Minute No. 682
Report - Governance Committee of Council – October 5, 2017

Item No. 2 Procedure By-law Amendment(s)

COUNCIL DECISION:

Council concurred in the recommendation of Governance Committee of Council and adopted the following:

1. That amendments to the Procedure By-law No. 50/2007 (draft amending by-law attached as Appendix "A") be enacted in order to change the Council and Committee agenda publication deadline from 96 hours preceding the meeting to four business days preceding the meeting.

2. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

Report - Governance Committee of Council – October 5, 2017

DECISION MAKING HISTORY:

Moved by Councillor Gilroy,

That the recommendation of the Governance Committee of Council be adopted.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On October 11, 2017, the Executive Policy Committee concurred in the recommendation of the Governance Committee of Council, and submitted the matter to Council.

COMMITTEE RECOMMENDATION:

On October 5, 2017, the Governance Committee of Council concurred in the recommendation of the Winnipeg Public Service and submitted the matter to the Executive Policy Committee and Council.

ADMINISTRATIVE REPORT

Title: Amendment to the City of Winnipeg Procedure By-law 50/2007 – Agenda Publication Deadlines

Critical Path: Governance Committee of Council - Executive Policy Committee - Council

AUTHORIZATION

Author	Department Head	CFO	CAO
M. Lemoine	R. Kachur		

EXECUTIVE SUMMARY

This report recommends changes to the Procedure By-law to reflect a change in agenda posting requirements from 96 hours (four days) to four Business Days, as adopted by Council on June 21, 2017. This change means that Council and Committee Agendas are posted earlier, as weekends and statutory holidays are no longer counted when determining posting requirements.

The main impact for the public and committee members will be the extra day (s) needed to allow sufficient time for reports to flow from committee to committee to Council. An example of that shown on the draft schedule attached to this report shows Council Meetings moved to Thursdays to allow sufficient time for Executive Policy Committee items to flow to Council.

RECOMMENDATIONS

1. That amendments to the Procedure By-law No. 50/2007 (draft amending by-law attached as Appendix “A”) be enacted in order to change the Council and Committee agenda publication deadline from 96 hours preceding the meeting to four business days preceding the meeting.

2. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

REASON FOR THE REPORT

On June 21, 2017, Council directed that the Procedure By-law No. 50/2007 be amended to modify the deadline for the publication of agendas of Council and Council committees to a minimum of 4 business days preceding the meeting. Council further directed the Public Service to prepare a report for its consideration, as well as an amended by-law in accordance with the foregoing, to take effect in January 2018.

IMPLICATIONS OF THE RECOMMENDATIONS

- Procedure By-law is changed to require 4 business days versus 4 calendar days as the minimum posting time for Council and Committee meetings
- The requirement to have Council on a Wednesday is deleted from the Bylaw. Council meetings will be set in the Schedule of Meetings adopted by Council Annually, along with all other committee meetings.
- New posting requirements will likely result in some meetings moving from their traditional meeting dates. Examples could include Council moving from Wednesdays to Thursdays and / or Executive Policy Committee moving from Wednesdays to Tuesdays.
- Standing Committees will move from their historical meeting days and will likely need to be doubled up with one Standing Policy Committee meeting in the morning and another in the afternoon.

HISTORY/DISCUSSION

Sections 10(1), 10(3) and 10(4)(c) of The City of Winnipeg Procedure By-law 50/2007 require that agendas of regular meetings of Council and Committees, along with all supporting material, must be provided to the members of the Council or the applicable Committee members by the Clerk at least 96 hours preceding the meeting. On June 21, 2017, Council directed that Section 10(3) of the Procedure By-law No. 50/2007 be amended to modify the deadline for the publication of agendas to a minimum of four business days preceding the meeting. Council further directed the Public Service to prepare a report for its consideration, as well as an amended by-law in accordance with the foregoing, to take effect in January 2018.

As well as the above changes to the Procedure By-law, it is recommended that the requirement in Section 7 to have Council Meetings on a Wednesday be removed, and rather that Council set the dates for Council Meetings as it so chooses. This would be done in a similar fashion to Executive Policy Committee and Standing Policy Committee meetings, that is through adoption of the annual Schedule of Meetings.

The change to publishing agendas a minimum of four business days preceding the meeting condenses the monthly meeting cycle by requiring the extra time for posting. This will

necessitate changes to the schedule of meetings. This is to accommodate the extra time required for items to flow between committees and up to Council. In the current committee system, items may be considered at Community Committee, then flow to Standing Policy Committee, Executive Policy Committee and finally Council.

