



REFERRAL OF OPTION 2 'COUNCILLOR-AS-CHAIR-OF-COUNCIL'

EXECUTIVE SUMMARY

The Priorities and Finance Committee (PFC) directed the City Clerk's Office to consider implementation of a Presiding Officer model of chairing Council Meetings, ('Option 2' a Councillor-as-Chair-of-Council option contained in PFC2017-0261), and to bring a recommendation back to the PFC in conjunction with the Procedure Bylaw Review report.

The discussion at PFC and the Option 2 model as presented by external consultant and Registered Parliamentarian Eli Mina were analyzed to determine if the model could be implemented in the Procedure Bylaw and achieve the following goals:

- enhance the overall effectiveness of Council meetings,
- harmonize with the principles of fairness, equality and common sense which have been embedded in the proposed Procedure Bylaw,
- address the issues and risks identified during discussion of report PFC2017-0261, and
- support the rights and privileges of all Members of Council.

ANALYSIS

The *Municipal Government Act*, ("MGA"), R.S.A. 2000, c M-26, s. 154(1), provides that the chief elected official (Mayor) presides at Council meetings, but that Council may pass a bylaw to allow a Councillor or other person to preside at meetings of Council.

On 2017 June 06, report PFC2017-0261 was presented to PFC. The report investigated meeting management optimizations, including alternate models for presiding at Council meetings. Option 2, a model where a Councillor is appointed to preside at Council meetings, was subsequently referred to the City Clerk to consider options for implementation.

The members of PFC did not vote on a 'Presiding Officer for Council' option in June, but referred Option 2 to the City Clerk's Office for further consideration. Some important feedback which was heard from members during debate of the deferral motion included the following:

- Successful presiding means looking after the decision making process objectively.
- Is it possible to be an objective Chair and not give up your other rights/duties?
- Consistent exposure to chairing improves effectiveness.
- Chairing Council meetings is time-consuming.
- Option 2 is under consideration for Council meetings only.

Chairing objectively:

To effectively look after the decision making process in a meeting means the Chair should be procedurally objective. Selecting a Speaker model of presiding at Council meetings does not mean that the Councillor elected as Speaker must refrain from their obligation to advocate on behalf of their constituents. However, looking after both the procedure and the interests of constituents requires the discipline to separate the issues from the meeting process. It is reasonable that to assume that there

will be times when a Speaker may perform both obligations without conflict, but that there will be also be times when a Speaker will wish to vacate the chair in order not to detract from full participation on an issue. A reasonable approach to accommodate both situations would be:

- For occasions when the Speaker feels she/she has the ability to participate while presiding, the Speaker should be required to follow the same rules of participation as all the other Members; and
- The Speaker should vacate chair when he/she wishes to focus more on the item than on the meeting process.

Balancing Speaker duties with obligations as a Councillor:

In a harmonious setting, a Speaker can maintain his/her normal rights and privileges to participate and vote on items while fulfilling their obligations to constituents. For the occasions when a Speaker may wish to vacate the Chair, it is helpful to have an alternate person available to cede the Chair to. Election of a Deputy Speaker is recommended to address these occasions. Also the Mayor could be called upon to preside should both the Speaker and Deputy Speaker wish to remain out of the Chair.

Consistent exposure:

Effectively presiding over meetings develops with time and practice. Should Council desire to implement a Councillor-as-Chair-of-Council model, it is recommended to limit the number of Speakers elected, and to select a sufficiently long term of office. A term of one year is recommended. To allow a Speaker to gain skill and to offer Council some predictability in terms of presiding style, it would be desirable to establish a hierarchy which states that the Speaker presides when present at a meeting, then the Deputy Speaker, and then the Mayor.

Consider workload:

Given the volume of material contained in a Council agenda package, a Councillor who presides regularly would experience impacts to their workload. While being able to cede the duties of the Chair to the Deputy Speaker on occasion will assist, it is recommended that an elected Speaker be restricted from being the Chair a Standing Policy Committee in the same year.

