
Review of *The Procedures and Committees Bylaw, 2014*

Recommendations

That the Governance and Priorities Committee recommend the following to City Council:

1. That *The Procedures and Committees Bylaw, 2014* be amended to allow for scheduling of Acknowledgements at specific times and at the Public Hearing Meeting of City Council;
2. That City Council, the Governance and Priorities Committee and the Standing Policy Committees continue to utilize the current rise and report process after each *In Camera* session;
3. That *The Procedures and Committees Bylaw, 2014* be amended to prevent the reintroduction by a member of a matter dealt with by Council or Committee in the previous 12 months (for issues which do not require a rescission motion);
4. That *The Procedures and Committees Bylaw, 2014* be amended such that the Organizational Meeting of City Council take place in September of each year of a Council term with the exception of the year of a general election;
5. That the Leadership Team Governance Subcommittee and the Administration provide ongoing assistance to the Chairs of City Council, the Governance and Priorities Committee and the Standing Policy Committees respecting procedural matters and requirements at meetings;
6. That the Leadership Team Governance Subcommittee provide additional procedural/governance training to members of Council at its next Strategic Planning Session;
7. That *The Procedures and Committees Bylaw, 2014* be amended to allow for a Consent Agenda for information reports at the Governance and Priorities Committee and the Standing Policy Committees;
8. That the Leadership Team Governance Subcommittee bring back a report outlining options to amend *The Procedures and Committees Bylaw, 2014* to allow for Council to meet in emergency situations during a general election period and to extend the exemption from meeting (except in emergency situations) to the date of the new City Council's first meeting; and
9. That the information outlined in the body of this report be considered by City Council when making its appointments to the Standing Policy Committees and considered by the Standing Policy Committees conducting annual elections of Chairs and Vice-Chairs.

Topic and Purpose

This report provides the results of a recent survey conducted by the Leadership Team Governance Subcommittee respecting the functioning of *The Procedures and Committees Bylaw, 2014* (the "Bylaw"), the current Administrative report template and appointments of Council members to Standing Policy Committees and other

Committees and Boards. Also, this report makes recommendations based on the feedback received and preferences outlined.

Strategic Goals

This report supports the strategic goal of Continuous Improvement. It is an opportunity to evaluate current governance matters and make recommendations for improvement or change.

Background

The Leadership Team Governance Subcommittee is committed to continuous review and improvement of the City's governance model. Also, during the annual process for appointments to Boards, Commissions and Committees in 2016, the Leadership Team Governance Subcommittee committed to undertaking a review of the appointments of Council members to Committees, as well as a review of the Bylaw. Specifically, on November 28, 2016, while considering a Governance and Priorities Committee report dealing with the 2017 Appointments to the Governance and Priorities Committee and Standing Policy Committees and a report dealing with the 2017 Appointments of Deputy Mayor, City Council resolved in part:

“that the matter of timelines in this regard and how they are addressed in the Procedures and Committees Bylaw be referred to the City Clerk and the City Solicitor to review.”

As part of the commitment to review the above, the Leadership Team Governance Subcommittee developed a series of survey questions. The Subcommittee was also interested in obtaining feedback from members of Council on the current report template used by Administration for submission of reports to Council and Committee.

The survey covered the topics of:

- the Bylaw (possible housekeeping and substantive amendments);
- Report template (are the members of Council getting what they need from the template); and
- Appointments of members of Council to Committees.

A total of 49 survey questions were developed. The survey was circulated to members of City Council, the Leadership Team, and the Solicitors and Clerks attending Standing Policy Committee meetings. 16 responses were received (approximately 50%). A summary response graph of substantive survey questions is attached to this report (Attachment 1)

Report

The following is a summary of the survey responses and recommendations from the Leadership Team Governance Subcommittee related to the various issues which were addressed in the survey:

Housekeeping Amendments to the Bylaw

The majority of respondents supported or agreed to the following:

- That time-specific public acknowledgements would be acceptable.
- The Rise and Report section of the Agendas makes the governance structure more transparent.

Leadership Team Governance Subcommittee comments:

- The City Clerk receives requests from some groups to schedule certain Acknowledgements at specific times. The current form of Agenda does not allow for this. The consensus from the survey was to allow for scheduling of Acknowledgements. In addition, there was the suggestion raised that the Public Hearing Meeting Agenda could include an Acknowledgements section which would allow for scheduling of these items in the evening.

Leadership Team Governance Subcommittee recommendations:

1. That the Bylaw be amended to allow for scheduling of Acknowledgements at specific times and at the Public Hearing Meeting of City Council; and
2. That City Council, the Governance and Priorities Committee and the Standing Policy Committees continue to utilize the current rise and report process after each *In Camera* session.

