

Proposed Amendments – Bylaw Comparison

Original Bylaw 15155	Proposed Bylaw 15797	Comments
<p>Whereas, pursuant to section 145 of the <i>Municipal Government Act</i>, Council may pass bylaws dealing with the establishment and functions of council committees:</p>	<p>Whereas pursuant to section 145 of the <i>Municipal Government Act</i>, R.S.A. 2000, c. M-26, Council may pass bylaws establishing council committees, which includes all committees, boards, or other bodies established by Council under the <i>Municipal Government Act</i>, and Council may prescribe the procedure and conduct for all council committees by bylaw; and</p> <p>Whereas pursuant to section 203 of the <i>Municipal Government Act</i>, a council may delegate its powers, duties, or functions to a council committee, a chief administrative officer or a designated officer, unless legislation prohibits delegation, and if a council delegates a power, duty, or function it may authorize the committee or officer to further delegate the matter; and</p> <p>Whereas pursuant to sections 197 and 198 of the <i>Municipal Government Act</i>, the public is permitted to attend all council committee meetings unless a person is expelled by the chair for improper conduct at a meeting or the meeting is closed to the public in accordance with the provisions of the <i>Freedom of Information and Protection of Privacy Act</i>, R.S.A. 2000, c. F-25; and</p> <p>Whereas pursuant to section 154 of the <i>Municipal Government Act</i>, the Mayor is a member of all council committees unless a council provides otherwise; and</p> <p>Whereas pursuant to section 210 of the <i>Municipal Government Act</i>, a council may by bylaw establish one or more positions to carry out the powers, duties, and functions of a designated officer, and if that position is vacant, the chief administrative officer exercises all of the designated officer's powers, duties, and functions; and</p> <p>Whereas pursuant to section 95 of the <i>Freedom of Information and Protection of Privacy Act</i>, R.S.A. 2000, c. F-25, a local public body must designate a head of the local public body for the purposes of that Act;</p>	<p>Updated – Preamble more accurately reflects relevant sections of the <i>Municipal Government Act</i> and the <i>Freedom of Information and Protection of Privacy Act</i></p>

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<p>1 The purpose of this bylaw is to establish the Edmonton Homeless Commission and to prescribe powers, duties, structure and procedures for this Commission.</p>	<p>1 The purpose of this bylaw is to continue the Edmonton Homeless Commission and to:</p> <ul style="list-style-type: none"> (a) establish the Commission’s mandate; (b) prescribe the Commission’s powers, functions, duties, structure, and procedures; (c) prescribe rules for the appointment of Members; (d) establish the position of Executive Director as a designated officer serving the Commission and to prescribe the Executive Director’s powers, duties, and functions; and (e) give direction to the City Manager with respect to providing resources and assistance to the Commission. 	<p>Added – Purpose has been expanded to better describe what the bylaw is intended to do</p>
<p>2 (Definitions)</p> <ul style="list-style-type: none"> (a) “City” means the Municipal Corporation of the City of Edmonton; (b) “City Manager” means the Chief Administrative Officer of the City; (c) “Commission” means the Edmonton Homeless Commission established under this bylaw; (d) “Council” means the Municipal Council of the City of Edmonton; (e) “Homelessness Plan” means the Plan endorsed by Council on February 4, 2009, called <i>A Place to Call Home – Edmonton’s 10 Year Plan to End Homelessness</i>; (f) “Member” means a person appointed to the Commission pursuant to this bylaw. 	<p>2 (Definitions)</p> <ul style="list-style-type: none"> (a) “City” means the municipal corporation of the City of Edmonton; (b) “City Manager” means the chief administrative officer of the City; (c) “Commission” means the council committee known as the Edmonton Homeless Commission; (d) “Council” means the governing body of the City; (e) “Executive Director” means the Commission’s chief executive officer or delegate; (f) “FOIP Act” means the <i>Freedom of Information and Protection of Privacy Act</i>, R.S.A. 2000, c.F-25, as amended; (g) “FOIP Head” means the individual designated under this bylaw as the head of the Commission for the purposes of the FOIP Act; (h) “Homelessness Plan” means the plan supported by Council on February 4, 2009 and entitled <i>A Place to Call Home – Edmonton’s 10 Year Plan to End Homelessness</i>; (i) “Mayor” means the chief elected official of the City; (j) “Member” means an individual appointed to the Commission pursuant to this bylaw; (k) “Municipal Government Act” means the <i>Municipal Government Act</i>, R.S.A. 2000, c. M-26, as amended; and (l) “Procedures and Committees Bylaw” means City Bylaw 12300, as amended. 	<p>Updated – now includes definitions for: “Executive Director”, “FOIP Act”, “FOIP Head”, “Mayor”, “Municipal Government Act”, and “Procedures and Committees Bylaw”</p>

