



## **AGENDA**

### **REGULAR COMMITTEE OF THE WHOLE MEETING**

Monday, July 15, 2019, 4:30 P.M.

SHAW AUDITORIUM, VANCOUVER ISLAND CONFERENCE CENTRE  
80 COMMERCIAL STREET, NANAIMO, BC

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Pages

**1. CALL TO ORDER:**

**2. INTRODUCTION OF LATE ITEMS:**

**3. APPROVAL OF THE AGENDA:**

**4. ADOPTION OF THE MINUTES:**

a. Minutes

3 - 6

Minutes of the Regular Committee of the Whole Meeting held in the Shaw Auditorium, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC, on Monday, 2019-MAR-25, at 4:30 p.m.

**5. PRESENTATIONS:**

**6. DELEGATIONS:**

a. Nanaimo Aboriginal Youth Advisory Council: Raising Awareness Regarding Youth Homelessness

7

The Nanaimo Aboriginal Youth Advisory Council to provide the Committee of the Whole with recommendations and actions for the City of Nanaimo to take to support youth facing homelessness within our community.

b. Tanya Hiltz Regarding the Stone Soup Kitchen

8

Tanya Hiltz, Stone Soup Kitchen to provide the Committee of the Whole with a presentation and reasons why this program is needed in the community.

**7. REPORTS:**

a. 150 Nicol Street - Stone Soup Kitchen

9 - 10

To be introduced by Dale Lindsay, General Manager, Development Services.

*Purpose: To provide information regarding the City's role in addressing non-permitted construction related to Stone Soup Kitchen at 150 Nicol Street.*

b. Terms of Reference: Environment Committee

11 - 16

To be introduced by Dale Lindsay, General Manager, Development Services.

*Purpose: To provide the Committee of the Whole with a draft Terms of Reference for the proposed Environment Committee.*

Recommendation: That the Committee of the Whole recommend that Council adopt the Terms of Reference for the Environment Committee.

c. Amendments to "Council Procedure Bylaw 2018 No. 7272"

17 - 27

To be introduced by Sheila Gurrie, Director, Legislative Services.

*Purpose: To provide the Committee of the Whole with the draft "Council Procedure Amendment Bylaw 2019 No. 7272.01" for information and to request feedback.*

Recommendation: That the Committee of the Whole provide feedback regarding proposed changes to "Council Procedure Bylaw 2018 No. 7272".

d. 2019 Union of British Columbia Municipalities Convention Meetings with Provincial Cabinet Ministers

28 - 29

To be introduced by Sheila Gurrie, Director, Legislative Services.

*Purpose: To provide Council with a summary of the meetings scheduled with Provincial Cabinet Ministers during the 2019 Union of British Columbia Municipalities Convention, September 23 - 27, 2019, in Vancouver, BC.*

8. **CORRESPONDENCE:**

9. **OTHER BUSINESS:**

10. **QUESTION PERIOD:**

11. **ADJOURNMENT:**

**MINUTES**  
REGULAR COMMITTEE OF THE WHOLE MEETING  
SHAW AUDITORIUM, VANCOUVER ISLAND CONFERENCE CENTRE,  
80 COMMERCIAL STREET, NANAIMO, BC  
MONDAY, 2019-MAR-25 AT 4:30 P.M.

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Present: Mayor L. Krog (Chair)  
Councillor S. D. Armstrong  
Councillor D. Bonner  
Councillor T. Brown  
Councillor B. Geselbracht  
Councillor E. Hemmens  
Councillor Z. Maartman  
Councillor J. Turley

Absent: Councillor I. W. Thorpe

Staff: J. Rudolph, Chief Administrative Officer  
R. J. Harding, Director of Parks and Recreation  
J. Holm, Acting Director of Community Development  
B. Sims, Director of Engineering and Public Works  
J. Van Horne, Director of Human Resources  
K. Fry, Fire Chief (arrived 4:52 p.m.)  
M. Desrochers, Client Support Specialist  
S. Gurrie, City Clerk  
K. Gerard, Recording Secretary

1. CALL THE REGULAR MEETING TO ORDER:

The Regular Committee of the Whole Meeting was called to order at 4:30 p.m.

2. APPROVAL OF AGENDA:

It was moved and seconded that the Agenda, be adopted. The motion carried unanimously.

