



ADMINISTRATIVE REPORT

Report Date: March 4, 2019
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VanRIMS No.: 08-2000-20
Meeting Date: March 13, 2019

TO: Standing Committee on City Finance and Services
FROM: City Clerk
SUBJECT: Council Meeting Procedures Pilot Project

RECOMMENDATION

- A. THAT Council consider suspending provisions of the Procedure By-law for the Regular Council and Standing Committee meetings on April 2, 3, 23, and 24 and May 14, 15, 28 and 29, 2019, at each meeting, to implement a Council meeting procedures pilot project as detailed in Appendix A.
- B. THAT Council consider varying the rule in section 10.1 (d) of the Procedure By-law No. 9756 from April 4 to May 29, 2019 to establish a temporary deadline for Councillors to submit Members' Motions on or before 5 pm the Monday two weeks preceding the week in which the Council meeting will occur as detailed in Appendix B.
- C. THAT Council direct staff to investigate a timeline and develop a process for earlier release of Council meeting agendas.

REPORT SUMMARY

This report recommends a pilot project to test a series of possible reforms to the processes of Council during Council and Committee meetings and help to determine their feasibility. It is recommended that the pilot project be undertaken for Council and Standing Committee meetings held in April and May. These reforms can be tested by altering current Council procedure in accordance with the Procedure By-law and by altering current Council practice. Section 6.8 of the Procedure By-law No. 9756 allows Council to suspend a rule by a 2/3 vote of Council members present.

If Council determines that the pilot project processes are worthwhile for the long term, these could be enacted by amending the Procedure By-law.

COUNCIL AUTHORITY/PREVIOUS DECISIONS

Council meetings and procedures are governed by the Vancouver Charter, the Procedure By-law No. 9756 (adopted on November 25, 2008 with amendments on March 27, 2012) and Robert's Rules of Order. Section 164.1 of the Vancouver Charter requires that Council adopt a by-law to establish the procedures to be followed for the conduct of its business. The by-law must establish the time and place of regular meetings of Council; require advance public notice respecting the time, place and date of Council and committee meetings; and establish the procedures for giving that notice. The Procedure By-law can only be amended by a by-law enacted at a regular Council meeting provided that notice is given in writing and openly announced at an earlier regular meeting.

At the December 19, 2018 Standing Committee of Council on Policy and Strategic Priorities, Council passed a motion directing staff to report back in Q1 of 2019 with recommendations and proposed changes that could improve Council meeting processes and predictability for the scheduling of speakers for items on Council agendas. The motion further directed staff to:

- report back on the option of amending the Procedure By-law to consider allowing speakers who use translation twice as much time as speakers who do not.
- report back, including costs, on possible ways to make the speaking process more inclusive for people requiring translation and interpretation.
- explore the use of technology for improving resident participation in civic affairs, including the use of electronic petitioning.

CITY MANAGER'S/GENERAL MANAGER'S COMMENTS

The City Manager recommends approval of the foregoing.

REPORT

Background/Context

At the December 19, 2018 Standing Committee of Council on Policy and Strategic Priorities, Council passed a motion directing staff to report back in Q1 of 2019 with recommendations and proposed changes that could improve Council meeting processes and predictability for the scheduling of speakers for items on Council agendas. This report recommends a pilot project to test a series of possible reforms to Council processes during Council and Committee meetings and determine their feasibility with respect to the scheduling of speakers for items on Council agendas.

The motion included other recommendations which staff require additional time to fully investigate and report back to Council, and are therefore not considered within this report, including that staff:

- report back on the option of amending the Procedure By-law to allow speakers who use translation twice as much time as speakers who do not;
- find possible ways to make the speaking process more inclusive for people requiring translation and interpretation and report back, including costs;
- explore the use of technology for improving resident participation in civic affairs, including the use of electronic petitioning.

Strategic Analysis

There are many variables that impact the ability to accurately predict when public speakers will be heard on Council agenda items. Significant variables include:

- length of staff presentation;
- number of and time spent on Council member questions to staff;
- number of public speakers and length of presentations;
- number of questions by Council to public speakers;
- length of debate.

As a result of these variables, it is difficult to determine how various changes to Council meeting procedures will impact the ability to predict how long an agenda item will take to resolve, and when speakers will be called upon to speak. It is therefore recommended that Council implement a pilot project to test a series of possible reforms to Council processes during Council and Committee meetings and determine their feasibility. It is recommended that the pilot project be undertaken for Council and Standing Committee meetings held in April and May 2019 to provide staff with the data needed to support conclusions about the merits of the pilot project.

These reforms can be tested by suspending current Council procedure in accordance with the Procedure By-law, or otherwise altering Council practice Section 6.8 of the Procedure By-law allows Council to suspend a rule by a 2/3 vote of Council members present. If, after the proposed pilot project, Council determines that the pilot project processes are worthwhile, they could be enacted by amending the Procedure By-law.

