

Bylaw Amendments to Affix Signatures by Electronic or Mechanical Means

RECOMMENDATION:

That Council give three readings to proposed bylaw 32M2021 to amend the Procedure Bylaw and the Execution of Contracts Bylaw.

HIGHLIGHTS

- Due to the Covid-19 pandemic, a number of safe work practices have been adopted by The City of Calgary (The City) which impact the way business is conducted. Specifically, the requirement for individuals to work remotely where possible has impacted the ability to obtain signatures from Members of Council or from City employees authorized to sign various municipal documents.
- This report brings forward recommended amendments to two existing City bylaws to allow for the mechanical or electronic signing of documents with appropriate safeguards in place.
- What does this mean to Calgarians? Bylaws and municipal contracts do not take effect until they are signed and confirmed minutes are considered official once signed by the meeting Chair and City Clerk. Having additional options to affix a signature to a municipal document reduces the time needed to bring important legislation and legal contracts into effect.
- Why does it matter? Leveraging technology to address challenges presented by Covid-19 contributes to a City that is more resilient in the face of stresses and ensures The City is future-focused.
- Strategic Alignment to Council's Citizen Priorities: A well-run city

DISCUSSION

Pursuant to section 213(1) of the *Municipal Government Act* (MGA), minutes of Council and Council committees must be signed by the person presiding at the meeting and by the City Clerk, pursuant to section 213(3), bylaws must be signed by the Mayor (or Deputy Mayor as appropriate) and the City Clerk. Obtaining signatures on adopted bylaws and meeting minutes is typically facilitated on-site, in the same meeting at which they are considered. This ensures the bylaw can take effect immediately and confirmed minutes are signed in a timely manner. In the current remote meeting environment, the Mayor or Chair is usually the only in-person participant and can therefore continue to immediately give effect to the bylaws or minutes by signing them in the course of the meeting. However, there have been occasions where a meeting Chair has participated remotely, or where relevant documents or bylaws were not ready for signature at the time of the meeting (i.e. following amendment). Alternate arrangements have been made in these circumstances, but they can be logistically challenging and present the risk of error.

Section 213(5) of the MGA allows municipal documents to be signed by electronic or other means, if so authorized by Council. The proposed bylaw would amend Bylaw 35M2017, the Procedure Bylaw, to provide this authorization and allow for alternative means of affixing the signature of the Mayor, Deputy Mayor and Committee Chair. The amendment would allow the use of mechanical or electronic signatures on adopted bylaws and confirmed minutes when necessary, facilitated by appropriate internal control processes, as detailed in Attachment 1.

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Executing the signatures of authorized officers is typically facilitated in-person. This ensures that agreements between The City and other parties can take effect in a timely manner. Bylaw 43M99, the Execution of Contracts Bylaw, already makes allowance for third parties to such agreements (parties other than The City) to use an electronic signature on Standard Form agreements, but does not grant that ability to City employees who are authorized to sign agreements on behalf of The City. The proposed amendment to Bylaw 43M99 would facilitate the use of electronic or mechanical signatures on agreements when necessary, as detailed in Attachment 1.

STAKEHOLDER ENGAGEMENT AND COMMUNICATION (EXTERNAL)

- Public Engagement was undertaken
- Public Communication or Engagement was not required
- Public/Stakeholders were informed
- Stakeholder dialogue/relations were undertaken

The Mayor's Office was engaged with respect to available options to authorize the use of mechanical or electronic signatures for new bylaws and confirmed minutes of meetings where required.

Dialogue with the Law Department occurred with respect to amending both the Procedure Bylaw and the Execution of Contracts Bylaw.

IMPLICATIONS

Social

Making provision for an alternative way of conducting business aligns with the objectives of the Rethink to Thrive Strategy (Be innovative, tech savvy and future-focused).

Environmental

Not applicable.

Economic

Not applicable.

Service and Financial Implications

No anticipated financial impact

RISK

When a physical in-person signature is not possible for an adopted bylaw or confirmed minutes, the City Clerk's Office will seek authorization from the appropriate Member of Council to affix their signature mechanically to the required document(s). Appropriate oversight/monitoring and record keeping used to reduce the risk of a mechanical signature being used incorrectly are detailed in Attachment 1

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A database of electronic signature samples is maintained by the City Clerk's Office. When a physical in-person signature is not possible for documents being executed under Bylaw 43M99, the Execution of Contracts Bylaw, signatures could be affixed electronically and submitted by authorized officers, reducing the risk of delay in the agreement taking effect.

ATTACHMENTS

1. Description of Electronic or Mechanical Signature Use
2. Proposed Bylaw 32M2021

Department Circulation

General Manager/Director	Department	Approve/Consult/Inform
City Solicitor and General Counsel	Law	Approve