Substantive Amendments to the Bylaw - Communications/Decisions/Motions

Currently, City Council or Committee does not consider a communication when the subject of the communication has been dealt with by Council or Committee in the previous 12 months. Also, decisions of Council or Committee remain in place until rescinded by Council or Committee. A rescission motion requires notice and a vote by a majority of all members of Council (6 votes) or Committee (4 votes).

- A majority of respondents indicated they were interested in introducing a time limit for members of City Council to re-introduce an item already considered by Council or Committee. 47% were interested in a one-year time limit, 20% were interested in a Council-term time limit.

Leadership Team Governance Subcommittee comments:

- The limitation on re-introducing an issue at Committee or Council by a member of the public does not apply to issues raised by members of Council. However, members of Council have historically followed this rule. Speculation on the reasons for this include efficient use of Council, Committee and Administrative resources.
- Council or Committee decisions may only be overturned by a rescission motion which requires notice and a majority vote of all members of Council or Committee. This may occur at any time, but the member making the rescission motion may have other factors which they are considering and may choose to follow the one-year rule.
- Based on the feedback, it appears that Council would like at least a one-year limit on the reintroduction of matters which would not require a rescission motion. It would be possible to include such a rule in the Bylaw.

Leadership Team Governance Subcommittee recommendations:

1. That the Bylaw be amended to prevent the reintroduction by a member of a matter dealt with by Council or Committee in the previous 12 months (for issues which do not require a rescission motion).

Meeting Calendars/Summer Break for Committee and Council Meetings

Majority response:

- Interested in setting the next year's meeting calendar earlier than the Organizational Meeting in November. 50% preferred the month of September.
- Agreed all members of Council should be in attendance at the Organizational Meeting.
- Interested in a summer break from City Council meetings, Governance and Priorities Committee and Standing Policy Committee meetings.

Respondents were split on whether more than one calendar option should be presented at the Organizational Meeting.

Leadership Team Governance Subcommittee comments:

- Operationally, the holding of the Organizational Meeting earlier than November is possible. Also, preparation of calendar options is possible and has been accomplished for the 2018 calendar. The calendar options include a summer break from Council and/or Committee meetings for Council to consider.
- Mandatory attendance at the Organizational Meeting may present some logistical hurdles should personal circumstances of members prevent attendance at meetings. However, every member of Council should be afforded every opportunity to attend the Organizational Meeting.

Leadership Team Governance Subcommittee recommendations:

1. That the Bylaw be amended such that the Organizational Meeting of City Council take place in September of each year of a Council term with the exception of the year of a general election.

Question and Answer Period

Currently, each Regular City Council Agenda contains a "Question Period" for members of Council. Members are allowed to ask two questions with a supplementary question to clarify each original question. Questions are to be of sufficient urgency and importance to require an immediate answer, are to be brief, are not to provoke debate, are not to be asked about matters outside the legislative or administrative jurisdiction of Council, on matters which are the subject of litigation or on matters already on the Agenda. The City Manager or other members of the Administration within the bar answer the questions in a brief and factual manner.

Majority response:

- Generally, the process works, but sometimes could be managed better in accordance with the aforementioned explanation of Question and Answer Period.
- The current rules are not being strictly enforced; however, they are being evenly enforced. Clarification of rules is required.

- Advance notice of questions to Administration should not be mandatory.
- There should be a more clear distinction between questioning of the Administration and debate.
- The five minute speaking limit should not include questions; however, all responses agreed there be a time limit on questioning or the number of times a member may question the Administration on the same motion/matter.

Leadership Team Governance Subcommittee comments:

- The consensus appears to be that there is satisfaction with the Question and Answer process as outlined in the Bylaw. However, the consensus is that more work is required to communicate the process. Also, advance notice of questions to the Administration would be courteous where possible but not required.
- Finally, the consensus was that there should be clarity in the application of speaking rules between debate and questioning of the Administration. This initially could be handled by the Chair of the meetings. Should the time of questioning become too great, a Bylaw amendment could be considered.

Leadership Team Governance Subcommittee recommendations:

1. That the Leadership Team Governance Subcommittee and the Administration provide ongoing assistance to the Chairs of City Council , the Governance and Priorities Committee and the Standing Policy Committees respecting procedural matters and requirements at meetings; and
2. That the Leadership Team Governance Subcommittee provide additional procedural/governance training to members of Council at its next Strategic Planning Session.

Consent Agenda

Currently, reports from Committees which received unanimous support are placed on the Consent Agenda at City Council. Members of Council may remove items from the Consent Agenda for debate. There is no Consent Agenda for Committees.

Majority response:

- Committees should include a Consent Agenda for information reports from the Administration.