3. ADOPTION OF MINUTES:

It was moved and seconded that the following minutes be adopted as circulated:

- Minutes of the Special Committee of the Whole Meeting held in the Boardroom, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC, Monday, 2019-FEB-25 at 1:00 p.m.
- Minutes of the Special Committee of the Whole Meeting held in the Boardroom, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC on Monday, 2019-MAR-04 at 12:00 p.m.

- Minutes of the Special Committee of the Whole Meeting held in the Boardroom, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC on Monday, 2019-MAR-11 at 12:00 p.m.
- Minutes of the Regular Committee of the Whole Meeting held in the Shaw Auditorium, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC on Monday, 2019-MAR-11 at 4:30 p.m.

The motion carried unanimously.

4. DELEGATIONS:

- (a) Bruce Gibbons, Merville Water Guardians, regarding Bottling of Ground Water for Commercial Sale or Bulk Export

Bruce Gibbons, Merville Water Guardians provided Council with a presentation regarding the prohibition of bottling ground water for commercial sale or bulk export, which included the following information:

- Mr. Gibbons has approached all communities under the Association of Vancouver Island Communities (AVICC), asking them to revise their bylaws to prevent bottling of ground water
- Petition including 1200 written signatures and 1340 online signatures will be presented to the legislature on 2019-MAR-27
- farmers and residents rely on aquifers for water and depleting this water source would have a large negative affect on their livelihood
- Village of Cumberland, Comox Valley Regional District and City of Courtenay are all in the process of changing their bylaws to prevent bottling of ground water
- Sunshine Coast Regional District has passed a resolution that will be presented to the AVICC and the Union of British Columbia Municipalities
- There are 15 communities on Vancouver Island to date that do not permit the bottling of ground water

- (b) Dr. Hasselback, Medical Health Officer, Island Health, regarding Community Health

Dr. Hasselback, Medical Health Officer, Island Health, provided Council with a presentation regarding the role of the Medical Officer and ways to improve and inform about community health, which included the following information:

- Role of the Medical Health Officer and ways Council and Island Health can work together to bring positive healthy changes to Nanaimo
- Hot topics and long term issues that affect the health of Nanaimo
- Children and youth issues in Nanaimo and working together on this important issue to reduce the vulnerability of children in Nanaimo

Karen Fry entered the Shaw Auditorium at 4:52 p.m.

(c) Fernando Fuentes regarding Amrikko's Building at 1400 Wingrove Street

Fernando Fuentes spoke regarding concerns with the Amrikko's building at 1400 Wingrove Street including, graffiti, lack of fencing, amount of garbage and assessed value of the property compared to surrounding properties.

5. REPORTS:

(a) Rotary Centennial Garden Proposal for Maffeo Sutton Park

Introduced by Richard Harding, Director, Parks and Recreation.

Delegations:

1. Dave Hammond, Rotary Club and Victoria Drakeford, Landscape Architect provided Council with a presentation and spoke regarding the proposed Rotary Centennial Garden project in Maffeo Sutton Park including the location in Maffeo Sutton Park, ensuring the garden fits with a theme of peace and the type of benches and lighting that will be used.

It was moved and seconded that the Committee of the Whole recommend that Council:

1. approve the Rotary Centennial Garden for Maffeo Sutton Park as presented and that the garden be funded by the Rotarians;
2. amend the 2019 – 2023 Financial Plan to add the Centennial Garden project to 2019 for the \$200,000, fully funded by private contribution; and,
3. direct Staff to project manage the construction of Centennial Garden in coordination with the Rotarians for opening by 2020-MAY-01.

The motion carried unanimously.

6. ADJOURNMENT:

It was moved and seconded at 5:11 p.m. that the meeting terminate. The motion carried unanimously.

CERTIFIED CORRECT:

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CHAIR

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CORPORATE OFFICER



## Delegation Request

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### **Delegation's Information:**

Nanaimo Aboriginal Youth Advisory Council has requested an appearance before Council.

City: Nanaimo

Province: BC

### **Delegation Details:**

The requested date is July 15, 2019.

The requested meeting is:  
COW

Bringing a presentation: No

Details of the Presentation:

The Nanaimo Aboriginal Youth Advisory Council has been focusing on raising awareness about youth homelessness in Nanaimo. Following the release of the Nanaimo Homelessness Strategy, the youth have some recommendations and actions for the City to take forward to support youth facing homelessness within our community.

