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REPORT TO GOVERNANCE COMMITTEE

MEETING OF WEDNESDAY, APRIL 25, 2018

SUBJECT Closed Agenda Timing

ISSUE

To provide an overview of impacts of changing the schedule of Closed Board meetings from occurring at the end of regular open meetings to the start of or prior to the Open meeting.

BACKGROUND

At the February 28, 2018 Governance Committee meeting, the following motion was passed based on a Motion with Notice from Director Desjardins:

Whereas significant and important discussion at in camera meetings happen at the conclusion of long meeting days,

Therefore be it resolved that staff be directed to report back to committee on the option of having the Closed Board agenda considered prior to the Open Board agenda at Regional Board meeting.

Currently, as per the *Capital Regional District Board Procedures Bylaw, 2010* (the “Procedures Bylaw”) the Board meetings for both the Regional District and Hospital District Boards occur on the second Wednesday of every month at 1:30 p.m. The bylaw sets out the order of business, which lists “motion to close meeting” as the last item, resulting in closed meetings occurring at the end of the regular meetings.

In 2017, the 14 closed meetings averaged 40 minutes long and ranged from 3 minutes to two hours and ten minutes. The length of meetings could be as a result of concluding the agenda items, running out of time or, in one case, the loss of quorum. There were 20 Regional Board meetings and 14 Hospital Board meetings.

Recent approved governance changes to the Capital Regional Housing Corporation (CRHC) will result in one additional Board meeting each month which will trigger changes to the existing schedule and timing of existing Board and committee meeting, once implemented in November of 2018. Any changes to the order of business for the closed agendas could also apply to the new CRHC Board.

Staff have canvassed other local governments in the region and found that the majority hold their in-camera (or “closed”) meetings prior to the full open agenda.

Closed <u>prior</u> to open agenda	Oak Bay, Saanich, North Saanich, Centre Saanich, Esquimalt, Colwood, Metchosin, Victoria, Sooke
Closed <u>after</u> open agenda	Sidney, View Royal, Highlands, Langford

One notable difference between CRD Board meetings and the other municipalities canvassed is that CRD meetings are held during the work day whereas municipal council meetings are typically held in the evening. Municipal staff identified that part of the reason for having the closed agenda before the open agenda in a municipal council meeting is to avoid meetings running late into the night.

Currently at CRD, the closed meeting occurs at the end of the conclusion of the open agenda. At times, the impacts of this include:

- Long meeting days for Directors
- Discussion can seem to be rushed as the meetings can continue beyond the three hour generally allotted time
- Quorum may be lost, and items not decided, due to the extended length of the meeting

ALTERNATIVES

Alternative 1

That the Governance Committee recommend to the Capital Regional District Board:
That staff be directed to bring forward proposed amendments to *Capital Regional District Board Procedures Bylaw, 2010* increase meeting efficiency, and that any changes be effective for the 2019-2022 Board.

Alternative 2

That the Governance Committee recommend to the Capital Regional District Board:
That:

1. The *Capital Regional District Board Procedures Bylaw, 2010* be amended as required to allow closed Board meetings to occur before open meetings, to be in effect for the 2019-2022 Board, and
2. Staff take the opportunity to review the *Capital Regional District Board Procedures Bylaw, 2010* and bring back revisions that may increase the efficiency of meetings.

IMPLICATIONS

Alternative No. 1.

There are number of ways to increase meeting efficiency by reviewing and revising Board procedures such as:

- Implementing a consent agenda process
- Restricting the procedure of bringing forward staff reports received by committees “for information”
- Changing the Board meeting start time and schedule of Committees to allow for more time for the afternoon Board meetings

There is currently authority within the Procedures Bylaw for the Corporate Officer to call a special meeting with five days’ notice. In cases where there is a closed item of significant discussion, a special meeting could be called to amend the meeting start time for that particular meeting.

Amendments to the Procedures Bylaw require considerable analysis and have a statutory requirements for public notice of amendments. If directed to review the bylaw, staff could take the opportunity to do a fulsome review and propose updates that could improve legislative functions throughout the board, standing committee, and committee and commission structure.

Alternative No. 2

An amendment to the Procedures Bylaw could allow for the closed meeting to occur earlier on the same day as the open meeting or immediately at the start of the regular meeting time.

Depending on the revision to the bylaw, this could allow for:

- Increased available time for closed in-camera discussions when required;
- Reduced likelihood of losing quorum for closed items; and
- Opportunity to determine if closed items could be moved to the open agenda.

Possible downsides to this proposed revision include:

- Difficulty giving delegations - who are waiting to speak – and members of the public an accurate time for the open agenda discussion;
- The potential of a forced recess in order to convene the open meeting to accommodate members of the public attending, either in the gallery or as presentations/delegations;
- Potential for a gap between the conclusion of the closed agenda and the resumption of the open portion with impacts on Directors time and calendar;
- Could extend the total length of the meeting day; and
- Running out of time or losing quorum for at the end of the open agenda.

It's important to note that the Procedures Bylaw applies to not only the Regional and Hospital Board, but also all of the standing committees and commission that fall under its jurisdiction. A change in the order of agendas would have impact on committee meeting schedule and processes, unless the order of committee agendas was outlined separately in any amendment to the Procedures Bylaw.

CONCLUSION

A review and possible amendment to the Procedure bylaw could improve meeting efficiency. Changing the timing could allow for more time for consideration of closed items, however there may be impacts to managing the presentation/delegation portion of the open agenda, and the open agenda may experience time limitations unless additional meeting time is created.

RECOMMENDATION

That the Governance Committee recommend to the Capital Regional District Board:

That staff be directed to bring forward proposed amendments to *Capital Regional District Board Procedures Bylaw, 2010* increase meeting efficiency, and that any changes be effective for the 2019-2022 Board.

Submitted by:	Emilie Gorman, MPA, Manager, Legislative Services & Deputy Corporate Officer
Concurrence:	Kristen Morley, JD, General Manager, Corporate Services
Concurrence:	Robert Lapham, MCIP, RPP, Chief Administrative Officer

EG:KM