

December 16, 2013

To: His Worship the Mayor
and Members of City Council

Re: Procedure Bylaw Review

**RECOMMENDATION OF THE EXECUTIVE COMMITTEE
- DECEMBER 16, 2013**

1. That the City Solicitor be instructed to prepare the necessary amendments to The Procedure Bylaw No. 9004 to:
 - amend or delete references to positions and/or departments that are no longer relevant;
 - establish an Order of Business entitled Public Hearings and stipulate the hearings will take place as they appear in order on the agenda, with no set time established;
 - define “urgent business” with Council maintaining discretion on whether or not to add an item to the agenda at the time of the adoption of the agenda;
 - amend the criteria for appointment of individuals of Committees to be residents of Regina;
 - implement a process to provide for written notice of motion
 - amend clauses with respect to requiring all motions at Council to have a mover and seconder, with specific exceptions as allowed in Bourinot’s Rules of Order;
2. That the requirements for written briefs to appear before Council remain status quo pending receipt of additional information from the City Clerk related to requirements from other cities with respect to time limits for speaking.
3. That the matter of adoption of Private Minutes remains status quo pending receipt of additional information from the City Clerk on samples of private minutes from other cities.

EXECUTIVE COMMITTEE – DECEMBER 16, 2013

The Committee adopted a resolution to concur in the recommendation contained in the report.

Mayor Michael Fougere, Councillors: Bryon Burnett, John Findura, Jerry Flegel, Shawn Fraser, Bob Hawkins, Terry Hincks, Wade Murray, Mike O’Donnell and Barbara Young were present during consideration of this report by the Executive Committee.

The Executive Committee, at its meeting held on December 4, 2013, considered the following report from the City Clerk:

RECOMMENDATION

1. That the City Solicitor be instructed to prepare the necessary amendments to The Procedure Bylaw No. 9004 to:
 - amend or delete references to positions and/or departments that are no longer relevant;
 - establish an Order of Business entitled Public Hearings and stipulate the hearings will take place as they appear in order on the agenda, with no set time established;
 - define “urgent business” with Council maintaining discretion on whether or not to add an item to the agenda at the time of the adoption of the agenda;
 - amend the criteria for appointment of individuals of Committees to be residents of Regina;
 - implement a process to provide for written notice of motion
 - amend clauses with respect to requiring all motions at Council to have a mover and seconder, with specific exceptions as allowed in Bourinot’s Rules of Order;
2. That the requirements for written briefs to appear before Council remain status quo pending receipt of additional information from the City Clerk related to requirements from other cities with respect to time limits for speaking.
3. That the matter of adoption of Private Minutes remains status quo pending receipt of additional information from the City Clerk on samples of private minutes from other cities.

CONCLUSION

Procedure Bylaw No. 9004 was enacted on July 30, 1990 and has been amended over the years, most recently in 2005. The bylaw is outdated with respect to the administrative structure as well as current best practices. The purpose of this report is to seek direction from members of City Council prior to drafting a new bylaw for review and subsequent approval.

BACKGROUND

Administration has undertaken a review of the current bylaw in an effort to align current practices of Committees and Council (which have changed over time to address legislative changes), the guiding principles of Bourinot’s Rules of Order (Bourinot’s) on which the bylaw is based and best practices from other municipalities.

As a result, prior to preparation of a new bylaw, direction is needed in the following areas:

1. Public Hearing process;
2. definition of “urgent business”;
3. appointment of individuals to committees;
4. requirement for submission of a written brief to appear at Council and review process, as well as type of brief to be entertained (powerpoint etc.), size of document and time allotment;
5. process regarding “Notice of Motion”;
6. adoption of private minutes; and
7. all motions at Council requiring mover and seconder, with exceptions

DISCUSSION

As noted above, direction is required on the following items:

1. Public Hearing Process

Provincial legislation stipulates some matters which require “public notice” (meaning appropriate advertising has been done) and others that require a “public hearing” (meaning an actually hearing must take place). Bylaw No. 9004 does not clearly differentiate between the two. The current practice is to separate Advertised Bylaws and Related Report (those requiring a public hearing) from Public Notice Bylaws and Related Reports (those that just have to be advertised), however they are treated similarly during the Council Meeting, ie, the Clerk does a call to the audience in both instances, regardless of the fact that the public should not be able to speak to a public notice item without having first submitted a written brief.

