

REPORT

Legislative Services

To: Mayor Cote and Members of Council **Date:** October 4, 2021
From: Jacque Killawee, City Clerk **File:** 05.1035.10
Item #: 2021-403
Subject: **Amendments to the Procedure Bylaw 2021: Bylaw for Three Readings**

RECOMMENDATION

THAT Council give three readings to Procedure Bylaw Amendment Bylaw No. 8276, 2021

PURPOSE

To seek Council's approval to forward amendments to the Procedure Bylaw for three readings. These changes respond to recent changes in the Community Charter allowing for electronic meetings and some miscellaneous changes.

SUMMARY

This report outlines the following proposed changes to the Procedure Bylaw (Attachment 1):

- Adding definitions;
- Adding provisions for electronic and hybrid meetings of Council, committees, and commissions;
- Revising the order of the agenda, modernizing language, and linking to other city policies as approved by Council in the Spring of 2021;
- Correcting the language with regard to revising a bylaw when it is at third reading;
- Attaching guidelines for respectful language for speakers and written comments; and
- Miscellaneous changes to modernize the language used.

BACKGROUND

During the COVID-19 pandemic City Council meetings have been operating under a series of Ministerial Orders which allowed for fully electronic Council meetings; the latest version of this is MO 192/2020. The *COVID-19 Related Measures Act* allows for cities to continue operations under M192/2020 until three months after the end of the Provincial State of Emergency for the COVID-19 pandemic. The state of emergency was lifted on July 1, 2021.

In anticipation of municipalities wishing to continue with electronic and/or hybrid meetings, Bill 10-2021 was given Royal Assent on July 17, 2021 and came into force on September 29, 2021. Bill 10 provides for changes to the *Community Charter* allowing for fully electronic or hybrid meetings. Previously, only special Council meetings could be held electronically.

Guidance was received from the Province informing municipalities that the process for amending Procedure Bylaws could be started on September 29, after the changes to the Community Charter come into force.

Section 124 of the Community Charter requires that Council give notice to change the Procedure Bylaw, as set out in Section 94 of the Charter.

EXISTING POLICY AND PRACTICE

On May 17, 2021, Council instructed staff to bring forward changes to Council agendas with the goal of making them more accessible and understandable, and to implement these changes for September 2021. This will result in a change to the order of the agenda, which is set out in the Procedure Bylaw.

On June 28, 2021, Council directed staff to bring back to Council the necessary Procedure Bylaw changes to allow for virtual and hybrid meetings, and to continue with the open delegations/speakers procedures that were started during the COVID-19 Pandemic.

Amending the Procedure Bylaw requires a public notification period of approximately three weeks, depending on when Council meetings take place. To maximize the benefit of these needed changes to the Procedure Bylaw, staff are requesting additional miscellaneous changes to modernize the Bylaw.

ANALYSIS

This section provides an analysis of the proposed major changes to the *Procedure Bylaw*.

Adding Definitions

Council meetings can be confusing to many people. The proposed definitions are included to:

- Help differentiate between Council meetings and Public Hearings;
- Show that this bylaw applies to all types of Council meetings, as well as Commissions, select (advisory), and standing committees;
- Add definitions to include "electronic meetings" and "hybrid meetings" so that there is a clear vocabulary.

Electronic and Hybrid meetings

Electronic Council meetings and electronic participation by members of Council and committees are permitted so long as the provisions for them are set out in the *Procedure Bylaw*. Staff are recommending replacing the section that deals with electronic meetings to meet the changes to the *Community Charter*, specifically sections 128 to 128.3, to provide flexibility to Council in their electronic participation.

In the interests of fostering Council cohesion, meetings with a full Council physically present will take place a minimum of six times per year. This will include the Inaugural Council in election years and the Parcel Tax Review Panel when it takes place.

Part 8 has been retitled to "Committees and Commissions", and wording added in a new section 35, to allow for electronic and hybrid meetings to apply to standing and select committees and commissions, unless other procedures are specified in a bylaw relating to those bodies.

