

Amendments to The Procedures and Committees Bylaw, 2014

ISSUE

Bylaw No. 9170, *The Procedures and Committees Bylaw, 2014* [the Bylaw] has not had a comprehensive review since its inception, although there have been minor amendments to it. The Leadership Team Governance Subcommittee [LTGS] has reviewed the Bylaw and are suggesting several possible amendments.

RECOMMENDATION

1. That the Governance and Priorities Committee recommend to City Council:
 - a. That *The Procedures and Committees Bylaw, 2014* be amended to:
 - i. add wording making it clear that items that are deferred from a previous meeting will be included as unfinished business on the next agenda;
 - ii. allow for the cancellation of a regular Council meeting by the City Clerk in consultation with the Chair and key Administration for lack of agenda items and that the City Clerk give at least 24 hours' notice of the cancellation to Council members and the public;
 - iii. include a deadline for communications must be received by the City Clerk for special meetings by a time as designated on the official notice of meeting;
 - iv. add appropriate wording to confirm that no additional communications will be added when there is not new information presented at the deferred date of consideration;
 - v. add appropriate wording
 1. to include the five-minute speaking rule for matters on the Council or Council Committee Agenda;
 2. to include a provision for the Chair to have discretion to allow for up to five additional minutes for persons with disabilities or who require an interpreter;
 - vi. route inquiry responses through the appropriate Standing Policy Committee;
 - vii. add wording that except for matters that require public hearing and public notice, that a deferral motion be to a general date if a fixed date is unknown;
 - viii. include the Mayor is the Chair of the Governance and Priorities Committee for Special Meetings of that Committee;

- ix. change the election of the Chair of the Standing Policy Committees to be held at the first SPCs meeting of the year;
 - x. allow for communications from applicable partners to be routed from the SPC to City Council for information;
 - xi. allow for an extension of time of a Standing Policy Committee on the consent of the majority of members present for no longer than 15 minutes beyond its end time;
 - xii. to clarify that Council/Committee actions regarding matters added to Council/Committee as Urgent Business shall be limited to a motion to:
 - 1. accept as information; or
 - 2. referred to the administration
 - xiii. include for the five (5) minute speaking rule for members of Standing Policy Committees;
 - xiv. amend schedule C of the Bylaw to have Requests to Speak on new matters fall just before Communications requiring direction to reflect current practice;
 - xv. amend schedule C of the bylaw to have Administrative and Legislative reports be considered in the following order: Decision Reports, Approval Reports, Information reports;
 - xvi. change the policy areas and delegated authority as outlined in part C. of this report; and
- b. That the City Solicitor prepare the necessary Procedure Bylaw amendments as outlined in this report.

BACKGROUND

City Council, at its meeting held June 9, 2014, passed Bylaw No. 9170, *The Procedure and Committees Bylaw, 2014*. The current codified Bylaw can be found [here](#) which includes various amendments since its inception.

DISCUSSION/ANALYSIS

Since adoption of Bylaw No. 9170, Council members, members of the public and staff have proposed ideas to improve Council governance processes. Considering those proposals, a full review of the Bylaw was undertaken to determine what parts are working, what parts need updating and what parts need to be aligned with existing practices. The following are matters identified in the review.

A. Suggested Minor Amendments

The following items are categorized as minor amendments to the Bylaw. Some of the recommendations are to simply reflect current practice while others are proposed to clarify the various sections or to provide for more flexibility in certain instances. We have included recommendations under each for consideration.

Section 13. Council, Section 87 Council Committee – Unfinished Business - The Bylaw states if the business of Council/Council Committee is not completed at that meeting, the unfinished business shall be set over to the next regularly scheduled meeting or special meeting. The section has also been used to include those items that get deferred from a previous meeting.

Recommendation: That wording be added in the Bylaw making it clear that items that are deferred from a previous meeting will be included as unfinished business on the next agenda.

Section 16. (1) Council, Section 89. (1) Council Committee - Cancellation – The Bylaw provides for Council or a Council Committee to cancel its regularly scheduled meeting. There is no provision to cancel a meeting outside of a meeting for lack of agenda items.

Recommendation: That a provision be added in the Bylaw to allow for the cancellation of a regular Council meeting by the City Clerk in consultation with the Chair and key Administration for lack of agenda items and that the City Clerk give at least 24 hours' notice of the cancellation to Council members and the public.

Section 24. – Communications – Matter on Council Agenda – There is no deadline stated for communications added to items on a Special Meeting of Council.

Recommendation: That a provision be added to the Bylaw to include a deadline for communications must be received by the City Clerk for special meetings by a time as designated on the official notice of meeting.