Best practice would suggest the establishment of a public hearing process whereby Council would formally sit to hear representation following which a motion to close the hearing would take place. Consideration of the related reports and bylaws would take place after the hearing has closed.

This process could occur during the normal Council process and would not have to occur at a specified time, unless Council wanted to specify the time of Public Hearings, ie, Public Hearings are scheduled at 6:30 p.m. Stipulating a time would require that Council recess from its regular agenda to conduct the public hearing, and would mean in the event of a short Council meeting, having to stay until 6:30 to conduct the public hearing.

Options

a) Status quo - leave the provisions as they currently exist	<i>Recommendation:</i> <i>The Administration suggests the implementation of a formal public hearing process as an Order of Business to be conducted as they arise on the agenda. (Option b)</i>
b) Establish an Order of Business entitled Public Hearings and stipulate the time of such hearings	
c) Establish an Order of Business entitled Public Hearings and conduct same as they arise on the agenda	

2. Urgent Business

Bylaw No. 9004 allows for the addition of walk-on items to the agenda that are deemed to be of an “urgent” nature. The bylaw does not contain a definition of urgent business, but does indicate the matter proposed for discussion is “relating to a genuine emergency, calling for immediate and urgent consideration”. Many of the items being added to the agenda cannot be considered “urgent” as outlined above. Direction is required with respect to the addition of items to the agenda.

Options

a) Status quo – leave it to Council’s discretion during the adoption of the agenda to consider walk-on additions.	<i>Recommendation:</i> <i>The Administration suggests a definition be determined, leaving the discretion with Council to decline walk-on items. (Option b)</i>
b) Formally define urgent business – still leaving the discretion to Council during adoption of the agenda, but perhaps this would provide more teeth to the decision.	
c) Formally define urgent business and delegate authority to the Administration to refuse to include a walk-on item to the agenda, based on the definition.	

3. Appointment of Individuals of Committees

It was noted during the review of the bylaw that the restriction for persons appointed to committees being “persons who are qualified as an elector, pursuant to Section 23 of *The Local Government Elections Act*” cannot be enforced with respect to the Youth Advisory Committee. Additionally, the residency and citizenship of adult applicants are not checked as part of the nomination process and there are current committee members who do not reside in the city. Clarification is required on the intention of this clause.

Options

a) Status quo – leave the provision as is, but implement a process during the review of applications to check residency and citizenship of applicants. An exemption would have to be made for the Youth Advisory Committee members.	<i>Recommendation:</i> <i>The Administration suggests limiting eligibility to residents of Regina. (Option b)</i>
b) Limit eligibility to residents of Regina, not electors	
c) Remove the provision from the bylaw	

4. Requirement for written briefs to appear before Council

In review of bylaws from other major centres, it is noted that there are a variety of stipulations related to delegations appearing before City Council.

If written briefs are to be continued, Council may want to consider having the full brief provided, within the required time frames, but allow the speaker to simply provide a brief summary, given that the full brief would have been available on-line for everyone to read, and there remains an opportunity for questions following each presentation.

Of note in the discussions with other centres is that many have a reduced speaking time.

Options

a) Status quo – continue with written briefs and the requirement to read verbatim with a 10 minute time limit	<i>Recommendation:</i> <i>The Administration suggests the continuation of written briefs with the speaking time permitted to be decided by Council.</i>
b) Continue with written briefs but allow presenters to provide a shortened verbal summary	
c) Continue with written briefs being read verbatim but shorten the speaking time	
d) Discontinue the requirement for written briefs	

5. Notice of Motion

Bourinot's states:

“If a substantial issue is to be raised affecting the constitution, policies or procedures of a body, it is always advisable, and in some cases mandatory, that notice be given at one meeting that this issue will be introduced by motion at the next or a subsequent meeting. The notice is merely a statement of intention and can be made by any member at an appropriate time in the proceedings. It requires no seconder and is not at that time debatable.