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<p>3 The marginal notes and headings in this bylaw are for reference purposes only.</p> <p>4 The Edmonton Homeless Commission is hereby established as a Committee of Council.</p> <p>5 The mandate of the Commission is to oversee implementation of the Homelessness Plan.</p>	<p>3 The marginal notes and headings in this bylaw are for reference purposes only.</p> <p>4 The Edmonton Homeless Commission is continued as a council committee.</p>	<p>No change</p> <p>Updated wording</p>
	<p>5 The mandate of the Commission is to implement the Homelessness Plan through a process that builds on the strength of the community, develops capacity, measures progress, and promotes collaboration, innovation, and cost-effectiveness, including:</p> <ul style="list-style-type: none"> (a) promoting the development of permanent housing options for all individuals experiencing homelessness, regardless of addictions, mental health issues, or other impediments to securing permanent housing; (b) promoting the development of appropriate emergency and transitional housing options; (c) promoting programs that endeavour to prevent homelessness; (d) facilitating collaboration on homelessness between all orders of government, the community, and non-profit organizations; (e) facilitating collaboration between community and non-profit groups providing outreach assistance to individuals experiencing homelessness; (f) promoting programs that provide income, training, and educational supports to individuals experiencing homelessness; (g) supporting organizations that provide ancillary and necessary support for permanent housing, including the provision of furniture, appliances, and sundries; (h) promoting a respectful, client-centred approach to ending homelessness; (i) identifying the systemic issues underlying homelessness and proposing solutions to end homelessness; and (j) ending chronic homelessness within the city by 2019. 	<p>Added – wording of mandate expanded to reflect the mandate, activities and plans of the Commission as set out in the Plan to End Homelessness</p>

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<p>6. Subject to the provisions of this bylaw and all other City, Provincial and Federal Laws, the Commission, in fulfilling its mandate will:</p> <p>(a) advocate on behalf of Council in support of the Homelessness Plan;</p> <p>(b) engage the services of and oversee a management agency to manage delivery of the Homelessness Plan;</p> <p>(c) retain the services of consultants to problem-solve and prioritize work on the Homelessness Plan;</p> <p>(d) benchmark progress on the Homelessness Plan and report to Council annually, and to the public periodically;</p> <p>(e) focus public attention and enlist public support for the Homelessness Plan;</p> <p>(f) influence key decision makers to support the Homelessness Plan with funding and policy;</p> <p>(g) engage the community in collaboration and a belief that solutions are possible;</p> <p>(h) evaluate and modify the Homelessness Plan to adapt to changing conditions, and to ensure continuous improvement;</p>	<p>6 In fulfilling its mandate, the Commission will:</p> <p>(a) identify the nature and extent of homelessness within the city and work to end chronic homelessness by:</p> <ul style="list-style-type: none"> (i) establishing relationships with stakeholders for the purpose of developing creative and collaborative solutions to homelessness; (ii) consulting with stakeholders about the Homelessness Plan; (iii) identifying individuals that are at risk of becoming homeless and developing strategies to assist those individuals that recognize their challenging and complex needs; (iv) providing bi-annual summaries of the number and characteristics of individuals experiencing homelessness in the city; (v) conducting research into the systemic reasons underlying homelessness; (vi) raising awareness of homelessness in the city and promoting the public benefits derived from ending homelessness; and (vii) developing concrete goals, strategies, and targets to achieve the mandate of ending chronic homelessness within the city by 2019; <p>(b) work to establish permanent housing options for all individuals experiencing homelessness, including:</p> <ul style="list-style-type: none"> (i) developing and maintaining an action centre to coordinate the delivery of programs and supports for individuals experiencing homelessness; (ii) supporting specific programs to assist individuals at high risk of becoming homeless; (iii) building relationships with organizations supporting Aboriginal populations to encourage respectful and effective programs to end homelessness; (iv) building relationships with private landlords to encourage participation in programs that provide housing options to individuals experiencing homelessness; (v) supporting initiatives to develop new permanent housing units for individuals experiencing homelessness; (vi) creating programs to assist individuals experiencing homelessness with locating affordable housing options; and 	<p>Added – duties are more defined to reflect the evolution of the Commission and the statements in the City's 10 Year Plan to End Homelessness as updated</p> <p>Also, the Commission needs the power to direct the Executive Director, who would otherwise take all direction from the City Manager</p>

