

BYLAW 20669 - COUNCIL COMMITTEES BYLAW AMENDMENT NO. 9

Recommendation

That Bylaw 20669 be given the appropriate readings.

Purpose

The purpose of Bylaw 20669 amends Bylaw 18156 - Council Committees Bylaw is to implement the changes as directed at the June 13, 2023, City Council meeting where the Advisory Committees of Council Governance Review was discussed. The changes included within this amending bylaw are as follows:

- Two-year terms and eight-year maximum terms.
- Enable the appointment of alternate members.
- Standardize non-attendance and leave of absences procedures.
- Remove the use of sub-committees.

Bylaw 20669 (Attachment 1) also includes updates to ensure consistency with the three establishing bylaws for Council's Decision Making Boards:

- Bylaw 17138 - Naming Committee
- Bylaw 19018 - Edmonton Salutes
- Bylaw 15638 - Edmonton Combative Sports Commission

The changes included are to maintain the status quo of these three Council Committees as they are out of scope of the Advisory Committee Governance Review. (Attachment 2)

Readings

Bylaw 20669 is ready for three readings.

A majority vote of City Council on all three readings is required for passage.

If Council wishes to give three readings during a single meeting, then prior to moving to third reading, Council must unanimously agree "That Bylaw 20669 be considered for third reading."

Previous Council/Committee Action

At the June 13, 2023, City Council meeting, the following motion was passed:

1. That the recommendations, as outlined in revised Attachment 9 of the June 13, 2023, Office of the City Clerk report OCC00580, be approved.
2. That the June 13, 2023, Office of the City Clerk report OCC00580 remain private pursuant to sections 17 (disclosure harmful to personal privacy), 23 (local public body confidences) and 24 (advice from officials) of the *Freedom of Information and Protection of Privacy Act*.

Note: Council direction with implementation timelines are in Attachment 3.

REPORT

Extended Governance Model and Legislative Framework

As part of its extended governance model, Council has authority under the *Municipal Government Act* to establish Council Committees, including Advisory Committees by bylaw, and to delegate powers, duties or functions. Council's extended governance model refers to the structures, decision-making and policy-setting that support Council in fulfilling its roles and responsibilities. See image 1.

Image 1 - Extended Governance Model



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Advisory Committees, are established and accountable to City Council and are governed by the following:

- Bylaw 18156 - Council Committees Bylaw;
- Bylaw 18155 - Council Procedures Bylaw;
- Bylaw 19870 - Council Committee Code of Conduct Bylaw; and
- Its own establishing bylaw.
- Procedure C575D - Agencies, Boards, Committees and Commission Policy and Council-approved procedure; and
- Procedure C628A Honoraria and Expenses for City Agencies Policy and Council-approved procedure.

Advisory Committees are also required to follow the legislative requirements in provincial statutes, including the *Municipal Government Act* and the *Freedom of Information and Protection of Privacy Act*.

Governance Review Approach

Four methodologies were used to inform the Governance Review:

1. Interviews/surveys with Council, Administration, Advisory Committee chairs and members and community stakeholders to gather firsthand perspectives and feedback.
2. Environmental/jurisdictional scan to explore how other Canadian cities manage Advisory Committees.
3. Document review of establishing bylaws and other guiding documents.
4. Research scan to identify leading governance practices.

In March 2023, Administration met with Advisory Committee Chairs to share and gather feedback on Governance Review key findings. At the meeting, Chairs expressed general support for the findings and feedback helped inform the recommendations presented to City Council, including:

- The need for clarification around residency requirements and eligibility of employees to serve on Advisory Committees.
- The need for greater recognition and support for the administrative work performed by Chairs.
- Improved understanding of the difference between advisory and advocacy, and the role of Advisory Committees.

Governance Review Recommendations

At the June 13, 2023 City Council meeting, six areas of improvement were presented based on the analysis of the four methodologies:

- Advisory Committees should be aligned with Council priorities and not duplicate work done by Administration or another agency/organization.
- Implement measures to enable continued alignment and effectiveness of Advisory Committees.

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- Clarify roles and responsibilities for Advisory Committees.
- Streamline the recruitment and appointment process for Advisory Committees.
- Strengthen the Council Committee Code of Conduct by establishing a third party to manage the complaints/investigation process and enhancing the process for managing conflicts of interests on Advisory Committees.
- Simplify and standardize Advisory Committee meetings and operational procedures.

