

Review of The Procedures and Committees Bylaw, 2014

ISSUE

City Council and the Administration are continuously exploring ways to improve the City of Saskatoon's governance model and associated processes. This report proposes several amendments to Bylaw 9170, *The Procedures and Committees Bylaw, 2014* (the "Bylaw"). The proposed amendments address agenda templates for Public and *In Camera* Council Committee Meetings, participation in a meeting by electronic means, rotation of Chair for Governance and Priorities Committee meetings, clarification around requests to speak, and implementation of a five-minute time limit for debate on a motion in Committee meetings.

RECOMMENDATION

That a report be forwarded to City Council recommending that *The Procedures and Committees Bylaw, 2014* be amended:

1. to allow for the changes to Schedules C – Public Council Committee Meeting Agenda and D - *In Camera* Council Committee Meeting Agenda, as outlined in this report;
2. to allow for removal of the words "In an emergency" in Sections 18 and 91, and including parameters around remote attendance at meetings, as outlined in this report; and
3. such that requests to speak to matters not on a Council or Committee Agenda pertaining to an appeal to an independent tribunal contain the same provision as Communications to Council or Committee for matters pertaining to an appeal to an independent tribunal, and further include an exclusion to matters before the Courts in both communications to Council and Committee and requests to speak to Council and Committee.

BACKGROUND

In 2014, City Council approved a major overhaul to its governance structure, culminating in the adoption of *The Procedures and Committees Bylaw, 2014*. Since the passage of the *Bylaw*, City Council has made various changes to its governance structure and processes. These changes have resulted in periodic amendments to Bylaw 9170.

DISCUSSION/ANALYSIS

The Leadership Team Governance Subcommittee (LTGS) is committed to continuous review and improvement of the City's governance model. As part of the commitment, the LTGS has identified through feedback from members of Council and through practical application of the *Bylaw*, five areas of the *Bylaw* requiring possible amendments.

The following is a summary of each of the issues, along with a recommendation from the LTGS:

1. Agenda Templates – Public and *In Camera* Council Committee Meetings

Administration has recently introduced new report templates for use in submitting reports directly to City Council and to City Council Committees. To complement the report categories of Information Reports, Approval Reports and Decision Reports, LTGS is recommending Schedules “C” and “D” of the *Bylaw* (Public Council Meeting Agenda and *In Camera* Council Committee Meeting Agenda) be amended to reflect the new categories.

Further, the *In Camera* template (Schedule “D”) requires amendment to reflect the fact that Committee confirms its *In Camera* agenda as part of the public agenda. It also rises and reports matters from the *In Camera* agenda to the public meeting, thereby eliminating the need for *In Camera* minutes. As a result, the LTGS is recommending that references to both items be removed from the template identified as Schedule “D”.

Black line copies of Schedules “C” and “D” are attached as Appendix 1 to reflect the recommended changes.

2. Meeting Through Electronic Means

Section 99 of *The Cities Act* states that:

“(1) A council meeting or council committee meeting may be conducted by means of a telephone, electronic or other communication facility if:

- (a) notice of meeting is given to the public, including the way in which the meeting is to be conducted;
- (b) the facilities enable the public to at least listen to the meeting at a place specified in that notice and the clerk is in attendance at that place; and
- (c) the facilities permit all participants to communicate adequately with each other during the meeting.

(2) Members of a council or a council committee participating in a meeting held by means of a communication facility are deemed to be present at the meeting.”

Sections 18 and 91 of the *Bylaw* deal with “Meeting Through Electronic Means” for both Council meetings and Council Committee meetings. They are currently more stringent than *The Cities Act* provisions noted above. Both sections of the *Bylaw* reflect the foregoing requirements of *The Cities Act*, by which a meeting may be conducted through electronic means; however, the *Bylaw* prefaces both sections with the stipulation of “**In an emergency**”.

Section 42 of the *Bylaw*, which has been relied upon to allow for participation by members by telephone, prescribes:

“42. Any of the rules contained in this Bylaw not specified in *The Cities Act* may be suspended for any one meeting by a unanimous vote of the Council members present at the meeting.”

On occasions where Council or Committee members have participated by telephone, notice was provided to the public. Such notice has indicated that a member or members of Council will be participating by telephone in a meeting in compliance with *The Cities Act* and *Bylaw* provisions. Because the minimum *Cities Act* requirements of providing notice, etc. were met, Council has then been able to vote unanimously to suspend its rules. The rule suspension was limited to allowing Council to meet through electronic means in an emergency.

Presumably, the intent of the emergency situations requirement may have been to limit the amount of participation in a meeting by electronic means. LTGS has undertaken a scan of such provisions in procedure bylaws in other cities and has found that they exist subject to specific limitations. LTGS is therefore recommending an amendment to Bylaw 9170 allowing for remote participation, subject to the following parameters:

- remote participation will only be used in Regular Business meetings of City Council, Strategic Planning meetings of City Council and meetings of the Governance and Priorities Committee;
- remote participation is prohibited in Public Hearing Meetings;
- a request to participate should be received by the City Clerk at least one week in advance for inclusion in the agenda, so that notice of the remote participation is provided to the other Members of Council and to the Public;
- in consultation with the City Clerk, the Chair can determine a limit to the number of remote members in a meeting;
- remote participation will only be used for locations where facilities allow for such participation and subject to the determination by the City Clerk;
- the remote member is deemed to be present at the meeting, but does not count towards quorum. Quorum must be met with those members physically present in the meeting location;
- the remote member retains all other rights and privileges as stated in The Procedure Bylaw;
- the time a remote member joins and leaves the meeting will be noted in the minutes;
- the speaking queue for the remote member may be determined as first or last in queue;
- if the remote member wants to be moved in the speaking queue, the member can message the Chair or the City Clerk;

- Voting will follow the procedure outlined in The Procedure Bylaw.

3. Requests to Speak

Section 25 of the *Bylaw* deals with Communications received with respect to matters not on a Council agenda. That section of the *Bylaw* addresses how matters that are before an independent tribunal are to be dispensed. Specifically, subsection (6) states:

“(6) Communications respecting a matter for which an appeal to an independent tribunal exists pursuant to *The Cities Act* or any City bylaw shall not be referred to a Council Committee, but rather to the Department or Division having carriage of the appeal on the City’s behalf. Without limiting the generality of the foregoing, the following matters shall be referred:

- (a) in the case of property maintenance and nuisance abatement matters, to the Fire Chief of the Saskatoon Fire Department;
- (b) in the case of assessment matters, to the Director of Corporate Revenue;
- (c) in the case of business licensing matters, to the General Manager of Community Services;
- (d) in the case of collection, handling and disposal of waste and recyclable material, to the General Manager of Utilities and Environment;
- (e) in the case of requests for forgiveness of City mortgages under the lot allocation program, to the Director of Saskatoon Land.

Section 98(7) of the Bylaw has a similar provision to the above as it relates to communications to a Council Committee.

However, this wording is not contained in Sections 26 and 100 with respect to Requests to Speak. In some instances this has resulted in confusion.

As a result, LTGS is recommending that:

- the foregoing exclusions for referral of Council communications to a Council Committee also include matters that are before the Courts; and
- that similar provisions for exclusions outlined above, including matters before the Courts, be included in Sections 27 and 100 of the Bylaw dealing with requests to speak to Council or Committee.

4. Governance & Priorities Committee Chair

Section 76(4) of the *Bylaw* states:

“The Mayor is the Chair of the Governance and Priorities Committee”. Interest has been expressed to the LTGS by some members of Council to have this provision amended to allow the option to rotate the Chair. This matter was raised in 2013/2014

during the Governance review of City Council and City Council Committee meetings. At that time, the desire was to remain with the Mayor as Chair of the former Executive Committee.

A scan of the Procedures Bylaws of other cities with a committee comparable to the Governance & Priorities Committee revealed the following:

City of Edmonton – Executive Committee
Mayor is the Chair

City of Calgary – Priorities & Finance Committee
Mayor is the Chair (Deputy Mayor in absence of the Mayor)

City of Winnipeg – Executive Policy Committee
Mayor is Chair

City of Regina – Executive Committee
Deputy Mayor is Chair

The one major caveat to this overview is that, with the exception of Regina, these Committees in other cities are made up of a select group of Council members and not the whole Council. This is the reason why the Mayor serves as the Chair of these Committees. Saskatoon and Regina are the only cities in this sample where all members of Council serve on a priorities or executive-style Committee.

Should the Governance and Priorities Committee be interested in recommending a change to the existing provisions for Chair of the Committee, the appropriate amendment to Bylaw No. 9170, *The Procedures and Committees Bylaw, 2014* would be required.

5. Time Limit for Debate on Motions in Committee Meetings

On August 19, 2019, the Governance and Priorities Committee dealt with an information report of the City Solicitor regarding an Inquiry of Councillor Hill related to procedural matters. During discussion of the matter the question of imposing a five-minute time limit for debate on a motion in Committee meetings was raised. Administration committed to address the query as part of its review of potential amendments to *The Procedures and Committees Bylaw*.

A scan of the Cities of Calgary, Edmonton, Winnipeg and Regina was undertaken. Both Calgary and Edmonton appear to have limitations around speaking. The City of Edmonton provides for a Councillor to ask questions or speak multiple times in relation to a single item for a maximum of five minutes each time. The City of Calgary states that a member's debate, including questions to Administration, but not Administration's responses must not exceed five minutes on a main motion, three minutes on an amendment, and three minutes for the Member who moved the main motion to respond to questions during debate.

If there is interest in recommending a change to the existing provisions for debate in Committee meetings, the LTGS could produce a follow-up report outlining various options for consideration.

IMPLICATIONS

Financial: There are no direct budgetary or financial implications resulting from the recommendations in this report. However, in order to enhance the technology and quality for those members participating by electronic means, an upgrade to Council Chambers would be needed. This upgrade is estimated at \$5,000 and currently is unallocated.

Legal: The implementation of any of the recommended changes would require amendments to Bylaw No. 9170.

NEXT STEPS

Should the Governance and Priorities Committee recommend amendments to *The Procedures and Committees Bylaw, 2014*, Public Notice pursuant to Section 3 of Policy C01-021, *The Public Notice Policy*, would be required at the time that City Council considers the amending Bylaw.

APPENDICES

Appendix 1 – Black line copies Schedules C and D, Bylaw No. 9170, *The Procedures and Committees Bylaw, 2014*

Report Approval

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