

**Law and Legislative Services Report to  
Priorities and Finance Committee  
2019 April 02**

**ISC: UNRESTRICTED  
PFC2019-0231**

**Amendments to the Procedure Bylaw**

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**EXECUTIVE SUMMARY**

This report introduces proposed amendments to the Procedure Bylaw 35M2017, in response to Council's direction to increase Council's transparency and accountability, including closed meeting provisions, electronic voting, and agenda efficiencies. It also includes a proposed addition to recording the types of absences in the minutes.

**ADMINISTRATION RECOMMENDATIONS:**

That the Priorities and Finance Committee recommends that Council:

1. Give three readings to the proposed bylaw (Attachment 1) to amend the Procedure Bylaw 25M2017;
2. Direct Administration to record the reason of members' absences for Council and Council Committee meetings.

**PREVIOUS COUNCIL DIRECTION / POLICY**

This report considers direction from several different sources. They are outlined as follows, and are included in full in Attachment 2:

1. In response to two separate notices of motion (C2018-0405; C2019-1218), Administration presented "Transparency Practices – Reporting and Closed Meetings" C2018-1376.
2. On 2018 July 04 Council adopted the recommendations of C2018-0788 – Remote Participation in Council and Committees.
3. On 2018 May 05 Council considered Notice of Motion C2018-0692 "Participation at Council Meetings."
4. On 2017 July 31 Council Directed Administration, through PFC2017-0433 to amend the Procedure Bylaw, and to bring forward a Procedure Bylaw review on the items listed in "Opportunity for Future Improvements."

**BACKGROUND**

The intended outcomes of the proposed amendments to the Procedure Bylaw 35M2017, and associated reporting practices is to continue to thoughtfully amend procedures for improved Council efficiency, transparency, and accountability.

Reviews of the applicable legislation, scans of the practices of other municipalities, and discussions with Administration have informed the recommendations.

**INVESTIGATION: ALTERNATIVES AND ANALYSIS**

Along with the Proposed text of a Bylaw to amend Bylaw 35M2017 (Attachment 1) for ease of reference, a comparison table of proposed amendments is included as Attachment 3.

**Electronic Voting**

The desired outcome of electronic voting is increased transparency, this includes transparency during meetings, in the minutes, and through The City of Calgary's Open Data system. Other

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municipalities indicate that electronic voting does take longer than voice votes, but compared to roll calls or recorded votes, the timing will be similar. The City of Calgary's Open Data team has been engaged, and are prepared to publish results to the Open Data Catalogue.

Electronic voting will be administered through the existing meeting management software (currently eSCRIBE). To use electronic voting, every voting participant in the meeting will need to be actively using eSCRIBE, either web-based or through the app.

If electronic voting is unavailable, voting will revert to voice votes, unless a roll call is required or recorded vote is requested.

Electronic Voting will be operational after the October 2019 Organizational Meeting of Council. This will allow time for all Council and Council Committee members to access the software and become comfortable using it. The City Clerk's Office will facilitate practice sessions.

Results of each vote (i.e., how each participant voted, and if the motion was carried or defeated) will be displayed in the gallery, and on the live stream, immediately after the vote is closed. An example of the vote display is included in Attachment 4.

### **Public Hearings**

A Municipal scan of best practices is included in Attachment 5. There was consensus of the desire to provide better customer service to speakers, while acknowledging the basic challenge of time – items running longer or shorter than expected, making it extremely difficult to provide accurate speaking times.

Notable practices from other municipalities include paneling speakers, online sign-up, and live-stream or live-tweets informing the public of the current item being discussed (or current panel number presenting). The City of Calgary has paneled speakers recently for the discussion on cannabis and secondary suites. While the current Procedure Bylaw does not preclude Council from paneling speakers, it is included in the amendments for clarity and direction. City Clerk's Office will continue to work with Administration to identify which items may warrant a paneling process. The recommended administration process is as follows:

1. City Clerk's Office will work with Administration to identify those items that have the likelihood of a high public interest.
2. These items will be brought forward to the Chair, and in consultation with the City Clerk, will determine if paneling should be established.
3. City Clerk's Office will facilitate the registration and paneling of speakers.
4. Panels will be created, and each speaker in the panel will be permitted to speak for five minutes, and Council/Committee will not ask questions until the entire panel has made their submissions, at which time each Member will have five minutes to ask questions of the entire panel.

