

ATTACHMENT A



Staff Report for Decision

File Number: 3900-01

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:

Sheila Gurrie
Director, Legislative Services

ATTACHMENT B

CITY OF NANAIMO

BYLAW NO. 7272.01

A BYLAW TO AMEND THE COUNCIL PROCEDURE BYLAW

WHEREAS the Council of the City of Nanaimo pursuant to Part 5, section 124 of the *Community Charter* must by bylaw, establish the rules of procedure for Council and committee meetings.

THEREFORE BE IT RESOLVED that the Council of the City of Nanaimo in open meeting assembled, hereby ENACTS AS FOLLOWS:

1. Title

This Bylaw may be cited as “Council Procedure Amendment Bylaw 2019 No. 7272.01”.

2. Amendments

“Council Procedure Bylaw 2018 No. 7272” is hereby amended as follows:

(1) By replacing the definition of “COMMITTEE” in Section 2.1 as follows:

“COMMITTEE” means a Select Committee, a Standing Committee or other committee of Council.

(2) By deleting the definition of “COMMISSION” in Section 2.1.

(3) By deleting the definition of “COMMITTEE OF THE WHOLE” in Section 2.1.

(4) By deleting the definition of “COW” in Section 2.1.

(5) By adding the definition of “TASK FORCE” in Section 2.1 as follows:

“TASK FORCE” means a type of Select Committee that is created for a specific purpose identified by Council.

(6) By deleting “COW” from the definition of “DELEGATION” in Section 2.1.

(7) By deleting Section 3.1 in its entirety and substituting the following:

3.1 The provisions of this Bylaw will govern the proceedings of Council and Committees for the City.

(8) By deleting Section 3.2 in its entirety and replacing it with the following:

3.2 In cases not provided for under this Bylaw the 11th Edition of Robert’s Rules of Order, as updated from time to time will apply to the proceedings of Council and Committees to the extent that those rules are:

(a) applicable in the circumstances; and,

- (b) not inconsistent with the provisions of this Bylaw, the *Community Charter* or the *Local Government Act*.
- (9) By deleting the period at the end of Section 5.1 and adding the following at the end of the section:

“except when Council resolves to hold the meetings elsewhere.”
- (10) By deleting Section 5.2(b)(i) in its entirety and replacing it with the following:
 - (i) at 4:30 p.m. to proceed “In Camera”, if necessary, pursuant to section 90 of the *Community Charter*; and,
- (11) By deleting Section 6.3(b) and adding Sections 6.3(b) and 6.3(c) as follows:
 - (b) where a Council meeting falls on a statutory holiday or occurs during a week in which the FCM, UBCM or AVICC annual conferences are held, the meeting will be held on the following Monday; and
 - (c) not be held in August.
- (12) By deleting the period at the end of section 7.1, replacing the period with a colon and adding the following:
 - (a) posting a copy of the notice at the Shaw Auditorium located in the Vancouver Island Conference Centre, or other;
 - (b) posting a copy of the notice at the Public Notice Posting Places, and
 - (c) leaving one copy of the notice for each Council member in the to which the member has directed notices to be sent.
- (13) By deleting section 8.1 in its entirety and substituting the following:

8.1 Prior to a regular meeting, the Corporate Officer will have prepared an agenda setting out all the items for consideration at that meeting and deliver a copy of the agenda to each Council Member by Wednesday prior to the Monday meeting, where possible.
- (14) By deleting Section 8.4 in its entirety and substituting the following:

8.4 The Corporate Officer will make the agenda for a meeting available to the public by posting the agenda table of contents on the Public Notice Posting Place:

 - (a) on the Wednesday afternoon prior to the Regular Council meeting.
- (15) By adding Section 8.6 as follows:

8.6 Prior to a special meeting, the Corporate Officer will have prepared an agenda setting out all the items for consideration at that meeting and deliver a copy of the agenda to each member at least 24 hours before the meeting, where possible.

- (16) By deleting Section 9.1(h)-(p) and substituting the following:
- (h) Consent Items
 - (i) Delegations (unrelated to agenda items)
 - (j) Reports
 - (k) Bylaws (with no accompanying report)
 - (l) Notice of Motion
 - (m) Other Business
 - (n) Question Period
 - (o) Adjournment
- (17) By deleting Section 9.2. in its entirety and substituting the following:
- 9.2 The order of proceedings and business for special meetings may contain the matters listed in Section 9.1.
- (18) By deleting section 14.2 in its entirety and substituting the following:
- 14.2 The following matters should not be included under consent items:
- (a) adoption of the financial plan;
 - (b) adoption of the annual municipal report; or,
 - (c) adoption of any strategic plans.
- (19) By adding Section 14.5 as follows:
- 14.5 The Corporate Officer will remove consent items from the consent items list where a delegation has been permitted to speak to an item.
- (20) By adding Section 14.6 as follows:
- 14.6 Where a consent item has been removed from the consent items list when a delegation has been permitted to speak to the item, the delegation and item will be considered immediately after the consideration of the remaining consent item recommendations.
- (21) By deleting Section 16.2 in its entirety and substituting with the following:
- 16.2 This section will apply to all meetings of the bodies referred to in section 93 of the *Community Charter*, including without limitation:
- (a) Committees;
 - (b) Parcel tax roll review panel;
 - (c) Board of variance; and,
 - (d) Task Forces
- (22) By replacing the heading of Section 19.1 as follows:
- “Delegations Pertaining to Council Agenda Items”
- (23) By deleting section 19.1 in its entirety and substituting the following:
- 19.1 A Delegation requesting to appear before Council will submit a written request which includes an outline on the agenda matter of the request to the Corporate Officer by 11:00 a.m. the Friday prior to the Monday meeting.