Appendix A summarizes the recommendations regarding procedures requiring suspension of the rules at each meeting (recommendation 1 to 3 below). Appendix B summarizes the recommendations regarding alternative processes that should be followed for the duration of the trial period (recommendation 4 below). Each of the proposed pilot procedures is relatively modest, and ultimately may be determined to be unworkable.

Recommendation 1: Hear public speakers at regular Council and do not refer items to Standing Committee to hear from speakers

Under section 13.7 of the Procedure By-law, a speaker must not speak at a standing committee meeting unless, prior to the meeting, the speaker has requested and obtained permission from the City Clerk to speak about a matter on the agenda. The process of referring agenda items with speakers from a Council meeting to a Standing Committee meeting results from the requirement in section 13.7 of the Procedure By-law, whereby Council only hears speakers at a Standing Committee meetings. This is problematic, in that the process of referring agenda items to a Standing Committee meeting is generally unclear to members of the public. While Council typically refers items to Standing Committee to hear speakers, this is not a requirement and is a decision of Council made at a regular Council meeting. The decision to refer many of the agenda items is normally considered late in the day, because Members' Motions, which typically attract speakers, are near the end of the regular Council agenda. As a result, notifications regarding a referral to a Standing Committee are often sent late in the day, i.e. after adjournment or recess of the regular Council meeting, which typically occurs after 10 pm.

The recommended pilot to hear speakers at regular Council, is intended to provide the public with greater certainty of when they will be heard, as they will be heard on the day for which the agenda item they wish to speak to is listed (provided the Council meeting lasts one day). This interim change to procedure may also help to better balance the meeting agendas, as Standing Committee meetings typically run longer than regular Council meetings due to the number of speakers.

In order to hear speakers at Regular Council, Council would need to suspend section 13.7 of the Procedure By-law at the beginning of each meeting during the pilot project, which requires a 2/3 vote of Council members present in accordance with section 6.8 of the Procedure By-law.

Recommendation 2: Change public speaking time from 5 minutes to 3 minutes

Under section 13.8 of the Procedure By-law, a public delegation must not speak at a standing committee meeting for more than five minutes in total, nor more than once. The proposal to limit public speaking time to three minutes should be subjected to a trial period, before considering amendment to the Procedure By-law. Our review of five US jurisdictions that hear speakers (Bellevue, WA, Long Beach, CA, San Francisco, CA, Madison, WI, Minneapolis, MN), found that all five jurisdictions limit public speaking time to three minutes or less. In contrast Canadian cities typically provide public speakers with five minutes to address Council. Our review of five Canadian Cities that hear public speakers at Council and/or Committee meetings (Calgary, Edmonton, Halifax, Ottawa and Toronto) found that all permit speakers five minutes to address Council.

It is recommended that Council reduce public speaking time from five minutes to three minutes for each speaker during the pilot project. In order to change public speaking time from five minutes to three minutes during the pilot project, Council needs to suspend section 13.8 of the Procedure By-law. In accordance with section 6.8 of the Procedure By-law, this requires a 2/3 vote of Council members present.

Recommendation 3: Change Council questions of public speakers from 5 minutes to 3 minutes

Under section 13.9 of the Procedure By-law, Council questions of public speakers are currently limited to five minutes for both question and answer. In a survey of 866 members of the public regarding speaking to Council (conducted December 14, 2017 to January 31, 2018), many respondents were in favour of limiting the type and number of questions asked by members of Council. Approximately 51 % of respondents to the public survey disagreed with prohibiting Council from asking questions of the public. However, it was noted that the process of speaking and being asked questions can be intimidating. In order to reduce question time, it is recommended that Council reduce the time for which Council can ask questions of public speakers from five minutes to three minutes during the pilot project.

In order to change the time permitted for Council questions of speakers from five to three minutes, Council needs to suspend section 13.9 of the Procedure By-law, which currently permits each Council member to ask questions (including answers) for no more than five minutes per public speaker. In accordance with section 6.8 of the Procedure By-law, this requires a 2/3 vote of Council members present at the meeting. If the pilot to temporarily change the length of time for Council questions to public speakers is approved, staff will update the public website for speakers and implement alternative timer technology in the Council Chamber.

Recommendation 4: Establish earlier deadline for Members Motion submissions to be on or before 5 pm the Monday two weeks preceding the week in which the Council meeting will occur

Under section 10.1(d) of the Procedure By-law, if a Council member wishes to move a motion at a future regular meeting, they must submit notice of motion on or before 5 pm Monday of the week preceding the week in which the meeting will occur. This timeline is generally problematic in that staff cannot adequately provide feedback to members of Council prior to the release of the meeting agenda. As such, motions are often changed on the floor of Council by the Council member who submitted it, which does not provide adequate notice to the public or the rest of

Council. It is therefore recommended that Council support, on an interim basis, an earlier deadline for Member's Motion submissions of on or before 5 pm of the Monday two weeks preceding the week in which the Council meeting will occur. This would provide staff with additional time to support Council, and to address questions prior to the distribution of the agenda. Staff will develop a formal process to provide Council with consolidated feedback on the proposed Council motions.

