

## PROPOSED COUNCIL POLICIES FOR RESCINDING

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### EXECUTIVE SUMMARY

The City Clerk's Office recommends that Council rescind two Council Policies in order to eliminate duplication of legislated requirements in the *Municipal Government Act* (MGA), Bylaw 44M2006, The Procedure Bylaw, and the Council Policy Library. Rescinding these Council Policies would not impose a change in the existing legislated requirements and procedures for Members of Council with respect to recess and attendance at meetings as these matters are already covered in the MGA and The Procedure Bylaw, both of which supersede Council Policy.

### ADMINISTRATION RECOMMENDATION(S)

That the Legislative Governance Task Force recommend that Council:

1. Rescind the Council Policy on *Council Breaks and Meal Times* (CC007); and
2. Rescind the Council Policy on *Council Members Attendance at Meetings Policy* (CC029).

### PREVIOUS COUNCIL DIRECTION / POLICY

At the 2014 May 2006 Regular Meeting of Council, Council approved the Legislative Governance Task Force (LGTF) 2014 – 2017 Work Plan. The second category on the LGTF 2014 – 2017 Work Plan, Council Policies, includes a report proposing rescinding Council Policies that replicate legislation in The Procedure Bylaw or the MGA. As per the LGTF 2014 – 2017 Work Plan, this item was to be brought back to LGTF in Q3 of 2014.

### BACKGROUND

The Council Policy on *Council Breaks and Meal Times* (Attachment 1) became effective in 2003 and provides guidelines to regulate meal times and breaks during Council and Council Committee Meetings. This Council Policy was updated when Bylaw 44M2006, The Procedure Bylaw came into effect on 2006 November 13, providing specific provisions for recess times and duration.

The *Council Members Attendance at Meetings Policy* (Attachment 2) became effective in 1980 and ensures that a Member of Council's request to be excused from a meeting was documented by the City Clerk and that the Office of the Mayor was notified. Since that time, this Council Policy was updated in 2006 when The Procedure Bylaw came into effect and again in 2013 when Bylaw 40M2011, being a Bylaw of The City of Calgary to replace the title of "Alderman" with "Councillor" came into effect.

### INVESTIGATION: ALTERNATIVES AND ANALYSIS

Council Policies contribute to accountability, transparency and good governance at The City of Calgary. Accordingly, it is essential that Council Policies in the Council Policy Library are current and relevant. As per the Council Policy on the *Council Policy Library* (PAC001), each Council Policy originates from a responsible Business Unit, and it shall be the responsibility of the Business Unit to periodically review their assigned policies and provide appropriate revisions. The City Clerk's Office undertook a review of Council Policies, originating in the City Clerk's Office, in order to confirm their relevance and current applicability. This review identified that both the *Council Breaks and Meal Times Policy* and the *Council Members Attendance at*

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*Meetings Policy* were updated with the corresponding sections of The Procedure Bylaw when it came into effect in 2006. However, this update process created duplication.

The *Council Breaks and Meal Times Policy* provides guidelines to regulate meal times and breaks during Council and Council Committee Meetings, as well as the procedure for changing the time of recess, in accordance with Section 91 of The Procedure Bylaw (Attachment 3).

The *Council Members Attendance at Meetings Policy* provides the procedures for Members of Council when requesting to be excused from attendance at a Council meeting. The content of this Council Policy closely mirrors the provisions of Section 105, Excuse for Absence, in The Procedure Bylaw (Attachment 4). Furthermore, this Council Policy also reflects the legislated requirements outlined in the MGA. Specifically, as per Part 5, Division 3, Section 153(c), Members of Council have the duty "to participate in council meetings and council committee meetings and meetings of other bodies to which they are appointed by the council". In accordance with Subsection 174(1)(d), a Member of Council is disqualified from Council if "the councillor is absent from all regular council meetings held during any period of 8 consecutive weeks, starting with the date that the first meeting is missed, unless subsection (2) applies. Subsection 174(2) states the following:

- A councillor is not disqualified by being absent from regular council meeting under subsection 1(d) if the absence is authorized by a resolution of Council passed
- (a) at any time before the end of the last regular meeting of the council in the 8-week period, or
  - (b) if there is no other regular meeting of the council during the 8-week period, at any time before the end of the next regular meeting of the council.

Furthermore, Subsection 174(3) states that "a councillor is not considered to be absent from a council meeting if the councillor is absent on council business at the direction of council".

Given the foregoing analysis, the City Clerk's Office believes that an opportunity exists to cut red tape by eliminating the duplication of legislated requirements and procedures for Members of Council found in the MGA, The Procedure Bylaw and in Council Policies. Rescinding these Council Policies would not propose a change in existing legislated requirements and procedures for Members of Council as they are provided for in the MGA and in The Procedure Bylaw, both of which supersede a Council Policy. Rather, rescinding would eliminate the administration and maintenance of both The Procedure Bylaw and the Council Policy Library on the same subject matters and ensuring their continuing alignment. Having one legislative source for recess and excuse for absence procedures also removes the requirement to coordinate future amendments of The Procedure Bylaw and Council Policies.

By rescinding the *Council Members Attendance at Meetings Policy*, the attached Memorandum would no longer be available on the Council Policy Library for reference. The City Clerk's Office proposes that a more suitable location for this document, both for reference and completion, would be within the Office of the Councillors. Removing this reference document from the Council Policy Library does not remove the legislated requirement that a Member of Council who will be absent from a meeting must provide written notice to the Mayor and City Clerk prior

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to commencement of the meeting as these requirements are legislated within The Procedure Bylaw at Section 105 (Attachment 4).

### Stakeholder Engagement, Research and Communication

A review of Council Policies, originating in the City Clerk's Office, was conducted in order to confirm their relevance. The City Clerk's Office prepared a LGTF 2014 – 2017 Work Plan, which identified a report proposing rescinding Council Policies that replicate legislation in The Procedure Bylaw and the MGA. The 2014 – 2017 Work Plan was presented to the LGTF on 2014 May 06, and was subsequently approved by Council at the 2014 May 26 Regular Meeting of Council.

### Strategic Alignment

The recommendations contained in this report are aligned with Council's Fiscal Plan for Calgary; specifically, priority Z10: "increase transparency and accountability throughout the organization".

### Social, Environmental, Economic (External)

There are no social, environmental, or external economic implications as a result of this report.

### Financial Capacity

#### Current and Future Operating Budget:

There are no current and future operating budget impacts as a result of this report.

#### Current and Future Capital Budget:

There are no current and future capital budget impacts as a result of this report.

### Risk Assessment

The existence of multiple sources for legislated requirements and procedures related to recess and excuse for absence can create the risk of misalignment in governing legislation when amendments are brought forth and adopted by The City of Calgary Council.

### REASON(S) FOR RECOMMENDATION(S):

The Council Policy Library contains two Council Policies related to recess and Members of Council attendance at meetings which duplicate the provisions of Bylaw 44M2006, The Procedure Bylaw, and the *Municipal Government Act*.

### ATTACHMENT(S)

1. Council Policy – *Council Breaks and Meal Times (CC007)*;
2. Council Policy – *Council Members Attendance at Meetings Policy (CC029)*;
3. Excerpt from Bylaw 44M2006, The Procedure Bylaw, Section 91; and
4. Excerpt from Bylaw 44M2006, The Procedure Bylaw, Section 105.