

Report to Council



Date: October 26, 2015
File: 0160-20
To: City Manager
From: Deputy City Clerk
Subject: Council Policy Review

Recommendation:

THAT Council receives, for information, the Report from the Deputy City Clerk dated October 26, 2015 with respect to the Council Policy Review;

AND THAT Council considers for review as presented in the report of the Deputy City Clerk, dated October 26, 2015 the following Council Policies:

- Policy 25 - City Manager's Attendance at Meetings of the Council;
- Policy 43 - Use of Council Chambers;
- Policy 285 - Council Committees;
- Policy 286 - Minutes of Select and Standing Committee Meetings;
- Policy 299 - Freedom of the Municipality (City) Award;
- Policy 336 - Video Surveillance

AND FURTHER THAT staff report back to a regular Monday PM meeting with changes to the Council Policies as directed during the October 26, 2015 A.M meeting.

Purpose:

To review Council Policy Numbers 25, 43, 285, 286, 299 and 336 of the Council Policy Library

Background:

On May 25, 2015 Council directed a review of the Council Policy library be conducted during Monday AM regular meetings. The title of the report, Council Policy Library Review (2), is denoted with a numerical reference to indicate this is the second report of the review.

A Council Policy is created through a resolution of council to provide strategic direction on governance, programs and services at the City of Kelowna. A review of the Council Policy Library will provide Council with an opportunity to ensure their policy library is current and reflects alignment with current Council priorities.

A Council Policy is a plan or course of action, intended to influence and determine decisions, actions, and other matters that have an intended effect. Generally, a Council Policy is:

- Approved by Council and guides Council decisions;
- Conveys a common understanding of Council's strategic direction;
- Related to City of Kelowna governance, programs and/or services;
- Impacts the community;
- Is within Council's jurisdiction;
- Contents are not covered elsewhere and/or cannot be covered elsewhere; and
- Guides decisions to achieve consistent outcomes, common interpretation

Policy Review:

A Council Policy provides clarity around a stated principle or goal, and is a means for common understanding between Council, citizens, and staff. The goal of written policy is to clearly state why the policy exists, what the objective is, who/what the policy applies to, and how to comply. By setting an objective in a Council Policy, Council intends the objective to be met through compliance with their policy statements.

The following policies have been evaluated and prepared for Council's review and discussion during this meeting:

Policy 25 - City Manager's Attendance at Meetings of the Council

Recommendation: Amend as 'DRAFT' attached.

This policy was adopted in 1970 following the adoption of a City Administrator Bylaw. The policy was amended twice, with housekeeping amendments in 1999 to reflect the change of title from 'City Administrator' to 'City Manager', and in 2010 through the general policy review and template updates.

This policy provides direction to Council and the City Manager with regards to meetings of Council, and the expectation of attendance. The original policy was written to ensure the City Manager was not excluded from a meeting of Council unless the topic of discussion was regarding the incumbent's performance or salary. The proposed amendments state this intention with the addition of the Guiding Principle, and expand the application of the policy to a designate in the absence of the City Manager.

Policy 43 - Use of Council Chambers

Recommendations:

1. Rescind the Council Policy and replace with a Corporate Administration Policy, or
2. Amend as 'DRAFT' attached.

This policy was first introduced in 1982 when the Chamber was new and there were requests from the community for its use. Through policy, Council directed its primary use be for Council purposes and allowed some additional uses for the community. Up to 1998, any exceptions to the policy required a Council resolution. This was amended in 1998 to allow discretion to the City Manager (Administrator), and then in 2010, further delegated this discretion to the City Clerk. The policy continues to be upheld, and the Chamber use scheduled, by the Office of the City Clerk. As the additional use of Council Chamber has

become a well define practice over the past 30 years, it is recommended this policy be rescinded and replaced with an administrative policy.

Should Council wish the policy be amended, the proposed amendments include a policy name change to better reflect the subject of the policy as Council Chamber for ease of search ability. The draft amendments are written to clearly identify the care and maintenance of Council Chamber as the guiding principle, with the objective to allow the space to be used as a community resource for civic purposes. The amendments to the acceptable additional uses include the addition of Bylaw Adjudication Hearings, City Hall tours, and Local Government Elections.

**Policy 285 - Council Committees, and
Policy 286 - Minutes of Select and Standing Committee Meetings**

Recommendation: Rescind as policy is duplicating legislation, Council Procedures Bylaw No.9200, and committee Terms of Reference.

These policies were introduced in 2000 in conjunction with Council Bylaw No. 7906 (Procedures Bylaw) following changes to the Municipal Act. As noted above, most parts of the policies are now duplicating sections in the Community Charter or Bylaw 9200 as they relate to legislated Council procedures. The sections related to the administration of Council Committees, including staff liaison and membership, are also duplicated as this information forms part of each Council Committee Terms of Reference, which are considered and endorsed by Council.

Policy 299 - Freedom of the Municipality (City) Award

Recommendation: Amend as 'DRAFT' attached.

In 1988, Council established a Policy to guide the Freedom of the Municipality (City) Award. Originally, the Award was specific to "outstanding contributions to the community, related to actions having a direct beneficial effect on the City of Kelowna". In 2000, the Anita Tozer Memorial Award was introduced as part of the Civic and Community Awards. Perhaps reflecting this new award, amendments were made to the Policy in 2001, broadening the language to encompass contributions to "his/her country and/or the community."

The proposed amendments in the attached draft policy include a name change to better reflect the nature of the Freedom of the City as an 'Honour', and further distinguish from the Civic and Community Awards. The proposed draft aligns the existing policy content to clearly identify Council's guiding principle, purpose and application. The policy statements remain consistent with the existing policy, and reflect minor changes for clarification purposes. It is recommended that the package of benefits (introduced in 2001) further define civic events and confirm City of Kelowna parking passes include the airport.

Policy 336 - Video Surveillance

Recommendation:

1. Rescind the Council Policy - refer to Bylaw No. 10400 Corporate Records & Information Management Program; Bylaw No. 9682 *Freedom of Information and Protection of Privacy Act*; and other relevant regulation; or
2. Amend as 'DRAFT' attached.

This policy was first introduced in 2006 to provide council oversight of camera use at a time when the Federal Privacy Commissionaire sighted concerns with a single security camera in the downtown area. It provides for ensuring appropriate use of surveillance cameras and protection of privacy.

Each camera or system of cameras has a privacy impact assessment that outlines the purpose of the cameras and how the impact to privacy is minimized. In addition, administrative policies are in place for each system of cameras that define who can view the camera's images, who can review the camera's images and who can make a copy of the camera's images in increasing levels of management responsibility. Administrative policies also define retention periods and the system automatically erases images once the retention period has passed. Generally, video is only used or copied for retention for the purpose of law enforcement and security and safety where there is a direct link to law enforcement purposes.

Should Council wish the policy be amended, the proposed amendments include a policy name change and wording changes to better reflect the subject of the policy and assignment of the responsibility for approving new cameras to the City Manager.

Internal Circulation:

City Manager
Divisional Director Corporate and Protective Services
Risk Manager
City Clerk

Considerations not applicable to this report:

Legal/Statutory Authority:
Legal/Statutory Procedural Requirements:
Existing Policy:
Financial/Budgetary Considerations:
Personnel Implications:
External Agency/Public Comments:
Communications Comments:
Alternate Recommendation:

Submitted by:

K. Needham, Deputy City Clerk

Approved for inclusion: Rob Mayne, Divisional Director Corporate & Protective Services

cc: