Agenda – Council – October 20, 2021

Report – Governance Committee of Council – October 14, 2021

Item No. 1 2022 Schedule of Meetings and Update on Remote Participation in Council and Committee Meetings

COMMITTEE RECOMMENDATION:

On October 20, 2021, the Executive Policy Committee concurred in the recommendation of the Governance Committee of Council and submitted the following to Council:

1. That amendments to the Meetings of Council by Communication Devices By-law No. 41/2020 be enacted to allow for Council and its Committees to continue to meet remotely by communication device until December 31, 2022.

2. That the schedule of meetings, attached as Appendix A, for the period of January 1, 2022 through December 31, 2022, be approved and that Council prorogue for the period of September 25, 2022 through October 31, 2022 due to the 2022 municipal election.

3. That authority over the scheduling of additional meetings of Executive Policy Committee, Standing Policy Committee and Community Committees not listed in Appendix A, be delegated to the Mayor or a majority of Council members, similar to the Charter provision for the calling of a special meeting of Council, until December 31, 2022.

4. That the City Clerk be delegated the authority over scheduling of meetings of committees other than Council, Executive Policy Committee, Standing Policy Committee and Community Committees, as is determined to be operationally feasible, until December 31, 2022, and that Council be notified of any such scheduling.

5. That amendments to the Procedure By-law No. 50/2007, be enacted as follows:

    A. To require delegations seeking permission to address a meeting of Council or Committee of Council to inform the Clerk no later than 12:00 noon the business day preceding the meeting.

    B. To require persons who wish to make a submission at a meeting of Council or Committee of Council, to provide the submission to the Clerk no later than 12:00 noon the business day preceding the meeting.

Report – Governance Committee of Council – October 14, 2021

COMMITTEE RECOMMENDATION (continued):

6. That the issue of vaccine requirements for in-person delegations at Council and Committee meetings be referred to the public service for report back and recommendation to Council within 30 days.

7. That the temporary additional full-time equivalent Audio/Visual Technician position within the City Clerk's Department which expires December 31, 2021, be extended to December 31, 2022, in order to address the increased ongoing demands due to remote participation in meetings by Citizens and Members of Council, and funding for the position be referred to the 2022 budget process.

8. A. That the Development Procedures By-law No. 104/2020 be amended to allow for temporary delegated authority to the relevant Community Committees to consider and make decisions on 'C' conditional use and 'C' variance development applications, by resolution of Council.

   B. That upon the approval of the amendment to the Development Procedures By-law No. 104/2020, Community Committees be delegated the authority to consider and make decisions on 'C' conditional use and 'C' variance development applications from January 1, 2022 to December 31, 2022.

9. That the Winnipeg Public Service be directed to report back to Council in May 2022, through the appropriate committee, with recommendations regarding the reinstatement of the Board of Adjustment.

10. That the relevant Council Policies be amended to provide that 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; and

    B. the applications must meet Council approved criteria.

    and that the Winnipeg Public Service be directed to submit semi-annual reports to each Community Committee, for information, outlining the approvals made under this delegation of authority.

Report – Governance Committee of Council – October 14, 2021

COMMITTEE RECOMMENDATION (continued):

11. That the Director of Legal Services and City Solicitor be directed to submit the necessary amending by-laws, in accordance with the foregoing, and bring same directly to Council for consideration by December 2021.

12. 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 14, 2021

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On October 20, 2021, the Executive Policy Committee concurred in the recommendation of the Governance Committee of Council and submitted the matter to Council.

COMMITTEE RECOMMENDATION:

On October 14, 2021, the Governance Committee of Council concurred in the recommendation of the Winnipeg Public Service with the following amendments,

- Delete recommendation 5. A. in its entirety and renumber the remaining recommendations accordingly.

- Amend Recommendations 5. B and 5. C. by deleting "9:30 a.m." and replacing it with "12:00 noon"

- WHEREAS Recommendation 6 of Item 1 deals with vaccine requirement for in-person delegations at Council and Committee Meetings;

  AND WHEREAS City Council on September 29, 2021 adopted a policy regarding vaccine requirements for elected officials and their staff;

  AND WHEREAS the public service is currently implementing a strategy regarding vaccine requirements for members of the public service;

  AND WHEREAS it is important to have a coordinated best practice based approach for all cases;

  THEREFORE BE IT RESOLVED that Recommendation 6 of Item 1 of the October 14, 2021 report of the Governance Committee of Council be deleted and replaced with the following:

  "6 That the issue of vaccine requirements for in-person delegations at Council and Committee meetings be referred to the public service for report back and recommendation to Council within 30 days."

- Delete Recommendation 7. in its entirety and replace with the following:

DECISION MAKING HISTORY (continued):

COMMITTEE RECOMMENDATION (continued):

> "7. That the temporary additional full-time equivalent Audio/Visual Technician position within the City Clerk's Department which expires December 31, 2021, be extended to December 31, 2022, in order to address the increased ongoing demands due to remote participation in meetings by Citizens and Members of Council, and funding for the position be referred to the 2022 budget process."

- Delete Recommendation 8. in its entirety and replace with the following:

> "8. A. That the Development Procedures By-law No. 104/2020 be amended to allow for temporary delegated authority to the relevant Community Committees to consider and make decisions on 'C' conditional use and 'C' variance development applications, by resolution of Council.
>
> B. That the upon the approval of the amendment to the Development Procedures By-law No. 104/2020, Community Committees be delegated the authority to consider and make decisions on 'C' conditional use and 'C' variance development applications from January 1, 2022 to December 31, 2022."

and submitted the matter to the Executive Policy Committee and Council.

ADMINISTRATIVE REPORT

Title: 2022 Schedule of Meetings and Update on Remote Participation in Council and Committee Meetings

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

AUTHORIZATION

Author	Department Head	CFO	CAO
A Poitras	M. Lemoine		

EXECUTIVE SUMMARY

In an effort to continue to serve citizens at the highest level possible during the pandemic, on April 3, 2020 City Council enacted the Meetings of Council by Communication Devices By-law No. 41/2020, which permits Council and its Committees to meet remotely. Remote meetings allow for Council and its Committees to continue to function while adhering to the health and safety guidelines imposed by the Province.

The ability to participate in meetings remotely was extended to delegations allowing the public to remain engaged in the decision-making process throughout the pandemic, specifically during times in which the Council Building has been closed to the public. Recently, the Council Building re-opened to the public allowing for a maximum of 25 in-person delegations per meeting. Since the beginning of September there has been a mix of both in-person and remote delegations.

While Social Distancing is no longer required, the Province of Manitoba continues to recommend it as a fundamental to reduce the risk of acquiring and spreading COVID-19. Council and its Committees will continue to be required to meet in the Council Chamber, which is the only meeting room with sufficient space to host in-person Members of Council, delegation and the Public Service while adhering to these guidelines. Meeting solely in the Council Chamber poses a number of logistical challenges. Specifically, it requires additional audio/visual support staff, committee clerks and it limits the number of meetings that can be facilitated to one per day.

In September 2021, the City Clerk's Department consulted the Governance Committee of Council regarding the future of remote participation in Council and Committee meetings. The feedback obtained from that consultation and lessons learned / best practices developed have been incorporated into some of the recommendations and comments contained within this report. Additional recommendations to improve citizen service have also been suggested and further discussed in the report.

RECOMMENDATIONS

1. That amendments to the Meetings of Council by Communication Devices By-law No. 41/2020 be enacted to allow for Council and its Committees to continue to meet remotely by communication device until December 31, 2022.

2. That the schedule of meetings, attached as Appendix A, for the period of January 1, 2022 through December 31, 2022, be approved and that Council prorogue for the period of September 25, 2022 through October 31, 2022 due to the 2022 municipal election.

3. That authority over the scheduling of additional meetings of Executive Policy Committee, Standing Policy Committee and Community Committees not listed in Appendix A, be delegated to the Mayor or a majority of Council members, similar to the Charter provision for the calling of a special meeting of Council, until December 31, 2022.

4. That the City Clerk be delegated the authority over scheduling of meetings of committees other than Council, Executive Policy Committee, Standing Policy Committee and Community Committees, as is determined to be operationally feasible, until December 31, 2022, and that Council be notified of any such scheduling.

5. That amendments to the Procedure By-law No. 50/2007, be enacted as follows:

   A. To allow delegations to participate in meetings and hearings in person or remotely on a permanent basis.

   B. To require delegations seeking permission to address a meeting of Council or Committee of Council to inform the Clerk no later than 9:30 a.m. the business day preceding the meeting.

   C. To require persons who wish to make a submission at a meeting of Council or Committee of Council, to provide the submission to the Clerk no later than 9:30 a.m. the business day preceding the meeting.

6. That a COVID-19 vaccination requirement for all in-person delegations be enacted, similar to the vaccine requirement adopted for Members of Council and their political staff by Council on September 29, 2021, and that any delegation unable to provide proof of vaccination be accommodated via online or telephone participation or via submission of written materials, with expiry of this requirement to be December 31, 2022.

