



Governance and Priorities Committee Report

For the Meeting of December 10, 2015

To: Governance and Priorities Committee **Date:** November 30, 2015
From: C. Coates, City Clerk
Subject: Review of City Governance

RECOMMENDATION

That Council approve:

1. The consolidation of Planning and Land Use Committee and Governance and Priorities Committee into a single committee, Committee of the Whole.
2. The concept of holding split day and evening sessions of Council twice monthly.
3. Directing staff to prepare a Policy and Procedures document for Council's consideration relating to:
 - a) correspondence management;
 - b) public hearing speaking limits;
 - c) applicant presentations to Committee;
 - d) guidelines to identify flow of business to the different meetings;
 - e) responding to Request to Address Council submissions;
4. Directing staff to bring forward a new Council Procedure Bylaw to:
 - a) establish order of business for council and committee meetings;
 - b) remove unnecessary legislation references where appropriate;
 - c) update the reference to the current version of Robert's Rules of Order.
 - d) change the meeting day to Tuesday.
5. Directing staff to prepare a Companion Document to the Council Procedure Bylaw to include an explanation of Council processes.
6. A three month trial using Horseshoe seating and a presentation table for Committee meetings.
7. Directing staff to prepare a best practices guide for the Public Hearing Process including considerations post public hearing.

EXECUTIVE SUMMARY

Council's Strategic Plan identifies outcomes that Council's governance structure should reflect its strategic objectives and that government is transparent.

In January 2015, Council held a Special Governance and Priorities Committee meeting to initiate discussion about potential changes to the Council Procedure Bylaw. A number of issues were identified at that time, and will be addressed in this Report. This was followed by Council's approval of the 2015 Strategic Plan for the City earlier in 2015 and the direction from Council to deliver a workshop on governance issues.

This report includes the issues brought forward by Council, but also extends beyond those using the Strategic Plan outcome for governance noted above, as the impetus for reviewing, and where considered appropriate, suggesting changes to current business practices for Council and Committees of Council.

This report touches on overarching principles including transparency, enhanced public participation opportunities, efficient practices and best practices among others. It also recognizes existing practices that work well.

PURPOSE

The purpose of this Report is to review Council's Governance Structure and functional processes and procedures with a view to better aligning them with the 2015 to 2018 Strategic Plan for the City.

BACKGROUND

In January 2015, Council held a Special Governance and Priorities Committee meeting to initiate discussion about potential changes to the Council Procedure Bylaw, and directed the holding of a workshop style meeting to entertain discussions on governance. A number of issues were identified at that time, and will be addressed in this Report. This was followed by Council's approval of the 2015 Strategic Plan for the City earlier this year. In November, staff sought additional comments from Council members individually, to add into the report. Any comments received by the deadline have been incorporated into this Report.

There are overarching principles that merit consideration in terms of assessing and, if approved, restructuring Council's business practices to better align them with the Strategic Plan. These principles include:

- Transparency
- Public Participation
- Practical and clear approaches
- Effectiveness
- Efficiencies
- Best Practices

This governance workshop should be viewed as a dynamic process for discussions and evolution of ideas, and opportunities to add additional issues and commentary on Council's business practices.

The starting point for this analysis is a review of the current highest level operating structure for the City's governance.

Current Council and Committee Structure and Meetings

1. Governance and Priorities Committee (GPC) – Meets 1st and 3rd Thursday at 9:00 am

The order of Business for the Committee is not specified in the Council (Procedures) Bylaw. The Bylaw broadly addresses structural form and function issues. Most importantly the rules of procedure for the Committee are established in the Bylaw and are the same as that for meetings of the Council. Meeting frequency and timing has been determined by Council.

This Committee receives the majority of all non-development/land use related business of the City that comes forward to Council. There is no specific policy direction that guides the nature of business items placed before this Committee. This Committee is not delegated decision making authority and motions require approval in a Council meeting to be implemented.

