



To: General Purposes Committee

Date: February 21, 2006

From: David Weber
Director, City Clerk's Office

File: 01-0105-00/Vol 01

Re: **Policy on the Routine Release of Closed Resolutions and Reports and Implementation of a "Consent Agenda"**

Staff Recommendation

1. That the policy on the "Routine Release of Closed Resolutions and Reports" (as outlined in the report dated January 30, 2006 from the Director, City Clerk's Office) be adopted;
2. That Council Procedure Bylaw No. 7560, Amendment Bylaw No. 8042, which introduces new procedural rules around the use of a consent agenda, be introduced and given first, second and third readings; and
3. That staff proceed with the statutory public notification of this proposed change to the Council Procedure Bylaw.

David Weber
Director, City Clerk's Office
(4098)

FOR ORIGINATING DIVISION USE ONLY		
CONCURRENCE OF GENERAL MANAGER (Acting) <i>Account</i>		
REVIEWED BY TAG	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>
REVIEWED BY CAO	YES <i>GDW</i> <input checked="" type="checkbox"/>	NO <input type="checkbox"/>

Staff Report

Origin

At the Regular Council Meeting of November 14, 2005, Council adopted the following referral:

WHEREAS the only process in place for the release of In-Camera (closed) reports and decisions by Council is by Council resolution or a formal Freedom of Information request

THEREFORE BE IT RESOLVED that the Director, City Clerk's Office prepare a policy for the consistent and timely release of all In-Camera items once the need for secrecy is no longer applicable.

This report responds to this referral and proposes that the practice of adopting resolutions at Council meetings by "general consent" be employed as a means of receiving previously closed items at open Council meetings and as a means of efficiently approving other routine administrative matters.

Analysis

The Consent Agenda

The "Consent Agenda" or adopting resolutions by general consent is a common procedural tool utilized at all levels of government including at the municipal level (for example, the City of Vancouver, Delta, City of North Vancouver, Kingston, London, Markham, Windsor, Guelph and Moncton use this procedure). The use of a Consent Agenda is intended to simplify the approval of various routine administrative matters and to receive items for information in one motion. This procedure saves valuable meeting time and allows Council to focus primarily on the substantive topics that require more discussion. This approach is appropriate for city councils of larger cities that have a substantial amount of business to consider and want to use their time as efficiently and effectively as possible. The implementation of this procedure would likely serve Richmond residents better in that the viewing public that are watching televised Council meetings and those in attendance in the chambers will see more time devoted to Council debate and discussion on the more interesting and current public policy issues and less time devoted to purely routine administrative matters that are not of general public interest.

It is important to emphasize that a consent agenda must not be used to avoid controversial matters nor to prevent debate where it is considered necessary. Nor is a consent agenda meant to minimize public input on agenda items. Items on a consent agenda would be delegable items in the same sense as any other items appearing on the regular agenda.

If circumstances dictate, items that are on a consent agenda can be easily removed and considered separately at the request of any Council member. This process is similar to the current process in which a Council member may ask that the question on a motion be called separately so that their opposition to a particular part of the motion may be recorded. Items that are removed from the consent agenda are considered and voted upon separately immediately after the consent agenda has been approved. An item may be removed from the consent agenda for a variety of reasons, for example:

- a Council member may wish to have a full discussion or separate vote on an item because new information may have come to light since the Committee meeting;
- a member of the public may have brought new information to the table through a delegation, prompting the need for further Council discussion;
- a Council member may need to declare a conflict of interest with regard to a consent agenda item, in which case, the item must be removed from the consent agenda and considered separately so that the Council member may excuse themselves from the meeting in accordance with the Community Charter.

If Richmond were to adopt this practice, it is suggested that the consent agenda appear on the regular agenda immediately after Committee of the Whole rises and reports upon hearing delegations on agenda items (**Attachment 1** illustrates what a Council agenda would look like with a consent agenda component). Under the heading "*Consent Agenda*" would appear a number of non-controversial, routine items that would otherwise have appeared later on the regular agenda. Also appearing under this heading would be any items from a previous closed meeting that were now being received at the open meeting. At the beginning of the consent agenda, a prompt would appear as follows: *Motion to adopt items 5 through 10 by general consent.* Following the adoption of this resolution, there would be no need to read aloud or further consider those items. The minutes would reflect that those items were "Adopted on Consent."

The following matters listed below are recommended as suitable for adoption by general consent, bearing in mind that it is always a simple matter to move an item from the consent agenda to the regular agenda on an ad hoc basis if the matter proves to be anything other than routine:

- the receipt of minutes for information;
- the receipt of items at an open meeting from a previous closed meeting (described in more detail below);
- the introduction and first reading of rezoning and OCP bylaws and other land use matters that have received a positive recommendation from Planning Committee and which will be referred to Public Hearing in accordance with the Council Procedure Bylaw;
- appointments to advisory committees and other routine appointments;
- routine land matters, such as the approval and discharge of rights of way;
- other routine administrative/housekeeping matters such as changes to the City banking resolution,
- any other routine administrative matters that garnered no discussion or opposition at Committee and that, in the opinion of the Committee Chair, would be suitable for inclusion on the consent agenda.

The implementation of a consent agenda procedure will require a minor change to the Council Procedure Bylaw.

Policy on the Release of Closed Items

In order for an item to be considered at a closed Council or Committee meeting, the subject matter must meet at least one of the criteria specified in section 90 of the Community Charter. The criteria address subjects such as labour relations, personnel matters, land disposition,

litigation, intergovernmental negotiations, etc. (See **Attachment 2** for a listing of the closed meeting criteria).

The Charter further provides that before holding a closed meeting, a resolution must be publicly adopted which states that the meeting is to be closed and which specifies, for each item, the reason why the public is to be excluded from the meeting under Section 90.

The City's current practice with regard to closed meeting reports is that during the drafting stage, staff are required to identify the particular closed meeting criteria that applies to the report and to include the criteria at the beginning of the report under the heading "Statutory Closed Meeting Criteria." The criteria for each item also appears on the public portion of the closed agenda cover sheet since the criteria must be included as part of the resolution to close the meeting to the public in accordance with Section 90. By adopting the closure and compliance resolution, Council is adopting staff's recommendation that the item(s) on the closed agenda comply with the closed meeting criteria as set out in the Charter.

While the Charter specifies a process under which matters are considered at closed meetings, there is no equivalent process specified for bringing matters out from the closed meeting in any kind of routine manner. Council may, of course, at its discretion, forward recommendations and/or reports to an open meeting or direct that items be made publicly available. It is also possible to make a request for the release of closed meeting recommendations and/or reports under the *Freedom of Information and Protection of Privacy Act*, but this would not be considered by most to be a routine process. Often, the circumstances which necessitated the matter being considered in closed session simply either fade over time or expire after a specific condition has been met at some point in the future, but this can be challenging to determine in advance with any great certainty. The end result, in the absence of any process to review already adopted closed recommendations and reports, is that the items that were considered at closed meetings often remain closed, even though the reason the matter was originally closed may no longer apply.

It should be noted that the requirement for confidentiality with regard to any given decision or report varies greatly from item to item, and in the case of some reports and decisions, the requirement for confidentiality may persist for years or in perpetuity (for example, personnel matters or matters where legal advice is sought and provided).

In the spirit of the proposed policy (see **Attachment 3**), it is suggested that the following approach be taken to implement a new, more rigorous method for managing the release of closed meeting recommendations and reports.

First, in addition to the current practice of identifying the relevant closed meeting criteria at the beginning of a report, staff will in future also be required to include a proposed course of action with regard to whether and how the report and any resulting resolution should be released publicly. In terms of the release of closed resolutions and reports, four general categories can be identified:

- Category 1 Recommendations and/or reports that are referred to an open meeting for consideration;
- Category 2 Resolutions and/or reports that are decided in a closed meeting and then referred to an open meeting for information;

referred to an open meeting for information;

Category 3 Resolutions and/or reports for which a specific release strategy cannot be determined at the time of consideration – these become subject to a quarterly review to determine whether the need for confidentiality has passed; and

Category 4 Resolutions and/or reports which are not anticipated to be released.

For clarity, matters that are referred to an open meeting for consideration (“category 1” recommendations and/or reports) would continue to follow the same process as at present, which is, that a resolution is adopted at the closed meeting to forward the matter to the open meeting that is scheduled for later that same day. The matter is then debated and voted upon at the open meeting. Alternatively, Council may direct that the item appear on the next open meeting agenda in order to allow an opportunity for advance notice of the item through the publication of the next agenda on the City website.

For matters that are decided upon in a closed meeting and then referred to an open meeting for information (“category 2” items), the suggested process will be slightly different in that such resolutions and/or reports will appear as an item on the *Consent Agenda* portion of the next regular open Council agenda (usually two weeks after the adoption of a resolution to release). This would allow for a more *meaningful* level of disclosure since the information would appear on the open Council agenda, both physically and on the City website in advance of the meeting.

“Category 3 items” - resolutions and/or reports for which a specific release strategy could not be determined at the time of consideration – will be reviewed by staff on a quarterly basis to determine whether the requirement for confidentiality has indeed passed. If it has, then these items will also be brought forward to a closed Council meeting with a recommendation that they be released in whole or in part. As described above, “Category 3 items” which have been released would also appear as an item on the *Consent Agenda* portion of the *next* regular open Council agenda, to allow full publication in the agenda package and on the City website.

Financial Impact

None.

Conclusion

The adoption and implementation of the proposed policy on the *Routine Release of Closed Resolutions and Reports* will result in a greater degree of openness and transparency while the addition of a consent agenda as part of the regular Council agenda will allow for greater efficiency in dealing with the most routine administrative matters that come before Council.



David Weber
Director, City Clerk's Office
(4098)



City Council

Council Chambers, City Hall
6911 No. 3 Road

Monday, Month, Year
7:00 p.m.

Pg. # ITEM

MINUTES

1. *Motion to adopt:*

- (1) *the minutes of the Regular Council Meeting held on Monday, January 1st, 2006 (distributed previously); and*
- (2) *the minutes of the Regular Council Meeting for Public Hearings held on Monday, January 1st, 2006.*

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AGENDA ADDITIONS & DELETIONS

COMMITTEE OF THE WHOLE

- 2. *Motion to resolve into Committee of the Whole to hear delegations on agenda items.*

- 3. Delegations from the floor on Agenda items.

(PLEASE NOTE THAT FOR LEGAL REASONS, DELEGATIONS ARE NOT PERMITTED ON ZONING OR OCP AMENDMENT BYLAWS WHICH ARE TO BE ADOPTED; OR ON DEVELOPMENT PERMITS/DEVELOPMENT VARIANCE PERMITS)

1.

- 4. Motion to rise and report.



RATIFICATION OF COMMITTEE ACTION

CONSENT AGENDA

(PLEASE NOTE THAT ITEMS APPEARING ON THE CONSENT AGENDA WHICH PRESENT A CONFLICT OF INTEREST FOR COUNCIL MEMBERS MUST BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED SEPARATELY)

- 5. Motion to adopt items 6 through 10 by general consent.



- 6. COMMITTEE MINUTES

(Report: January 1st, 2006, File No.: 01-0100-01/2006-Vol 1) (REDMS No. 1234567)

That the minutes of:

- 2 (1) the Finance Committee meeting held on Monday, January 1st, 2006;
8 (2) the General Purposes Committee meeting held on Monday, January 1st, 2006;
13 (3) the Planning Committee meeting held on Monday, January 1st, 2006,
19 (4) the Public Works & Transportation Committee meeting held on Monday, January 1st, 2006; and
24 (5) the Council/School Board Liaison Committee meeting held on Monday, January 1st, 2006;

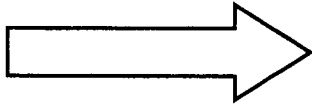
be received for information.

- 7. ITEMS ARISING FROM THE CLOSED COUNCIL MEETING OF JANUARY 1, 2006

That the following be received for information:

(A) APPOINTMENTS TO THE CITY ADVISORY COMMITTEE

That John Smith and Jane Doe each be re-appointed to the Richmond City Advisory Committee for two year terms to expire December 31, 2007.



Consent Agenda Item

Consent Agenda Item

(B) APPOINTMENTS TO THE NEW CITY ADVISORY COMMITTEE

- (1) That Geoff Brown, Sandy Green, and Mary Jones each be appointed to the Richmond City Advisory Committee for one year terms to expire December 31, 2006; and*
- (2) That John Fields and Patrick Smith each be appointed to the Richmond City Advisory Committee for two year terms to expire December 31, 2007.*

29 (C) PURCHASE OF 11112 SMITH ROAD

(Report: January 1st, 2006; File No.: 01-0100-20-01) (REDMS No. 1234567)

That the City of Richmond purchase the property at 11112 Smith Road for \$50,000.

8. APPLICATIONS FOR REZONING

Consent
Agenda
Item

- 42 (A) JOHN JONES**
(RZ 06-123456 Report: Jan. 1/06, File No.: 01-0100-20-01) (REDMS No. 1234567)
- 68 (B) GOOD DEVELOPMENTS LTD.**
(RZ 06-123456 Report: Jan. 1/06, File No.: 01-0100-20-01) (REDMS No. 1234567)
- 87 (C) MARY AND BOB SMITH**
(RZ 06-123456 Report: Jan. 1/06, File No.: 01-0100-20-01) (REDMS No. 1234567)

PLANNING COMMITTEE RECOMMENDATION

That the following bylaws each be introduced and given first reading:

- 42 (1) Bylaw No. 8988, for the rezoning of 1234 Walter Road from "Single-Family Housing District, Subdivision Area E (R1/E)" to "Comprehensive Development District (CD/199)";**
- 68 (2) Bylaw No. 9002, for the rezoning of 2345 and 2346 Lind Road from "Single-Family Housing District, Subdivision Area E (R1/E)" to "Single-Family Housing District, Subdivision Area B (R1/B)"; and**
- 87 (3) Bylaw No. 9009, for the rezoning of 3456 Frank Avenue from "Single-Family Housing District, Subdivision Area E (R1/E)" to "Single-Family Housing District (R1 - 0.6)".**

Consent
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- 103 9. APPLICATION FOR REZONING (WITH OFFICIAL COMMUNITY PLAN AMENDMENT) – JENN DEVELOPMENTS AT 1234 NO.2 ROAD**
(RZ 06-123456 Report: Jan. 1/06, File No.: 01-0100-20-01) (REDMS No. 1234567)

PLANNING COMMITTEE RECOMMENDATION

- (1) That Bylaw No. 8930, to re-designate 1234 No.2 Road from "Single-Family" to "Multiple-Family" on the Land Use Map, Schedule 2.0 of Official Community Plan Bylaw No. 7100, be introduced and given first reading;*

- (2) *That Bylaw No. 8930, having been considered in conjunction with:*
 - (a) *the City’s Financial Plan and Capital Program; and*
 - (b) *the Greater Vancouver Regional District Solid Waste and Liquid Waste Management Plans;*

is hereby deemed to be consistent with said program and plans, in accordance with Section 882(3)(a) of the Local Government Act;
- (3) *That Bylaw No. 8930, having been considered in accordance with the City Policy on Consultation During OCP Development, is hereby deemed not to require further consultation;*
- (4) *That Bylaw No. 8931, for the rezoning of 1234 No.2 Road from “Single-Family Housing District, Subdivision Area C (R1/C)” to “Townhouse District (R2-0.6)”, be introduced and given first reading.*

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Agenda
Item

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10. **APPROVAL OF RIGHTS OF WAY AT 12345 NO.4 ROAD**

(Report: Jan. 1/06, File No.: 01-0100-20-01) (REDMS No. 1234567)

GENERAL PURPOSES COMMITTEE RECOMMENDATION

That approval be given for a right of way in favour of the Greater Vancouver Water District over 12345 No.4 Road and that staff be authorized to take all necessary steps to finalize the matters, including advertising

CONSIDERATION OF MATTERS REMOVED FROM THE
CONSENT AGENDA

FINANCE COMMITTEE –

Councillor Evelina Halsey-Brandt, Chair

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11. **2006 OPERATING BUDGET (INCLUDING ADDITIONAL LEVELS)**

(Report: January 11th, 2006, File No.: 03-0970-01/2005-Vol 1) (REDMS No. 1734232, 1743022)

COMMITTEE RECOMMENDATION

- (1) *That the 2006 Operating Budget be approved, based on Option 4, which would:*
 - (i) *result in a 2.01% increase to maintain existing service levels,*
 - (ii) *add an additional 1.00% contribution to reserve accounts for infrastructure replacements, and*

(iii) *add an additional 0.89% for the additional levels recommended by TAG; and with the addition of funding for:*

(a) *the Richmond Committee on Disability, in the amount of \$30,896;*

(b) *the Richmond Therapeutic Equestrian Society, in the amount of \$23,400; and*

(c) *the 'Seniors Wellness Coordinator' position, in the amount of \$32,900,*

which would result in an additional tax increase of .08%,

for a total tax increase of 3.98%.

(2) (a) *That staff review the 'Seniors Wellness Coordinator' position, and report to Council, through Committee, on the needs, etc., in relation to the position, and on whether a fulltime or part-time position was required; and*

(b) *That the funding set as: Emergency Respon- Team
not be expended. nity Safety. tee*

Etcetera ...

Meetings that may or must be closed to the public
Community Charter, Section 90

- 1) A part of a council meeting may be closed to the public if the subject matter being considered relates to or is one or more of the following:
 - a) personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality;
 - b) personal information about an identifiable individual who is being considered for a municipal award or honour, or who has offered to provide a gift to the municipality on condition of anonymity;
 - c) labour relations or other employee relations;
 - d) the security of the property of the municipality;
 - e) the acquisition, disposition or expropriation of land or improvements, if the council considers that disclosure could reasonably be expected to harm the interests of the municipality;
 - f) law enforcement, if the council considers that disclosure could reasonably be expected to harm the conduct of an investigation under or enforcement of an enactment;
 - g) litigation or potential litigation affecting the municipality;
 - h) an administrative tribunal hearing or potential administrative tribunal hearing affecting the municipality, other than a hearing to be conducted by the council or a delegate of council;
 - i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
 - j) information that is prohibited, or information that if it were presented in a document would be prohibited, from disclosure under section 21 of the Freedom of Information and Protection of Privacy Act;
 - k) negotiations and related discussions respecting the proposed provision of a municipal service that are at their preliminary stages and that, in view of the council, could reasonably be expected to harm the interests of the municipality if they were held in public;
 - l) discussions with municipal officers and employees respecting municipal objectives, measures and progress reports for the purposes of preparing an annual report under section 98 [annual municipal report];
 - m) a matter that, under another enactment, is such that the public may be excluded from the meeting;
 - n) the consideration of whether a council meeting should be closed under a provision of this subsection or subsection (2);
 - o) the consideration of whether the authority under section 91 [other persons attending closed meetings] should be exercised in relation to a council meeting.

- 2) A part of a council meeting must be closed to the public if the subject matter being considered relates to one or more of the following:
 - a) a request under the Freedom of Information and Privacy Act, if the council is designated as head of the local public body for the purposes of that Act in relation to the matter;
 - b) the consideration of information received and held in confidence relating to negotiations between the municipality and a provincial government or the federal government, or both, or between a provincial government or the federal government or both and a third party;
 - c) a matter that is being investigated under the Ombudsman Act of which the municipality has been notified under section 14 [ombudsman to notify authority] of that Act;
 - d) a matter that, under another enactment, is such that the public must be excluded from the meeting.



Page 1 of 1

Adopted by Council: ☉

Policy ☉

File Ref: ☉

Routine Release of Closed Resolutions and Reports

Policy ☉:

It is Council policy that:

1. Resolutions and/or reports considered at closed Council and closed Committee meetings will be made routinely available to the public once the requirement for confidentiality has passed.
2. Wherever possible, matters considered at closed meetings will be made publicly available by Council or Committee as follows:
 - a. By referring a recommendation and/or report to an open meeting for consideration; or
 - b. By directing, through resolution, that a closed decision and/or report be announced or otherwise publicly released.
3. If the public disclosure of a closed resolution and/or report cannot be determined at the time of consideration, then such matters are to be routinely reviewed by staff and brought forward to closed Council with a recommendation on disclosure once the requirement for confidentiality has passed.
4. In order to make closed information publicly available in a timely manner, the disclosure of information from a closed report that is to be released will be made public by:
 - a. Releasing the report in its entirety,
 - b. Releasing the report in a severed form consistent with records that are processed under the *Freedom of Information and Protection of Privacy Act*, or
 - c. Releasing the information in the form of a separate backgrounder document that is based upon the content of the closed report (always indicating that the backgrounder is a different document from the one that was considered by Council).

It is acknowledged that this policy does not limit a person's right of access to records under the *Freedom of Information and Protection of Privacy Act*.



Council Procedure Bylaw No. 7560, Amendment Bylaw No. 8042

The Council of the City of Richmond enacts as follows:

1. Bylaw No. 7560 is amended by adding the following as Section 9.4:

9.4 Voting on Consent Agenda Recommendations

9.4.1 **Council** may vote on and adopt in one motion all recommendations appearing on the consent agenda portion of a council agenda.

9.4.2 If requested by any **member** for the purposes of:

- (a) debate or discussion;
- (b) voting in opposition to a recommendation on the consent agenda, or
- (c) declaring a conflict of interest in accordance with the Community Charter with regard to a matter on the consent agenda,

a recommendation must be removed from the consent agenda and considered separately by Council immediately after the consideration of the consent agenda recommendations.

2. This Bylaw is cited as “**Council Procedure Bylaw No. 7560, Amendment Bylaw No. 8042**”.

FIRST READING

SECOND READING

THIRD READING

PUBLIC NOTICE GIVEN

ADOPTED

CITY OF RICHMOND
APPROVED for content by originating dept.
APPROVED for legality by Solicitor

MAYOR

CORPORATE OFFICER