



Legislation Details (With Text)

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Title: Bylaw 40/2021 Procedure Bylaw Amendments (1st, 2nd and 3rd readings)
Presented by: Marta Caufield, Deputy City Solicitor, Legal & Legislative Services

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Attachments: 1. BL 40-2021 Procedure Amending BL FINAL, 2. Procedure Bylaw BL 3-2018 (redline) FINAL

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5/31/2021	1	City Council	adopted	

TAMRMS#: B06

9.5

Bylaw 40/2021 Procedure Bylaw Amendments (1st, 2nd and 3rd readings)

Presented by: Marta Caufield, Deputy City Solicitor, Legal & Legislative Services

RECOMMENDED MOTIONS

1. That Bylaw 40/2021, being amendment 3 to Bylaw 3/2018, be read a first time.
2. That Bylaw 40/2021 be read a second time.
3. That unanimous consent be given for consideration of third reading of Bylaw 40/2021.
4. That Bylaw 40/2021 be read a third and final time.

PURPOSE OF REPORT

The purpose of this report is to bring forward changes to the Procedure Bylaw 3/2018 for Council's approval.

ALIGNMENT TO PRIORITIES IN COUNCIL'S STRATEGIC PLAN

N/A

ALIGNMENT TO LEVELS OF SERVICE DELIVERY

N/A

ALIGNMENT TO COUNCIL DIRECTION OR MANDATORY STATUTORY PROVISION

On May 17, 2021, Council passed the following motion:

BL-21-036

That Procedure Bylaw 3/2018 be amended in alignment with Bylaw 37/2021 by May 31, 2021.

BACKGROUND AND DISCUSSION

On May 17, 2021, Council passed a motion to make amendments to the Procedure Bylaw 3/2018 in order to align it with the newly passed Special Purpose Public Hearing Procedure Bylaw 37/2021. As a result, the following changes have been made to the Procedure Bylaw (please refer to the attached redlined version of the Procedure Bylaw):

New Definitions

The following new definitions have been added: "Agent", "Chair", "Group", and "New Information". These definitions are exactly the same as the definitions found in Bylaw 37/2021.

Public Hearings

The procedures related to public hearings have been updated to reflect the changes found in Bylaw 37/2021. Specifically, the Procedure Bylaw now outlines clearly the process required to be undertaken by individuals wishing to address Council at public hearings and includes the formal process found in Bylaw 37/2021 whereby agents may register to represent others at public hearings. The section related to this has been amended slightly from Bylaw 37/2021, as Bylaw 37/2021 applies strictly to one public hearing, which will be conducted electronically on a Wednesday rather than the usual Monday. The amendment clarifies that for future public hearings conducted electronically, individuals and groups must register by 3 p.m. on the preceding business day (which would be on Friday in the case of the usual Monday public hearing day) in order to address Council at a public hearing. Otherwise, for public hearings conducted in Council chambers, individuals and groups may register to speak up to and including the day of the public hearing.

With respect to written submissions, due to the general application of the Procedure Bylaw to all public hearings, which are traditionally held on Mondays, the deadline for submission of these is at 12:00 noon on the Wednesday preceding the public hearing. Any written submissions received after this deadline will not be considered by Council at the public hearing. From a logistical perspective, it was not possible to align this section entirely with the way it is worded in Bylaw 37/2021, which allows for late written submissions arriving prior to 12 noon on the Friday preceding the public hearing, which is held on a Wednesday, to be posted to the City website. For a public hearing which is held on a Monday, Legislative Services is unable to receive late written submissions until 12 noon

on the Friday preceding the public hearing, as this does not leave enough time to post the submissions to the City website.

The process for public hearings has been amended in the Procedure Bylaw to align them exactly with Bylaw 37/2021. These changes are mostly clerical in nature, to align the wording exactly with the wording in Bylaw 37/2021. The most substantive change is the change of allotment of time to speak at a public hearing: groups now get five minutes instead of ten, agents representing four or fewer people get five minutes, and agents representing five or more people get ten minutes. Those speaking to new information are allotted three minutes.

Electronic Meeting Format

The Procedure Bylaw has been amended to explicitly outline that all meetings of Council, including public hearings, Committee of the Whole, and Standing Committees may be conducted electronically. Additionally, use of the chat feature by the public in meetings conducted electronically is prohibited.

IMPLICATIONS OF RECOMMENDATIONS

Financial:

None at this time.

Legal / Risk:

The proposed changes to the Procedure Bylaw align it with Bylaw 37/2021. If these amendments to the Procedure Bylaw pass, they will be in effect when passed and will apply on a go-forward basis to meetings of Council. Bylaw 37/2021 will continue to remain in effect until it is automatically repealed.

Program or Service:

None at this time.

Organizational:

None at this time.

ALTERNATIVES AND IMPLICATIONS CONSIDERED

If Council does not wish to support the recommendation, the following alternatives could be considered:

Alternative 1. Council has the option to remove the ability to speak to "New Information" at public hearings from the Procedure Bylaw. It is not a legal requirement to allow the public to speak to "New Information" at public hearings and could therefore be removed. The motions for this are as follows:

1. That Bylaw 40/2021, being amendment 3 to Bylaw 3/2018, be read a first time.
2. That Bylaw 40/2021 be read a second time.
3. That Bylaw 40/2021 be amended by deleting section 2.1(n.1) and sections 30.5(i) and 30.5(j).
4. That Bylaw 40/2021 be read a second time, as amended.

3. That unanimous consent be given for consideration of third reading of Bylaw 40/2021.
4. That Bylaw 40/2021 be read a third and final time.

Report Date: May 31, 2021

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Chief Administrative Officer: Kevin Scoble