2. Planning and Land Use Committee (PLUC) – Meets 2nd and 4th Thursday at 9.00 am

The order of Business for the Committee is not specified in the Council (Procedures) Bylaw. The Bylaw addresses structural form and function issues. Most importantly the rules of procedure for the Committee are established in the Bylaw and are the same as that for meetings of the Council

This Committee receives all land use related applications for initial consideration as well as other land use related matters that come before Council. For the most part this Committee is the first opportunity for Council to give consideration to land use matters impacting the City. There is no specific policy direction that guides the nature of business placed before this Committee.

Meeting frequency and timing has been determined by Council. This Committee is not delegated decision making authority and motions require approval in a Council meeting to be implemented.

3. Regular Council - Meets 2nd and 4th Thursday at 7:00 pm.

The Order of Business for Council meetings is expressly established in the Council (Procedure) Bylaw in section 26, along with numerous provisions around the conduct of the meeting, including timing and frequency.

Regular Council meetings serve as opportunities for Statutory and Non Statutory Public Hearings that are incorporated within the confines of the regular meeting. Each Hearing is followed by immediate consideration of the Bylaws and/or permits that were the subject of the Hearing. In addition, regular council meetings establish an opportunity for the public to speak to Council on matters of their choosing. After that the primary role fulfilled at Council meetings has been to ratify Committee recommendations, and attend to other business not covered in Committee. Recently correspondence, either as new business or unfinished business depending on the nature of it, has appeared on the agenda to increase transparency.

There are seven components of analysis that this report will consider:

1. Council Committee Structure (Does not include Select Committees or Task Forces)

ISSUES & ANALYSIS

The structure of PLUC and GPC creates a self-imposed rigidity to the types of issues that are considered by the Committees. As such, reports are almost always targeted specifically for the most appropriate Committee. This can result in delays of up to two weeks should a deadline be missed for whatever reason, or depending on other circumstances. This can impede effective and timely decision making and create delays for third parties. This is balanced against what could be considered an orderly and predictable flow of information by subject matter, that results with the two-committee system. Of note, the tendency of the GPC to have long meetings, with a wide variety of issues in terms of complexity (or simplicity), is a situation that could be improved with a different approach.

Best practices run the gamut of possibilities from no Committees of Council where all business is conducted at a Council meeting, to multiple Committees with specific purposes and areas of purview. Likewise, past practices of the City have followed similar paths from one committee to multiple committees of Council.

OPTIONS & IMPACTS

Option 1 - Retain status quo and proceed with PLUC and GPC Committees.

An issue that presents itself with regularity is the necessity to quickly transmit committee

recommendations from Committee meetings to the Council meeting on the same day. Dependant on the time of adjournment, the process to expedite those recommendations to the evening Council meeting is rather rushed. If the current system is maintained, the order of business should be established in the Council (Procedure) Bylaw to create a more consistent and clear presentation.

Option 2 - Consolidate both Committees into one - Committee of the Whole (COtW) (Recommended)

This method provides a higher degree of response to time sensitivity by consolidating Committees into a single Committee to address any type of issue for which Committee discussion is warranted. COtW would meet, at Council's determination but the intent of this option is for it to meet twice monthly, based on the further recommendation for Council meetings that follows. The order of business should be established in the Council (Procedure) Bylaw (Refer to Council Meeting commentary for further rationale).

The order of Business for CotW could look as follows:

- Convene at 9:00 a.m.
- Approval of Agenda
- Adoption of Minutes (of COtW)
- Consent Agenda
- Unfinished Business
- Land Use Applications
- Staff Reports
- Council Member Motions
- New Business
- Adjourn to Closed (if necessary) or Adjournment

Procedure Bylaw should identify meeting adjournment time that may be extended by Council resolution

Option 3 - Establish Additional Committees

This would require further direction to establish the specific focus for each additional Committee.

