

Subject: Proposed Amendments to Procedure Bylaw, Standing Council Committees Bylaw, and bylaws establishing other council committees**APPROVALS:**

David Leflar, Director
Kevin Scoble, Deputy Chief Administrative Officer
Marcel Ulliac, Chief Administrative Officer

Administrative Recommendation:

THAT the following be recommended to Council for approval:

THAT Administration be directed to bring forward for Council's consideration a bylaw to amend the *Procedure Bylaw*, the *Standing Council Committees Bylaw* and various bylaws establishing other council committees, as described in the Oversight Committee Report dated April 28, 2016.

Summary:

On November 26, 2015 Oversight Committee passed a resolution including the following clause:

"That administration prepare a report for Council's consideration which documents the lessons learned and contemplates implementing capital project controls, risk analysis, consent agendas and amendments to the Procedure Bylaw by January 31, 2016."

A motion passed by the Committee on February 11, 2016 extended the delivery date to March 31, 2016. Subsequently the scheduled Committee meeting of March 24, 2016 was cancelled, so these matters are now returning to Oversight Committee on April 28, 2016 with Administration's proposed recommendations from the Committee to Council. A separate Oversight Committee Report also dated April 28, 2016 will deal with the capital project control and risk analysis aspects of the November 26, 2015 resolution. This report, and its attachments, will focus on the *Procedure Bylaw* aspect.

In preparing to respond to this issue, Administration realized that not only the *Procedure Bylaw* but also the *Standing Council Committees Bylaw* would require amendments in order to address the desired governance and procedural improvements. These two bylaws have been in place for approximately one year. As with all governance documents, these bylaws should be reviewed and updated periodically to ensure that they continue to meet the needs of Council and other stakeholders. Administration is proposing a package of amendments to these bylaws, as well as consequential amendments to other bylaws that establish other Council committees, to take into account both administrative experience and feedback from Council members over the past year.

Background:

Since being adopted in 2015, neither the *Procedure Bylaw* nor the *Standing Council Committees Bylaw* have undergone any significant review or major modification. Administration has monitored the effectiveness of these bylaws and is recommending a number of amendments based on experience to date and feedback received from Council Members, as detailed below:

Standing Council Committees Bylaw – 15/019

- Amend clauses that have caused confusion over whether Rural Committee or Sustainable Development Committee has the mandate in respect of certain aspects of the Strategic Plan;
- Increase membership of the Rural Committee from the existing 3 Members (2 Rural + 1 Urban), to 5 Members (All 4 Rural + 1 Urban);
- Expand the mandate of the Oversight Committee to include oversight of agencies, committees, boards or other entities to which Council appoints at least half of the members, whose work is relevant to the mandate of the Oversight Committee; [Consequential amendments to bylaws that establish non-standing committees are also required.]
- Repeal certain clauses relating to the role and mandate of the Audit Committee, and replace them with a Schedule setting out in more detail the “Audit Committee Terms of Reference” as per the Audit Committee’s recommendation arising from its meeting of April 20, 2016, adopted by Council on April 26, 2016;
- Add a clause to ensure that all Standing Committees are tasked with reviewing capital projects in accordance with the Capital Projects Framework, the Capital Projects Review Process, or any Council policy that deals with that subject matter;
- Add a clause to ensure that matters not clearly within the mandate of a Council Committee will be dealt with by the whole of Council.

Procedure Bylaw – 14/025

- Eliminate teleconferencing for Councillors at Council and Committee meetings, with exceptions permitted only when the ability of a rural Councillor to travel safely to a meeting is impacted by inclement weather, or when needed to establish a quorum;
- Replace current agenda review mechanism with the most commonly used practice in similarly sized municipalities, which means that the Chief Administrative Officer will set the agendas for Council meetings in consultation with the Chief Legislative Officer;
- Provide that when a notice is served of an intended motion, the matter will automatically be channeled to a Council Committee unless the Council deems the matter so urgent and pressing that it must be dealt with immediately by the whole Council;
- Allow a Notice of Motion to be withdrawn by the Councillor who served the Notice without requiring the permission of Council or an amendment to the agenda on which the item is scheduled;
- Establish a process to more effectively receive unscheduled delegations, by requiring that anyone wishing to speak to an item on an agenda must pre-register with Legislative Services, either in advance of the meeting or while the meeting is in progress as long as that is done prior to the item being dealt with.
- Limit the total speaking time for any one person at a Council meeting to 10 minutes, regardless of how many items on the Agenda the person wishes to address.
- Include a provision requiring that Administration be provided with reasonable notice of a proposed Council Committee agenda item to allow Administration adequate time to prepare an informed report or presentation to a Council Committee.

Rationale for Recommendations:

The proposed bylaw amendments are based on feedback received from Council Members and observations made by Administration, and are intended to enhance the effectiveness of both the process at Council and Committee meetings, and the substantive work of Council and Committees. The two attachments to this Report consist of marked up versions of the *Standing Council Committees Bylaw* and the *Procedure Bylaw* showing all of the proposed amendments. If Oversight Committee is in agreement with these proposed amendments and so recommends to Council, then the resulting omnibus amending bylaw will also include several more minor consequential amendments to other bylaws, but all of the substantive proposed amendments are found in the attachments to this Report.

It should be noted that the concept of using “consent agendas”, contemplated in the November 26, 2015 Oversight Committee resolution, is not included within the recommendations in this report. Administration carefully examined the situations in other municipalities where this methodology is used, and concluded that introducing this additional change into our procedural and governance process would not add value at this point. This could change depending on experience with the new methodology of Council oversight of large capital projects, so the possibility of consent agendas will now form part of our continual monitoring of these bylaws in our ongoing quest for continual improvement.

Strategic Plan Linkages:

Goal 1: Building Responsible Government

Attachments:

1. Marked up version of *Standing Council Committees Bylaw* showing proposed amendments
2. Marked up version of *Procedure Bylaw* showing proposed amendments