The purpose of giving notice is to permit the members of an organization to consider and prepare for the question or questions that will be placed before them for consideration. This facilitates discussion and contributes to efficient and satisfactory resolution of the matter. When an intention to introduce a motion has been announced, the item should be placed on the agenda of the meeting at which it is to be dealt with. The notice of this meeting should refer to the item and, if possible, should include the actual text of the motion to be introduced, and, if needed, explanatory material should be appended.”

This is not currently the process followed (see clause 29 of The Procedure Bylaw). Direction is required with respect to the requirement for councillors to “give notice” of their intention to bring forward a motion, and whether or not such notice should be verbal or written.

Options

a) Status quo – continue with members being able to directly submit a motion, without having given notice	<i>Recommendation:</i> <i>The Administration suggests implementation of a process for giving written notice in order to allow additional public input and member consideration of a motion. (Option c)</i>
b) Require verbal notice to be given from one regular meeting to the next	
c) Require written notice to be given from one regular meeting to the next	

6. Adoption of Private Minutes

Consideration should be given to the manner in which private minutes are currently adopted, ie. during private session. Given that no decision can be made in private session, an argument could be made therefore that the adoption of private minutes must be made in public.

A change in the process could simply include under the Adoption of Minutes, that the private minutes of the ____ meeting be approved as circulated to members, with any reports requiring decision being brought forward to City Council. In this way, there would be not actual “minutes” provided.

An alternative would be that an abbreviated set of minutes, which would include only the titles of reports and the decision, be prepared and included in the agenda package for adoption.

Options

a) Status quo – private minutes are adopted in private session	<i>Recommendation:</i> <i>The Administration suggests a change in process to allow for the adoption of private minutes in public session. (Option b)</i>
b) Introduction of a process whereby private minutes are adopted in public	

7. Motions at Council Meetings

Accepted practice is that motions at committee meetings require only a mover, while motions at a council meeting require both a mover and a seconder, with some very limited exceptions.

Bourinot’s states:

All main motions should be seconded by another member making a statement to that effect. Unless it is seconded, a motion is not open to consideration.

The Procedure Bylaw currently states:

A motion is not properly before Council and shall not be considered unless it has received a seconder except: when Council is considering a committee report where two or more sit on the committee, the motion to adopt the recommendations of the committee shall only require a mover who shall be a member of the committee.

This clause causes confusion for the viewing audience as there is no understanding why some motions at Council have both a mover and a seconder, while others do not. It also often results in questions from members and the Chair, as to whether or not a seconder is required.

Options

a) Status quo whereby reports considered at committee require only a mover at Council	<i>Recommendation:</i> <i>The Administration suggests that all motions at Council require both a mover and a seconder, with the limited exceptions outlined in Bourinot's Rules of Order. (Option b)</i>
b) Delete this clause from the bylaw and require all motions at Council to have a mover and seconder.	

RECOMMENDATION IMPLICATIONS

Financial Implications

None with this report.

Environmental Implications

None with this report.

Strategic Implications

Updating the Procedure Bylaw to align with the current administrative structure and leading best practices will assist City Council in achieving its vision of becoming the best run municipality.

Other Implications

None with this report.

Accessibility Implications

Decisions are required by members of City Council with respect to accessibility issues raised in the report.

COMMUNICATIONS

A full discussion will take place with members of City Council prior to drafting a bylaw for review.

DELEGATED AUTHORITY

City Council approval of the bylaw will be required.

Respectfully submitted,

EXECUTIVE COMMITTEE

A handwritten signature in cursive script, appearing to read "J. Swidnicki".

Joni Swidnicki, Secretary