2. Council Meeting Structure

ISSUES AND ANALYSIS

Council meetings offer a number of standard business practices, most significantly, public hearings and public input opportunities. These issues are likely available to the broadest audience by retaining those opportunities in the evening as opposed to during the day. There are competing influences in terms of the business items that are most appropriate to deal with in a council meeting where decision making occurs, contrasted with the benefits that result from taking complex issues that warrant a more detailed presentation, analysis and discussion to Committee prior to decision making. Time management is also a significant consideration given the volume of public hearings that occur, and the importance of ensuring a proper public process for them, where time management is outweighed by the right of the public to be heard, as it should be.

OPTIONS & IMPACTS

Option 1 - Retain Status Quo

If Council's meetings remained in the same general format as the current practice, and the Committee Structure was altered to the single Committee being recommended, the frequency of Committee of the Whole meetings should be four times per month based on current volumes. Policy should be developed for Council approval to better utilize Council meetings for matters that come forward for consideration that may not require a highly detailed analysis as well as reports for information etc.

Option 2 - Day Council and Evening Council Meetings (Recommended)

Staff have found several instances of this practice amongst Cities of similar size in British Columbia. The version presented below is essentially a hybrid that recognizes the practical advantages of the City's current practices as they pertain to consideration of matters after hearings, all the while mindful of the overarching principles noted at the outset of this report. In short, this options splits the meeting into day and evening parts all under the umbrella of the same meeting. The details of which could look as follows:

Council Meeting - Twice Monthly (alternating with Committee(s))

Order of Business

- Convene at 9 am
- Approval of Agenda
- Consent Agenda
- Adoption of Minutes (Council and Public Hearings)
- Requests to Address Council
- Ratification of Committee Recommendations
- Unfinished Business
- Staff Reports
- Correspondence
- Recess by 2pm (or time otherwise determined) Reconvene at 7pm
- Poetry Reading/Music
- Convene Public hearings (Statutory and Non Statutory)
- Adjournment of Hearings
- Reconvene Council Meeting
- Combined Development Applications
- Consideration of other Matters subject to Non Statutory Hearings
- Requests to Address Council
- Proclamations
- Motions (Set Hearings and Council Member Motions)
- New Business
- Adjourn to Closed (if necessary) or Adjournment

Motions to extend meeting time should be time specific

In this option, the frequency of Committee meetings is reduced to two per month and the daytime portion of the Council meeting can address smaller scale issues for immediate decision-making, or other items based on the volume of business on a particular agenda. In addition, the opportunity

would be present for land use applications that have already been before Council requiring further direction or action prior to hearings, (if hearings are required) or simply for council action, and could include other business that is appropriate and practical to include in the “council” meeting. Specifically, business that has conventionally been sent to GPC. This maintains a nimble approach, responsive to volume and time sensitivity, and perhaps most importantly, would enhance transparency by reducing the number of Committee recommendations that come forward for ratification, where it may be difficult for the public to follow the “pulling” and ratification of blocks of Committee recommendations. This reduction in duplication of handling business items also allows better outward communication of Council’s decision making in a more transparent and timely manner. The elements of this would be refined and form part of standard City Policy/Procedures, approved by Council for managing the issues established in the Policy. This option maintains the focus of public participation in the evening to enable a broader public component, but also enhances public participation with opportunities in both the day and evening sessions, accommodating diversity of work schedules. This approach would enhance the business activities of Council and reduce the volume of Committee business, enabling more fulsome discussion of complex items. The flexibility to adapt is always maintained by way of a motion to amend the agenda to address a change where required. The order of business could change as a result of “fine tuning” should this option be considered to move forward.

