



Legislation Text

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TAMRMS#: B06

Bylaw 3/2018 Procedure

Presented by: Chris Belke, Chief Legislative Officer

RECOMMENDATION(S)

1. That Bylaw 3/2018, being a bylaw to set the procedures of Council, be read a first time.
2. That Bylaw 3/2018, be read a second time.
3. That unanimous consent be given for consideration of third reading of Bylaw 3/2018.
4. That Bylaw 3/2018 be read a third and final time.
5. That City Council Policy C-CC-10, Public Appointments be amended by substituting the proposed City Council Policy C-CC-10, Public Presentations provided as an attachment to the January 15, 2018 agenda report entitled "Bylaw 3/2018 Procedure".
6. That City Council Policy C-CC-11, Public Hearing Process be amended by substituting the proposed City Council Policy C-CC-11, Public Hearing Process provided as an attachment to the January 15, 2018 agenda report entitled "Bylaw 3/2018 Procedure".

PURPOSE OF REPORT

To present proposed Bylaw 3/2018 Procedure and amendments to City Council Policy C-CC-10, Public Appointments and City Council Policy C-CC-11, Public Hearing Process for consideration by Council. If Council passes the motions in the recommendations, Bylaw 22/2016 will be repealed and replaced by Bylaw 3/2018 which includes substantial amendments to the bylaw, including incorporating the procedures from City Council Policy C-CC-10, Public Appointments and City Council Policy C-CC-11, Public Hearing Process into the bylaw.

COUNCIL DIRECTION

Further to the workshop held with Council on November 27, 2017 to review the Procedure Bylaw, Council requested Administration make the proposed changes discussed during the workshop.

BACKGROUND AND DISCUSSION

Administration held a workshop with Council on November 27, 2017 to review the Procedure Bylaw. Each section of the Procedure Bylaw was reviewed, and Administration suggested amendments to make the Procedure Bylaw clearer, to streamline processes and to clean up minor typographical errors and inconsistencies.

Procedure Bylaw

The substantive amendments to the Procedure Bylaw are as follows:

1. A revised definition was drafted for “consent agenda” to make it clearer and definitions were added for “council lounge” and “emergent business” to clearly determine the meaning.
2. Section 5, Inaugural Meeting - Amendments were made to indicate that the organizational meeting and the inaugural meeting are separate meetings and that the organizational meeting shall occur at the next meeting following the inaugural meeting. This provides an opportunity to hold the inaugural meeting and to swear in Councillors sooner after the election. The organizational meeting can then be held a couple weeks later, preventing new Council members from being in limbo, where they have been elected, but have not been sworn in and where former Council members are still technically part of Council between the time of the election and the inaugural meeting.
3. Section 6, Council Seating - Council requested that a section be added indicating that they may redraw the seating arrangement at their discretion.
4. Section 11, Agenda - Amendments were made to identify what type of amendments the agenda may include and to indicate that the agenda is approved by a resolution of Council, rather than declared approved by the Mayor.
5. Section 12, Rules Governing Debate - A section was added indicating that the council lounge is part of council chambers thereby removing the need to indicate in the minutes instances where members of Council may briefly leave their seat to attend the council lounge. Amendment was also made to make clear that a Council member shall not leave their seat after a question is put to vote.
6. Section 23, Notice of Motion - In order to provide Administration enough time to thoroughly research and draft an Administrative Backgrounder without impeding current workloads, an amendment to the timeframe for the submission of a notice of motion has been made to extend it from “no less than 13 days later than the next council meeting” to “no less than 27 days later than the next council meeting”. Amendments were also made to make clear that written notices of motion can be made by email. In the case of a notice of motion by email the timeframe is “no less than 27 days later than the date of the next regular council meeting after the date that the notice of motion was provided”.
7. Section 30, Public Hearings - Definitions made within this section were moved to the Definitions section and the Procedures from the Public Hearing Process Policy have been incorporated into this section of the Procedure Bylaw. The proposed substantive amendments to the public hearing process are as follows:

- a) A section was added to indicate that Council votes on the motion for first reading. This makes it clear that the Public Hearing may occur at a meeting subsequent to first reading. By providing first reading at one meeting and having the public hearing at a subsequent meeting, there is an opportunity for increased awareness of the bylaw and the public hearing and more time for members of the public to gather information before the public hearing. It is anticipated the media will report on first reading of the bylaw and the opportunity for the public to speak to the bylaw at the subsequent meeting. This may provide increased awareness of the public hearing, beyond the statutory requirement to advertise.
 - b) Removal of the requirement that unanimous consent must be obtained to close the Public Hearing in the same meeting as the passage of first reading (along with the related requirement that if unanimous consent is not obtained, the Public Hearing is adjourned to a future meeting). Adjourning public hearings until a future meeting provides opportunities for the public to contact members of Council outside the public hearing process to discuss the bylaw. Recognizing that the public hearing process is a quasi-judicial one, where parties on all sides of the debate have the right to know and respond to opposing positions, a quandary arises. Information received by a member of the public during the adjournment period is to be disregarded; however, persuasive information may be difficult for the Council member to ignore. If the provider of that information does not bring it forward during the scheduled hearing, the public is done a disservice. Discovery at a later date that the information was provided to a Council member during the adjournment period may bring about perceptions of bias, which bring Council's decision, and individual members' integrity, into question.
 - c) The requirement that a bylaw that needs to be referred to the Edmonton Metropolitan Region Board (EMRB), shall result in the adjournment of the public hearing and a decision made by the EMRB shall be presented to Council once the Public Hearing has been reopened has been removed. When a bylaw is referred to the EMRB, the EMRB simply approves or does not approve the bylaw. They do not provide any other input that will affect Council's decision. Furthermore, if the bylaw is not approved by the EMRB, it can no longer move forward. Thus, the EMRB feedback is independent of the public hearing and steps that follow from the EMRB's decision can be implemented outside of the public hearing process.
8. The Procedures from the Public Appointments Policy have been incorporated as a new section 32 in the Procedure Bylaw. The proposed substantive amendments to the Public Appointments Policy are as follows:
- a) The procedure was amended to make clear that members of the public who register or show up at the Council meeting the day of the meeting, must only address Council on the scheduled agenda items.
 - b) Members of the public who wish to address Council on a new topic not scheduled for an upcoming meeting must register 10 business days prior to the Council meeting they wish to attend and must provide their name, contact information and any presentation material such as handouts or PowerPoint presentations. The presentation material will be included in the agenda package. Agenda Committee will determine whether that topic will be

scheduled for the requested Council meeting or if it should be scheduled for a later Council meeting. This process ensures that Council and Administration are aware of the topic to be addressed, ensures there is sufficient time to hear the new topic and that the pertinent staff is in attendance if Council has any questions for Administration stemming from discussion regarding the new topic.

- c) Steps regarding the accommodation of a member of the public addressing Council on a new topic has also been identified.

Public Hearing Process Policy

The substantive amendments to the Public Hearing Policy are as follows:

1. The requirement that unanimous consent must be obtained to close the Public Hearing in the same meeting as the passage of first reading and that if unanimous consent is not obtained the Public Hearing is adjourned to a future meeting has been removed.
2. The cross references to the Procedure Bylaw have been updated.
3. Schedule A - Public Hearing Procedure has been removed and incorporated into the Procedure Bylaw under section 30 - Public Hearings.

Public Appointment Policy

The substantive amendments to the Public Appointment Policy are as follows:

1. The policy has been renamed as “Public Presentations” in order to make its purpose clearer and to align it with section 32 of the Procedure Bylaw. References throughout the policy to “public appointments” have been changed to “public presentations”.
2. The cross references to the Procedure Bylaw have been updated.
3. The Public Appointments Procedure has been removed and incorporated into the Procedure Bylaw under section 32 - Public Presentations.

STAKEHOLDER COMMUNICATIONS OR ENGAGEMENT

Council Workshop was held to discuss proposed amendments to the Procedure Bylaw and determine if Council sought any other amendments.

IMPLICATIONS OF RECOMMENDATION(S)

Financial:

None at this time.

Legal / Risk:

Legal Services supports the recommended changes, for the reasons noted. However, in reference to the proposed public hearing changes in particular, public hearings should only be adjourned in

exceptional circumstances (such as there being so many people to speak during the public hearing they cannot all be accommodated in one meeting) in order to limit perceptions of bias.

Program or Service:
None at this time.

Organizational:
None at this time.

ALTERNATIVES AND IMPLICATIONS CONSIDERED

1. Council could choose to amend the proposed Bylaw 3/2018 Procedure and direct Administration to bring another updated version of the bylaw back to Council at a future date for further consideration.
2. Council could choose not to consider Bylaw 3/2018 Procedure at this time.

STRATEGIC CONNECTIONS

Governance Strategy

Council is committed to ensuring that the City of St. Albert is a responsive, accountable government that delivers value to the community.

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