

Law and Legislative Services Report to
Priorities and Finance Committee
2019 June 04

ISC: UNRESTRICTED
PFC2019-0591

Amendments to the Procedure Bylaw

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 RECOMMENDATION:

That the Priorities and Finance Committee recommends that Council:

1. Give three readings to the proposed bylaw (Attachment 2) to amend the Procedure Bylaw 25M2017;
2. Direct Administration to record the reason of members' absences for Council and Council Committee meetings as either "Council Business" or "Personal".
3. Direct Administration to return to Priorities and Finance Committee in Q3 with an accurate cost estimate and implementation timeline for a hardware solution for electronic voting, for approval.

RECOMMENDATION OF THE PRIORITIES AND FINANCE COMMITTEE, 2019 JUNE 04:

That That with respect to **Corrected** Report PFC2019-0591:

That Council:

1. Give three readings to the proposed bylaw **24M2019** (Attachment 2) to amend the Procedure Bylaw **35M2017, as amended**;
2. Direct Administration to record the reason of members' absences for Council and Council Committee meetings as either "Council Business" or "Personal".
3. Direct Administration to return to the Priorities and Finance Committee in Q3 with an accurate cost estimate and implementation timeline for a hardware solution for electronic voting, for approval.

Excerpt from the Minutes of the 2019 June 04 Regular Meeting of the Priorities and Finance Committee:

The following clerical corrections were made with respect to Report PFC2019-0591:

- In the Cover report, Page 1 of 4, in Administration Recommendation 1, replace the Bylaw number "25M2017" with "35M2017";
- In Attachment 2, Page 1 of 14, Section 3, replace "Appendix E" with "Appendix F" at the end of the sentence;

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- In Attachment 2, Page 13 of 14, Section 32, in F.6, delete this section entirely, and renumber the remaining sections accordingly; and
- In Attachment 2, Page 13 of 14, Section 32, in F.10, delete the words “(e.g., to vote, except in a Public Hearing as indicated above)”.

Moved by Councillor Farkas

That with respect to Recommendation 1, contained in report PFC2019-0591, Attachment 2 be amended on Page 11 of 14, Section 30 in the column marked “The process”, add the following as the first bullet:

“The Member explains the basis for their request to appeal.”

MOTION CARRIED

Moved by Councillor Chu

That with respect to Recommendation 1, contained in report PFC2019-0591, Attachment 2 be amended on Page 11 of 14, Section 30, in the column marked “The process”, amend the second bullet to read “A Two-thirds vote against the Chair’s ruling is required to override a ruling that requires a Two-thirds vote. A majority vote against the Chair’s ruling is required for other rulings.”

Against: Mayor Nenshi

MOTION CARRIED

Moved by Councillor Farkas

That with respect to Recommendation 1, contained in report PFC2019-0591, Attachment 2 be amended on Page 14 of 14, Section 32, in F.12 (b), delete the word “email” and replace with the word “message”

MOTION CARRIED

Moved by Councillor Gondek

That with respect to Recommendation 1, contained in report PFC2019-0591, Attachment 2 be amended on Page 11 of 14, Section 29(2), by inserting a new subsection B.8 (a) as follows, and re-lettering the remaining subsections of B.8:

“(a) make final decisions at the Committee level within their mandate where City of Calgary policy exists;”.

MOTION CARRIED

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Moved by Councillor Farkas

That with respect to Recommendation 1, contained in report PFC2019-0591, Attachment 2 be amended on Page 12 of 14, Section 32, in F.2 by deleting the Section entirely and replacing with the following:

“F.2 Remote participation is available when a Member of Council is unable to attend a Council or Committee meeting.”

MOTION CARRIED

Moved by Councillor Davison

That with respect to Recommendation 1, contained in report PFC2019-0591, Attachment 2 be amended by deleting the words ‘Councillor motions’ and replacing with the words ‘Council Member motions’ in the following locations:

- Page 4 of 14 in Section 11,
- Pages 8 and 9 of 14, throughout Section 24,
- Page 9 of 14, at the end of Section 25,
- Page 10 of 14, in the third column at the top of the page,
- Page 12 of 14, in Section 31(1).

Against: Councillor Farkas

MOTION CARRIED

PREVIOUS COUNCIL DIRECTION / POLICY

This report considers direction from several different sources. They are outlined as follows, and are included in full in Attachment 1:

1. In response to two separate notices of motion (C2018-0405; C2019-1218), Administration presented “Transparency Practices – Reporting and Closed Meetings” C2018-1376.
2. Direction to Administration to update the Procedure Bylaw as soon as possible with the adopted GPT committee mandate from C2018-1347 on 2018 December 17.
3. On 2018 July 04 Council adopted the recommendations of C2018-0788 – Remote Participation in Council and Committees.
4. On 2018 May 05 Council considered Notice of Motion C2018-0692 “Participation at Council Meetings.”
5. 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.”

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This report was referred from the April 2, 2019 PFC meeting.

BACKGROUND

The intended outcomes of the proposed amendments to the Procedure Bylaw 35M2017 (Attachment 2), 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 and Council have informed the recommendations.

While changes can be made to the Procedure Bylaw to support efficiency, it should also be noted that the application of existing practices may have more impact. For example, to reduce the need for Committee reports to be (re)debated at Council, all Members of Council are encouraged to attend relevant Committee meetings on topics of interest.

INVESTIGATION: ALTERNATIVES AND ANALYSIS

A summary of all amendments is included below. Along with the Proposed text of a Bylaw to amend Bylaw 35M2017 (Attachment 2) a comparison table of proposed amendments is included as Attachment 3, and the analysis on each item is included in Attachment 4.

- 1) Remote Participation – add the process and parameters to the Procedure Bylaw
- 2) Order of Business – update the Order of Business for all Council and Committee meeting types
- 3) Strategic Meeting of Council – add a definition, and an Order of Business for Strategic Meetings of Council
- 4) Question Period – update to outline that an unanswered question will transition into an Administrative Inquiry
- 5) Recognitions – align to Recognitions Policy
- 6) Consent Agenda – provide new direction on deferral requests and procedural items.
- 7) Remove the time limit for questions of clarification at Council Committee meetings
- 8) Adjournment – remove the requirement for a motion to close a meeting
- 9) Closed Meetings
 - a) Updated roles of Chair and Clerk in closed meetings;
 - a) Automatically authorize attendance of Administration, and staff of Members of Council;
 - b) External participants must be submitted to the Clerk prior to the meeting, and a motion must be made to authorize their attendance;
 - c) Require a review date on all confidential items (and outlines the process of the release of information); and
 - d) No Limits on Questions or Discussion – any limit on the number of questions or length of discussion has been removed for Closed Meetings.

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- 10) Public Hearing – add the option for panelling and scheduled times (Chair in consultation with the City Clerk).
- 11) Similar Motions – a similar motion may:
 - a) be considered out of order by the Chair, in consultation with the Clerk; and
 - b) not be made for twelve months without first reconsidering the original motion with a two-thirds vote.
- 12) Reports for Information Only – amend to “Briefings”.
- 13) Notice(s) of Motion – amend to “Councillor Motion.” Direct all Councillor Motion(s) to PFC.
- 14) Lost Motions (Reconsidering Motions) – add restrictions on lost motions
- 15) Electronic Voting – recommend a hardware solution (i.e., a physical voting button).
- 16) Mandate and Powers Gas Power and Telecommunications Committee (GPT) – update the mandate to reflect the changes from C2018-1347.
- 17) Mandate and Powers Priorities and Finance Committee (PFC) – add the ability for PFC to create sub-committees.
- 18) Appeal - Change the threshold of an appeal on a Chair's ruling to a two-thirds vote.

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 5. 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 engagement with Council, consultation with Law, Governance and 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).

Social, Environmental, Economic (External)

Financial Capacity

Current and Future Operating Budget:

There are no current or future operating budget requirements.

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Current and Future Capital Budget:

There is a future capital budget requirement to outfit Chambers and Engineering Traditions with the hardware for electronic voting.

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 will be sent to the originating department for approval prior to release. Consultations with Access, Privacy, and Policy (formerly known as the FOIP Office) for advice should happen prior to the review date being set.

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.

ATTACHMENT(S)

1. Previous Council Direction/Policy
2. **Proposed Bylaw 24M2019**
3. Comparison Table of Proposed Amendments
4. Investigation: Alternatives and Analysis
5. Recording Types of Absences