3. Council Member Governance Issues

ISSUES AND ANALYSIS

a) Managing Correspondence and responses to Correspondence

Local government receives correspondence and communications in many ways. Noted below are standard reasons for correspondence to be received, along with a recommended best practices or in some cases legislated requirements for attending to correspondence:

TYPE OF CORRESPONDENCE	MANAGEMENT APPROACH
Submission on a technical process that requires notification	Submit as part of review and approval consideration process (required)
Request of Service	Referred to appropriate department for processing and response
Complaint	Referred to Bylaw Enforcement or appropriate department
Issue for Council consideration	To correspondence section of agenda
Response to letter from Council	To correspondence section of agenda
Email correspondence to member(s) of Council	Forward to Legislative Services to ensure it becomes part of public record

Recommendation: These issues be incorporated into a Policy/Procedures document.

b) Reviewing the time limit applicants are permitted to make a presentation at a Public Hearing (to 15 minutes).

The current City practice is to allow up to 20 minutes for presentations by applicants at hearings. Council is at liberty to address this issue, and reducing the time to fifteen minutes from twenty would not appear to cause any direct implications and perhaps

result in a more focused presentation. Applicants retain a right to further speak under general requirements pertaining to the conduct of public hearings.

Recommendation: That Council authorize a 15 minute speaking limit for Public Hearing applicant presentations to be incorporated into a Policy/Procedures document.

- c) The point in the agenda at which Request to Address Council are considered and reviewing opportunities to comment or ask questions.

The current practice of the City permits an unlimited amount of registered speakers to appear and have five minutes to present to Council. The unlimited nature of the registrants can create a time management issue. Depending on previous recommendations in this report, a new approach could permit both day and evening opportunities which may aid time management. This issue warrants further analysis based on the outcomes of other decisions. In terms of what happens after speaking, there is a lack of clarity on process. In this regard, there could be a general statement offered to each speaker if appropriate to identify a staff contact for further discussion. Alternatively if a speaker brought forward something Council wished to give further consideration to, a subsequent motion by a member of council be initiated to bring the issue to Council's agenda in the future. If the speaker submits correspondence, it may be advisable that the correspondence come forward to Council for consideration at the next council meeting as a matter of course.

Recommendation: That Staff prepare a draft policy for managing issues resulting from the Request to Address Council section consistent with the comments in this report.

- d) Allowing applicants and the public to present at Planning and Land Use Committee when the staff recommendation for an application is to decline.

If an applicant for a land use application is given a right to be heard and present initially, in order to maintain a consistent and open minded approach, the right should be exercised without regard to the staff recommendation about the application. These comments are made without regard for whether the item is placed on the Consent Agenda where it is conceivable that certain applications could end up without a presentation, regardless of the recommendation made.

Recommendation: That further consideration be given to the broader issue of presentations of land use applications at Committee, and that staff report back to Council with options for inclusion in a Policy/Procedure document.

- e) Reviewing options for a more understandable and transparent meeting process with respect to the agenda and reports.

This issue is addressed in both Sections 1 and 2 of this report. The transparency of Council and Committee meetings is enhanced by a consistent and fixed order of business that is the same from meeting to meeting. Past practice of making adjustments to the titles of, or the order business on the agenda can create some degree of confusion. Headings should remain on each agenda regardless of whether there is any business within the heading, and the headings should be in the same order each time. The motion to approve the agenda always enables Council to move an item around in the agenda by resolution approved by the majority of members present.

- f) Reviewing what Council can consider at a Public Hearing in terms of amending the recommendation and what has been advertised for the Public Hearing.

Issues of this nature pose broad challenges. Comments are provided in two parts pertaining to OCP and Zoning Bylaws, and then Permits and other instruments. In general terms, any substantive changes to a proposed Bylaw create difficulties with the post public hearing process. Section 894 of the Local Government Act applies:

Procedure after a public hearing

894 (1) After a public hearing, the council or board may, without further notice or hearing,

(a) adopt or defeat the bylaw, or

(b) alter and then adopt the bylaw, provided that the alteration does not

(i) alter the use,

(ii) increase the density, or

(iii) without the owner's consent, decrease the density of any area from that originally specified in the bylaw.