The proposed amendment for the Procedure Bylaw is as follows:

*To facilitate efficiency of a public hearing, the Chair, in consultation with the City Clerk, may panel speakers. Each speaker in the panel will be permitted to speak for five minutes, and*

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*Council will not ask questions until the entire panel has made their submissions, at which time each Member will have five minutes to ask questions of the entire panel.”.*

**Remote Participation**

Remote participation, permissible by the *Municipal Government Act (MGA)*, was first used in Council on July 30, 2018 based on Council’s approved process. A recommended amendment to the Procedure Bylaw has been included to enshrine the process for remote participation, outlined in Appendix E of Attachment 1 of this report. Minor revisions to the process have been made since the original approval (C2018-0788) to allow for the prospect of electronic voting (if approved), and to update the list of applicable meeting types (e.g., to allow for newly formed council committees). Remote Participation is available to Council members at Council and Council Committee meetings.

**Closed Meetings**

Unless noted otherwise, all roles and responsibilities, and procedures in the Procedure Bylaw apply to all meetings – meetings held in public, and closed meetings. Several amendments have been proposed to provide more clarity around the roles and responsibilities of Members and Administration in meetings. Specific considerations of items that are discussed in closed meetings (i.e., how items are approved for discussion) and the authorization to attend meetings are also included in the amendments. Another notable best practice that could be considered is restricting the use of cell phones by all attendees in closed meetings.

**1. Review-By or Release-By dates**

Stemming from the approved recommendations from “Transparency Practices – Reporting and Closed Meetings” PFC2018-1376, all confidential items now include either a review-by date or a release-by date. If reports will be confidential indefinitely, they will be identified with “Do Not Release.” The release date identifies when either the *FOIP* exceptions to disclosure ceases to apply after a prescribed period of time, or a date/trigger when the disclosure is no longer harmful; for example, a date of an event or a date an agreement is signed.

The process for review and release of confidential items is as follows

- i) Date – specific to a month and a year (not a quarter) is included in the report
- ii) On a quarterly basis, the City Clerk’s Office will post the titles of all confidential items from the past quarter on a public website (see example in Attachment 6).
- iii) On a quarterly basis, the City Clerk’s Office will forward the items that have a past review or release by date to the respective department.
- iii) The department will have 30 days to respond to the request to either provide release-by date instructions, or re-establish a review-by date.
- iv) The released items will be published to the public website.

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### 2. Authorizing participants

Direction from C2018-1376 requested investigation of “a process for Council members to invite personal advisors to a closed meeting contingent on Council approval and with prior notification.”

The MGA outlines in section 197(6) the following:

*(6) Where a council or council committee closes all or part of a meeting to the public, the council or council committee may allow one or more other persons to attend, as it considers appropriate, and the minutes of the meeting must record the names of those persons and the reasons for allowing them to attend.*

The proposed amendment to the Procedure Bylaw is as follows:

82 (2) *Council or a Council Committee, prior to going into a closed meeting, may by resolution, authorize members of Administration, or other persons, to attend specific items that will be discussed at the closed meeting.*

As required in the legislation, report writers will include a list of the proposed attendees for each item in the closed meeting template and this list is the basis of the motion. If an item of urgent business is added to the Closed Meeting, a list of proposed attendees must also be included – for approval by Council or Council Committee.

### 3. Responses to specific direction about closed meeting procedures are as follows:

- “To allow a member to challenge the motion to hold the Closed Meeting on an item and allow for debate.”

