In Camera Council meetings are currently scheduled to commence at 4:00 p.m. Often, Staff prepare meeting time change notices as meetings are not required to begin until 5:00 p.m. Changing the start time to 5:00 p.m. means that Staff do not need to prepare a meeting time change notice as frequently.

4. Add clause that no Regular Council Meetings will be held in August

This change will follow the current practice of cancelling the majority of meetings held in August to allow for a summer break. The Key Date Calendar, adopted annually, will reflect this change. This change aligns with the Regional District of Nanaimo's regular board meeting schedule.

5. Agenda/Addendum Publishing Day

Currently, agendas for regular Council meetings are published Thursday by 4:00 p.m. and addendums, listing any changes since publication, are published on Monday by 11:00 a.m. The agenda is proposed to be published on Wednesdays and the addendum published on Fridays, prior to the Monday meeting. The current practice of publishing the addendum after 11:00 a.m. on the day of the meeting provides Staff with a limited window to prepare all necessary documentation in a thorough manner, prior to the commencement of the In Camera meeting in the early evening. Adjusting the addendum publishing date allows Staff more time for review of documentation and fewer errors in the agenda. Council will have more time to prepare for the meeting by reviewing any changes listed on the addendum on Friday.

6. Delegations related to items on agendas:

In order to publish delegation requests which are received after the agenda is published and distribute them to Council on the addendum, it is necessary to adjust the delegation deadline for regular Council meetings from 11:00 a.m. Monday to 11:00 a.m. Friday, prior to the meeting. The adjustment provides for a shorter window for delegations to sign up; however, it better aligns with Staff processes to include delegation requests in the addendum.

## 7. Delegations not related agenda items:

Currently delegations not related to agendas items are directed to apply to speak at a Committee of the Whole meeting. As the Committee of the Whole will be dissolved, Staff recommend that Council utilize the "Delegations" heading on the Regular Council meeting agenda and include a maximum of three delegations unrelated to agenda items, at each meeting. Sign up will be on a first come first serve basis. No change is proposed for a limitation of delegations regarding agenda items. Including delegations on Council meeting agendas allows the public an opportunity to speak to Council on matters of importance to them and allows for the continued engagement in the absence of the Committee of the Whole meeting.

## 8. Delegations regarding consent items:

A clause has been added to the bylaw that provides a procedure to follow when a delegation is permitted to speak to a consent item. The consent item will be removed from the consent items list, the delegation will be heard, and then the consent item will be voted on separately from other consent items.

In addition to the sections already included in the Bylaw, Council will not permit delegations to speak to the following items:

- matters for which legal proceedings have commenced against the City on which judgement has not been rendered;
- solicitation of goods or services;
- personal or personnel matters about an individual;
- matters that are or have been the subject of a claim for damages against the City of Nanaimo;
- matters that are outside the mandate or jurisdiction of Council;

## 9. Consent Items

The current bylaw states that items pertaining to changes to the financial plan, annual municipal report or changes to strategic plans will not be included in consent items. These items are commonly dealt with at the committee level prior to presentation to Council. Committee recommendation are included in the consent items section of the agenda to be voted on. Staff recommend changing the bylaw so that adoption of these items may not be considered under consent items, but changes to these items may be considered.

## 10. Committee Delegation Timelines

Delegation requests for committees will be reviewed by the Corporate Officer and placed on the agenda of the appropriate committee based on content of request. Requests must be received by 11:00 am 10 days prior to the meeting.

## 11. Public Hearing Process

The addition of Public Hearing guidelines provide direction and clarity regarding the public hearing process.

## **OPTIONS**

1. That the Committee of the Whole provide feedback regarding proposed changes to "Council Procedure Bylaw 2018 No. 7272".
  - The advantages of this option: If the COW provides feedback regarding the proposed changes to "Council Procedure Bylaw 2018 No. 7272" it would allow Council to tailor the structure and rules of their meetings.
  - The disadvantages of this option: If the COW chooses to make changes to the proposed amendment bylaw the changes could differ from Staff processes and/or policies.
2. That the Committee of the Whole recommend that Council give three readings to "Council Procedure Amendment Bylaw 2019 No. 7272.01" as presented.
  - The advantages of this option: If the COW recommends that Council give three readings to the amendment bylaw as presented the suggested changes will update the "Council Procedure Bylaw No. 7272" and provide clarity on changes to Council meetings. These amendments are consistent with Staff's practices and support thorough review of agenda material. The changes provide clear instructions on how to process delegation requests (not related to agenda items) following the termination of the COW Meetings.
  - The disadvantages of this option: If the COW recommends that Council give three readings to the amendment bylaw as presented there could be a missed opportunity for further input.
3. That the Committee of the Whole recommend that Council not proceed with amendments to "Council Procedure Bylaw 2018 No. 7272".
  - The advantages of this option: If the COW does not recommend that Council proceed with the amendment bylaw Staff will request further direction.
  - The disadvantages of this option: If the COW does not recommend that Council proceed with the amendment bylaw the current "Council Procedure Bylaw 2018 No. 7272" will not be updated to reflect Council's desire to terminate the COW meetings or provide clarification on delegation request, consent items, agenda publishing and public hearing procedures. |

## **SUMMARY POINTS**

- The COW is requested to provide input regarding draft "Council Procedure Amendment Bylaw 2019 No. 7272.01".
- Staff have taken prior feedback received from the COW and public roundtable session and incorporated it into the amendment bylaw.
- Significant changes include adjusting agenda publishing days, delegation procedures, the addition of public hearing guidelines and dissolving the Committee of the Whole.

**ATTACHMENTS:**

Attachment A: Draft "Council Procedure Amendment Bylaw 2019 No. 7272.01" |

**Submitted by:**

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