Despite section 894, other changes can have impacts that while technically allowable, may not be politically appropriate given what the impacts of the change might be on neighbouring properties. For example decreasing a bylaw set back could be viewed as a fundamental alteration in the neighbourhood that may be unwise to consider as a post hearing change because of the implications of it.

Making fundamental changes to instruments (Covenants and Permits), that are inherently, and sometimes inextricably connected with the advertising and public hearing of an issue such that the alteration is substantive, is a potential problem from a process point of view. Because of the intricacies of these considerations it is likely that there will always be an opportunity to have to consider, on a case by case basis, the impacts of a specific change that evolved from the consideration of the matter.

Recommendation: That staff develop a best practices guide for the post public hearing process.

- g) A review of the Council Bylaw, and consideration of striking out Section 8 (1) (c) related to CRD Board nominations.

In the Capital Region, the District of Saanich operates similarly to the City where recognition of general voting results plays a role in the appointment of Directors to the Regional Board. Legislation and Letters Patent determine the number of appointments and simply that the appointments be made. Councils are able to establish a process to determine the appointments. In the absence of any other process approval by a majority vote of Council is required. The Council Bylaw establishes at least 4 nominees, the Mayor and the three highest vote recipients in the general election running for the CRD Director position along with any other Council member nominated by at least two council members. If a change were contemplated, there should be careful consideration to establish a process. In the absence of a defined process, and given the number of appointees, it could potentially be quite challenging to reach a decision on these appointments. At Council's discretion, this issue may benefit from further discussion.

- h) Council Member Motions – Council Bylaw Section 26, Should the motion require a second signatory before being placed on an agenda?

Robert's Rules of Order consistently makes reference to circumstances where "a member" can give notice of a motion. This suggests standard practice is to take that approach and an individual member, following the proper notice process, can have issues brought forward for consideration. In order for the motion to be placed for debate it requires a seconder. Without a seconder on a proposed motion submitted for an agenda, there is the risk that it does not obtain a seconder and the motion does not get discussed. Council is at liberty to establish the requirement for a seconder by way of an amendment to the Council (Procedures) Bylaw in section 26.

Recommendation: No change to current practice in keeping with Robert's Rules of Order.

4. Physical Setting

ISSUES AND ANALYSIS

There is a long standing practice of having Committee meetings take place with a different seating structure than Council meetings. This arrangement portrays a "shirt sleeves" approach to how Council is convened at that time in comparison to the more formal horseshoe setting for Council meetings. The procedure involves ongoing staff time from Facilities to set up and take down the tables to create this atmosphere. Functionally it works, although space is limited for multiple staff members to be at the table participating.

OPTIONS & IMPACTS

Option 1 – Status Quo

The desire to appear to be convened differently from a Council meeting would be the dominant factor to remain with the status quo. If the Council Committee meeting structure is changed with the recommended approaches and reduced to twice monthly, the impacts on set up and take down could be reduced by 50% resulting from the reduction in staff time to facilitate the set up/take down.

Option 2 – Use Horseshoe Seating – Add Presentation Table in front (*Recommended*)

This is a more efficient set up take down process. Electronics movement is minimized and the (larger) presentation table could enable a superior arrangement for those presenting to Committee. In addition the visual impact for the public both in person and through webcasting may well be enhanced with a clearer field of vision.

Recommendation: That Council approve a three month trial for using horseshoe seating with a presentation table.

5. Staff Comments for Council (Procedure) Bylaw Revisions

ISSUES AND ANALYSIS

The City's Council Bylaw, fulfills the requirements of Section 124 and 125 of the Community Charter. These sections are attached for reference. In addition to fulfilling the legislative requirements, in several instances the Bylaw repeats the legislation. Section 12 of the Council

Bylaw sets out the Community Charter provisions for closed meetings. While this creates a comprehensive document, it also establishes a situation where legislative changes would necessitate a Bylaw amendment and Bylaws of this nature have specific notice requirements that delay implementation. The information is useful, and including it does create a comprehensive information package. Best practices shy away from legislative repeats in Bylaws. In addition, it would seem practical to update the reference to Version 2 of Robert's Rules of Order to the current version. The impact of doing so would be minimal.

