

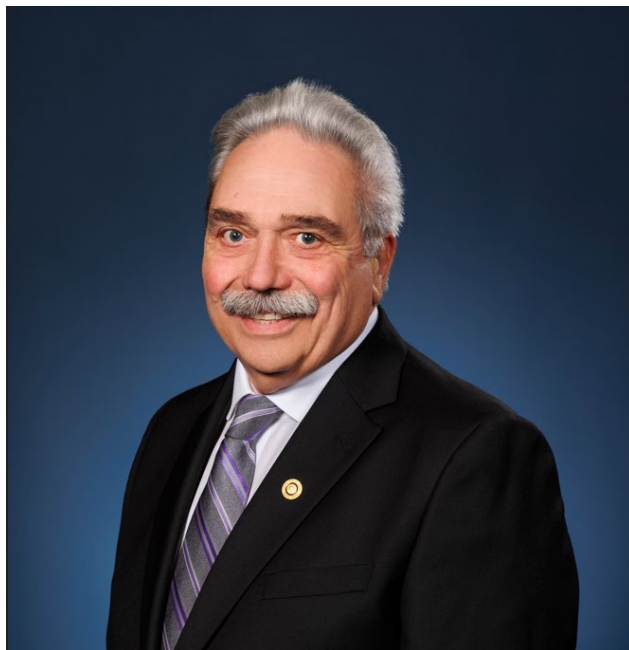


City of Burlington Procedure By-law Review Workshop

Monday, February 27, 2023

9:30 am to 4:00 pm

Council Chamber at Burlington City Hall



Session Welcome & Opening

Councillor Angelo Bentivegna
Council Workshop Committee Chair



Opening Remarks

Kevin Arjoon

Director, Office of the City Clerk/City Clerk

Session Goals

Overall Goal: To undertake a fulsome procedure by-law review to support Council in animating efficient, transparent and effective processes that result in high-calibre decisions and outcomes for the City of Burlington.

Today's goals are to:

1. Discuss and agree upon what constitutes good process in terms of the values, guiding principles and criteria that guide good governance, deliberation, decision-making and procedure for Council.
2. Methodically review the City of Burlington's current Procedure By-law 31-2021 to provide direction to staff to enhance procedural processes and amendments.
3. Discuss the Deputy Mayor with Portfolio role and commit to principles to shape relevant by-laws and guide the successful implementation of this new governance model.
4. Agree upon all next steps to ensure a revised Procedure By-law is approved in in Q2, 2023.

Rationale for a Procedure By-Law Review

1. Effective Councils monitor their processes and procedures on a regular basis to ensure they achieve great governance and leadership.
2. This Council has not had an opportunity to undertake a comprehensive procedure by-law review.
3. Legislation has changed and some by-laws need updating.
4. Some of Council's rules of order are out-dated, out of order, and not as effective as they could be, resulting in potential inefficiencies and procedural challenges.
5. New best practices have emerged across the municipal landscape which could inform better process.
6. Virtual and hybrid meetings have impacted and influenced process, resulting in different procedures and expectations.

By-law Review Process



1. Council interviews were undertaken to secure Council feedback on those by-laws and processes that need review.
2. City Clerk's Office staff additionally reviewed by-laws to identify those requiring updates.
3. City Clerk staff reviewed legislation, best practices, and Council feedback and developed materials to support a by-law review process.
4. Council workshop to set direction related to procedural and by-law changes to be made – **today!**

By-law Review Process



5. Public engagement as follows:
 - a. Public Notice has been posted 7 days in advance – as per Public Notice Policy.
 - b. Today's Council Workshop, all materials have been shared with the public including the format for today's session, we are currently live streaming and will post the meeting video.
 - c. Public Notice that item will be discussed at CSSRA 7 days in advance, includes anticipated Council approval date.
 - d. CSSRA – Standing Committee Meeting – Correspondence can be received, as well as in person or virtual delegations (10 minutes per delegate).
 - e. Council Meeting where By-law is presented – Correspondence can be received, as well as in person or virtual delegations (5 minutes per delegate)
6. Council to ratify the by-laws at a Council meeting in Q2, 2023.