Leadership Team Governance Subcommittee comments:

- A Consent Agenda for Governance and Priorities Committee and the Standing Policy Committees is possible but would require a Bylaw amendment.

Leadership Team Governance Subcommittee recommendations:

1. That the Bylaw be amended to allow for a Consent Agenda for information reports at the Governance and Priorities Committee and the Standing Policy Committees.

Meetings During a Municipal Election Campaign

Currently, Council and Committee do not meet between nomination day (the fifth Wednesday before election day) and election day.

Majority response:

- Council should have the ability to meet during this period (in emergent cases only but not a regularly scheduled meeting)
- The exemption from meeting should be extended to between nomination day and City Council's first meeting (the Monday immediately following a general election)

Leadership Team Governance Subcommittee comments:

- The consensus was that Council should have the ability to meet during a general election period in the case of emergencies and that the exemption from meeting (except in emergency situations) should be extended to the date of the new City Council's first meeting.

Leadership Team Governance Subcommittee recommendations:

1. That the Leadership Team Governance Subcommittee bring back a report outlining options to amend the Bylaw to allow for Council to meet in emergency situations during a general election period and to extend the exemption from meeting (except in emergency situations) to the date of the new City Council's first meeting.

Report Template (responses requested from members of Council only)

Majority Response and comments:

- The current reports provided to City Council and Committee provide the right type of information to make a decision and the correct amount of information to make a decision. More information on ramifications of the recommendation and analyzation and development of options would be useful.
- Review of report headings to add a section on Social Implications thereby using a triple bottom line analysis (Financial, Environmental and Social)
- Prefer point form reports (in some cases)

Leadership Team Governance Subcommittee comments:

- This feedback will be shared with Administration in the context of continuous improvement in this area.

Appointments of Council Members to Committees - Standing Policy Committees

(Responses from Members of Council only)

Currently, Standing Policy Committee appointments take place annually at the Organizational Meeting. Chairs and Vice-Chairs of Standing Policy Committees are elected annually at the Standing Policy Committee meeting following the Organizational Meeting. This allows Council to move members of Standing Policy Committees around or keep membership consistent throughout a Council term.

Majority response/comments:

- A slight majority indicated a Council member should stay on a Standing Policy Committee for a two-year term. No preference was given for the Council term (in that it should not be the rule). There should not be a mandatory limit on how long a member of Council serves on a Standing Policy Committee.
- There should be terms for the Chair and Vice-Chair positions. Responses varied between one and two years. There was no support for the Chair to remain in place for the Council term and the Vice-Chair rotated.

Leadership Governance Subcommittee comments:

- This feedback may be helpful for City Council when making its appointments to the Standing Policy Committees. Also, this feedback may be helpful for the Standing Policy Committees when making their appointments of Chair and Vice-Chair.
- No amendment to the Bylaw would be necessary in order for these preferences to occur.

Leadership Team Governance Subcommittee recommendations:

1. That the information be considered by City Council when making its appointments to the Standing Policy Committees and considered by the Standing Policy Committees conducting annual elections of Chairs and Vice-Chairs of the Committees.

Advisory Committees, Controlled Corporations, Business Improvement Districts and Other Bodies

Majority response:

- Each Councillor should serve on at least one Advisory Committee and one Controlled Corporation.
- Each Councillor should serve on an External Board (Other Board)
- Appointments to Pension Boards should be for a four-year term.
- Term limits should be rotated where there is more than one Councillor serving on a Committee or Board to ensure continuity.
- The term limit on Advisory Committees, Civic Boards and External Boards should not be four years.
- There should be gender parity where possible.
- Appointments should be matched to the appropriate Standing Policy Committee membership.
- When Council members submit their preferences for appointment, they should be ranked in terms of preference. Majority suggested three rankings in each category.
- Appointments to Business Improvement Districts should not be matched to Ward representation.

Leadership Team Governance Subcommittee comments:

- This feedback will be shared with the team conducting the Governance Review of Advisory Committees, Boards, Commissions and other civic bodies. Recommendations will come forward in the context of that review.

Communication Plan

A Communications Plan will be developed in accordance with the relevant amendments to the Bylaw, so that City Council, stakeholders and citizens are informed of any potential changes to Council's governance framework.

Policy Implications

Policy implications are discussed within the report.

Public Notice

Public Notice pursuant to Section 3 of Policy No. C01-021, Public Notice Policy, is not required.

Appropriate public notice will be provided when amendments to *The Procedures and Committees Bylaw, 2014* come forward.

Attachment(s)

1. Substantive Survey Questions - Response Summary Graph

Report Approval

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Reviewed by: Patricia Warwick, City Solicitor
Mike Jordan, Director of Government Relations

Approved by: Joanne Sproule, City Clerk; Patricia Warwick, City Solicitor;
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