Section 26. (4), Council and Section 99. (5), Council Committee – Requests to Speak – Matter on Council/Council Committee Agenda - The Bylaw states when consideration of a matter on the agenda of a Council/Council Committee meeting is deferred as **unfinished business** to a later meeting, only those persons who had requested to speak to the original Council/Council Committee meeting shall have the right to be heard at the later Council/Council Committee meeting. There is no provision for additional submissions providing comments (neither to allow or disallow). If there is no new information presented at the deferred date of consideration, it is suggested that additional communications submitted not be allowed to make the rules consistent with requests to speak.

Recommendation: That the Bylaw be amended to add appropriate wording to confirm that no additional communications will be added when there is not new information presented at the deferred date of consideration.

Section 27. (8), Council, Section 75. (3), Public Hearing and Section 100. (7), Council Committee - Requests to Speak – Under these sections of the Bylaw, except for Section 100. (7), the five-minute speaking limit is listed under Matters not on Council or Council Committee agenda but not under the sections for matters on the Council or Council Committee Agenda. However, the five-minute speaking limit is currently applied in those circumstances. In addition, there is no provision to extend the five minutes to accommodate those persons with disabilities or that require an interpreter that may require more time to make their presentation.

Recommendation: That the Bylaw be amended to add appropriate wording:

- to include the five-minute speaking rule for matters on the Council or Council Committee Agenda; and
- to include a provision for the Chair to have discretion to allow for up to five additional minutes for persons with disabilities or who require an interpreter.

Section 48. (3) – Inquiry – The Bylaw states that the City Clerk shall refer all answers to inquiries to a Council meeting. Historically however, reporting in response to inquiries is routed to City Council through a Standing Policy Committee.

It is suggested that the Bylaw be changed to better reflect current practice and existing Committee delegated authorities. Each of the Standing Policy Committees are delegated the receipt and final consideration of any reports and status updates respecting any program or business line within the committee's policy areas. All members of Council are provided an opportunity to review all agendas and attend meetings that they are not a member of.

Recommendation: That the Bylaw be amended to route inquiry responses through the appropriate Standing Police Committee.

Section 55. Council, Section 122. Council Committee – Motion to Defer to a Fixed Date – A deferral motion shall be to a fixed date. There are instances where an item is deferred but it's not known at the time what the fixed date should be, for example if an item deferred until Administration completes the review on a project and the date is not certain. Suggest including wording in the Bylaw to allow for more flexibility when deferring items with the exception of matters that require a public hearing and public notice, that a deferral motion to a general date be allowed if a fixed date is unknown.

Recommendation: That the Bylaw be amended that except for matters that require public hearing and public notice, that a deferral motion be to a general date if a fixed date is unknown.

Section 76. (4) – Governance and Priorities Committee – Addition of the Mayor as the Chair of the Governance and Priorities Committee for Special Meetings is required.

Recommendation: That the appropriate Bylaw amendment be drafted to include the Mayor is the Chair of the Governance and Priorities Committee for Special Meetings of that Committee.

Section 101. (1) – Chair – The bylaw states that the Standing Policy Committees shall elect a Chair from among the SPC members at the first meeting after each organizational meeting. Appointments to the Standing Policy Committees are made in September and are effective January 1 of the following year. Current practice is to elect the Chair at the first meeting in January. Recommend updating the wording to have the Chair selected at the first SPC meeting in the year to reflect current practice.

Recommendation: That the appropriate Bylaw amendment be drafted to change the election of the Chair of the Standing Policy Committees to be held at the first SPCs meeting of the year.

Section 130. – Motion Arising from Communications – Currently the Bylaw only provides for a motion arising from communications to committee to accept the information as received or refer the matter to administration. There are instances where communications are forwarded on to Council direct from Committee such as financial reports from partners such as Discover Saskatoon and Meewasin Valley Authority. Suggest adding wording that allows communications to be forwarded to Council in these instances.

Recommendation: That the appropriate Bylaw amendment be drafted to allow for communications from applicable partners to be routed from the SPC to City Council for information.

Motion to Extend Time – There is no provision in the Bylaw to extend the time of a Standing Policy Committee. Two SPCs meet on the same day with first from 9:30 a.m. to 1:00 p.m. and the second from 2:00 p.m. to 5:30 p.m. If a meeting is not completed at the end time, an unwritten allowance of going about 15 minutes beyond the end time has been given and has been the decision of the Chair. The intent of the extension would be so Committee can finish the item that is under discussion.

Recommendation: That the appropriate amendment in the Bylaw be added to allow for an extension of time of a Standing Policy Committee on the consent of the majority of members present for no longer than 15 minutes beyond its end time.

Urgent Business – These are time sensitive matters which require Council's immediate and urgent consideration as defined in the Bylaw. Urgent business requires majority approval of Council/Committee to be added to an agenda and this is typically done

under Confirmation of Agenda at the start of the meeting. There has not been an instance where a matter of Urgent Business is added while the meeting is in session. In other words, prior notification is provided by the Administration or the Council member. It is recommended that to better define “urgent business” that it is treated similar as a communication to Council/Committee on a new matter wherein a motion resulting from an urgent business item that doesn’t have an administrative report and recommendation can only be referred to the Administration or received for information. Action beyond this at the same meeting would require a notice of motion.

Recommendation: That the appropriate amendment be made in the Bylaw to clarify that Council/Committee actions regarding matters added to Council/Committee as Urgent Business shall be limited to a motion to:

- a) accept as information; or
- b) referred to the administration

B. Committee Agenda Management

The Standing Policy Committees can often have heavy agendas and therefore we are proposing some changes to help better manage the agendas and the time it takes to complete them.

Section 67. (2) Council, Section 130.2 (2) Governance and Priorities Committee -

The Bylaw has a provision for a five (5) minute speaking rules for members during Council and Governance & Priorities Committee. It is suggested that the five-minute speaking rule be added for Standing Policy Committees. There is also the opportunity to better define existing wording surrounding five-minute speaking rules to clarify intent around questions and Question Period.

Recommendation: That the Bylaw be amended to include for the five (5) minute speaking rule for members of Standing Policy Committees.

Section 111. Council Committee – Schedule C – Order of Business and Agenda –

Communications requiring direction and requesting to speak appear near the beginning of an agenda followed by Administrative and Legislative reports to Committee. Reports are placed on the agenda with information reports being considered first, followed by approval reports and finally decision reports. There are instances wherein a committee runs into time constraints and has not considered items that require a decision of Council in order for an action to proceed. Consideration of reversing the order of reports is suggested so that decision and approval reports are considered prior to information reports.

Recommendation: That the schedule C of the Bylaw be amended to have Requests to Speak on new matters fall just before Communications requiring direction to reflect current practice and that Administrative and Legislative reports

be considered in the following order: Decision Reports, Approval Reports, Information reports.

C. Standing Policy Committee Mandates

The Standing Policy Committees, including Governance and Priorities Committee, each have policy areas and delegated authorities which were developed under a previous corporate structure. The mandates are being reviewed to determine if any changes or additions should occur. We have also reviewed the mandates with a goal of balancing the workloads of each of the Standing Policy Committees. Administration has identified the following matters that would better fall under another mandate than where it currently sits.

Governance & Priorities Committee – Schedule E

No changes are being recommended to the Governance & Priorities Committee mandate or delegated authority at this time.

Standing Policy Committee on Environment, Utilities and Corporate Services [EUCS] – Schedule F

Fire prevention and suppression currently is a mandate of PDCS. There is no delegated authority connected to this. It is being recommended to move this mandate over to EUCS, mostly to help balance workloads on the SPCs.

EUCS currently has aboriginal affairs as a policy area. The mandate language should be expanded to include all initiatives around reconciliation, equity, diversity and inclusion.

Standing Policy Committee on Finance [SPC-F] – Schedule G

All land matters including acquisitions, sales and leases of land, and the land development program are included in the policy area for this Committee. The approval of direct sales and long-term leases under the City's Industrial Land Incentives Program are a delegated authority under this Committee. Saskatoon Land provides the reporting for these matters under the Chief Financial Officer. Currently the approval of leasing of civic buildings to outside organizations are a delegated authority of PDCS. Saskatoon Land also handles the reporting for these matters under the Chief Financial Officer. It is recommended to move approval of these to the SPC-F for consistency.

Facilities is currently a policy area of SPC – Finance. Facilities used to be under the CFO under our corporation organization but is now a part of the Utilities and Environment division. We are suggesting facilities be moved to SPC-EUCS to reflect this corporate change.

There are partners of the City of Saskatoon to whom significant grants are provided, such as Discover Saskatoon, Meewasin Valley Authority, and SREDA. The reporting from these partners is submitted to City Council through the SPC-F but the initiatives submitted from these groups are typically submitted through PDCS. The language under both SPCs mandates should be clarified.

Standing Policy Committee on Planning, Development and Community Services Committee [PDCS] – Schedule H

As previously noted:

- fire prevention and suppression is being recommended to move to EUCS. In addition, the delegated authority of the approval of leasing of civic buildings to outside organizations is being recommended to move to SPC-F.
- language clarification for partners of the City that receive significant grants.

Standing Policy Committee on Transportation [SPC-T] – Schedule I

There are no changes being recommended under this SPC.

Recommendation: That the Bylaw be amended to change the policy areas and delegated authority as outlined in part C. of this report.

OTHER IMPLICATIONS

There are no other financial, privacy, legal, social, or environmental implications beyond those proposed in this report.

NEXT STEPS

Bylaw amendments would be brought back to City Council for consideration in December along with required public notice with the intent all changes are effective January 1, 2023. A communications plan would follow any significant bylaw amendments.

Report Approval

Written by: Shellie Bryant, Deputy City Clerk

Reviewed by: Cindy Yelland, City Solicitor

Mike Jordan, Chief of Public Policy and Government Relations Officer

Approved by: Adam Tittlemore, City Clerk