7. That the permanent addition of a full-time equivalent Audio/Visual Technician (temporary FTE expires December 31, 2021), within the City Clerk's Department, effective January 1, 2022, be referred to the 2022 budget process for approval, in order to address the increased ongoing demands due to remote participation in meetings by Citizens and Members of Council.

8. That in accordance with the Development Procedures By-law No. 104/2020, temporary authority be delegated to the Director of Planning, Property & Development to consider and make decisions on all 'C' conditional use and 'C' variance development applications until December 31, 2022.

9. That the Winnipeg Public Service be directed to report back to Council in May 2022, through the appropriate committee, with recommendations regarding the reinstatement of the Board of Adjustment.

10. That the relevant Council Policies be amended to provide that 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; and

    B. the applications must meet Council approved criteria.

    and that the Winnipeg Public Service be directed to submit semi-annual reports to each Community Committee, for information, outlining the approvals made under this delegation of authority.

11. That the Director of Legal Services and City Solicitor be directed to submit the necessary amending by-laws, in accordance with the foregoing, and bring same directly to Council for consideration by December 2021.

12. 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 24, 2021, Council directed the City Clerk to report back to the Governance Committee of Council by October 2021, with a draft schedule of meetings for 2022 and recommendations regarding the continued ability to participate in meetings remotely beyond the COVID-19 pandemic.

Council approval is required to amend by-laws, adopt schedules of Council and committee meetings, to approve additional full-time equivalent positions and to delegate the authority for certain matters.

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations contained in this report are approved, the Meetings of Council by Communication Devices By-law No. 41/2020 and the Procedure By-law No. 50/2007 will be amended, remote participation in meetings will continue, various delegations of authority will be extended, an additional Audio/Visual Technician full-time equivalent position will be added to the City Clerk's Department (subject to approval of the position in the 2022 budget process) to facilitate the permanent remote participation by citizens in the decision-making process and the attached schedule of meetings will be adopted for 2022.

Should funding for the Audio/Vision Technician position not be approved for 2022, the department will not be able to offer the same level of service for remote meetings and other audio/visual needs such as press conferences and off-site events.

HISTORY/DISCUSSION

Remote Participation by Members of Council

Remote meetings of Council and its Committees began on April 20, 2020. Through September 30, 2021, the City Clerk's Department will have facilitated approximately 300 remote meetings of Council and its Committees, including public hearings and appeal hearings, all of which have seen remote participation by Members of Council, the Public Service and Citizens.

When the by-law permitting remote participation by Members of Council (the Communication Devices By-law No. 41/2020) was initially adopted by Council, the purpose was to allow the City to continue to function and serve its citizens during the COVID-19 pandemic. As the pandemic continues, there is no immediate desire to change the by-law. As such, the recommendation in this report simply extends the date in which Members of Council are allowed to participate in meetings remotely until December 31, 2022. Should the pandemic come to an end in 2022, Council may revisit this decision to decide if they will return to in-person participation only by Council Members, to continue remote participation by Council members on a permanent basis or if they wish to adopt a modified version of remote participation such as allowing members to participate remotely only when they are ill or on City Business, similar to the approved absences process.

Remote Participation by Delegations

In April 2020 the City Clerk's department implemented numerous process and technical changes to allow for delegations to be heard remotely. As the Council Building has been closed to the public a number of times over the past 18 months due to the pandemic, the ability for delegations to participate remotely has allowed the public to remain engaged and involved in the decision-making process. The feedback the department has received with regards to this has been overwhelmingly positive. As such, this report recommends formalizing the ability for the public to participate remotely beyond the pandemic by adding it to the Procedure By-law No. 50/2007 and allowing remote participation for delegations to become permanent. This change would allow delegations the option of participating remotely by Zoom, telephone or attend the Council Chamber in person.

The ability for the public to participate remotely has led to a noticeable increase in requests to appear in delegation. While the Department fully supports this initiative it should be noted that increased delegation numbers have resulted in longer meetings overall and may lead to increased operational costs depending on whether or not committees return to evening meetings outside of normal operating hours. While not a reason to stop remote delegations, this will need to be considered in the long term.

The increased demand to appear in delegation, coupled with the more time-consuming process for registering delegations has made it difficult for the department to meet the expectations of the public in terms of replying to delegation requests and submissions. The current process allows for delegations to register to appear in delegation until 4:30 p.m. the day before a meeting. This has proven to be a challenge, especially for meetings that occur on Monday mornings or Tuesday after a statutory holiday, with citizens attempting to register on weekends with no one to guide them through the process. This often leads to confusion by citizens over whether they are registered, difficulty in providing links to participate remotely and other factors that cause concern for citizens. The proposed changes to the Procedure By-law will require delegations to register by 9:30 a.m. the business day before the meeting. This will allow for staff to facilitate the required back-and-forth registration process for remote delegations to better meet citizen expectations. These changes are in line with previous changes made to require agendas to be posted 4 business days prior to meetings, rather than 4 days before the meeting. A similar proposed change is the requirement for any written submissions to be provided to the clerk by 9:30 a.m. the business day before the meeting.