To address these six key areas of improvement, Council provided direction (Attachment 3).

Governance Review changes are being implemented in a phased approach (see image 2 below) and this bylaw report includes governance changes so that the improvements can be included with the 2024 civic agency recruitment cycle which launches in December 2023.

In order to implement the changes consistently, bylaw changes are also required for each of the Advisory Committee establishing bylaws. On the October 24, 2023, City Council meeting agenda there are eight additional replacement bylaws that are related to the changes in Bylaw 20669. They are replacement bylaws rather than amending bylaws to ensure consistency among all eight Advisory Committees.

Governance Review changes are also required to Council Policy/Procedure C575D - Agencies, Boards, Committees and Commissions and these changes will be brought to a future City Council meeting. Council Policy/Procedure C575D provides guidelines for creation, powers and duties of Council, duties of members and Chairs, City Manager responsibilities, general appointment and recruitment and selection process guidelines, a member evaluation summary and classification structure.

Image 2 - Governance Review Timeline



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Bylaw 20669 - Council Committees Bylaw Amendment No. 9

The purpose of Bylaw 18156 is to prescribe the general powers, duties, and functions of Council Committees. Bylaw 20669 amends Bylaw 18156 as follows:

- Standardizes two-year terms and eight-year maximums.
- Introduces a standard process to appoint and select alternate members.
- Introduces a process for non-attendance and to allow leaves of absence.
- Removes the use of subcommittees.

Bylaw 18156 applies to all Council Committees, which includes all Advisory Committees. Governance Review changes are being applied to Advisory Committees only. As a result, Bylaw 20669 amends Bylaw 17138, Bylaw 19018 and Bylaw 15638 to exempt Naming Committee, Edmonton Salutes Committee and Edmonton Combative Sports Commission from the Governance Review changes and to maintain status quo for these Council Committees (Decision Making Boards).

The above changes, if Bylaw 20669 receives three readings, will be effective for the 2024 civic agency recruitment cycle. For the removal of the use of subcommittees, Administration will work with Advisory Committees to implement the change as part of the Advisory Committees' 2024/2025 Work Plans.

A side-by-side comparison is in Attachment 2.

Other Considerations

Changes After the 2024 Civic Agency Recruitment Cycle

Additional Governance Review changes will be brought forward after the 2024 civic agency recruitment cycle (see image 2 above). Attachment 3 provides a timeline.

Community Insight

Advisory Committees, community stakeholders, Councillors and Administration partners were engaged through the Governance Review methodologies. Most recently, the Administration met with Advisory Committee Chairs in September 2023 to share information about upcoming changes.

Overall, Chairs expressed support for the upcoming changes presented at the information sessions. However, Chairs raised concerns on the removal of subcommittees and mentioned that this change could impact the effectiveness of Advisory Committees and the ability to advance work. Some Chairs explained that much of the discussion and research related to their priorities is conducted in sub-committees. Concerns have also been raised on the use of sub-committees

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and the resources required to conduct these in compliance with legislative requirements, for example legislative requirements to allow for electronic meetings.

If City Council would like to provide direction related to the above feedback, specific to sub-committees, the following amendment could be used:

That Bylaw 20669 be amended by deleting and replacing section 12 with:

Section 12(1) is amended by deleting and replacing “A Council Committee” with “If approved to do so by Council, a Council Committee”.

Three Chairs also sought clarification on the changes to the advocacy functions of Advisory Committees, including whether this prevented all advocacy work to external stakeholders, other orders of government, etc.

Chairs have also sought clarification on the intent of the review of the permanency of the Advisory Committees.

Engagement during the Governance Review highlighted the complexity of the extended governance model and the legislative framework and revealed ongoing questions about roles and responsibilities, mandates and scope, expectations and meeting procedures and accountability processes. Governance Review changes intend to address these questions.

Attachments

1. Bylaw 20669 - Council Committees Bylaw Amendment No. 9
2. Side-By-Side Comparison
3. Governance Review Changes and Implementation Timeline
4. Process Overview

Others Reviewing the Report

- M. Plouffe, City Solicitor