Agenda – Council – May 6, 2020

Report – Executive Policy Committee – April 28, 2020

Item No. 1 Interim Council and Committees of Council Schedule of Meetings and Delegation of Authority

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On April 28, 2020, the Executive Policy Committee concurred in the recommendation of the Winnipeg Public Service and submitted the following to Council:

1. That all meetings of City Council, Executive Policy Committee, Standing Policy Committee, Community Committee, Appeal Committee, Board of Adjustment, Board of Revision and any other Committee of Council or Sub-committee of Council, between May 2020 and August 2020, be cancelled.

2. That the interim Council and Committees of Council schedule of meetings, attached as Attachment A, for the period of May 2020 through the end of August 2020, be approved.

3. That authority over of scheduling of additional meetings of Council, Executive Policy Committee, Standing Policy Committee and Community Committees not listed in Attachment A, be delegated to the Mayor or a majority of Council members, similar to Charter provision for the calling of a special meeting of Council, through the end of August 2020.

4. That the City Clerk be delegated authority over scheduling of meetings of committees other than City Council, Executive Policy Committee, Standing Policy Committee and Community Committees via communication devices as is determined to be operationally feasible, through August 2020, and that Council be notified of any such scheduling.

5. That Council enact a by-law to amend the Development Procedures By-law No. 160/2011 to allow for the temporary delegation of authority to the Director of Planning, Property and Development to approve ‘C’ variance and ‘C’ conditional uses (draft amending by-law is included as Attachment B to this report).

6. That temporary authority be delegated to the Director of Planning, Property and Development to approve all ’C’ conditional use and ‘C’ variance development applications effective immediately until the earlier of August 31, 2020, inclusive, or of the date on which the Board of Adjustment are scheduled to resume meetings.

Report – Executive Policy Committee – April 28, 2020

EXECUTIVE POLICY COMMITTEE RECOMMENDATION (continued):

7. That the relevant Council Policies be amended to provide that, until the end of August, 2020, the City Clerk be delegated authority to approve expenditures of Per Capita Grant funds, the Director of Community Services be authorized to approve expenditures of Community Incentive Grants, and the Director of Planning, Property and Development be authorized to approve expenditures of Land Dedication Reserve funding on condition that:

    A. decisions respecting these expenditures must be made only after consultation with the relevant Ward Councillors as further set out in this Report; and

    B. the applications must meet Council approved criteria.

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

Report – Executive Policy Committee – April 28, 2020

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On April 28, 2020, the Executive Policy Committee concurred in the recommendation of the Winnipeg Public Service and submitted the matter to Council.

ADMINISTRATIVE REPORT

Title: Interim Council and Committees of Council Schedule of Meetings and Delegation of Authority

Critical Path: Executive Policy Committee – Council

AUTHORIZATION

Author	Department Head	CFO	CAO
A. Poitras	M. Lemoine	N/A	M. Ruta, Interim CAO

EXECUTIVE SUMMARY

Due to the COVID-19 situation, City Council cancelled all meetings until May 31, 2020, and approved an interim schedule of meetings for Council, Executive Policy Committee and the Standing Policy Committees until May 31, 2020. The Public Service was directed to report back with an interim Council and Committees of Council schedule of meetings through August, 2020, as well as options to delegate the decision making authority on certain matters, for a period of 120 days, that may be required in the event certain meetings are not scheduled or for items that would not be expediently heard due to a limited number of meetings held.

The City of Winnipeg is committed to continue to serve the citizens of Winnipeg during this time. That includes the need for City Council and its committees to function and operate in a manner that ensures the safety of its members and staff as well as allowing for the public to participate and be engaged. In order to do so, on April 3, 2020, City Council approved By-law No. 41/2020, which allows for Council and its committees to meet remotely by means of electronic or other communication device as determined feasible by the City Clerk.

At this time the Public Service is recommending approval of the attached interim schedule of meetings for Council, Executive Policy Committee, Standing Policy Committees and Community Committees through to August 31, 2020.