Recommendation: That the Council Bylaw be amended to remove section 12 and other legislative repetitions in the Bylaw, and that staff prepare a companion document to the Bylaw containing the information removed in order to continue to provide quick reference to this information. And that the Bylaw be updated to utilize the current version of Robert's Rules of Order.

6. Operational Changes

Woven through this report are suggestions around clarification about how information comes forward to Council and Committee as to where it is most appropriate to be introduced. Dependent on the specific decisions made, it would be appropriate to define clear procedures for staff to follow, and for understanding by the general public and applicants that meets Council's expectations.

Recommendation: That staff develop a Policy/Procedures documents to clarify meeting content and other procedures not addressed in the Council (Procedures) Bylaw.

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.

7. Other Staff Comments

a) Rise and Report on Closed Business

As a matter of course, staff are implementing the consideration of rise and report on each in camera agenda as well as within each report so that there is clarity on the approach to take with each issue that Council addressed in closed session. This will initiate the consideration of whether something is appropriate to bring forward. There are issues that can come forward immediately, some with the passage of time or actions, and others that remain in camera in perpetuity.

b) Motions to Receive

Essentially a motion to receive is redundant. Reports or other matters that Council wishes to take no action on are received by virtue of their presence on the agenda. Technically a motion to receive is the same as postponing indefinitely, it quashes any further action on the item. If Council wishes to do nothing with a matter, moving on to the next item has the same affect. In practice the motion to receive is a motion of acknowledgement of the matter before council, but that can be accomplished with words not an action of council. The Chair may state thank you for the report and then introduce the next item on the agenda.

c) Council Meeting Day

Council and Committee meetings are held on Thursdays. The City is the only local government in the region that uses this day. The thought behind that is not apparent, although there is no doubt a reason behind selecting this day when it occurred. In the Capital Region, the Regional Board meets in the daytime on Wednesday, each of the other municipal councils meet on Monday or Tuesday, with the majority on Monday. A Thursday meeting causes agenda preparation to occur on Friday, which is not an optimal time given long weekends and days off taken around weekends. Moving the meetings to Monday or Tuesday may produce a better schedule and system for agenda preparation and more opportunities for Council, the public and staff to have more time available occurring on the weekend for other pursuits. A Tuesday meeting day could see agendas prepared on Wednesday and a Monday meeting day with a Tuesday agenda prep. Tuesday may be most advantageous to give a one day buffer on each side of the weekend.

Recommendation: That Council change meeting days from Thursday to Tuesday with agenda production on Wednesday.

d) Electronic Meeting Participation

The Council (Procedures) Bylaw established comprehensive electronic meeting participation procedures including enabling voting by electronic participants. Staff understand there may have been some confusion in the past around the specific requirements noted in section 15.

Impacts to 2015 – 2018 Financial Plan

Impacts to the 2015-2108 Financial Plan are negligible, although with the recommended reduction to set up and take down for Committee Meetings, Facilities staff will have more time to attend to other matters requiring their attention.

CONCLUSIONS

The City has governance structure that performs well in certain areas, and that with adjustments and modernizing could serve the City well for the future. Processes require analysis from time to time, and undertaking reviews are both appropriate and advisable, even if fundamental changes don't result. The recommendations in this report are intended to help Council's governance processes move forward productively and progressively.

Respectfully submitted,



Chris Coates
City Clerk



Jocelyn Jenkins
Deputy City Manager

Report accepted and recommended by the City Manager: _____

Date: _____
December 7, 2015

List of Attachments
Council Bylaw
Sections 124-125 of the Community Charter