

Bylaw 17755 – A Bylaw To Amend Bylaw 12300 – Procedures and Committees Bylaw

To Increase Allowance of Participation by Communications Facilities in Committee Meetings

Recommendation:

That Executive Committee recommend to City Council:

That Bylaw 17755 be given the appropriate readings.

Purpose

To amend the Procedures and Committees Bylaw 12300, to remove the requirement for persons wishing to participate by communication facility to be in a location outside of Edmonton and to make a housekeeping amendment related to notice requirements.

Readings

Bylaw 17755 is ready for three readings.

If Council wishes to give three readings during a single meeting, Council must unanimously agree “That Bylaw 17755 be considered for third reading”.

Advertising and Signing

This Bylaw does not require advertising.

Position of Administration

Administration supports this Bylaw

Report Summary

This report provides an amendment to Procedures and Committees Bylaw 12300 to remove the requirement for persons wishing to participate by communication facility to be in a location outside of Edmonton. This amendment would allow residents within the City to participate in committee meetings remotely, provided they provide appropriate notice.

Previous Council/Committee Action

At the May 24, 2016, City Council meeting, the following motion was passed:

That Administration prepare a report with an amendment to Bylaw 12300 - Procedures and Committees Bylaw to delete section 2(b) of Schedule C and any other possible amendments to make using Communication Facilities to participate at Council and Committee meetings more accessible to the public.

Report

Under the current provisions of the Procedures and Committees Bylaw 12300, members of the public are able to participate at Council and Standing Committee meetings through the use of a communication facility only if they are in a location outside of the City of Edmonton.

The amendments proposed in response to Council's motion will remove the location requirement and will mitigate risk.

Amendment Regarding Location Requirement

Currently, speakers may participate in meetings by communication facility only if they are located outside of the City.

A communication facility could mean any kind of remote communication participation. Telephone is the only communication facility that is operationally supported at this time, although other forms of remote participation are not precluded by the bylaw. Requests from the public to participate by telephone are rare; the last citizen participant by telephone was in 2007.

The location requirement (requiring the speakers to be located outside of the City of Edmonton to remotely participate) was included in the Bylaw because of the value placed at that time on in-person attendance and in-person communication with Council and Committee. Physical attendance was thought to provide the best form of engagement for the importance of the decisions and discussions at Council and Committee. Also, technological capacity for multiple speakers by phone was limited.

Amending the bylaw to remove the location requirement would enable persons in any location to participate in meetings. This amendment could increase accessibility for residents who are unable or disinclined to physically attend meetings, and could contribute to the goal of ensuring public involvement processes are accessible to the public as per Council Policy C513 - Public Involvement.

Other Municipalities

A number of municipalities in Canada and the United States were surveyed, including the cities of Calgary, Toronto and Vancouver. None of the municipalities surveyed allow remote public participation by telephone or other electronic means. With no clear examples of municipalities allowing participation by telephone or other electronic tool there is no benchmark for potential participation rates or examples of best practices. Administration is confident, however, that practical guidelines could be developed, and refined over time and with experience.

Implementation and Impacts of Amendment to Location Requirement

If requests to participate by telephone (or other communications facility) increase substantially, logistical issues may arise. Administration will evaluate and monitor these

requests and return to Council for further discussion, if needed. Further consideration has been given to the following logistics:

Meeting management: Paneling speakers (hearing from speakers in a group), speaker ordering, timing and questions from Councillors, and decorum would need to be managed by the Chair and the Clerk. In terms of telephone participation, a second conference line would be required to allow a Councillor attending the meeting by telephone. Additional staff would manage the conference lines, and any other type of participation by communication facility.

Agenda management: Agenda items with speakers participating remotely would need to be time-specific to facilitate setup of the conference call. The Office of the City Clerk would manage this process in consultation with the meeting Chair.

Pre-registration: Technology used for remote participation must be reliable to ensure a consistent and fair experience for all speakers. At least 48 hours' notice to arrange for participation remotely would be required to allow for setup, testing, and determination of operational feasibility, as well as for agenda management.

Operational feasibility: The amendment requires remote participation to be operationally feasible and at the discretion of the City Manager. This will allow management of potentially high numbers of speakers, as well as for denial of remote participation if systems are not operating at capacity or if requests for participation by communications facility exceed operational capacity.

Status Quo

There are benefits to in-person participation that may not be realized by remote participation:

- in-person participation yields better dialogue and engagement with Council
- Administration and the media are able to engage with the speaker and communication is more clear
- in-person participation also removes risks of communication device failure and poor communication signals

If no changes are made to the existing bylaw, residents will still be able to access Committee participation opportunities currently in place:

- attend and speak in-person
- submit Council correspondence
- authorize another individual to speak on their behalf

There are also public engagement opportunities outside of the formal Council or Committee meeting process, such as open houses, surveys, and community meetings which often involve online options and are publicized through the City's online engagement calendar.

Appropriate Place for Remote Participation

Administration believes that Committee meetings are the appropriate place for remote participation. In addition to removal of the location requirement, the proposed amendment includes removal of the current provision for the public to participate at Council meetings or any Statutory Public Hearings by a communications facility. Council may wish to extend that exclusion to non-statutory public hearings, as well.

A Statutory Hearing is a City Council meeting required to be held under statute where members of the public have a right to speak. There is lack of legal certainty as to whether a technological failure, either on the speaker's end or the City's end, could result in a speaker being denied their right to address City Council.

Risk Assessment

Risk Element	Risk Description	Likelihood	Impact	Risk Score	Current Mitigations	Potential Future Mitigations
Public Perception	Poor quality experience could create the perception that public input is not valued	2	2	4	Testing Technology maintenance and upgrading	Technology and infrastructure upgrades
Technology / Equipment	Unreliable technology could negatively impact a speaker's participation creating questions concerning bias and equity. Unreliable technology could disrupt the meeting and have negative impacts on the decision making process	2	2	4	Testing Technology maintenance and upgrading Speaker registration	Technology and infrastructure upgrades

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Metrics, Target and Outcomes

Metrics	<ul style="list-style-type: none">requests for participation by communication facility - last public request for participation by telephone was in 2007	
Targets	<ul style="list-style-type: none">provide opportunity for communications facility participation	
Outcomes	<ul style="list-style-type: none">increased public participation in civic government	

Policy

This report complies with City Policy C513 - Public Involvement Policy which states that “the City of Edmonton believes that key element of representative democracy is that people have a right to be involved in the decisions that affect them”.

Corporate Outcomes

This report supports the corporate outcome “Edmontonians are connected to the city in which they live, work and play” by providing options to increase public participation at Council and Committee meetings.

Budget/Financial Implications

At this time there are no budget implications. Administration will implement this change within existing budgets.

Legal Implications

The *Municipal Government Act* requires that members of the public have the right to be present at all Council meetings, unless the matter can be discussed in private pursuant to the *Freedom of Information and Protection of Privacy Act*. For matters where the *Municipal Government Act* or other Acts require a public hearing (e.g., land use bylaws), Council must hear from any affected person and may hear from any other person. Council may, by bylaw, prescribe the processes for hearing from the public during public hearings. If the use of communication facilities is permitted for public hearings and the technology fails, resulting in the inability for an affected person to participate, there is a potential risk that the matter considered at the public hearing could not be validly passed at that time.

Attachments

1. Bylaw 17755

Others Reviewing this Report

- C. Campbell, Deputy City Manager, Communications and Public Engagement
- T. Burge, Chief Financial Officer and Deputy City Manager, Financial and Corporate Services
- A. Laughlin, Deputy City Manager, Integrated Infrastructure Services