Other considerations:

- The *Municipal Government Act* expressly confers the power to preside at Council meetings on the Chief Elected Official (the Mayor). The Councillor-as-Chair-of-Council proposal in this attachment is deliberately aligned with the spirit of this provision. In spite of electing a Speaker and Deputy Speaker, the Mayor may choose to preside at a whole meeting or a portion of a meeting at will.
- The election of a Speaker and Deputy Speaker is proposed to be optional each year. This provides maximum flexibility and acknowledges that there may not be interest or expertise/ability to draw upon every year.
- The authority to remove a Speaker is recommended to be included in the proposed bylaw.

RECOMMENDATION

Should Council wish to implement a 'Councillor-as-Chair-of-Council' model of presiding Council meetings, the City Clerk's Office recommends that the Priorities and Finance Committee recommend that Council adopt the proposed amendments contained on pages 3-4 following first reading of the proposed Procedure Bylaw;

OR

Should Council not wish to implement a 'Councillor-as-Chair-of-Council' model of presiding meetings, the City Clerk's Office recommends that the Priorities and Finance Committee recommend that Council file Recommendation 2 contained in Report PFC2017-0433.

PROPOSED AMENDMENTS FOLLOWING FIRST READING

Add sections 9.1 and 9.2 following section 9:

“Speaker and Deputy Speaker

- 9.1 (1) *Council*, at its Organizational meeting, may elect a Speaker and Deputy Speaker from among the Councillors for the purpose of presiding at *Council* meetings for the following year.
- [MGA, s. 154(1)(a)]
- (2) A Councillor may not serve as Speaker of Council and *Chair* of a Standing Policy Committee at the same time.
- (3) Despite sections 8 and 9, if *Council* has elected a Speaker and Deputy Speaker:
- (a) the Speaker shall preside as *Chair* over all meetings of *Council*;
 - (b) if the Speaker is absent, the Deputy Speaker shall preside; and
 - (c) if the Speaker and Deputy Speaker are absent, or are removed in accordance with section 9.2, the *Mayor* shall preside.
- (4) Despite the election of a Speaker and Deputy Speaker under subsection (1), the *Mayor* has the discretion to preside as *Chair*:
- (a) at a meeting of *Council*; or
 - (b) for a particular agenda item at a meeting of *Council*.
- 9.2 The Speaker or the Deputy Speaker of *Council* may be removed from the *Chair* position by a *majority vote* of *Council*, subject to *notice of motion* being provided at a *Regular* meeting, held at least one week prior to the meeting at which the motion is to be considered.

Delete section E.5 in its entirety and replace with:

- “E.5 “Chair” means the person elected to preside meetings of *Council* or a *City BCC*, and includes the *Mayor*, *Deputy Mayor*, Speaker or Deputy Speaker when presiding a *Council* meeting;”

Excerpt of Option 2 from Report, '*Presiding Officer Options for Council Meetings*', Eli Mina, 12/2016

“Option 2: A Councillor Presides

If and when a Mayor’s substantive biases are too strong and may substantially reduce his or her capacity to be fully objective and uphold the integrity of the process, someone else should preside. This can be done on an as needed basis, or possibly on a regular basis.

Given that Councillors are less likely to be as intensely involved in the affairs of the municipality as the Mayor, having one of them serve as presiding officer may reduce the likelihood of personal biases interfere with the presiding roles.

If a Councillor is chosen to serve as a presiding officer, she or he should follow the same do’s and don’ts that are given under option 1.

A variation on option 2 is having the Mayor and all Councillors taking turns presiding. This approach can boost the appreciation of the complexities of the presiding role, and can lead to a more willing and even enthusiastic compliance with the process by all. However, the inevitable inconsistencies in presiding styles can make things confusing and ineffective (unless presiding officers are regularly given constructive feedback on their performance).”