The Public Service is also recommending delegation of authority on the following matters:

- to the City Clerk to approve the scheduling of additional committees or meetings, to meet via communication device, once the operational, technological and support requirements are better understood.
- to the Director of Planning, Property & Development to approve all “C” Conditional Use and Variance applications, which would typically be decided on by the Board of Adjustment, as there are no proposed meetings scheduled.
- to the City Clerk and the Director of Community Services and the Director of Planning, Property and Development, in consultation with Ward Councillors to approve expenditures of Per Capita Grant funds, Community Incentive Grants and Land Dedication Reserve funding when the applications meet Council approved criteria.

RECOMMENDATIONS

1. That all meetings of City Council, Executive Policy Committee, Standing Policy Committee, Community Committee, Appeal Committee, Board of Adjustment, Board of Revision and any other Committee of Council or Sub-committee of Council, between May 2020 and August 2020, be cancelled.

2. That the interim Council and Committees of Council schedule of meetings, attached as Attachment A, for the period of May 2020 through the end of August 2020, be approved.

3. That authority over of scheduling of additional meetings of Council, Executive Policy Committee, Standing Policy Committee and Community Committees not listed in Attachment A, be delegated to the Mayor or a majority of Council members, similar to Charter provision for the calling of a special meeting of Council, through the end of August 2020.

4. That the City Clerk be delegated authority over scheduling of meetings of committees other than City Council, Executive Policy Committee, Standing Policy Committee and Community Committees via communication devices as is determined to be operationally feasible, through August 2020, and that Council be notified of any such scheduling.

5. That Council enact a by-law to amend the Development Procedures By-law No. 160/2011 to allow for the temporary delegation of authority to the Director of Planning, Property and Development to approve 'C' variance and 'C' conditional uses (draft amending by-law is included as Attachment B to this report).

6. That temporary authority be delegated to the Director of Planning, Property & Development to approve all 'C' conditional use and 'C' variance development applications effective immediately until the earlier of August 31, 2020, inclusive, or of the date on which the Board of Adjustment are scheduled to resume meetings.

7. That the relevant Council Policies be amended to provide that, until the end of August, 2020 , the City Clerk be delegated authority to approve expenditures of Per Capita Grant funds, the Director of Community Services be authorized to approve expenditures of Community Incentive Grants, and the Director of Planning, Property and Development be authorized to approve expenditures of Land Dedication Reserve funding on condition that:

   A. decisions respecting these expenditures must be made only after consultation with the relevant Ward Councillors as further set out in this Report; and
   B. the applications must meet Council approved criteria.

8. 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 April 3, 2020, City Council directed the City Clerk to report back with an interim Council and Committees of Council schedule of meetings through August 31, 2020, including Community Committees, Board of Adjustment and other committees, as determined to be feasible by the City Clerk.

Additionally, the Winnipeg Public Service was to report back to Council on May 6, 2020, with options to delegate the decision making authority on certain matters, for a period of 120 days, beginning May 2020, including but not limited to the consideration of the following:

A. The delegation of authority to the Chief Administrative Officer to approve all Award of Contracts when the award is within a Council approved budget.

B. The delegation of authority to the Director of Planning, Property and Development to decide on all "C" Conditional Use and Variance applications, which would typically be decided on by the Board of Adjustment.

C. The delegation of authority to ward Councillors to approve expenditures of Per Capita Grant funds and Community Incentive Grant and Land Dedication Reserve funding when the applications meet Council approval criteria.

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations contained in this report are approved, the attached schedule of meetings will replace the previously approved annual schedule of meetings until August 20, 2020, which is when the 120 day period specified in the Meeting by Communication Device by-law expires.

The City Clerk will schedule and arrange for public meetings of other committees as determined operationally feasible through August 20, 2020.

The recommended delegation of authority will allow for the continuation / facilitation of services that may not be feasible with the revised schedule of meetings.