Materials to Support this Process

1. The Procedure By-Law 31-2021 document which has been colour coded to present the proposed status of the by-law:
 - **Green** – this section requires straight forward changes that require little or no discussion
 - **Yellow** – this section requires more complicated changes needing deeper consideration
 - **Red** – the changes required to this section are complex in nature and may require significant discussion and deliberation
 - **Purple** – the changes required will take place as part of a planned future process
2. A Chart of Proposed By-Law Changes for Council's consideration that highlights current by-law wording, proposed change(s)/option(s), rationale for change(s), and feedback from Council along with best practices and legislative requirements
3. A Chart of Future By-law Changes which will take place as part of other defined emerging processes in the near future
4. The session agenda and pre-reflections work for Council members
5. The PowerPoint for the Session

Session Agenda

1. Introductions
2. A Discussion about the Values, Guiding Principles and Criteria to Guide the By-Law Review Discussion
3. A Review and Discussion about the By-laws as follows:
 - **Green** – this section requires straight forward changes that require little or no discussion
 - **Yellow** – this section requires more complicated changes needing deeper consideration
 - **Red** – the changes required to this section are complex in nature and may require significant discussion and deliberation
 - **Purple** – the changes required will take place as part of a planned future process
4. A Review of Next Steps
5. Adjournment

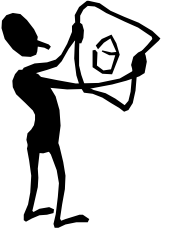
Session Guidelines

1. We need everyone's input.
2. Please respect who is speaking and listen with an open mind.
3. Divergent ideas enable deeper and richer thinking.
4. Respectfully propose versus dispose of other's ideas.
5. Let's keep the conversation grounded in our values, guiding principles, and criteria.
6. Process and approach to be fair, just, equitable and transparent.
7. Staff input is required as part of the process in order to inform operational realities and the viability and legality of proposed procedural processes.
8. Stay on point and on time.

Session Guidelines

9. We will follow a speakers' list.
10. The facilitator may set some time limitations and debate may be limited.
11. Permission to move along.
12. We will aim for consensus – please support the proposed by-law change unless you CANNOT live with it.
13. The Chair will call a vote once the facilitator has confirmed consensus cannot be achieved.
14. A parking lot will track items requiring deeper discussion at future Council meetings.

Decision Making Process



- We will aim for group consensus (you can live with the recommendation) that provides clear direction from Council to staff
- We will move to majority vote (4/7) if consensus cannot be achieved.
- Today, we are having *foundational* conversations to inform future work to guide final approvals.
- Final approval of all by-law changes will take place in Q2, 2023.

Introductions

Please introduce yourself and share:

- One thing that excites you about being on Council or working with the City.
- What is personally important to you with respect to establishing good process and procedures that result in great governance?



Values, Guiding Principles and Criteria that Constitute Good Process and Great Governance

Clarity – easy to understand

Collaboration – procedures and decisions involve all members

Consensus Building – procedures encourage consensus amongst members and should not hinder decision making

Democratic – everyone is treated equally and is involved in making decisions

Diversity – respecting and appreciating a range of perspectives (racial, ethnic, socioeconomic, and cultural backgrounds) and various competencies, experiences, and skills

Effectiveness – the power to produce an intended result

Efficiency - the ability to achieve an end goal with limited waste, resources, effort, or energy

Equity – being fair, impartial and just and recognizing that we do not all start from the same place and must acknowledge and make adjustments to imbalances

Fully Present – being focused and engaged in the here and now, not distracted or mentally absent

Impactful - aiming for the best results and outcome for the community

Inclusion – everyone feels engaged, valued and respected as an individual

Procedural Fairness – having a fair and impartial process that gives parties the right to be heard and explains reasons for decisions

Role Clarity – a clear understanding of the task, responsibilities and process including decision-making

