



Committee of the Whole Report For the Meeting of February 15, 2018

To: Committee of the Whole
From: Chris Coates, City Clerk
Date: January 24, 2018
Subject: Governance – Amendments to the Council Procedures Bylaw and Request to Address Council Policy

RECOMMENDATION

That Council direct staff to bring forward amendments to the *Council Procedures Bylaw* and *Request to Address Council Policy* to implement amendments approved in September 2016 and to include further Council Procedures Bylaw amendments to:

1. Increase electronic participation from the current maximum of two members to four members.
2. Provide further options for indicating voting preference during electronic participation.
3. Remove the 24 hour public posting requirement for new bylaws.
4. Change the Request to Address Council sections to reflect current practices of late registration and five minute speaking time for all speakers.
5. Include consent agenda provisions for Committee of the Whole and Council Meetings.
6. Permit debate on motions to postpone to a certain time.
7. Enable combining multiple bylaw readings in one motion.
8. Clarify the Notice of Motion section of the agenda to reflect the practice that notice of motions at a Council meeting are given consideration by Council at the next Council meeting, and re-name the Notice of Motion section of the Committee of the Whole agenda to "Council Member Motions".

EXECUTIVE SUMMARY

Council has made a number of governance related changes during the last two years. There have been authorized changes approved dating back to 2016.

On September 22, 2016, Council received a report on a six month review of recent governance changes and gave direction on a number of amendments to the *Council Procedures Bylaw* and to develop policy regarding agencies presenting at Committee of the Whole. As well as empowering the Mayor to maintain decorum and respect for human rights during meetings.

Bylaws of this nature have a statutory public notice requirement, and while the direction approved in September 2016 established some changes, they were relatively minor in nature. Staff undertook a further review of the Bylaw based on evolving practices and experience with the current bylaw provisions.

As a result of this review, staff suggest the following additional items for Council's consideration:

- Increasing electronic participation from the current maximum of two members.
- Modernizing options for indicating voting preference during electronic participation.
- Removing the 24 hour posting requirement for new bylaws.
- Housekeeping changes to the Request to Address Council sections of the agenda to reflect current practices.
- Adding consent agenda provisions to the Procedures Bylaw.
- Introducing the opportunity to debate motions to postpone to a certain time.
- Housekeeping amendment to enable combining multiple bylaw readings in one motion.
- Clarification of the Notice of Motions process at Council and Committee of the Whole Meetings.

Council's business practices change for reasons of transparency, efficiency, and technological advances. Modernizing business practices can save time and create an environment for more effective decision making. Council may consider the changes proposed in this report to be part of the continuous improvement process for the City.

PURPOSE

The purpose of this report is to implement changes to the *Council Procedures Bylaw* previously authorized by Council and to provide further analysis of additional recommended changes.

BACKGROUND

On September 22, 2016, Council received a report on a six month review of governance and process changes and passed the following motion:

1. Confirm the ongoing use of Committee of the Whole as Council's Committee system.
2. Confirm the use of weekly closed Council meetings if necessary, at the conclusion of Committee of the Whole and direct staff to amend and advertise the change to Council's meeting schedule for the remainder of 2016.
3. Direct staff to bring forward amendments to the *Council Procedure Bylaw* to establish a presentations section for Committee of the Whole and a procedure to cancel scheduled meetings if necessary.
4. Direct staff to develop for Council's consideration an External Agency Participation Policy for Council meetings and a policy for partner agencies and intergovernmental business at committee meetings.

THAT Council direct staff to bring forward an amendment to the Council Bylaw to introduce a new sub-section 16(6), modeled on the following language: "The Mayor is empowered to maintain decorum and respect for human rights in the Council Chamber during an address under this section."

AND THAT the existing sub-sections 16(6) and 16(7) be renumbered 16(7) and 16(8).

Since then through the conduct of meetings over the past two years, staff have identified a number of other potential amendments to the *Council Procedures Bylaw*, for Council's consideration.