- (24) By deleting section 19.2 in its entirety and substituting the following:
- 19.2 All presentations and handouts from Delegations must be received by the Legislative Services Department by 11:00 a.m. the Friday prior to the Monday meeting. No late presentations will be displayed at the meeting. Handouts must be no more than ten pages long.
- (25) By deleting Section 19.3 in its entirety.
- (26) By deleting Section 19.4(a) in its entirety and substituting the following:
- 19.4 (a) schedule a Delegation to a later Council meeting, or Committee meeting as deemed appropriate according to the subject matter of the written request;
- (27) By deleting Section 19.10 in its entirety and substituting the following:
- 19.10 Notwithstanding section 19.9, Delegations will be given 5 minutes total to make their presentation.
- (28) By deleting Sections 19.12 to 19.15 in their entirety and substituting with the following, after Section 19.11:

Delegations Unrelated to Agenda Items

- 19.12 Any Delegation requests that do not pertain to an item on the agenda shall be reviewed by the corporate officer and if appropriate placed on the next Council meeting agenda under the Delegations heading.
- 19.13 A maximum of four Delegations will be permitted regarding items not listed on a Council agenda. The order of Delegations will be the first three received, commencing 14 days prior to Delegation deadline.
- 19.14 Delegations regarding an item not on the Council agenda will be limited to 5 minutes for their presentation unless a longer time period is permitted by a motion passed by a majority vote of all of the Council Members present.
- 19.15 Council will not permit a Delegation to address Council regarding the following:
- (a) a bylaw in which a public or statutory hearing has already been held;
 - (b) matters on which the City had commenced legal proceedings and on which judgment has not been rendered;
 - (c) matters for which legal proceedings have commenced against the City on which judgement has not been rendered;
 - (d) publicly tendered contracts or proposal calls for the provision of goods or services for the City between the time that such contract or proposal has been authorized and the time such contract or proposal call has been awarded either by Council or staff;
 - (e) a hearing pertaining to an application, permit or license which has not yet been considered by Council;
 - (f) other Delegation's requests;
 - (g) soliciting of services or goods;

- (h) matters that are or have been the subject of a claim for damages against the City of Nanaimo;
- (i) personal or personnel matters about an individual; and/or
- (j) matters that are outside the mandate or jurisdiction of Council.

19.16 Multiple delegations from the same organization or group, regarding the same topic will be combined and have a five minute time limitation.

(29) By deleting section 26.2 in its entirety and substituting with the following:

26.2 The Electronic Means used will enable Council Members to hear and be heard simultaneously and permits the public to hear the participation of all Council Members during the meeting.

(30) By deleting "Part VIII - Committee of the Whole" in its entirety.

(31) By deleting Section 42.1 in its entirety and substituting it with the following and moving it above the heading "Duties of Standing Committees":

42.1 This part applies, where applicable, to all Committees of the City.

(32) By deleting the period at the end of 43.2 and adding the following:

at the date and time specified by Council or as soon as possible if the Council does not specify a time.

(33) By deleting Section 47.1 in its entirety and substituting the following:

47.1 For items on the Committee agenda, staff will submit items for inclusion on the agenda to the Staff liaison by 11:00 a.m., 10 days prior to the Committee meeting.

(34) By deleting Section 47.3 in its entirety and substituting the following:

47.3 Committee agendas will be published on a schedule determined by the Corporate Officer.

(35) By adding to Section 48.1 a period after Committees and deleting "and Commissions."

(36) By deleting from Section 50.2 "and Commissions".

(37) By adding the following sections after section 50.3:

50.4 A Delegation requesting to appear before a Committee or Taskforce, will submit a written request which includes an outline on the agenda matter of the request to the Corporate Officer by 11:00 a.m. ten days prior to the meeting.

50.5 All presentations from Committee Delegations must be received by the Legislative Services Department by 11:00 a.m. ten days prior to the meeting. No late presentations will be displayed at the meeting.

50.6 Delegations requesting to speak before a Committee will be reviewed by the Corporate Officer and assigned to the appropriate Committee.

(38) By deleting the period at the end of 51.3(d) and adding the following:

“next meeting.”

(39) By deleting 51.4 in its entirety and substituting the following:

51.4 Subject to section 51.8, minutes of the open meetings will be available for public inspection at City Hall during regular office hours

(40) By adding Section 51.7 as follows:

51.7 In the absence of the Corporate Officer or Recording Secretary a motion passed by the majority of Council members present is required to permit members of staff or Council to take minutes.

(41) By adding Section 51.8 as follows:

51.8 Section 51.4 does not apply to minutes of a Council meeting from which person were excluded under Section 90 of the *Community Charter*.

(42) By adding Section 55.5 as follows:

55.5 The order of business at a Public Hearing shall be as follows:

- (a) Public Hearing is called to order;
- (b) Staff reports are identified;
- (c) Staff provide introductory presentations;
- (d) Applicant details their application;
- (e) Chair calls for any person to be heard or present a written submission;
- (f) Correspondence received at the Public Hearing is identified and read by Council.

(43) By renumbering each section in numerical order, as necessary.

(44) By capitalizing all defined terms and removing capitalization from undefined terms.

3. Effective Date

This Bylaw shall take effect on 2019-NOV-01.

PASSED FIRST READING: _____

PASSED SECOND READING: _____

PASSED THIRD READING: _____

Notice of intention to proceed with this bylaw was published on the ____ day of _____ and on the ____ day of _____ in the Nanaimo News Bulletin circulating in the City of Nanaimo, pursuant to Section 94 of the *Community Charter*.

ADOPTED: _____

MAYOR

CORPORATE OFFICER