Transparency – displaying openness, honesty, communication, and accountability

Colour Coding for the Review

- **Green** – these sections require straight forward changes that require little or no discussion
- **Yellow** – these sections require more complicated changes needing deeper consideration
- **Red** – the changes required to these sections are complex in nature and may require significant discussion and deliberation
- **Purple** – the changes required will take place as part of a planned future process

By-Laws – Not Highlighted

**Sections that are not highlighted are working
and require no change**

Do we agree that all the sections that are not highlighted in the marked up copy of the Procedure By-Law 31-2021 document are appropriately categorized? Specifically:

1. Are they working and requiring no change?
2. Do any need to be reviewed?

Process to Review the By-Laws

1. Staff presentation is made to contextualize the recommended by-law change(s) and highlight implications (5 minutes maximum).
2. A Q & A period is provided for queries or points of clarity *only*.
3. The 5-finger vote is taken to determine buy-in expediently with the question:
Can you live with this proposed change?
4. If the proposed change is agreed upon, Council will move on to the next recommendation.

5-Finger Consensus



5-Finger Consensus

- 5 fingers – I strongly agree
- 4 fingers – I agree
- 3 fingers – I can see some pluses and minuses but will go along with the group
- 2 fingers – I disagree but can live with it
- 1 finger – I disagree and cannot support it

First vote to test recommendation goes with 3 and up.

Process for Green Coded By-laws

5. If the 5-finger vote does not elicit support (3 score and up), the group will explore alternative ideas to address the by-law change:
 1. What has to change in order for you to support this by-law change?
 2. What do you recommend? Please refer to your agreed upon criteria and values to inform your thinking.
6. If the solution is straightforward, we will move to a 5-finger vote.
7. If the vote proceeds, we move to the next recommendation.

Process for the By-law Review

8. If there are concerns or objections, Council will discuss the issue to find a common solution or answer as follows (chart on wall):
 - *Cons*: to highlight what is challenging or gapping regarding the recommendation (those with concerns are to provide input here)
 - *Pros*: an opportunity to highlight what is positive about the recommendation
 - *Alternate recommendation option(s)*: this provides Council members with an opportunity to present an alternate option(s) or proposal (those with concerns are to provide input here) and that animates the values and guiding principles.
 - *Additional comments*: to capture additional information discussed and if more info is required to deliberate on the recommendation option(s)
9. Test for agreement using the 5-finger vote model. If approved with a 3+ score, move to next recommendation.

Process for the By-law Review

10. If no agreement, do a round and hear from each Council member on the issue with 2 minutes or less per person. Council members are invited to put forth a new or modified recommendation(s).
11. The new or modified recommendation(s) is voted on using the 5-finger vote and a 2+ score will be accepted.
12. If there is no consensus, move to a majority vote on the proposed change (facilitated by Workshop Committee Chair).
13. If majority vote does not pass, Council to delegate Clerk's office to undertake additional research based on Council's feedback to propose an alternative option for presentation in Q2.
14. Final decision to be summarized and included in the workshop minutes.

Break



Sections – Highlighted in Green

Green - these by-laws require straight forward changes that require little or no discussion

Section 1: Definitions

Section 20: Meetings Open to the Public

Section 22: Notice of Meeting

Section 28: Call to Order and Quorum

Section 32.1: Council Agenda

Section 34: Standing Committees

Section 36: Notice of Motion

Section 40: Staff Directions

Section 42.2 and 42.3: Minutes

Sections – Highlighted in Green

Green - these sections require straight forward changes that require little or no discussion

Section 44: Conduct at Council and Committee Meetings

Section 45: Presentations

Section 50: Motions at the Meeting

Section 51: Voting

Schedule A, 3: Motion to Close Debate

Schedule A, 4: Motion to Postpone Definitely

Schedule A, 5: Motion to Refer

Schedule A, 7: Motion to Postpone Indefinitely

Sections – Highlighted in Yellow

Yellow – these sections require more complicated changes needing deeper consideration

