



Legislation Details (With Text)

File #: BL-17-003 **Version:** 1 **Name:**
Type: Bylaw **Status:** Passed
File created: 12/5/2016 **In control:** City Council
On agenda: 1/9/2017 **Final action:** 1/9/2017
Title: Procedure Bylaw 22/2016
Presented by: Ryan Osterberg, Legislative Initiatives Coordinator

Sponsors:

Indexes:

Code sections:

Attachments: 1. Proposed Bylaw 22 2016 (amendments incorporated), 2. Bylaw 35 2009 Redline Version, 3. October 17 2016 Agenda Report, 4. December 5 2016 Agenda Report, 5. C-CC-16 Meeting Through Electronic Communication (amendments incorporated), 6. C-CC-16 Meeting Through Electronic Communication (amendments highlighted)

Date	Ver.	Action By	Action	Result
1/9/2017	1	City Council		
1/9/2017	1	City Council	denied	Fail
1/9/2017	1	City Council	approved	Pass
1/9/2017	1	City Council	approved	Pass
1/9/2017	1	City Council	approved	Pass
1/9/2017	1	City Council	approved	Pass

TAMRMS#: B06

Procedure Bylaw 22/2016

Presented by: Ryan Osterberg, Legislative Initiatives Coordinator

RECOMMENDATION(S)

- 1.) That Bylaw 22/2016, as amended, be read a third and final time.
- 2.) That City Council Policy C-CC-16, Meeting Through Electronic Communications be amended by substituting the proposed City Council Policy C-CC-16, Meeting Through Electronic Communications, provided as an attachment to the January 9, 2017 agenda report entitled "Procedure Bylaw 22/2016".

PURPOSE OF REPORT

To present the final draft of Procedure Bylaw 22/2016 to Council for third reading.

COUNCIL DIRECTION

On October 17, 2016 Council passed the following motions:

(BL-16-033)

That Bylaw 22/2016, being a bylaw to set the procedures of Council, be read a first time.

That Council members provide input and notices of motion to Administration by October 31, 2016.

On December 5, 2016 Council passed the following motions:

(AR-16-497)

That the amendment to section 12.5 c be removed.

That section 6.2 is amended to remove "and reallocated by lot prior to each organizational meeting".

That Bylaw 22/2016 as amended be read a second time.

BACKGROUND AND DISCUSSION

Administration presented Council with a proposed amended version of the Procedure Bylaw on October 17, 2016. Council gave it first reading and then postponed further readings to create an opportunity for Council Members to provide feedback. Administration received several proposed amendments to the Bylaw and came back to Council on December 5, 2016 with an amended version of the Procedure Bylaw. Council made additional changes before passing second reading. The changes approved by Council at its December 5, 2016 meeting have now been incorporated into Bylaw 22/2016 and are being presented to Council for 3rd reading.

As noted by Administration after Council amended proposed Bylaw 22/2016, on December 5, 2016, a change was made to Section 12.6 by adding sub-section d. This change reflects Council's desire that no speaking limit be imposed on Council Members. This clarification is required because where the Procedure Bylaw is silent Council operates under Robert's Rules of Order. Under Robert's Rules of Order Council Members would be limited to 10 minutes unless they receive the consent of Council to speak longer.

Electronic Communications

As a final review was done of the proposed Procedure Bylaw by Administration concerns were raised about changes that don't allow Councillors to participate by electronic communication for in camera portions in Section 33 (a). Please review the Legal/Risk section below for a detailed explanation. These concerns required Administration to re-evaluate the proposal and are recommending, at this time, that these changes be struck. As such Administration has made the required amendments to the Procedure Bylaw and is bringing forward an amended version of C-CC-16 Meeting through Electronic Communication.

STAKEHOLDER COMMUNICATIONS OR ENGAGEMENT

N/A

IMPLICATIONS OF RECOMMENDATION(S)

Financial:

N/A

Legal / Risk:

Section 183 (1) of the Municipal Government Act (MGA) requires a Councillor to vote on a matter put to a vote at a meeting unless the Councillor is required or permitted by legislation to abstain. A municipal bylaw does not meet the definition of permitted legislation. Additionally, a Councillor can not be barred from participating in a Council meeting if he/she is willing and able to participate, as it is the duty of a Councillor as per Section 153 (c) to participate in Council Meetings. Therefore, it would appear that the legislation does not support banning a Council member from participating in an in camera meeting via electronic means, if available.

With regards to ensuring confidentiality, under Section 153 (e) of the MGA, it is the duty of Councillors to keep in confidence matters discussed in private at a Council or Council Committee meeting until discussed at a meeting held in public. The importance of this duty is reinforced in Council Policy C-CG-08 Council Members' Code of Conduct, Standard 7 which states, "Council members will respect the confidentiality of issues that are determined by policy of Council to be confidential, including but not limited to matters of a deliberative nature."

Therefore, to bar participation via electronic communication is not a legal option and should not be included in wither the Procedure Bylaw or Council Policy C-CC-16 Meeting Through Electronic Communications.

While the intent of the addition of the proposed ban on participation in an in camera meeting via electronic communication was based on the rationale that it may not be possible to know who else is in earshot of a conversation, it would be the duty of the Council Member participating via electronic mode to take every precaution to ensure their participation is to the best of their knowledge and ability, private. If Council wishes to emphasize this expectation in writing, it could be added to the Council Code of Conduct when it is reviewed in 2017.

Program or Service:

N/A

Organizational:

N/A

ALTERNATIVES AND IMPLICATIONS CONSIDERED

If Council does not wish to approve the overall Recommendations, the following alternatives could be considered:

1. Council could choose to not approve the proposed Procedure Bylaw at which point the current Bylaw would remain in force, and amendments to Council Policy C-CC-11, Public Hearing Process and City Council Policy C-CC-16, Meeting through Electronic Communications and Bylaw 24/2016 Agenda Committee would need to be amended or repealed.
2. Council could choose to make additional amendments to the proposed Bylaw, which would require Administration to incorporate the proposed changes and come back to Council at a later date with all the changes incorporated prior to third reading.

STRATEGIC CONNECTIONS

- 1) City of St. Albert Strategic Plan (Policy C-CG-02)
 - a) Governance Strategy
Council is committed to ensuring that the City of St. Albert is a responsive, accountable government that delivers value to the community.
 - b) Service Delivery Strategy
Council is committed to ensuring that the City of St. Albert is engaging residents to identify opportunities to improve delivery of services to the community.
- 2) Long Term Plans (e.g. MDP, Social Master Plan, Cultural Master Plan, etc.)
None at this time
- 3) Corporate Objectives (See Corporate Business Plan)
 - Deliver programs and services that meet or exceed our standards
 - Ensure our customers are very satisfied
- d) Council Policies, Bylaws, or Federal/Provincial statutes
Municipal Government Act
City Council Policy C-CC-11, Public Hearing Process
City Council Policy C-CC-16, Meeting through Electronic Communications
City Council Policy C-CG-09, Council Committees, Task Forces, and Steering Committees
- e) Other Plans or Initiatives (Business Plans, Implementation Strategies, etc.)
N/A

Report Date (Council Meeting Date): January 9, 2017
Author(s): Ryan Osterberg
Committee/Department: Legislative Services
General Manager: Maya Pungur-Buick
City Manager: Kevin Scoble