



ATTACHMENT 4 - Investigation Alternatives and June 4, 2019 Analysis.docx

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Summary of Amendments

Below is the summary of recommended amendments to the Procedure Bylaw. Those items marked with an “*” are either a new amendment, or have been updated since the original report.

1. Remote Participation – inclusion in the Procedure Bylaw
2. Strategic Meeting of Council – newly added definition and order of business*
3. Question Period – update to outline how a question transitions into an Administrative Inquiry
4. Recognitions – update to align with the Recognition Policy
5. Consent Agenda – provide new direction on deferral requests and procedural items
6. Time limit for questions of clarification at committee – remove limit
7. Adjournment – remove the requirement of a motion to adjourn a meeting*
8. Closed Meetings
 - a. Updated roles of Chair and Clerk in closed meetings;
 - b. Automatically authorize attendance of Administration, and staff of Members of Council*;
 - c. Required motion to authorize the attendance of external participants;
 - d. Review Dates and the process of releasing confidential items*;
 - e. No limits on questions or discussion – no limits on the number of questions or length of discussion in a Closed Meeting.
9. Public hearings – provide the option to set times for specific items*, and to panel speakers
10. Similar Motions – add restrictions on similar motions*
11. Briefings* (For Information Only) – no recommendation, no motion, placed on consent.
12. Councillor Motion (Notice of Motion) – will all be directed to PFC*
13. Lost Motions (Reconsidering Motions) – add restrictions on defeated motions*
14. Electronic Voting – hardware button and updated vote process*
15. Mandate and Powers GPT – update the mandate to reflect the changes from C2018-1347
16. Mandate and Powers PFC – add the ability for PFC to create sub-committees*
17. Appeal – update threshold to defeating an appeal*

Orders of Business have all been updated to reflect the amendments.

Definitions have been updated to reflect the amendments.

Investigation: Alternatives and Analysis of Key Amendments

Outlined below is the investigation of the key recommended amendments, followed by several additional amendments. The key amendments are presented in the order they appear in the proposed text to amend a bylaw.

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 F of Attachment 2 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.

Strategic Meeting of Council

A definition and order of business has been newly developed for strategic meetings of Council, as follows:

"Strategic" meeting of Council means a meeting of all members of Council that provides a forum for high-level strategic discussion, this includes an annual planning session. Administration, external experts and other professionals will provide industry research, practices and procedures to support Council's strategic discussion.

Order of Business

Council – Strategic meetings

- *Call to order;*
- *Opening remarks;*
- *Question Period;*
- *Confirmation of agenda;*
- *Items from Officers and Committees;*
- *Confidential items; and*
- *Adjournment.*

Question Period

Based on feedback from Council and a review of other municipalities, we are not recommending any amendments to Question Period.

Municipal Scan - Question Period			
City	Oral Question Period	Administrative Inquiries	Practices
Winnipeg	Yes	Yes	Questions may be directed to the Mayor, Chair, and Councillors. A Councillor may be permitted to ask one main question, and up to two supplementary questions. Questions shall only be asked in respect to matters of sufficient urgency and importance as to require an immediate answer. During Question Period, the reply given to any reasonable question may be given immediately or at the next meeting of Council. Replies to questions which have been taken as notice may also be provided in writing to all Councillors and a copy shall be provided to the City Clerk. Executive Policy Committee question period shall be not more than thirty (30) minutes in duration. Each Standing Committee question period shall not exceed fifteen (15) minutes in duration.
Edmonton	No	Yes	No oral question period at Council or Council Committee meetings. Have Councillor Inquiries, where a question is posted and Administration must provide a written response within 12 weeks. Councillor Inquiries must be submitted to the Chair and City Manager at least 48 hours in advance of the meeting.
Toronto	No	Yes	No oral question period at Council or Council Committee meetings. Administrative inquiry must be delivered to the Clerk at least seven business days before the meeting. The response is delivered to the Clerk in writing at least one hour before the meeting.
Vancouver	Yes	No	Enquiries and other matters to give Council members the opportunity to ask questions about items not under debate, and to request information in the form of information memos from the City Manager. At a meeting that is not a special meeting, any Council member may ask a question about a matter before Council that is not a motion, or about City affairs, but the Council member must: (a) not include in the question any argument or option; (b) address the question to the Chair, or through the Chair to another Council member or to the City Manager; (c) not spend more than five minutes in total asking any question or questions. A person who answers must give an immediate oral answer to Council, or after the meeting, circulate a written answer to all Council members, the City Manager, and the City Clerk.
Victoria	No	Yes	Question Period is an opportunity for citizens to ask questions of Council. Each citizen has two minutes to ask a question. No limit on the number of citizens permitted to ask a question. Councillors can request information from the City Manager in writing. At the next meeting, the mayor provides the response aloud.
Ottawa	No	Yes	(1) Any inquiry made at a meeting of Council, a Standing Committee or the Transit Commission, shall be submitted in writing, and referred to the City Manager, appropriate General Manager, City Clerk and Solicitor or City Treasurer for response; (2) The City Manager, the appropriate General Manager the City Clerk and Solicitor or City Treasurer shall respond in writing to the inquiry and the response shall be distributed to all Members of Council or the Committee or the Transit Commission at which the inquiry was made;

