

## COUNCIL REPORT

M&C No.	2019-232
Report Date	September 03, 2019
Meeting Date	September 09, 2019
Service Area	Corporate Services

His Worship Mayor Don Darling and Members of Common Council

***SUBJECT: Treatment of Letters/Documents address to Common Council:  
Proposed Procedural Bylaw Amendment***

### ***OPEN OR CLOSED SESSION***

This matter is to be discussed in open session of Common Council.

### ***AUTHORIZATION***

Primary Author	Commissioner/Dept. Head	City Manager
<b><i>Jonathan Taylor</i></b>		<b><i>John Collin</i></b>

### ***RECOMMENDATION***

That Council direct the City Manager to prepare the following amendment to Council's procedural bylaw:

"In the event that the Common Clerk determines that correspondence and any associated material addressed to Common Council and delivered to his/her office, should be distributed to members of Council in advance of the distribution of the Council agenda kit, then in such case no member of Council shall disclose either the existence, the substance, or a copy of such correspondence and/or material prior to the Council agenda kit in which it/they will be included, being made available to the public pursuant to s.8..."

### ***EXECUTIVE SUMMARY***

In response to the July 29, 2019 referral to the City Manager respecting letters/documents addressed to Mayor and Council, the City Solicitor has prepared draft language for an amendment to Council's procedural bylaw which would prohibit Council members from disclosing correspondence and associated materials, addressed to Council and delivered to the Clerk's office for inclusion on an agenda, prior to the Council agenda package being made available to the public.

## **PREVIOUS RESOLUTION**

Council resolution of July 29, 2019:

“RESOLVED that the item *Letters/Documents Addressed to Mayor and Council* be referred to the City Manager for guidance.”

## **REPORT**

At its July 29, 2019 meeting, Council discussed the Deputy Mayor’s agenda submission regarding letters and/or documents addressed to Members of Common Council being discussed, or being made available to the public via social media, prior to the item appearing on a Council agenda.

As background, a letter from Minister Carr regarding the Sustaining Saint John report was sent to the Common Clerk’s office via email on July 17<sup>th</sup>. The Clerk’s office forwarded the email and letter to Council members advising that it would be added to Council’s July 29<sup>th</sup> agenda. The letter was subsequently shared online by a Council member prior to the agenda being published.

At the July 29<sup>th</sup> Council meeting that the procedural bylaw does not contain specific provisions which address the issue of making agenda materials public prior to the release of the Council agenda kit. Council subsequently referred the matter to the City Manager for report and recommendation.

It is staff’s view that an amendment to Council’s procedural bylaw would effectively address this matter and provide clarity to both Council and staff in the future.

The City Solicitor prepared the following draft procedural bylaw amendment for Council’s consideration:

“In the event that the common clerk determines that correspondence and any associated material addressed to Common Council and delivered to his/her office, should be distributed to members of Council in advance of the distribution of the Council agenda package, then in such case no member of Council shall disclose either the existence, the substance, or a copy of such correspondence and/or material prior to the Council agenda package in which it/they will be included, being available to the public pursuant to s.8...”

Should Council wish to proceed with the amendment, staff will prepare the amendment and submit it to a future Council agenda.

## **STRATEGIC ALIGNMENT**

## **SERVICE AND FINANCIAL OUTCOMES**

N/A

***INPUT FROM OTHER SERVICE AREAS AND STAKEHOLDERS***

City Manager and City Solicitor

***ATTACHMENTS***

N/A