Both of these changes will allow for staff from the City Clerk's Department to better serve both citizens and Members of Council by showing all registered delegations on the agenda prior to the meeting and similarly listing all submissions received on the agenda for review by the committee.

Council and its committees will be able to continue to suspend the rules to allow additional delegations at the meeting. As well, citizens will continue to have the ability to register at the meeting for public hearings.

Vaccination Requirement for In-person Delegations

In late July 2021, the Council Building was re-opened to allow a maximum of 25 delegations to appear in-person in the Council Chamber. Throughout the month of September there has been a mix of both in-person and remote delegations at committee meetings.

On September 29, 2021, Council adopted a policy requiring City Council and political staff to be vaccinated. After discussion with the Governance Committee, and in order to ensure the safety of Members of Council and staff in the Council Chamber, it is recommended that Council also enact a COVID-19 vaccination requirement for all in-person delegations. If adopted, the Public Service will implement a strategy in order to ensure all delegations show proof of vaccination prior to entering the meeting room. Delegations who are unable to provide proof of vaccination will be accommodated by being able to participate in meetings remotely via Zoom, telephone, or by making a submission in writing.

Schedule of Meetings

Each year Council adopts an annual schedule of meetings for Council its committees. Over the past 18 months Council has been adopting an interim schedule of meetings approximately every four months. Due to the uncertain nature of the COVID-19 pandemic and in order to provide Members of Council and the public as much notice as possible for meetings in 2022, a schedule has been prepared for the entire 2022 calendar year.

The schedule has been prepared under the assumption that the Province of Manitoba will continue to recommend that social distancing measures remain in place. As such, all meetings for 2022 are to take place in the Council Chamber. It is also being recommended that the authority be delegated to the Mayor or majority of Council Members for calling additional meetings of the Executive Policy Committee, Standing Policy Committee and Community Committees continue due to limited meeting space availability.

Should conditions change that would allow meetings to take place in the other committee rooms, the City Clerk will consult the Governance Committee of Council to determine the appropriate next steps.

Audio/Visual Support

Providing the ability for Members of Council and delegations to participate remotely requires more staff to run meetings than it did in the past. Prior to remote participation, a typical meeting in a committee room required one clerk. For most remote meetings in the Council Chamber up to four staff are required. Specifically, each meeting requires a clerk, Zoom operator, microphone operator and a camera operator.

In order to continue to provide the necessary support required for remote participation by Members of Council and delegations, the department requires the approval of a permanent full-time equivalent Audio/Visual Technician. In September 2020, Council approved a position on a temporary basis. This approval and funding expires on December 31, 2021. As stated earlier in this report, there is value in providing the ability to appear remotely to citizens permanently, regardless of whether the pandemic continues. In order to support the additional audio/visual requirements for remote meetings, while maintaining support for other audio/visual needs such

as press conferences and events, the department requires this Audio / Visual position to become permanent. If a permanent position is not provided the department will not be able to offer the same level of support going forward.

Board of Adjustment

In April 2020, the Development Procedures By-law No. 104/2020 was amended to allow for Council to temporarily delegate the authority to the Director of Planning, Property and Development to make decisions on 'C' variance and 'C' conditional use applications which would otherwise be considered by the Board of Adjustment (BOA). This delegation was implemented to allow for these decisions to continue to be made throughout the pandemic without the need for the BOA to facilitate public hearings every two weeks, specifically due to the limited meeting room availability.

With all meetings being held in the Council Chamber there are usually only a couple open days a month for other committee meetings. Typically, those dates are used to schedule various other committees that don't necessarily meet on a regular monthly basis such as the Human Rights Committee of Council, the Police Board, and other ad-hoc committees. If the BOA were to be reinstated the department would likely need to facilitate these meetings in the evening which will lead to increased operational costs due to the additional staff required to run meetings and the overtime costs incurred.

An analysis of this temporary delegation to the director was undertaken. Delegating these types of variances and conditional uses to the director matches the process that is already in place for the downtown, bringing the rest of the City in line and having only 1 process, versus one for the downtown area and a separate process for the rest of the City. Appeals to decisions of the Director are also allowed similar to appeals allowed on decisions by the BOA. All decisions by the Director are posted publicly on the property, similar to when a submission is made to the BOA. All appeals are held in open session at the appeal committee. An analysis of appeals going back to 2018 shows that appeal levels remain relatively consistent regardless of whether the original decision was made by the BOA or the Director.