Deferrals and Procedural Items

A sub-section under consent agenda for “Deferral and Procedural requests” has been added.

Items included in this category:

- 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).

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.

Role of the Chair in closed meetings

Acknowledges the Chair's role in ensuring only those items that have been approved for discussion at a closed meeting are discussed.

Role of the Clerk

Acknowledges the role of the Clerk in informing the Chair when Council's or a Council Committee's discussion goes beyond the subject matter of the report or item before it discussions are no longer on the approved topic – in all meetings (public and closed).

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:

(1) The following may attend a Closed Meeting of Council or of a Council Committee unless Council or the Council Committee directs otherwise:

- (a) members of Administration, as deemed necessary by the City Manager; and
- (b) members of a Member's staff.

(2) Council or a Council Committee, prior to going into a Closed Meeting, may by resolution authorize persons other than members of Administration or members of a Member's staff who are authorized to attend pursuant to subsection (1), to attend specific items that will be discussed at the Closed Meeting. The names of the proposed participants must be submitted to the City Clerk prior to the meeting.

(3) Council or a Council Committee when holding a Closed Meeting may at any time direct that a person, other than a Member, leave the Closed meeting.

Report writers will continue to list the proposed attendees for each item in the closed meeting template. Any 'external' persons will need to be authorized to attend by resolution.

Review Date

Stemming from the approved recommendations from “Transparency Practices – Reporting and Closed Meetings” PFC2018-1376, all confidential items now include a review date. If reports will be confidential indefinitely, they will be identified with “Do Not Release.” The review 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) Review 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;
- iii) On a quarterly basis, the City Clerk’s Office will forward the items that have a past review date to the respective department;
- iii) The department will have 30 days to respond to the request to either provide approval for release, or to set a new review date; and
- iv) The released items will be published to the public website.

No Limits on Questions or Discussion

To align practice with the procedure bylaw as it’s currently written, every closed meeting should start with a suspension of any rules related to speaking time, and number of rounds of questions. To remove the requirement to suspend and to add flexibility, the following section has been added:

“There are no limits on the length of a Member’s questions or discussion at a Closed Meeting.”

Responses to specific direction to investigate closed meeting procedures

- “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.

Public Hearing

A scan of practices from other municipalities is included below. 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, or eliminate any gaps in time between items.

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. Also, not precluded, an additional amendment has been included to outline the opportunity to schedule certain items when required. 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, or if an item should be scheduled at a specific time (e.g., 9:30 am).
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 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. Items of considerable interest may be scheduled at a specific time, at the discretion of the Chair in consultation with the City Clerk.”

Public Hearing Municipal Scan	
City	Practices
Winnipeg	Members of the public who wish to speak to an item at a hearing fill out a short "Representation Form." They indicate if they are registering in support of the application, or in opposition to it, or for information only. By filling out this form, the member of the public will also receive notice of the hearing body's decision/recommendation on the matter and information on how to appeal (if applicable). Generally, the applicant (and/or designate) is heard first, followed by those in support of the application. Next, those registered in opposition are heard, followed by those registered for information. Finally, the applicant may return if he/she so desires, and speak in rebuttal.
Edmonton	In Edmonton, generally everyone who shows up for Non-Statutory Public Hearings are paneled. The items are usually made time specific, which makes it easier for a speaker to plan to attend. Speakers register in support or in opposition. An online speaker registration form is available up until midnight the night before the meeting. Speakers can register in person on the day of the meeting, up until the item is being discussed. Those who register online are sent a automated email with instructions regarding length of presentations, questions, and handouts.
Toronto	Only committees hear from public presenters; presenters are not heard at full meetings of City Council. Public presentations (called Public Deputation sessions) are scheduled in advance, and speakers must register in advance using an Oral Deputations Registration Form. The usual public deputation speaking time is five minutes. However, when the list of speakers is long, the committee can choose to reduce the speaking time. Direction to the public is to prepare speaking notes for approximately three minutes.
Vancouver	Speakers must register. Speakers are encouraged to register early to speak earlier. Speakers are assigned a speaker number that shows their position to speak about an agenda item. Numbers are assigned in the order the requests to speak are received. Speakers can sign up until the start of the meeting. Council can ask speakers questions after they present, which can take anywhere from 0 to 55 minutes per speaker (5-minute question period x 11 elected officials = 55 minutes). For public hearings only, speakers have 8 minutes if they speak on behalf of three or more people or groups. Each person or group representative needs to attend. Council will hear all registered speakers. If many people sign up, speakers may have to attend more than one meeting before it's their turn. Presentations received after the start of the meeting will not be accepted. @VanCityClerk twitter feed tracks the speaker numbers "Track your turn".