HISTORY/DISCUSSION

On March 20, 2020, in alignment with school closures implemented by the Province of Manitoba to reduce the spread of the CORVID-19 virus, City Council cancelled all Council and Committee of Council meetings between March 23, 2020 and April 13, 2020.

Section 81 of the City of Winnipeg Charter states the following:

"*81(1) Council may, in circumstances under which it is permitted by by-law to do so, conduct a meeting by means of electronic or other communication devices if the devices enable the members to hear and speak to each other and the public to hear the members."*

On April 3, 2020, Council adopted an interim schedule of Council, Executive Policy Committee and Standing Policy Committee meetings between April 14, 2020 and May 31, 2020, and directed the City Clerk to report back with an interim schedule of meetings until August 31, 2020. City Council also approved By-law No. 41/2020, in accordance with section 81(1) of the City of Winnipeg Charter, which allows for Council and its committees to meet remotely by means of electronic or other communication device for a period of 120 days, as determined feasible by the City Clerk.

The City Clerk's Department in collaboration with the Innovation, Transformation and Technology Department considered a number of options to find a platform that best meets the needs of Council and its Committees for facilitating these meetings. In reviewing options, emphasis was placed on the following criteria:

- Meets all legislative requirements for undertaking public meetings of Council and its Committees
- Reliability
- Ease of use
- May be utilized on multiple devices and platforms i.e. MAC and PC, desktops, telephones, tablets
- Allows for both video and audio participation by members of Council and the Public Service
- Allows the Clerk and/or Chair the ability to maintain decorum and adhere to all legislation including procedural rules and practices
- Allows for members of the public to speak in delegation
- Allows citizens to view meetings via live stream.

Based on the above criteria, it was determined that Zoom would be the platform best suited to conduct online meetings.

Additionally, on April 3, 2020 the Winnipeg Public Service was to report back to Council on May 6, 2020, with options to delegate the decision making authority on certain matters, for a period of 120 days, beginning May 2020, including but not limited to the consideration of the following:

A. The delegation of authority to the Chief Administrative Officer to approve all Award of Contracts when the award is within a Council approved budget.

B. The delegation of authority to the Director of Planning, Property and Development to decide on all "C" Conditional Use and Variance applications, which would typically be decided on by the Board of Adjustment.

C. The delegation of authority to Ward Councillors to approve expenditures of Per Capita Grant funds and Community Incentive Grant and Land Dedication Reserve funding when the applications meet Council approval criteria.

Committee Meetings

Due to the significant technical nature of conducting virtual meetings, the proposed schedule of meetings provides only for meetings of Council, Executive Policy Committee, Standing Policy Committees and Community Committees. All meetings must be held in the Chamber due to technical limitations involved in undertaking the meetings. The schedule recommends limiting meetings to one meeting per day with all meetings being held during the day, except as noted for some Community Committees, where 2 meetings have been scheduled on certain days.

There are significant additional resources and support requirements for every meeting, including considerable additional staffing required for every meeting to ensure these are properly streamed and available to the public as required.

As such, there will be limited ability to undertake special meetings on short notice.
The City of Winnipeg Charter limits the authority for calling of Special Meetings of Council to the Mayor or a majority of Council Members. This report recommends that this be extended to calling of special meetings of Executive Policy Committee, Standing Policy Committees and Community Committees.

Requests for meetings of other committees will need to be reviewed and approved by the City Clerk based on operational feasibility to undertake such meetings.

Public Hearings and Appeal Hearings

On March 31, 2020, The Province of Manitoba issued a bulletin to all Elected Officials and Chief Administrative Officers regarding questions related to Municipal Governance during the COVID-19 pandemic, which included the following:

"9. With social distancing considerations, how do we ensure that public hearings comply with legislative requirements?