"C" Conditional Uses & Variances		
Time Period	**Considered By**	**Percentage of Decisions Appealed**
January 2018 to March 2020	Board of Adjustment	19.25%
April 2020 to August 2021	Director PP&D	22.45%

Feedback received by some Members of Council is that there is a perceived lack of transparency in delegating this authority to the Director. Based on this feedback and the limited availability of the Council Chamber, we continue to recommend that the delegation to the director occur in the short term. We also recommended that the Public Service, specifically the

Planning, Property and Development Department report back to Council with recommendations and best practices regarding the BOA, to help guide decisions in the longer term.

However, should an alternative approach be desired, the department recommends that the committee amend our recommendations to have these “C” conditional use and variance applications go to Community Committee and that these committees be delegated the authority to consider and make decisions on these applications in the short term.

This approach will lead to more hearing items at Community Committee but offers a first-level public hearing which is not currently available with the current delegation of authority. In the period of time between January and September 2021, the Director has received 201 applications which would otherwise have been considered by the Board of Adjustment. On average that works out to approximately 5 additional public hearings per month per Community Committee. It’s important to note that regardless of whether the Board of Adjustment, Director or Community Committee considers these applications, the decisions all remain appealable to the Appeal Committee. It is also important to note, that based on 2021 development applications, more applications will likely be heard at the City Centre and Assiniboia Community Committees compared to other Community Committees.

Delegation of Authority for the Approval of Certain Grants

Throughout the pandemic Council has delegated the authority to various directors to approve Per Capita Grant, Community Incentive Grant and Land Dedication Reserve Fund applications, provided they have consulted with the relevant Ward Councillors and that the funding meets the Council approved criteria. Feedback regarding this process has been positive. In many cases it allows for funding to be approved quicker, it reduces the number of agenda items at community and other committees and has resulted in less special meetings. With this delegation, Members of Council continue to have the ability to consider these matters at Community Committee and / or other committees should that be desired.

Based on the feedback received, this report recommends that this delegation of authority be made permanent. It also recommends that in order to remain open and transparent with regards to these expenditures, the various directors be required to submit a semi-annual report to the various Community Committees advising of the approvals made under this delegation.

FINANCIAL IMPACT

Financial Impact Statement

Date: October 1, 2021

Project Name:

First Year of Program **2022**

2022 Schedule of Meetings and Update on Remote Participation in Council and Committee Meetings

	2022	2023	2024	2025	2026
Capital					
Capital Expenditures Required	$ -	$ -	$ -	$ -	$ -
Less: Existing Budgeted Costs	-	-	-	-	-
Additional Capital Budget Required	$ -	$ -	$ -	$ -	$ -
Funding Sources:					
Debt - Internal	$ -	$ -	$ -	$ -	$ -
Debt - External	-	-	-	-	-
Grants (Enter Description Here)	-	-	-	-	-
Reserves, Equity, Surplus	-	-	-	-	-
Other - Enter Description Here	-	-	-	-	-
Total Funding	$ -	$ -	$ -	$ -	$ -
Total Additional Capital Budget Required	$ -				
Total Additional Debt Required	$ -				
Current Expenditures/Revenues					
Direct Costs	$ 65,106	$ 66,224	$ 67,630	$ 68,605	$ 69,977
Less: Incremental Revenue/Recovery	-	-	-	-	-
Net Cost/(Benefit)	$ 65,106	$ 66,224	$ 67,630	$ 68,605	$ 69,977
Less: Existing Budget Amounts	-	-	-	-	-
Net Budget Adjustment Required	$ 65,106	$ 66,224	$ 67,630	$ 68,605	$ 69,977

Additional Comments: Net budget adjustment required represents the estimated salaries and benefits of the additional Audio Visual Technician position (1.0 permanent FTE, CUPE Grade 303, Step 6) to the City Clerks Department. The addition is effective January 1, 2022. There is currently no funding included in the City Clerks budget beyond 2021 for this position. 2% increase was assumed for salary and benefits in 2026.

Electronically signed by J. Peters

Jocelyn Peters, CPA, CGA
Manager of Finance (Campus)
Corporate Finance Department

CONSULTATION

Planning, Property and Development Department
Community Services Department
Legal Services

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: A. Poitras
Date: October 5, 2021

Attachments:

Appendix A – 2022 Schedule of Meetings