Response: A specific provision is not necessary. In order to go into a Closed Meeting, Council must adopt a motion to do so. As this is a Main Motion, debate is allowed in accordance with the provisions of section 107 through 109. These are the general provisions as to the number of times Members may speak to the main motion, question administration and the length of the debate.

- “A public release process that allows a Council member to challenge during the closed session the requirement of the discussion to be confidential”

*Response:* When the meeting has resumed in public, any member may challenge the requirement for the discussion to remain confidential during the debate on the main motion. Once the Closed Meeting is concluded if the item is not released in the rise and report, a motion must be made to keep the item and/or the discussion confidential, pursuant to the applicable section of *FOIP*. A member may always vote against such a motion.

## Agenda Efficiencies

There are several proposed amendments to the order of business (agendas) that support meeting efficiency. The proposed order of business for all meeting types is included in the Comparison Table (Attachment 3). Most changes are in re-ordering agenda items, and ensuring there is consistency across meeting types. Two additional recommendations that require more context are as follows:

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1. Adding a sub-section under consent agenda for “Deferral and Procedural requests.”

Items included in this category will include:

- i) Deferrals – requests for report deferrals for time.
- ii) Procedural items – including changes to the council calendar, and other non-contentious procedural items (e.g., changes to recess times or length).

Deferrals and Procedural requests will not require reports. The motion for approval will be contained in the title. For example, a title for deferring a report directed to Priorities and Finance Committee would be as follows: “PFC2019-### due Q1 2019 moved to ‘type of meeting’ on May 1, 2019.” Any deferral requests need to specify a specific month the report will return (and not a quarter).

2. Reports for Information Only

Reports for Information Only will be included on all Committee agendas. These reports will automatically be placed on the consent agenda, and will remain at Committee. If Committee wants the reports for Information Only to go to Council, the report will need to be pulled off the consent agenda, and a motion will need to be approved to forward the report to Council. Any report for Information Only going directly to Council will automatically be placed on the consent agenda.

**Record-Keeping Improvements**

Stemming from Notice of Motion C2018-0692, “Participation at Council Meetings,” Administration has worked with our software vendor to include the ability to record categories for absences in the minutes. An example of minutes, which includes identifying an absence as “Council Business” or “Personal” is attached as Attachment 7. This will also allow the Clerk to clearly identify a Remote participant in the minutes.

**Stakeholder Engagement, Research and Communication**

The recommendations were formed through feedback from Council, consultation with Law, Legislative Services, and conversations with other municipalities.

**Strategic Alignment**

This report aligns with Council’s priority of a Well-Run City: “Calgary has a modern and efficient municipal government that is focused on resilience and continuous improvement to make life better every day for Calgarians by learning from citizens, partners, and others” (One Calgary 2019-2022).

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### **Social, Environmental, Economic (External)**

#### **Financial Capacity**

##### ***Current and Future Operating Budget:***

There are no current or future operating budget requirements.

##### ***Current and Future Capital Budget:***

There are no current or future capital budget requirements.

#### **Risk Assessment**

With the release of confidential items publicly, there is increased risk that confidential information is released inadvertently. To mitigate this risk, all items with a review date will be sent to the originating department for approval prior to release. Items with release dates will also be sent to the responsible department for notice of release, and any release instructions. The approval of items for release can include consultations with Access, Privacy, and Policy (formerly known as the FOIP Office) for advice.

#### **REASONS FOR RECOMMENDATIONS:**

Amending the Procedure Bylaw is proposed to introduce efficiencies to Council and Council Committee meetings, and to continue refining procedures to increase transparency and accountability.

#### **ATTACHMENTS**

1. Proposed Text of a Bylaw to amend Bylaw 35M2017, the Procedure Bylaw
2. Previous Council Direction/Policy
3. Comparison Table of Proposed Amendments
4. Electronic Voting
5. Public Hearing Municipal Scan
6. Confidential Release Website
7. Recording Types of Absences