Briefings

To improve clarity around reports “For Information Only”, several amendments are recommended, as follows:

- (1) A report from Administration:
 - (a) that does not seek any direction from Council;
 - (b) from which no action will result; or
 - (c) Which is intended to highlight information of interest to Council;
- shall be identified as a “Briefing”.

Briefings will not contain any recommendations. These reports will automatically be placed on the consent agenda, and will remain at Committee. If Committee wants the Briefing 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 Briefing going directly to Council will automatically be placed on the consent agenda.

If a report contains no recommendations, the proper handling of the report according to Roberts Rules is for the chair to thank administration for the report, and to move on to the next item of business: “Thank you. The report requires no action and will be placed in the corporate record. The next item of business is...”

Councillor Motion(s)

For clarity, Notice of Motion will now be called “Councillor Motion”. All Councillor Motions must be sent to the City Clerk, who will place the Councillor Motion on the next Priorities and Finance Committee agenda. A Councillor Motion can be brought as urgent business to Council, and can be added to the agenda with a two-thirds vote.

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.

Electronic voting will be administered through the existing meeting management software (currently eSCRIBE). We will be recommending a hardware solution (a physical voting button) over the voting capabilities in the app, for increased reliability.

Electronic Voting will mirror the current process of voting – but the system will capture the results of the vote. The same criteria would apply: If there are three or more members who are in opposition to the motion, the meeting clerk will facilitate a roll call vote. What that means practically is the clerk will open the vote, everyone will hit their vote button, and if three or more people are in opposition the clerk will indicate to the chair that a roll call vote is needed. The clerk will clear the first vote, and then open the vote again, but members will need to wait until their name is called before they hit their vote button.

Electronic Voting will be operational after the October 2019 Organizational Meeting of Council, for Council, and when the Engineering Traditions boardroom re-opens in Old City Hall for Committee.

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.

A quote to install and operationalize a hardware solution for Electronic Voting is outstanding. We will return prior to the end of Q3 with the firm cost, for approval.

Additional Amendments

Orders of Business

The Orders of Business for all meetings have all been updated to reflect the recommended amendments.

Recognitions

To align the Procedure Bylaw with the Recognitions Policy (CP2018-02). The term "presentations" has been removed for clarity - there is no discernable difference between a recognition and a presentation in this instance.

Recognitions has been moved up in the Order of Business in applicable meetings, immediately following opening remarks.

Time Limit at Committee

To allow for more thorough discussion to happen at the Committee level, the time limit for questions of clarification has been removed: "At Council meetings, questions of clarification are limited to three minutes for each Member, not including responses from Administration. There is no limit for questions of clarification at Council Committee meetings."

Adjournment

To improve the efficiency of meetings, a motion is no longer required to close a meeting. The chair will adjourn by declaration: "Be it as there is no further business, this meeting is adjourned."

Similar Motions

A motion, similar to a motion voted on in the previous twelve (12) months with the exception of reconsiderations, can be considered out of order by the Chair, in consultation with the Clerk.

Once a motion has been voted on, a similar motion may not be made for twelve (12) months without first reconsidering the original motion with a two-thirds vote.

Lost Motion (Reconsidering Motions)

To retrieve a lost/defeated motion within twelve (12) months, a vote of at least two-thirds of the Members is required

Mandate and Powers SSCs

Mandate and Powers of GPT – Updated Mandate, as directed from C2018-1347: To monitor and participate as necessary in regulatory proceedings only to protect the interests of the City of Calgary. To provide oversight in the fields of telecommunications regulation and City Rights-of-Way agreements and bylaws.

Mandate and Powers to PFC – To give PFC the ability to create and be responsible for sub-committees and approve their Terms of Reference.

Appeal

Change the threshold of an appeal on a chair's ruling. There was a loophole where a simple majority could defeat an original motion with a two-thirds vote. Recommendation is that any appeal requires a two-thirds vote to defeat.

Definitions

Definitions have been updated to reflect the recommended amendments.