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**REPORT TO GOVERNANCE COMMITTEE
MEETING OF WEDNESDAY, OCTOBER 06, 2021**

SUBJECT **Review of Delegation Speaking Time in the Board Procedures Bylaw**

ISSUE SUMMARY

The Governance Committee was referred a motion with notice to review options for the public to appear as delegations before Boards and Committees while also giving consideration to the limited time for meetings.

BACKGROUND

At the June 2, 2021 Governance Committee meeting, the following Motion with Notice was carried:

That the Governance Committee be requested to review Section 13 of the Procedures Bylaw related to Delegations, with the goal of providing fair access to delegations and a reasonable use of the Board's time.

At the same meeting, the following motions arising were also carried:

- 1. That staff bring back any information previously prepared, and information related to today's discussion, to the next Governance Committee to allow us to continue this discussion; and,*
- 2. Invite staff to bring back any other recommendations on amendments to the Procedure Bylaw.*

The notice of motion was originally served during the adjourned May 12, 2021 CRD Board meeting which was continued on May 26. The CRD Board received 30 applications by the deadline to appear as a delegation at the May 12 meeting. At the meeting, the Board passed a 2/3 vote to suspend the rules in order to reduce the maximum time allotted for each delegation to 3 minutes instead of 4 minutes. In addition, there was one late delegation that was not permitted to speak as the Procedures Bylaw required unanimous approval of the Board.

Staff conducted a review of the previous meeting minutes for the Governance Committee (formerly Governance and Finance Committee) since 2018. In regards to delegations, in March 2019 a new business item was defeated and later a notice of motion was withdrawn in May 2019. Excerpts of the meeting minutes is attached as Appendix A.

ALTERNATIVES

Alternative 1

The Governance Committee recommends to the Capital Regional District Board:

1. That the maximum speaking time for each delegation be reduced to 3 minutes;
2. That no more than 10 delegations be heard per meeting;

3. That delegations be registered on a first come, first served basis;
4. That late delegation requests only be considered when the maximum number of delegations has not been reached;
5. That delegations be limited to speaking only once on an agenda item, except to introduce new and material information; and
6. That staff report back through the Governance Committee with a draft bylaw to amend the Board Procedures Bylaw as directed.

Alternative 2

The Governance Committee recommends to the Capital Regional District Board:
That staff report back with options on limiting the number of delegations that a Committee or Board will hear on a single agenda item.

Alternative 3

The Governance Committee recommends to the Capital Regional District Board:
That staff report back with options on establishing different procedures for delegations that appear before Board versus Committees and Commissions.

Alternative 4

That this report be referred back to staff for additional information.

IMPLICATIONS

Bylaw 3828: Board Procedures Bylaw

Currently, a person wishing to address the Board would submit their application in writing after the agenda is published (i.e. Friday). The application must indicate the meeting and agenda item they wish to speak to, what municipality/electoral area they reside in, the reason for the presentation, and the organization they represent (if applicable). Applications are due no later than 4:30 pm on the Monday prior to the meeting. All applications received by the deadline are placed in the order they were received on the meeting agenda. Each delegation is limited to 4 minutes unless a 2/3 vote is passed to extend the time.

Delegation requests that are received after the deadline are considered late and require unanimous vote of the Board to be heard. For more information on delegations, see Section 13 of the *CRD Board Procedures Bylaw* (attached as Appendix B).

Jurisdictional Review of Speaking Times

A jurisdictional review of delegation (public input) procedures among CRD member municipalities and select regional districts was conducted (attached as Appendix C). The review found that there is no consistent time limit for delegations. Delegation times ranged from 2 to 10 minutes, and in some cases there being no limit at all. A key finding was that 9 of the 13 CRD member municipalities, and half of the regional districts reviewed, have set a total maximum time for delegations/public input per meeting. A second key finding was that regional districts had fewer opportunities for the public to participate in a meeting compared to municipal councils.

Recommendations & Alternatives on Delegation Speaking Times

The staff recommendation is to amend delegation procedures in the Bylaw as follows: reducing the time limit per delegation; setting a total maximum number for delegations per meeting (including late delegations); registering delegations on a first come, first served basis; and limiting delegations to speaking only once on an agenda item.

In order to provide an opportunity for the Board to hear from as many stakeholders as possible, staff recommend reducing the time limit per delegation from 4 minutes to 3 minutes. At the direction of the Governance Committee, this time limit can be further reduced to 2 minutes per delegation.

To ensure the Board has adequate time to deal with the business matters on an agenda, staff recommend that the delegation portion of a meeting be no longer than 30 minutes or 10 delegations at 3 minutes each. The Bylaw limits meetings to 3 hours unless the time is extended by a majority vote. At the direction of the Governance Committee, this time limit can be further reduced while keeping in mind the impact of the individual delegation speaking time. For example, 15 minutes for delegations that are up to 3 minutes each would result in a maximum of 5 delegations being heard per meeting.

If a maximum number of delegations per meeting is established, staff recommend that applications be approved on a first come, first served basis. This approach is recommended as the most transparent and efficient to administer. At the direction of the Governance Committee, a recommendation can be made to the Board that delegations be selected by lot if there were more applications received by the deadline than time allowed. Another alternative is directing staff to report back on limiting the number of delegations that a Committee or Board will allow on a single agenda item (presented as Alternative 2).

To eliminate the possibility of the same delegation being heard when an agenda item is considered by Committee and then again at Board, staff recommend that delegations be registered to speak only once on an agenda item. The one exception would be to introduce new and material information (at the discretion of the Corporate Officer). In most cases, new and material information would only be considered if the recommendation from the Committee to the Board had changed significantly from the staff recommendation. Another alternative is directing staff to report back on establishing different procedures for delegations at committee meetings versus board meetings (presented as Alternative 3).

Publication of Written Submissions from Delegations on the Agenda

Currently written submissions to the Board on agenda items are circulated through the Board Correspondence Portal. When a high volume of correspondence is received directly before a meeting, staff endeavor to ensure Directors are aware of the correspondence with an email prompt to review the portal. It is not the practice at CRD to publish written submissions from the public with the agenda item and staff are not recommending any changes to the current practice. Doing so would require that the correspondence be redacted prior to publication to remove any personal information and to screen for any comments that could be considered defamatory. Given the high volume of correspondence that is received for hot button issues, often within a day or two of the meeting date, the required redaction and screening of correspondence would prompt a service level change and require additional staff resources.

Additional Amendments to Delegation Procedures

If direction is given to amend the Board Procedures Bylaw for delegations, staff recommend that section 13(1) be modernized to remove the option of having the Corporate Officer provide hard copies of written submissions to Board or Committee Members. All correspondence from delegations should be provided electronically and is distributed via the Board Correspondence Portal.

Staff also recommend that section 13(3) be amended to clarify that delegations cannot be by video presentations only; however, they are permitted as part of a delegation's address and will count towards the speaking time allotted. Staff recommend a further amendment to clarify that all video presentations need to be reviewed and approved by the Corporate Officer in advance of the meeting. This is the current practice and allows staff to screen for appropriateness of the material before it is publically displayed in an open meeting.

CONCLUSION

The Governance Committee was directed to review Section 13 of the Procedures Bylaw related to delegations, with the goal of providing fair access to delegations and a reasonable use of the Board's time for conducting meetings. Staff were also directed to bring back information previously prepared on the issue and any other recommended amendments to the Bylaw. Staff are recommending that the Board Procedures Bylaw be amended to reduce the time limit per delegation, to set a total maximum number of delegations per meeting, to register delegations on a first come, first served basis; and to limit delegations to speaking only once on an agenda item. Staff will report back through the Governance Committee with a draft bylaw to amend the Board Procedures Bylaw.

RECOMMENDATION

The Governance Committee recommends to the Capital Regional District Board:

1. That the maximum speaking time for each delegation be reduced to 3 minutes;
2. That no more than 10 delegations be heard per meeting;
3. That delegations be registered on a first come, first served basis;
4. That late requests to appear as a delegation only be considered when the maximum number of delegations has not been reached;
5. That delegations be limited to speaking only once on an agenda item, except to introduce new and material information; and
6. That staff report back through the Governance Committee with a draft bylaw to amend the Board Procedures Bylaw as directed.

Submitted by:	Marlene Lagoa, MPA, Manager, Legislative Services & Deputy Corporate Officer
Concurrence:	Kristen Morley, J.D., General Manager, Corporate Services & Corporate Officer
Concurrence:	Robert Lapham, MCIP, RPP, Chief Administrative Officer

ATTACHMENT(S)

Appendix A: Excerpt of Previous Committee Minutes

Appendix B: Bylaw 3828 - CRD Board Procedures Bylaw (Consolidated for Convenience)

Appendix C: Jurisdictional Review of Delegates Speaking Times