Section 8: Organization and Rules

Section 23: Regular Meetings

Deputy Mayor with Portfolio

Overview

- A new model of governance to make the best use of the diverse experience and background of Council
- To deliver on the Vision to Focus Strategic Plan and ongoing initiatives and priorities
- Results in new positions for this term of Council based on the skills and strengths of each Councillor
 - Deputy Mayor for Business and Red Tape Reduction
 - Deputy Mayor for Community Engagement & Partnerships
 - Deputy Mayor for the Environment
 - Deputy Mayor for Housing
 - Deputy Mayor for Strategy & Budgets
 - Deputy Mayor for Recreation & Community Services

Deputy Mayor with Portfolio

Proposed Principles

- Deputy Mayors works in collaboration with Mayor's Office;
- Deputy Mayors work will advance key city initiatives as defined through the V2F Work Plan or other corporate documents;
- Deputy Mayors are assigned an executive lead by the City Manager for ongoing dialogue and resource needs;
- Deputy Mayor role does not replace the City's governance structure. All decision-making still rests with all of Council by vote;
- Council can direct or endorse actions of Deputy Mayors.

Deputy Mayor with Portfolio

Proposed Roles

The role of the Deputy Mayor with Portfolio is to:

- Raise awareness and support the advancement of strategic initiatives.
- Bring forward to Council and sponsor policy and city related legislation proposals.
- Participate in intergovernmental meetings and delegations on portfolio items and other advocacy work.

Deputy Mayor with Portfolio

Q & A

What else do you want to know about the new Deputy Mayor with Portfolio role?



Reflecting on Deputy Mayor with Portfolio Model

1. What aspects of the Deputy Mayor with Portfolio model are clear? What is not clear to you?
2. What excites you about the new Deputy Mayor with Portfolio model?
3. Does anything concern you about this new leadership structure?
4. What implications will this new model have on how Council does its work? Will this model impact or change Council process and if yes, how?
5. What changes will be required to ensure the Deputy Mayor with Portfolio model is a success?



Reflecting on Deputy Mayor with Portfolio Model

Proposed Principles

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- Deputy Mayors work will advance key city initiatives as defined through the V2F Work Plan or other corporate documents;
- Deputy Mayors are assigned an executive lead for dialogue;
- Deputy Mayor role does not replace the City's governance structure. All decision-making still rests with all of Council by vote;
- Council can direct or endorse actions of Deputy Mayors.



**What else should
be considered and
added?**

Reflecting on Deputy Mayor with Portfolio Model

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**What else should
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Reflecting on Deputy Mayor with Portfolio Model

Commitments to Each Other

What commitments can Council members make to each other to ensure this new model is effective and efficient?



Break



Sections – Highlighted in Yellow

Yellow – these sections require more complicated changes needing deeper consideration

Section 8: Organization and Rules

Section 23: Regular Meetings

Sections – Highlighted in Red

Red - the changes required to these sections are complex in nature and may require significant discussion and deliberation

Section 4: Deputy Mayor

Section 30: Meeting Recess

Section 32.2: Council Agenda

Section 49: Questions/Speaking

Sections – Highlighted in Purple

Purple – the changes required will take place as part of a planned future process

Section 5: Chair

Section 19: Advisory Committees

Section 25: Electronic Meetings

Section 27: Closed Session

Schedule A: Point of Privilege

Burlington Hydro

Sections – Highlighted in Purple

What recommendations and advice do you have for the Clerk's Office to guide staff future by-law amendment efforts related to:

Section 5: Chair

Section 19: Advisory Committees

Section 25: Electronic Meetings

Section 27: Closed Session

Schedule A: Point of Privilege

Burlington Hydro

Next Steps

1. Workshop minutes to document proposed by-law changes and Council's direction.
2. Public Notice that items will be dealt with at CSSRA 10 Days in advance, also noting anticipated Council approval date.
3. CSSRA – Standing Committee Meeting – Correspondence can be received, as well as in person or virtual delegations (10 minutes per delegate).
4. Council Meeting in Q2 where draft By-law is presented – Correspondence can be received, as well as in person or virtual delegations (5 minutes per delegate)
5. Council to ratify the by-law.
6. Staff report back on Deputy Mayor with Portfolio

Thanks & Adjournment



Councillor Angelo Bentivegna