This proposal requires Council to consider, on an individual basis, whether any "late" motions should be heard by Council under section 10.1 of the Procedure By-law, or whether the motion should be scheduled for a later meeting. This recommendation will require Council to consider referring all "late" motions to a future meeting, in order to create an incentive to meet the proposed pilot timeframe. It is important to note that Council cannot bind itself to adopt future resolutions. It can, however, consider each late motion and make a determination on each motion. It will amount to something like a convention of the Council. If you are "late" in submitting, you should expect to have the motion re-scheduled. Of course, there may always be a reason not to re-schedule a motion, but the understanding that the motion should ordinarily be re-scheduled should create an incentive to meet the trial deadline.

Section 6.8 of the Procedure By-law only allows rules to be suspended for a particular meeting. Section 6.8 cannot suspend the rule that sets out the timing of Members Motions. However, Council can informally adopt a common understanding or convention that they will postpone discussion of Members Motions that do not meet the new temporary deadline. Essentially, Council would postpone hearing motions that failed to meet the deadline.

Recommendation 5: Establish earlier deadline for public agenda release

Council meeting agendas are normally released publicly six or seven days prior to the scheduled meeting date. Staff have been advised by Council and the public that this schedule does not provide ample time to review the reports on the agenda. It is therefore recommended that Council direct staff to investigate timeline and develop a process for earlier release of agenda.

Implications/Related Issues/Risk

Financial

There are no financial implications.

CONCLUSION

It is recommended that Council implement the pilot procedures for regular Council and Standing Committee meetings in the months of April and May to inform changes to meeting procedures including possible future amendments to the Procedure By-law.

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Proposed Council meeting procedures pilot project – Procedures requiring suspension of the rules at each meeting

Proposed trial procedure	Current procedure	Action required by Council and staff
<ul style="list-style-type: none"> • Hear speakers at regular Council. Do not refer items to Wednesday to hear from speakers 	<ul style="list-style-type: none"> - As per section 13.7 of the Procedure By-law, a speaker must not speak at a standing committee meeting unless, prior to the meeting, the public delegation has requested and obtained permission from the City Clerk to speak about a matter on the agenda. 	<ul style="list-style-type: none"> - Council would need to suspend section 13.7 of the Procedure By-law, (2/3 vote of Council members present required to suspend the rule at the beginning of each meeting, as per section 6.8 of the Procedure By-law). - Staff would need to update website and communications templates for speakers prior to this being implemented.
<ul style="list-style-type: none"> • Change speaker time to 3 minutes 	<p>As per section 13.8 of the Procedure By-law, a public delegation must not speak at a standing committee meeting for more than five minutes in total, nor more than once.</p>	<ul style="list-style-type: none"> - Council would need to suspend section 13.8 of the Procedure By-law. (2/3 vote of Council members present required to suspend the rule at the beginning of each meeting, as per section 6.8 of the Procedure By-law). - Staff would need to update website and communications templates for speakers, and change timer technology in the Council Chamber prior to this being implemented.
<ul style="list-style-type: none"> • Change Council questions of speakers to 3 minutes 	<ul style="list-style-type: none"> - Council questions are currently limited to 5 minutes for question and answer as stated in section 13.9 of the Procedure By-law. 	<ul style="list-style-type: none"> - Council would need to suspend section 13.9, which currently permits each Council member to ask questions (including answers) for no more than 5 minutes per speaker (2/3 vote of Council members present required to suspend the rule at the beginning of each meeting, as per section 6.8 of the Procedure By-law). - Staff would need to update website for speakers, and implement alternative timer technology in the Chamber prior to this being implemented.

Proposed Council meeting procedures pilot project – Procedures requiring suspension of the rules for the duration of the trial period

Proposed trial procedure	Current procedure	Action required by Council and staff
<ul style="list-style-type: none"> • Establish earlier deadline for Members Motion submissions to be on or before 5 pm the Monday two weeks preceding the week in which the Council meeting will occur 	<ul style="list-style-type: none"> • Under section 10.1(d) of the Procedure By-law, if a Council member wishes to move a motion at a future regular meeting, they must submit notice of motion on or before 5 pm Monday of the week preceding the week in which the meeting will occur. 	<ul style="list-style-type: none"> • Council would informally agree to vote to postpone hearing Members motions that did not meet the new interim pilot project deadline. Council would essentially adopt a convention or practice to effect this interim change. • Staff will develop a formal process to provide Council with consolidated feedback on the proposed Council motions.