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<p>(i) ensure high-level research is conducted on issues and solutions to homelessness;</p> <p>(j) liaise with the Provincial Secretariat on Homelessness, other regional governments, and First Nations; and</p> <p>(k) ensure funding for homelessness in Edmonton is directed appropriately.</p>	<p>(vii) supporting programs that provide furniture, appliances, and sundries to support permanent housing options;</p> <p>(c) encourage the creation and development of necessary emergency and transitional housing options, including developing programs that reduce:</p> <ul style="list-style-type: none"> (i) reliance on temporary housing; and (ii) the average length of stay in emergency and transitional housing units; <p>(d) endeavour to prevent homelessness by:</p> <ul style="list-style-type: none"> (i) establishing programs to provide support and assistance to individuals discharged from institutional or foster care settings; (ii) developing and participating in intervention programs to prevent eviction; and (iii) assisting individuals experiencing homelessness to access income support, educational programs, and training opportunities; <p>(e) set objective targets for measuring the Commission's progress;</p> <p>(f) report to Council regularly for the purposes of:</p> <ul style="list-style-type: none"> (i) providing annual reports on the activities of the Commission and progress on its mandate; (ii) providing recommendations on funding allocated to homelessness; (iii) providing recommendations regarding the appointment of Members; and <p>(g) give direction to the Executive Director.</p>	
<p>NEW</p>	<p>7 The Commission may establish relationships with external organizations with similar or related mandates.</p>	<p>Added – sets out the Commission's desire to connect with other organizations that are working to end homelessness</p>

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<p>7(1) The Commission will consist of up to seventeen (17) members, as follows:</p> <ul style="list-style-type: none"> (a) one representative of the City Manager, appointed by the City Manager; (b) one representative of the Province of Alberta, appointed by the Minister of Housing and Urban Affairs; (c) up to fifteen (15) individuals appointed by Council, who will represent a broad spectrum of the community. 	<p>13 The Commission will consist of up to 17 volunteer Members, to be appointed as follows:</p> <ul style="list-style-type: none"> (a) one representative of the City Manager, appointed by the City Manager; (b) one representative of the Province of Alberta, appointed by the Minister of Housing and Urban Affairs; and (c) up to 15 individuals appointed by Council. 	<p>No change to board composition</p> <p>Deleted – criteria of representing a broad spectrum of the community – rather than representative criteria, individuals will be selected based on suitability to the work undertaken</p> <p>The Commission will provide its recommendations to Council on the basis of its mandate, and Council has discretion in making the appointments</p>
<p>7(2) Council will name a Chair and Vice Chair from the appointments under (1)(c).</p>	<p>9 At the Commission's first meeting in each calendar year, the Members will elect a chair and vice-chair and establish the Commission's meeting schedule for the year.</p>	<p>Added – the Commission will appoint their own officers as is customary for council committees</p>

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7(3) In the absence of the Chair and Vice Chair at a meeting, the Commission will select a Presiding Officer for that meeting.	10(1) The chair will preside at meetings, and if the chair is absent, the vice-chair will preside. 10(2) If neither the chair nor the vice-chair is present, the Members in attendance may elect a chair from those present.	Updated – uses standard wording for council committees
7(4) Members under (1)(c) will be appointed in accordance with Council's procedures for a term of up to two (2) years. NEW	15 Members will be appointed by Council and at the pleasure of Council for a term of up to two years.	Updated – uses standard wording for council committees
NEW	16(1) Council may appoint Members for successive terms totalling up to six consecutive years. 16(2) Notwithstanding any other provision in this bylaw, Council may in its discretion extend a Member's final term for any length of time it deems appropriate.	Updated wording Added -- allows Council to appoint past the normal limit of six years
NEW	17 The Mayor is not a Member of the Commission.	Added – standard wording for council committees
7(5) A Member may resign at any time by notice in writing to the Chair, and the Commission may vote to continue with fewer Members.	DELETED	Deleted – wording about resignations not required; -- wording about continuing with fewer members is addressed in section 18
7(6) The Commission in its entirety will serve as a selection committee for the recommendation of vacancies for the Members listed in section 7(1)(c).	14 The Commission will recommend to Council individuals for Council appointments to the Commission.	Updated wording

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7(7) The Commission's selection committee will review its membership status on an ongoing basis and will submit names for Council's consideration to fill any vacancies as the need arises. NEW	DELETED	Deleted –intent of section is covered in section 14
7(8) Remuneration of Members may be provided at the discretion of Council.	19 The Commission may reimburse its Members for out of pocket expenses reasonably incurred while conducting Commission business, provided that such expenses are within limits approved by the Commission and within the Commission's approved budget allocations. DELETED	Added – standard wording for a bylaw establishing a council committee Deleted – wording not required as Members serve in a volunteer capacity
8(1) Subject to this bylaw, the Commission will follow the procedures prescribed by Bylaw 12300, the Procedures and Committees Bylaw.	11 The Commission and any sub-committees created by the Commission will follow the procedures prescribed for council committees by the Procedures and Committees Bylaw.	Updated wording – includes subcommittees
8(2) At the first meeting of the Commission every calendar year, the Commission will establish a schedule for meetings to include at least three (3) meetings for the year. NEW	9 At the Commission's first meeting in each calendar year, the Members will elect a chair and vice-chair and establish the Commission's meeting schedule for the year. 12(1) Commission meetings will be open to the public and all decisions of the Commission must be made in public. 12(2) Notwithstanding the above, Commission meetings may be closed to the public in accordance with the provisions of the Municipal Government Act and the FOIP Act.	Updated wording

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8(3) Special meetings may be called by the Chair on three (3) days written notice to all members.	DELETED	Deleted – wording not required as the provision is contained in legislation
8(4) Quorum for the Commission is a majority of the existing appointed members of the Commission.	18 Quorum for the Commission is equal to a majority of appointed Members.	Editing changes
9(1) The Commission may establish sub-committees, as required.	8(1) The Commission may create sub-committees to conduct research or otherwise assist the Commission in fulfilling its mandate.	Updated wording
NEW	8(2) The Commission may not delegate the Commission's decision-making power to a sub-committee created pursuant to this section.	Added – standard wording for a council committee
9(2) The Commission may appoint persons from outside the Commission to a sub-committee. 9(3) Sub-Committees shall: a) be chaired by Commission members, and b) report back to the Commission for consideration of findings	DELETED	Deleted – wording not needed as the Commission is an expert board with the power to consult and seek input as needed
9(4) The Commission or a sub-committee will consult with the public through the provision of a formal hearing and submission process.		