ISSUES & ANALYSIS

1. Electronic Participation by Council Members

a) Number of Electronic Participants

Current bylaw provisions permit a maximum of two members of Council to participate electronically. Experience over the past year has resulted in circumstances where more than two members have wished to participate electronically. This resulted in a determination by lot as to who would be able participate given the cap. For practical reasons electronic participation should be possible provided a quorum of Council is physically present at the meeting. In situations where this occurs, the bylaw could be amended to permit up to four members to participate electronically. In the event of technical difficulties a quorum being present would still enable the meeting to carry on but an increase from two to four electronic participants would maximize the ability for all members to participate should that be required.

b) How to Indicate a Vote

Current bylaw requirements indicate members participating electronically indicate their vote with an audible statement "Aye" or "Nay". Technological advances will soon enable skype participation where visual signals may also be given and seen by participants in the meeting. As a matter of housekeeping the bylaw could be amended to provide additional ways to record votes for or against by members participating electronically.

2. Addressing Council

The City has two policies covering addressing Council, the *Request to Address Council Policy* is attached as Appendix B and the *Public Hearing Speaking Policy* attached as Appendix C.

Council has amended the Addressing Council Policy to create a five minute time for all speakers addressing Council. Where the current bylaw provisions provide that late registrants are only permitted three minutes. Current practices also include registration essentially up to the beginning of the meeting itself and the bylaw does not reflect this practice. The bylaw could be amended to establish five minutes for all request to address Council speakers and reflect the current practice of allowing registrations up to the time the meeting starts.

Staff have not undertaken a broad review of these policies in the context of this report as there has been no Council direction to do so. However, a further analysis could be undertaken on the speaking to Council policies to address such items as speaking times and frequency. Council may also wish to consider any stipulations that may reduce meeting duration given the frequency with which extending meeting times past 11:00 p.m. occurs.

3. Consent Agenda

During Committee of the Whole meetings, Council regularly exercises the practice of a consent agenda where items are proposed by Council members and with unanimous approval Council passes the motion proposed on each item with one omnibus motion. This is an efficient practice especially considering consent agenda items at Committee of the Whole still require a further vote in a Council meeting. Council could extend the consent agenda to Council meetings should there be an interest to do so. Creating the authority for that of course does not mean that it has to be exercised.

4. Postponement Motions

Frequently Council considers motions to postpone to a certain time. These motions are, under the current Procedures Bylaw, not debateable. There are a number of instances where Council members express their intent, most collegially, that they are considering such a motion but do not propose it specifically so as not to cut off debate. Council may wish to change tack on these types of motions by changing the bylaw to permit debate of motions to postpone to a certain time.

5. Reading of Bylaws

Practice regarding the reading of bylaws has changed in the last 12 months where, with the consent of Council, a bylaw may be receive up to three readings with a single motion to read the bylaw for a first, second, and third time. This is a practice designed for efficiency. While not expressly identified in the *Council Procedures Bylaw* it is common practice among many local governments to use this method. The *Council Procedures Bylaw* could be amended to clearly establish this practice.

6. Notice of Motions and Council Member Motions

A notice of motion typically gives other members notice, at a Council meeting, that the member intends to make a motion for Council to consider at a subsequent meeting. The current bylaw requires only 24 hours notice of a motion, in writing, which is somewhat inconsistent with what a Notice of Motion is in practice. Current practice creates a distinction between Committee of the Whole and Council meetings whereby at Committee a Council member motion can be proposed and discussed at the same meeting. Council members have agreed to a different approach at a Council meeting where the decision is final. That process is the conventional notice at one meeting, that a motion will be proposed at a subsequent (typically the next) meeting. The *Council Procedures Bylaw* could be amended to incorporate the current practices for these including re-naming the Notice of Motion section for Committee to "Council Member Motions".

Accessibility Impact Statement

The *Council Procedures Bylaw* governs processes specific to members of Council and Committees. Enhancing electronic participation opportunities for Council would enable greater participation for persons with access limitations.

2015 – 2018 Strategic Plan

The recommendations in this report are consistent with Strategic Priority Objective 1 Innovate and Lead by creating a made for Victoria meeting structure with informative guidelines outlining the processes, respecting effective practices, and looking ahead to enable to continue to strive for improvement.

Impacts to Financial Plan

Work contemplated in this report can be accommodated with existing resources and technology.

CONCLUSIONS

The suggested amendments in this report along with Council's previous direction highlight the framework and evolving practices that enable thoughtful consideration, respectful debate, and


increased efficiencies in a clear and transparent manner to manage the numerous and complex issues that come before Council.

Respectfully submitted,



Chris Coates
City Clerk

Report accepted and recommended by the City Manager:


Date: Feb 8, 2018

List of Attachments

Appendix A – Council Procedures Bylaw

Appendix B – Request to Address Council Policy

Appendix C – Public Hearing Speaking Policy