City Clerks requires a minimum of one full working day to prepare agendas, ensuring the decisions from meetings on the previous day are captured correctly, reviewed and minutes made available, before publishing the item on the next agenda. Using Council meetings as an example of the impact of the change, Council meetings now take place on Wednesdays at 9:30 am. Under the current system, with agendas required to be published a minimum of 96 hours in advance of the meeting, the deadline to publish an agenda the Saturday before Council at 9:30 am. This results in Council agendas being published on the Friday the week before the meeting. Under the new system, with agendas required to be published a minimum of four Business Days in advance of the meeting, the deadline to publish agendas would be the Thursday before Council at 9:30 am, assuming Council meetings stay on Wednesday. This does not provide enough time for City Clerks to process the agenda and include the decisions of the previous week's Executive Policy Committee meeting, which also traditionally takes place on a Wednesday.

Options to address this issue include:

1) Moving meetings Council to Thursdays
2) Moving Executive Policy Committee meetings to Tuesdays
3) Not having an Executive Policy Committee on the week before Council
4) Not bringing reports from the Executive Policy Committee meeting in the week before Council forward to Council until the next calendar month.

A draft 2018 Council and Committee Meeting Schedule has been developed and included in Appendix B to illustrate the impact. Colour Coded and Listing of Meeting dates in a table are included. Option 1 above of moving Council meetings to Thursdays is shown in this example. This example was chosen as it is the lowest impact in terms of the number of meetings, approximately 11 Council meetings per year. Alternatives such as moving all Executive Policy Committee meetings to Tuesday, would impact 20 or more meetings per year, along with related changes to Standing Committee Meetings.

As noted in the attached draft 2018 Council and Committee Meeting Schedule, a statutory holiday falls on the Monday the week of Council in both February and May of 2018. In order to meet the new publication deadline of 4 Business Days, even with Council being on a Thursday, the EPC meetings must be moved to Tuesday to ensure a minimum of one day to prepare the Council agenda. In those months, we have moved both Executive Policy Committee meetings for the month to a Tuesday. The alternative, using May as an example, would be to leave the first EPC meeting on Wednesday May 9 and only move the second EPC meeting back to Tuesday, on May 15. The Tuesday May 15 EPC meeting would require its agenda to be published by Wednesday May 9 at 9:30 am before the previous week's EPC meeting has started. This would result in confusion for Elected Officials and citizens as there would agendas for both EPC meetings, May 9 and May 15, active at the same time.

Some Standing Committees in the draft schedule have also moved from their historical meeting days. As well, there are now days with two Standing Committee meetings in one day, with the 2nd meeting taking place in the afternoon. In the draft schedule, we are proposing that the Standing Policy Committee on Property and Development Heritage and Downtown Development meet on Mondays, Protection, Community Services and Parks, Tuesdays, Water and Waste on Thursday mornings and Finance on Thursday afternoons. Infrastructure Renewal and Public Works will Continue to meet on Tuesdays, and Innovation on Fridays.

The condensed time for meeting dates has resulted in no Standing Committee meetings in the months of July and December due if the current practice of the Council meeting dates in the 3rd week of July and 2nd week of December continues. This change is somewhat minor in that in previous years there were only Standing Committee meetings in the first week of both those months.

A draft by-law developed by Legal Services in Appendix A shows the changes required to the Procedure By-law, including a change to section 7(1) to delete the requirement to have Council on a Wednesday, and the changes to sections 10(1), 10(3) and 10(4) to include 4 business days versus 96 hours as the required minimum posting time for agendas.

There are no financial implications to this report. Operational impacts will occur for Civic Departments in that they will be required to submit reports to the system 1 to 3 days earlier than the current in order to meet agenda publication deadlines.

After adoption of this report, the 2018 Council and Committee Meeting schedule will be developed and will be submitted to the Governance Committee of Council for consideration and recommendation to Council before the end of 2017.

FINANCIAL IMPACT

Financial Impact Statement Date: August 31, 2017

Project Name:
Amendment to the City of Winnipeg Procedure By-law 50/2007 – Agenda Publication Deadlines

COMMENTS:

There is no financial impact related to this project

Original signed by G. Resnik
Guillermo Resnik
Acting Manager of Finance (Campus)
Corporate Finance Department

CONSULTATION

This Report has been prepared in consultation with:

Legal Services (as to legal issues)

OURWINNIPEG POLICY ALIGNMENT

SUBMITTED BY

Department: City Clerks
Prepared by: C. Gameiro
Date: August 15, 2017

Attachments: