

MINOR AMENDMENTS TO PROCEDURE BYLAW 44M2006

EXECUTIVE SUMMARY

As a component of the approved Legislative Governance Task Force Workplan, the City Clerk identified the value of bringing forward minor housekeeping amendments to the Procedure Bylaw 44M2006, as amended, prior to engaging Council on a full Procedure Bylaw review. The full review is scheduled to begin Q3 2015 and conclude Q1 2016. For the purpose of this report minor housekeeping amendments are defined as those that align business process and bylaw, create a meeting efficiency or provide correction and clarity.

ADMINISTRATION RECOMMENDATION

That the Legislative Governance Task Force recommends that Council give three readings to the proposed amending bylaw.

RECOMMENDATION OF THE LEGISLATIVE GOVERNANCE TASK FORCE, DATED 2015 MARCH 03:

That Council:

1. Give three readings to **proposed Bylaw 15M2015**; and
2. **Amend the proposed bylaw after first reading, in Sections 10(1), 10(2) and 10(4) by placing the 'In Camera items' agenda item before the 'Urgent business In Camera' agenda item, in order to align with current Council practice.**
3. **Give second and third readings to Bylaw 15M2015, as amended.**

Opposition to Recommendations:

Opposed: P. Demong

PREVIOUS COUNCIL DIRECTION / POLICY

At the 2014 May 26 Regular Meeting of Council, Council approved the Legislative Governance Task Force (LGTF) 2014 – 2017 Work Plan and directed that the City Clerk's Office bring forward minor housekeeping amendments to the Procedure Bylaw.

BACKGROUND

A full review of the Procedure Bylaw is slated to begin Q3 2015 and conclude Q1 2016. A full procedure bylaw review is timed to be informed by such initiatives as a potential task force ("Committees on Committees") to study legislative structure and the City's current participation in City Charter discussions. Councillors will be engaged on establishing the foundation principles of the new bylaw through to the drafting.

INVESTIGATION: ALTERNATIVES AND ANALYSIS

With consideration of the pending full procedure bylaw review, this report addresses minor amendments only for the purpose of providing correction and clarity, meeting efficiency and/or

Approval(s): Gray, Sue concurs with this report. Author: Muscoby, Shawneen
City Clerk's: J. Dubetz

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alignment of business process and the bylaw. Highlights of amendments are captured below. Attachment 1 supplies the complete list detailing the current procedure bylaw wording, the suggested new wording and the rationale to amend. Attachment 2 represents the proposed wording to amend Procedure Bylaw 44M2006.

Meeting Efficiency

For meeting efficiency proposed amendments add the ability of the Vice Chair of Audit Committee to attend the Priorities and Finance Committee (PFC) in the absence of the Chair of Audit; moved the deadline forward by 4 hours for administrative submissions to the agenda and added legislated break times for Special Meetings of Council and PFC. An earlier submission deadline by Administration allows City Clerks to provide an electronic copy of the agenda to Councillors Tuesday afternoon instead of Wednesday when Councillors have time commitments for attendance at Standing Policy Committee meetings.

Correction/Clarification

In addition to clerical corrections, amending the procedure bylaw provides the opportunity to clarify provisions for declaring an interest at Standing Policy Committees (SPC). There have been many requests to the Legislative Assistants to clarify whether voting on a procedural item is allowed by a member who had declared an interest on an item or all items. Further, the City Clerk has received feedback from the public questioning how a meeting continues when a quorum of appointed members are not present. In order to provide clarity to both Council Members and the public, City Clerks is proposing to remove the provision that Non-Members who declare an interest count towards quorum. Declaring an interest would continue to provide the ability to participate and vote on the agenda item, however a regular membership quorum would be required to be maintained throughout the meeting. This supports the intended benefit of having a regular membership at SPC's providing the recommendation to Council with the breadth of knowledge gained by consistent participation.

An amendment is also proposed to the provision in the bylaw that directs the length of retention for the audiovisual recordings of Council and SPC proceedings. The current requirement is to retain the video for a three year period. The three year period was originally selected to coincide with the general election cycle. With the move to a 4 year general election cycle it is recommended that the retention period for audiovisual recordings be amended to 4 years. Agreement to amend to a 4 year cycle requires a corresponding amendment to the Council Policy, *Recordings of Legislative Meetings Policy*, which can be achieved through the adoption of the amendment to the Procedure Bylaw.

Alignment of Bylaw and Business Process

The appendices of the bylaw that outline the Agenda Order of Business are out of date and require amendment to align with business process. For example the bylaw allows for urgent business to be added but does not have a heading in the order of business to facilitate urgent business in camera.

Stakeholder Engagement, Research and Communication

With respect to research, the City Clerk's Office conducted a preliminary review of the Procedure Bylaw and its alignment with existing business processes. In addition, observation

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and feedback provided to City Clerks has been incorporated into these minor amendments. Administration was consulted regarding the movement of submissions deadlines to agenda.

In addition to the above City Clerks worked jointly with the Law department in review and consultation through to the drafting of the proposed amendments.

Strategic Alignment

Approval of the proposed amendments detailed in Attachment 2 supports delivering an open and transparent legislative process for all participants.

Financial Capacity

Current and Future Operating Budget:

Not impacted

Current and Future Capital Budget:

Not impacted

Risk Assessment

The proposed amendments serve to provide clarity where interpretation is currently relied upon. Providing clarity reduces the risk of inconsistent application of the rules impacting the fairness of our processes surrounding decision making.

REASON(S) FOR RECOMMENDATION(S):

Approval of the amendments will facilitate minor meeting efficiency improvements and clarity in application of the bylaw. Corresponding amendments are required to Council Policy, *Recordings of Legislative Meetings Policy*, for consistency should council endorse the move to 4 year retention of the audiovisual proceedings of SPC and Council.

ATTACHMENTS

1. Table of Proposed Changes to Procedure Bylaw 44M2006
2. Proposed **Bylaw 15M2015**