

DATE OF MEETING | SEPTEMBER 30, 2019 |

AUTHORED BY | SKY SNELGROVE, STENO COORDINATOR/DEPUTY CORPORATE OFFICER

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

OVERVIEW

Purpose of Report

To provide the Governance and Priorities Committee with the draft “Council Procedure Amendment Bylaw 2019 No. 7272.01” for approval. |

Recommendation

That the Governance and Priorities Committee recommend that Council proceed with three readings and adoption of “Council Procedure Amendment Bylaw 2019 No. 7272.01” as presented.

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. 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.

Prior to October 2018 and the adoption of “Council Procedure Bylaw 2018 No. 7272”, staff undertook an extensive public engagement process that included roundtable discussions facilitated by a consultant where interested members of the public attended and provided their input on the bylaw. Many of the changes incorporated in the bylaw were suggestions from that session. Direction from Council regarding moving forward with a new governance model have been incorporated into the amendment bylaw. The intent of bringing this amendment bylaw forward is to address operational deficiencies and logistical issues that staff have identified as inefficient while working within the parameters of the bylaw for the past 11 months.

Staff requested feedback from the Committee of the Whole regarding the proposed amendments at the 2019-JUL-15 Committee of the Whole Meeting. The Committee of the Whole deferred consideration and requested that the Governance and Priorities Committee review the amendment bylaw. Due to the engagement process noted above staff do not recommend the entire bylaw be reviewed at this time. |

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). If the GPC recommends that Council approve the bylaw, it will be brought forward for three readings to a future Council meeting, public notice provided in accordance with the *Community Charter*, then presented to Council for adoption.

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. Staff must prepare meeting time change notices to change the start time of In Camera meetings when they do not start at 4:00 p.m. Most of these meetings have been changed to 4:30 p.m., therefore amending the bylaw to reflect the 4:30 time change means fewer steps in the meeting preparation process.

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. If the bylaw is approved, the Key Date Calendar, adopted annually, will reflect this change. This change aligns with the Regional District of Nanaimo's regular board meeting schedule. Special meetings may still be held, if required.

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 and for Council to be informed.

7. Delegations not related to 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 four 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.

The limitation of four delegations stems from the schedule where Council meetings are held on the first and third Monday of the month. The current meeting schedule provides for a 14 week break between July and October and no Committee of the Whole meetings were held. As of September 25, 2019 staff received only two delegation requests for a Committee of the Whole meeting during that period.

During the first seven months of the year, delegation requests averaged 5 delegations per meeting. This can be accommodated by providing 4 opportunities per meeting for delegations to speak. With the increase of other engagement opportunities staff believe this is sufficient.

A further change is recommended to prevent the loophole where delegations from the same organization sign up individually in order to have more time to speak. Delegations from the same organization or group will be given five minutes for their organization or group to present, instead of multiple individual five minute presentations.

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 recommendations 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. In the future staff may bring forward future amendments related to public hearing procedures.

NEXT STEPS:

If the Governance and Priorities Committee recommends that Council approve the bylaw, the bylaw will be brought forward for three readings then adoption. At a subsequent meeting staff will bring forward the 2020 Key Date Calendar for approval. The key date calendar will reflect the amendments in the bylaw related to meeting scheduling. The Key Date Calendar must be adopted by December 31, 2019.

OPTIONS

1. That the Governance and Priorities Committee recommend that Council proceed with three readings and adoption of "Council Procedure Amendment Bylaw 2019 No. 7272.01" as presented.
 - The advantages of this option: If the GPC recommends that Council give three readings to the amendment bylaw as presented the suggested changes will update the "Council Procedure Bylaw 2018 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: The change of dates and times of agenda processing would require a period of adjustment for Council, staff and the public.
2. That the Governance and Priorities Committee recommend that Council not proceed with amendments to "Council Procedure Bylaw 2018 No. 7272".
- The advantages of this option: If the GPC does not recommend that Council proceed with the amendment bylaw Staff will request further direction.
 - The disadvantages of this option: If the GPC 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 requests, consent items, agenda publishing and public hearing procedures. The 2020 Council Key Date calendar is required to be adopted prior to December 31st and must align with the bylaw in place at time of adoption. Staff recommend that the bylaw come into force prior to approval of the key date calendar in order to avoid scheduling Committee of the Whole Meetings in 2020.

SUMMARY POINTS

- Consideration of "Council Procedure Amendment Bylaw 2019 No. 7272.01" was deferred by the Committee of the Whole on 2019-JUL-15.
- Staff have been working with the bylaw for the past 11 months and have identified areas of "Council Procedure Bylaw 2018 No. 7272" that need updating to improve efficiency and processes.
- The GPC is being asked to recommend that Council approve the bylaw amendment.

ATTACHMENTS:

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

Submitted by:

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