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NEW	<p>PART V – EXECUTIVE DIRECTOR</p> <p>20 The designated officer position of the Executive Director to the Edmonton Homeless Commission is established.</p> <p>21 The Executive Director will be the City Manager or delegate.</p> <p>22 The Executive Director will be the FOIP Head for the Commission.</p> <p>23 The Executive Director will serve and take direction from the Commission with respect to matters within its mandate, but will be accountable to and under the supervision of the City Manager.</p>	<p>Added – the Commission has had City staff assisting it since prior to its inception. Its de facto Executive Director position is now recognized in the bylaw with details about the Executive Director powers, duties and functions as required by legislation</p>
NEW	<p>24 The Executive Director has the following powers, duties, and functions:</p> <p>(a) managing the Commission’s budget, records, information technology, finances, resources, and administrative matters in accordance with City bylaws, policies, and procedures;</p> <p>(b) in consultation with the Commission, preparing the Commission’s budget;</p> <p>(c) requesting budget allocations and other resources from the City Manager;</p> <p>(d) acting as a liaison between the City Manager, Council, and the Commission;</p> <p>(e) assisting the Commission with the preparation of reports and budgets for Council;</p> <p>(f) attending at Council for the presentation of Commission reports and budgets;</p> <p>(g) assisting the Commission to establish relationships with external organizations with similar mandates;</p> <p>(h) in conjunction with another City employee and in accordance with the City’s policies and procedures, signing agreements, including professional</p>	<p>Added – sets out the powers, duties and functions of the Executive Director as required by legislation</p>

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	<p>services agreements, for matters within the Commission's mandate and approved budget;</p> <p>(i) exercising the powers, duties, and functions of the FOIP Head, as prescribed by the FOIP Act; and</p> <p>(j) such further powers, duties, or functions with respect to matters within the Commission's mandate as directed by the Commission or the City Manager.</p>	
NEW	<p>25(1) With the exception of the Executive Director's duties as FOIP Head, the Executive Director may sub-delegate in writing the Executive Director's power, duties, or functions under this bylaw to other City employees or designated officers, and may delegate the power to further sub-delegate the Executive Director's powers, duties, or functions.</p>	<p>Added – defines the ability of the Executive Director to sub-delegate certain duties</p>
NEW	<p>25(2) The Executive Director may delegate in writing the powers, duties, and functions of the FOIP Head to another City employee, but may not delegate the power to further sub-delegate the FOIP Head's powers, duties, or functions.</p>	<p>Added – Council committees are separate public bodies from the City under FOIP and must have their own FOIP head; FOIP does not permit delegation of the power to sub-delegate</p>
NEW	<p>26 The Executive Director will provide quarterly reports to the Commission and the City Manager on the Executive Director's activities.</p>	<p>Added – directs the Executive Director to report on activities</p>
10 The Commission must submit a request for a total budget in accordance with City budget procedures.	<p>28 The Commission's budget will be submitted to Council during Council's annual budget process.</p>	<p>Updated wording</p>

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<p>11 Agreements signed by the Commission must be within the value of the approved budget, and a copy must be forwarded to the City Manager.</p>	<p>DELETED</p>	<p>Deleted – replaced by section 24(h) which requires the Executive Director and another City employee to sign agreements for the Commission following City procedures within approved budget allocations</p>
<p>12 Technical, planning, and administrative resources to the Commission and its sub-committees, as determined by the City Manager in consultation with the Commission, will be provided by the City Manager.</p>	<p>27(1) The City Manager will consult with the Executive Director and the Commission to determine the Commission's need for administrative, financial, technical, professional, equipment, materials, and other resources. 27(2) The City Manager will allocate appropriate and sufficient City resources for the Commission's use.</p>	<p>Updated wording</p>
<p>13 The Commission will report to Council through Executive Committee at least annually.</p>	<p>DELETED</p>	<p>Deleted – reporting through Standing Committees is set out in the Procedures and Committees Bylaw – reporting is set out in section 6(f)</p>

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NEW	29 Bylaw 15155, Edmonton Homeless Commission Bylaw, is repealed.	Added – due to the number of changes required a replacement bylaw was issued rather than an amending bylaw
14 The Commission must review the provisions of this bylaw, including the mandate and composition, and report back to Council through Executive Committee by July 31, 2010.	31 Unless Council directs otherwise, the Commission will terminate on December 31, 2019.	Added – the mandate for the City's 10 year plan to end homelessness will be completed by 2019