Speakers

In order to make procedures more understandable, staff propose changing the term "Public Delegations" to "Speakers" to better explain what occurs in a Council meeting. Pursuant to Council's direction on July 28, 2021, the procedures used for speakers during the COVID-19 pandemic have been formalized and attached as Schedule A to the amending bylaw (Attachment C), specifically:

- Speakers will be heard at each Council meeting when there is not a public hearing or other opportunity to be heard;
- There will be a limit of 10 speakers at each Council meeting;
- Speakers must pre-register and can participate in person or electronically (by phone or computer/smart device); and
- Provides general guidelines for speakers on what constitutes respectful language.

"Schedule A" will apply only to Council meetings and will not apply to public hearings.

Speaker's procedures for signing up to speak to Council and requirements will be posted on the City's website.

Since speakers will be required to sign up by noon the day of the Council meeting, Section 15(1)(e) is proposed to allow the Mayor or the Chair of a Council meeting to start hearing speakers before 7 p.m. if all speakers are present at the meeting. This will allow Council

to make the best use of their time, and to enable people present to speak in a timely fashion, rather than waiting unnecessarily.

Modernizing Language, Improving Accessibility and Linking to Other City Policies

Some of the language in the existing *Procedure Bylaw* is outdated. In order to emphasize inclusivity and accessibility, staff propose the following changes:

- Adding the ability to verbalize a vote in support of or against a motion, for members who may not be able to raise their hand;
- Removing the honorific "Your Worship" along with references to "Mr." or "Madam" Mayor in favour of the neutral terms "Mayor", "Chair", and "Councillor".

The proposed changes also require Council members and members of committees, commissions, boards, and panels to follow the *Respectful Workplace and Human Rights Policy* and the *Standards of Conduct*. Council members also follow the *Council Code of Conduct*. These documents are the basis of respect in the City and it is reasonable to tie member expectations to them, as members, elected or appointed, all represent the City.

Miscellaneous Changes

There are a number of miscellaneous changes, including:

- Changing an instance of "Chief Administrator" to "Chief Administrative Officer";
- Changing the order of business in agendas to the new one recently approved by Council;
- Adding 13(3) to allow staff to remove agenda headings if they have no items associated with them;
- Changing 26(3) to comply with Provincial legislation regarding readings and approval of bylaws; and
- Clarifying the wording in section 26(4).

NEXT STEPS

Following Council approval of this report, staff start the public notice period by requesting written comments on the proposed changes and putting this notice on the City's website, on the notice board at the north entrance of City Hall, and advertising in *The Record* on October 7 and 14. These steps comply with the notice requirements of section 94 of the *Community Charter*.

Staff will then bring the bylaw for adoption on October 18.

It should be noted that since the emergency provisions guiding Council meetings expire on September 29, and the new bylaw cannot be adopted until October 18, the existing *Procedure Bylaw* requires that a quorum of Council (four members, including the Chair) is required to be present at any Council meetings until these changes are adopted. These meetings include:

- The Open Workshop, Closed and City Council meetings on October 4 and 18;
- Any special council meetings scheduled in that time.

The same requirement will apply to Advisory Committee meetings; Chairs will need to attend those meetings in person, or have someone else who is physically present chair those meetings.

SUSTAINABILITY IMPLICATIONS

The proposed changes to the Procedure Bylaw may help meet Bold Step 1 by reducing the number of trips to Council and Committee meeting locations by members.

FINANCIAL IMPLICATIONS

There will be a nominal cost for advertising in *The Record*. Source of funds will be the Legislative Services 2021 budget.

INTERDEPARTMENTAL LIAISON

The Manager of Legal Services was consulted on this report.

OPTIONS

1. THAT Council give three readings to Procedure Bylaw Amendment Bylaw No. 8276, 2021.
2. THAT Council provide other direction to staff.

ATTACHMENTS

Attachment 1 – Council Procedure Bylaw Amendment Bylaw No. 8276, 2021

Attachment 2 – Council Procedure Bylaw – Redline with Proposed 2021 Changes

APPROVALS

This report was prepared by:
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This report was reviewed by:
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This report was approved by:
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