The public hearing process is designed to encourage public participation and ensure that citizens have an opportunity to provide information and feedback to council for their consideration when making specific decisions. Municipalities may choose to use an alternate format for public hearings, provided that the public can exercise an equivalent level of involvement as if they physically attended the hearing. Particularly, public hearings must allow any person who wishes to make a presentation, ask questions or register an objection to do so as provided for in subsection 160(3) of The Municipal Act. If council cannot meet the legislative requirements for public hearings, they should be postponed."

The Public Service is currently reviewing options to determine if and how virtual public hearings can be facilitated in a manner which ensures the public can exercise an equivalent level of involvement as stipulated by the Province of Manitoba. There are numerous legislative requirements that need to be considered when having public hearings. The level of public involvement at public hearings makes these meetings much more complex than regular committee meetings. Accordingly, no public hearings are being scheduled to be heard by Committees in April or May. The Public Service will continue to work towards solutions to meet legislative requirements for public hearings through an electronic communication device.

Allowing time for posting and / or advertising of public hearings, which is typically 14 days or longer, public hearings could take place in the June cycle, with hearings advertised in May.

Due to the complexities provided above, the Public Service is recommending to temporarily delegate, through to August 31, 2020, or until such time as meetings of the Board of Adjustment are scheduled, the authority to the Director of Planning, Property and Development to make decisions on variances and conditional uses which are not related to a subdivision or rezoning and are typically considered by the Board of Adjustment. The amending by-law to allow for this delegation of authority is included as Attachment B. By delegating this authority the City can continue to provide service to the residents on "C" development applications.

Board of Revision Hearings

The 2020 appeals for business assessment were scheduled to be heard by the Board of Revision by the end of April. Similarly to public hearings at Community Committee, the City Clerk's Department is currently in the process of determining if virtual public hearings can also be facilitated at the Board of Revision in a manner which ensures that all statutory requirements are met. The goal would be to have the Board begin hearing rescheduled business assessments appeals in June, followed by the 2021 realty assessment appeals. Further exploration of the technical and process requirements for undertaking such continue to be explored.

Grant Delegations

Grant delegations are proposed to reduce the approvals required through Community Committees. These grant approvals are often time-sensitive and with reduced community committee meetings and difficulty in scheduling special meetings, this delegation will allow for more timely approvals. Delegation would only be for grants that meet all criteria for the specified grant program. Any grants approved in this manner would be listed on the City of Winnipeg website to ensure transparency.

The April 3, 2020 direction from Council contemplated delegations to Ward Councillors to expend grant funds from Per Capita grants, Community Incentive grants and Land Dedication Reserve grants. However, since The City of Winnipeg Charter does not authorize delegation to individual Councillors, the solution proposed in this Report is to delegate this authority to the City Clerk for Per Capita grants, the Director of Community Services for Community Incentive grants and the Director of Planning, Property and Development for Land Dedication Reserve funding. In each case, expenditures would be allowed only after consultation with the local Councillor and, in the event that the City Clerk or Director proposed not to follow the advice of the Councillor, the Clerk or Director would be prohibited from making the grant and be required to refer the matter to the relevant Community Committee for consideration and a final decision. The delegated authority to make these grants would be valid until the end of August, 2020.

FINANCIAL IMPACT

Financial Impact Statement **Date:** April 15, 2020

Project Name: Remote Meetings

COMMENTS:

There is no financial impact to adopting the recommendations of this report. While there are some technology and other costs to implement meetings via communication deveices, these are expected to able to be absorbed by the Department and are not affected by the recommendations of this report.

CONSULTATION

Office of the CAO
Legal Services (as to legal issues)

OURWINNIPEG POLICY ALIGNMENT

The recommendations contained in this report align with OurWinnipeg Direction 1: Provide efficient and focused civic administration and governance.

WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

N/A

SUBMITTED BY

Department: City Clerk's
Prepared by: Andrew Poitras
Date: April 17, 2020

Attachments:

Attachment A – Interim Council and Committees of Council Schedule of Meetings

Attachment B – draft amendment to the Development Procedures By-law