## Delegation Request

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### **Delegation's Information:**

Tanya Hiltz, Stone Soup, has requested an appearance before Council.

City: Nanaimo

Province: BC

### **Delegation Details:**

The requested date is July 15, 2019.

The requested meeting is:  
COW

Bringing a presentation: Yes

Details of the Presentation:

To have Stone Soup heard, as this program is needed, 7 days a week, 6 – 10 p.m. nightly. Please let us be heard.



DATE OF MEETING July 15, 2019

AUTHORED BY JEREMY HOLM, DIRECTOR OF DEVELOPMENT APPROVALS

SUBJECT **150 NICOL STREET – STONE SOUP KITCHEN**

## **OVERVIEW**

### **Purpose of Report:**

To provide information regarding the City's role in addressing non-permitted construction related to Stone Soup kitchen at 150 Nicol Street.

## **BACKGROUND**

On 2019-FEB-26, the City of Nanaimo received a complaint about the activities and possible illegal structures built on the property at 150 Nicol Street. The activities and structures of concern related to an operating soup kitchen known as the Stone Soup kitchen.

Anytime the City receives a property complaint, Bylaw Inspectors investigate, take the opportunity to educate property owners, and attempt to gain compliance, prior to issuing an infraction.

Upon inspection of 150 Nicol Street, Bylaw Inspectors identified that significant infrastructure had been constructed on the property without required permits or adherence to "City of Nanaimo Building Bylaw 2016 No. 7224" (the "Building Bylaw") and the BC Building Code (the "Building Code"). A notice was subsequently sent to the property owner informing him that the non-permitted structures would need to be removed from the property no later than 2019-MAR-04. The City performed a follow-up inspection and found that only part of the structures had been removed.

The landlord, of his own accord, sent the tenants / soup kitchen operators an eviction notice indicating they were in breach of their rental contract. The landlord and tenant went to the Residential Tenancy Branch over the eviction notice, and on Monday, 2019-JUN-17, the arbitrator ruled in favour of the landlord. The tenants were given until 2019-JUN-30 to vacate the property.

## **DISCUSSION**

The City, responding to a complaint regarding activities and structures on the subject property, identified that significant infrastructure had been constructed on the property without required permits or adherence to the Building Bylaw. Regardless of the good intent behind the operation of the Stone Soup kitchen, there is a public safety risk anytime that construction and development takes place without following proper permitting and adherence to the Building

Code and Building Bylaw. Proper permitting and inspections are a crucial part of ensuring that all development is safe and respectful for property residents and their neighbours.

Property owners are ultimately responsible for ensuring construction on their property adheres to municipal bylaws and the Building Code. In this case, the landlord has stated the structures were constructed without his permission. The landlord took action to evict the tenants / soup kitchen operators, stating they were in breach of their rental contract. The landlord's action was supported by a decision of the Residential Tenancy Branch. The City is not involved in landlord / tenant disputes and eviction arbitration.

### **SUMMARY POINTS**

- The City responded to complaints regarding the property and identified that significant infrastructure had been constructed on the property without required permits or adherence to the Building Code or Building Bylaw.
- The landlord has stated the structures were constructed without his permission, and of his own accord, took action to evict the tenants / soup kitchen operators, stating they were in breach of their rental contract.
- The landlord's action was supported by a decision of the Residential Tenancy Branch. The City is not involved in landlord / tenant disputes and eviction arbitration.

#### **Submitted by:**

Jeremy Holm  
Director of Development Approvals |

#### **Concurrence by:**

Dale Lindsay  
General Manager of Development Services |

DATE OF MEETING | JULY 15, 2019 |

AUTHORED BY | ROB LAWRENCE, ENVIRONMENTAL PLANNER |

**SUBJECT                      TERMS OF REFERENCE: ENVIRONMENT COMMITTEE**

## **OVERVIEW**

### **Purpose of Report**

To provide the Committee of the Whole with a draft Terms of Reference for the proposed Environment Committee.

### **Recommendation**

The Committee of the Whole recommend that Council adopt the Terms of Reference for the Environment Committee.

## **BACKGROUND**

On 2016-JUL-11, the Advisory Committee on Environmental Sustainability was suspended and its members reassigned to other committees to continue to provide input from an environmental perspective.

At the Governance and Priorities Committee meeting on 2019-APR-29, Council directed Staff to strike an environmental committee with the terms of reference to be determined after the 2019-MAY-13 Governance and Priorities Committee meeting.

On 2019-APR-29, Council officially declared a climate emergency for the purpose of identifying and deepening our commitment to protecting our economy, our ecosystems, and our community from global warming.

## **DISCUSSION**

With the recent climate emergency declaration and Council direction to strike a new Environment Committee, Staff see an opportunity to work with a range of community and professional expertise on climate change by having the new Environment Committee play a focussed role on providing expertise and input into the City's climate action work.

In addition, there are a range of environmental issues and topics within the mandate of local government, from active transportation, to environmental education and awareness, to urban forestry that can benefit from community input and expertise that would help Staff and ultimately provide Council with a community perspective on key environmental issues or questions.

Therefore, the purpose of the Environment Committee should be to offer Council innovative ideas and advice on climate change, green technology, energy efficiency, urban forestry, and other topics associated with environmental sustainability in the City of Nanaimo.

In order to provide technical support to the committee, an inter-agency working group made up of City Staff and external environmental professionals will be available to attend committee meetings, provide information and answer questions, as needed.

## **OPTIONS**

- Option 1– The Committee of the Whole recommend that Council adopt the Terms of Reference for the Environment Committee.
  - Adoption of the Terms of Reference for the Environment Committee will allow establishment of the committee, and will help support community engagement on the environment.
  - Adoption of the Terms of Reference for the Environment Committee will allow establishment of the committee and help the City meet its strategic priority to take leadership and focus on our environmental impact and climate change contributions in our decision making.
  - Denying the adoption of the Terms of Reference for the Environment Committee would result in a delay on the establishment of the committee while the terms of reference are revised.
  - Denying the adoption of the Terms of Reference for the Environment Committee would result in a delay on the establishment of the committee and would cause delay in implementing Council's strategic priority to take leadership and focus on our environmental impact and climate change contributions in our decision making.
- Option 2 – That Council provide alternative direction with regard to the Environment Committee.

## **SUMMARY POINTS**

- On 2016-JUL-11, the Advisory Committee on Environmental Sustainability was suspended and its members reassigned to other committee to continue to provide input from an environmental perspective.
- At the Governance and Priorities Committee meeting on 2019-APR-29, the Governance and Priorities Committee directed Staff to strike a new Environment Committee with the terms of reference to be determined after the 2019-MAY-13 Governance and Priorities Committee meeting
- There are a range of issues and topics within the control of local government, from active transportation, to environmental education and awareness, to urban forestry that can benefit from community input and expertise that would ultimately provide Council with community perspective on key environmental issues or questions.

## **ATTACHMENT**

ATTACHMENT A: Draft Terms of Reference

**Submitted by:**

Dean Mousseau  
Manager, Engineering & Environment

**Concurrence by:**

Jeremy Holm  
Director of Development Approvals

Dale Lindsay  
General Manager of Development Services



**TERMS OF REFERENCE**  
**ENVIRONMENT COMMITTEE**

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**PURPOSE:**

The purpose of the Environment Committee is to offer innovative ideas and provide advice (information, options, and recommendations) to Council on climate change, green technology, energy efficiency, urban forestry, and other topics associated with environmental sustainability in the City of Nanaimo.

The Committee's focus areas will be on the following:

- Work with staff to review the Community Sustainability Action Plan and identify initial actions the City can take in response to the City's climate emergency declaration;
- Review and comment on existing or proposed bylaws and policies related to energy efficiency, climate adaptation, and the reduction of GHG emissions;
- Provide input into initiatives, pilot projects, and activities the City could participate in to show leadership in promoting energy efficiency, green technology, reducing GHG emissions, and adapting to a changing climate;
- Provide a community perspective on services, programs, events and capital projects related to urban forestry, natural parks (PRC-1 zone), and environmental sustainability;
- Foster public awareness, recognition, and support for a healthy and sustainable natural environment;
- Review and provide feedback on the Strategic Plan; and
- Other issues referred to the Committee by the Director, CAO, or Council.

Focus areas have been identified according to the following documents:

- Council Motion Declaring a Climate Emergency (2019-APR-01)
- City of Nanaimo Official Community Plan
- Community Sustainability Action Plan
- Transportation Master Plan
- Urban Forest Management Strategy
- 2016-2019 Strategic Plan.

*The order and priority may change depending on emerging issues identified by the Committee.*

**MEMBERSHIP:**

The membership of the Committee will be as follows:

- A minimum of seven (7) members; and
- Two (2) members of Council.

## **ELIGIBILITY:**

All residents are eligible to apply. Members of the Committee shall:

- reflect a broad cross-section of City of Nanaimo residents;
- be appointed on the basis of their availability, experience, and the expertise which they can bring to the work of the Committee and not as formal representatives of particular organizations;
- have no conflict of interest with Council or the Committee and should advise the members when a potential conflict may exist on a specific issue and recuse themselves for the duration of the discussions to which they have declared a conflict of interest; and
- represent knowledge, experience and perspectives of various sectors including:
  - agriculture;
  - aquatic ecology;
  - building design;
  - business;
  - climate mitigation and adaptation;
  - construction;
  - communications;
  - energy efficiency;
  - engineering;
  - fishing;
  - health and the human environment;
  - landscape architecture;
  - students and youth;
  - terrestrial ecology;
  - urban forestry; and
  - community-at-large.

## **GRANTS:**

If there are any City Grants related to the Committee the following process will take place:

1. The grant application is received by the City.
2. A Staff/peer review takes place to ensure the applications meet the criteria for a specific grant.
3. The applications that meet the criteria are put on a list in order of relevance by Staff.
4. Staff recommend recipients from the list provided for the grant to the Finance and Audit Committee for approval.

## **MEETING FREQUENCY:**

In addition to regularly scheduled meetings, the Committee will meet upon call of the Chair or the request of two Committee Members.

### **STAFF SUPPORT:**

The following City Departments may provide support to the Committee in accordance with the ***City of Nanaimo Committee Operating Guidelines***:

- Development Services
- Engineering and Public Works
- Parks, Recreation & Culture
- Legislative Services
- Other Staff as required

### **OBSERVERS & COMMUNITY SUPPORTS:**

Non-voting representatives may be invited to attend the meeting specific to topics of shared interest. All regular meetings are open to the public.



DATE OF MEETING JULY 15, 2019

AUTHORED BY SKY SNELGROVE, STENO COORDINATOR/DEPUTY CORPORATE OFFICER

SUBJECT **AMENDMENTS TO “COUNCIL PROCEDURE BYLAW 2018 NO. 7272”**

## **OVERVIEW**

### **Purpose of Report**

To provide the Committee of the Whole with the draft “Council Procedure Amendment Bylaw 2019 No. 7272.01” for information and to request feedback.

### **Recommendation**

That the Committee of the Whole provide feedback regarding proposed changes to “Council Procedure Bylaw 2018 No. 7272”.

## **BACKGROUND**

In October 2018 Council adopted “Council Procedure Bylaw 2018 No. 7272” which established the rules of procedure for Council, Committee of the Whole (COW) and Committee meetings. Prior to bringing forward “Council Procedure Bylaw 2019 No. 7272” for adoption, Staff held a round table session with the public to invite feedback on the proposed changes. Many of the changes incorporated in the bylaw were suggestions from that session. Feedback from the COW regarding delegations and moving forward with a new governance model have been incorporated into the amendment bylaw. Staff will be bringing forward other opportunities for engagement that Council has requested in a separate report.

Since adoption of the bylaw and working through new procedures, Staff have identified a number of amendments that are necessary in order to streamline the administrative process related to meeting preparation and to reflect Council’s direction regarding the conclusion of the Committee of the Whole.

Once the Committee of the Whole has provided input Staff will update the bylaw and advertise as required under the *Community Charter* before bringing the bylaw forward to Council for three readings at the 2019-JUL-22 Council meeting. If significant changes are required Staff will return to the 2019-AUG-26 Council meeting for three readings.

## **DISCUSSION**

A summary of the significant changes and their rationale is provided. A full listing of the amendments can be found in the attached amendment bylaw (Attachment A).

1. Remove all references to the Committee of the Whole.

At Council's meeting 2019-APR-29, Council adopted the Governance and Priorities Committee (GPC) Terms of Reference. The purpose of the Governance and Priorities Committee is to enable members of Council to review upcoming and important issues with members of City Staff. This committee will replace the Committee of the Whole which is no longer needed.

2. Add definition "Task Force"

Council has expressed an interest in using task forces as a means to accomplish Council directed projects within a specific time frame.

3. In Camera Council Meeting Start Time

In Camera Council meetings are currently scheduled to commence at 4:00 p.m. Often, Staff prepare meeting time change notices as meetings are not required to begin until 5:00 p.m. Changing the start time to 5:00 p.m. means that Staff do not need to prepare a meeting time change notice as frequently.

4. Add clause that no Regular Council Meetings will be held in August

This change will follow the current practice of cancelling the majority of meetings held in August to allow for a summer break. The Key Date Calendar, adopted annually, will reflect this change. This change aligns with the Regional District of Nanaimo's regular board meeting schedule.

5. Agenda/Addendum Publishing Day

Currently, agendas for regular Council meetings are published Thursday by 4:00 p.m. and addendums, listing any changes since publication, are published on Monday by 11:00 a.m. The agenda is proposed to be published on Wednesdays and the addendum published on Fridays, prior to the Monday meeting. The current practice of publishing the addendum after 11:00 a.m. on the day of the meeting provides Staff with a limited window to prepare all necessary documentation in a thorough manner, prior to the commencement of the In Camera meeting in the early evening. Adjusting the addendum publishing date allows Staff more time for review of documentation and fewer errors in the agenda. Council will have more time to prepare for the meeting by reviewing any changes listed on the addendum on Friday.

6. Delegations related to items on agendas:

In order to publish delegation requests which are received after the agenda is published and distribute them to Council on the addendum, it is necessary to adjust the delegation deadline for regular Council meetings from 11:00 a.m. Monday to 11:00 a.m. Friday, prior to the meeting. The adjustment provides for a shorter window for delegations to sign up; however, it better aligns with Staff processes to include delegation requests in the addendum.

7. Delegations not related agenda items:

Currently delegations not related to agendas items are directed to apply to speak at a Committee of the Whole meeting. As the Committee of the Whole will be dissolved, Staff recommend that Council utilize the "Delegations" heading on the Regular Council meeting agenda and include a maximum of three delegations unrelated to agenda items, at each meeting. Sign up will be on a first come first serve basis. No change is proposed for a limitation of delegations regarding agenda items. Including delegations on Council meeting agendas allows the public an opportunity to speak to Council on matters of importance to them and allows for the continued engagement in the absence of the Committee of the Whole meeting.

8. Delegations regarding consent items:

A clause has been added to the bylaw that provides a procedure to follow when a delegation is permitted to speak to a consent item. The consent item will be removed from the consent items list, the delegation will be heard, and then the consent item will be voted on separately from other consent items.

In addition to the sections already included in the Bylaw, Council will not permit delegations to speak to the following items:

- matters for which legal proceedings have commenced against the City on which judgement has not been rendered;
- solicitation of goods or services;
- personal or personnel matters about an individual;
- matters that are or have been the subject of a claim for damages against the City of Nanaimo;
- matters that are outside the mandate or jurisdiction of Council;

9. Consent Items

The current bylaw states that items pertaining to changes to the financial plan, annual municipal report or changes to strategic plans will not be included in consent items. These items are commonly dealt with at the committee level prior to presentation to Council. Committee recommendation are included in the consent items section of the agenda to be voted on. Staff recommend changing the bylaw so that adoption of these items may not be considered under consent items, but changes to these items may be considered.

10. Committee Delegation Timelines

Delegation requests for committees will be reviewed by the Corporate Officer and placed on the agenda of the appropriate committee based on content of request. Requests must be received by 11:00 am 10 days prior to the meeting.

11. Public Hearing Process

The addition of Public Hearing guidelines provide direction and clarity regarding the public hearing process.

## **OPTIONS**

1. That the Committee of the Whole provide feedback regarding proposed changes to "Council Procedure Bylaw 2018 No. 7272".
  - The advantages of this option: If the COW provides feedback regarding the proposed changes to "Council Procedure Bylaw 2018 No. 7272" it would allow Council to tailor the structure and rules of their meetings.
  - The disadvantages of this option: If the COW chooses to make changes to the proposed amendment bylaw the changes could differ from Staff processes and/or policies.
2. That the Committee of the Whole recommend that Council give three readings to "Council Procedure Amendment Bylaw 2019 No. 7272.01" as presented.
  - The advantages of this option: If the COW recommends that Council give three readings to the amendment bylaw as presented the suggested changes will update the "Council Procedure Bylaw No. 7272" and provide clarity on changes to Council meetings. These amendments are consistent with Staff's practices and support thorough review of agenda material. The changes provide clear instructions on how to process delegation requests (not related to agenda items) following the termination of the COW Meetings.
  - The disadvantages of this option: If the COW recommends that Council give three readings to the amendment bylaw as presented there could be a missed opportunity for further input.
3. That the Committee of the Whole recommend that Council not proceed with amendments to "Council Procedure Bylaw 2018 No. 7272".
  - The advantages of this option: If the COW does not recommend that Council proceed with the amendment bylaw Staff will request further direction.
  - The disadvantages of this option: If the COW does not recommend that Council proceed with the amendment bylaw the current "Council Procedure Bylaw 2018 No. 7272" will not be updated to reflect Council's desire to terminate the COW meetings or provide clarification on delegation request, consent items, agenda publishing and public hearing procedures.

## **SUMMARY POINTS**

- The COW is requested to provide input regarding draft "Council Procedure Amendment Bylaw 2019 No. 7272.01".
- Staff have taken prior feedback received from the COW and public roundtable session and incorporated it into the amendment bylaw.
- Significant changes include adjusting agenda publishing days, delegation procedures, the addition of public hearing guidelines and dissolving the Committee of the Whole.

**ATTACHMENTS:**

Attachment A: Draft "Council Procedure Amendment Bylaw 2019 No. 7272.01" |

**Submitted by:**

Sheila Gurrie  
Director, Legislative Services |

CITY OF NANAIMO

BYLAW NO. 7272.01

A BYLAW TO AMEND THE COUNCIL PROCEDURE BYLAW

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WHEREAS the Council of the City of Nanaimo pursuant to Part 5, section 124 of the *Community Charter* must by bylaw, establish the rules of procedure for Council and committee meetings.

THEREFORE BE IT RESOLVED that the Council of the City of Nanaimo in open meeting assembled, hereby ENACTS AS FOLLOWS:

1. Title

This Bylaw may be cited as “Council Procedure Amendment Bylaw 2019 No. 7272.01”.

2. Amendments

“Council Procedure Bylaw 2018 No. 7272” is hereby amended as follows:

- (1) By replacing the definition of “COMMITTEE” in Section 2.1 as follows:

“COMMITTEE” means a Select Committee, a Standing Committee or other committee of Council.

- (2) By deleting the definition of “COMMISSION” in Section 2.1.

- (3) By deleting the definition of “COMMITTEE OF THE WHOLE” in Section 2.1.

- (4) By deleting the definition of “COW” in Section 2.1.

- (5) By adding the definition of “TASK FORCE” in Section 2.1 as follows:

“TASK FORCE” means a type of Select Committee that is created for a specific purpose identified by Council.

- (6) By deleting “COW” from the definition of “DELEGATION” in Section 2.1.

- (7) By deleting Section 3.1 in its entirety and substituting the following:

3.1 The provisions of this Bylaw will govern the proceedings of Council and Committees for the City.

- (8) By deleting Section 3.2 in its entirety and replacing it with the following:

3.2 In cases not provided for under this Bylaw the 11<sup>th</sup> Edition of Robert’s Rules of Order, as updated from time to time will apply to the proceedings of Council and Committees to the extent that those rules are:

- (a) applicable in the circumstances; and,

- (b) not inconsistent with the provisions of this Bylaw, the *Community Charter* or the *Local Government Act*.
- (9) By deleting the period at the end of Section 5.1 and adding the following at the end of the section:

“except when Council resolves to hold the meetings elsewhere.”
- (10) By deleting Section 5.2(b)(i) in its entirety and replacing it with the following:
  - (i) at 5:00 p.m. to proceed “In Camera”, if necessary, pursuant to section 90 of the *Community Charter*; and,
- (11) By deleting Section 6.3(b) and adding Sections 6.3(b) and 6.3(c) as follows:
  - (b) where a Council meeting falls on a statutory holiday or occurs during a week in which the FCM, UBCM or AVICC annual conferences are held, the meeting will be held on the following Monday; and
  - (c) not be held in August.
- (12) By deleting the period at the end of section 7.1, replacing the period with a colon and adding the following:
  - (a) posting a copy of the notice at the Shaw Auditorium located in the Vancouver Island Conference Centre, or other;
  - (b) posting a copy of the notice at the Public Notice Posting Places, and
  - (c) leaving one copy of the notice for each Council member in the to which the member has directed notices to be sent.
- (13) By deleting section 8.1 in its entirety and substituting the following:

8.1 Prior to a regular meeting, the Corporate Officer will have prepared an agenda setting out all the items for consideration at that meeting and deliver a copy of the agenda to each Council Member by Wednesday prior to the Monday meeting, where possible.
- (14) By deleting Section 8.4 in its entirety and substituting the following:

8.4 The Corporate Officer will make the agenda for a meeting available to the public by posting the agenda table of contents on the Public Notice Posting Place:

  - (a) on the Wednesday afternoon prior to the Regular Council meeting.
- (15) By adding Section 8.6 as follows:

8.6 Prior to a special meeting, the Corporate Officer will have prepared an agenda setting out all the items for consideration at that meeting and deliver a copy of the agenda to each member at least 24 hours before the meeting, where possible.

(16) By deleting Section 9.1(h)-(p) and substituting the following:

- (h) Consent Items
- (i) Delegations (unrelated to agenda items)
- (j) Reports
- (k) Bylaws (with no accompanying report)
- (l) Notice of Motion
- (m) Other Business
- (n) Question Period
- (o) Adjournment

(17) By deleting Section 9.2. in its entirety and substituting the following:

9.2 The order of proceedings and business for special meetings may contain the matters listed in Section 9.1.

(18) By deleting section 14.2 in its entirety and substituting the following:

14.2 The following matters should not be included under consent items:  
(a) adoption of the financial plan;  
(b) adoption of the annual municipal report; or,  
(c) adoption of any strategic plans.

(19) By adding Section 14.5 as follows:

14.5 The Corporate Officer will remove consent items from the consent agenda where a delegation has been permitted to speak to an item.

(20) By adding Section 14.6 as follows:

14.6 Where a consent item has been removed from the agenda when a delegation has been permitted to speak to the item, the delegation and item will be considered immediately after the consideration of the remaining consent item recommendations.

(21) By deleting Section 16.2 in its entirety and substituting with the following:

16.2 This section will apply to all meetings of the bodies referred to in section 93 of the *Community Charter*, including without limitation:  
(a) Committees;  
(b) Parcel tax roll review panel;  
(c) Board of variance; and,  
(d) Task Forces

(22) By replacing the heading of Section 19.1 as follows:

“Delegations Pertaining to Council Agenda Items”

(23) By deleting section 19.1 in its entirety and substituting the following:

19.1 A Delegation requesting to appear before Council will submit a written request which includes an outline on the agenda matter of the request to the Corporate Officer by 11:00 a.m. the Friday prior to the Monday meeting.



- (24) By deleting section 19.2 in its entirety and substituting the following:

19.2 All presentations and handouts from Delegations must be received by the Legislative Services Department by 11:00 a.m. the Friday prior to the Monday meeting. No late presentations will be displayed at the meeting. Handouts must be no more than ten pages long.

- (25) By deleting Section 19.3 in its entirety.

- (26) By deleting Section 19.4(a) in its entirety and substituting the following:

19.4(a) schedule a Delegation to a later Council meeting, or Committee meeting as deemed appropriate according to the subject matter of the written request;

- (27) By deleting Section 19.10 in its entirety and substituting the following:

19.10 Notwithstanding section 19.9, Delegations will be given 5 minutes total to make their presentation.

- (28) By deleting Sections 19.12 to 19.15 in their entirety and substituting with the following, after Section 19.11:

Delegations Unrelated to Agenda Items

19.12 Any Delegation requests that do not pertain to an item on the agenda shall be reviewed by the corporate officer and if appropriate placed on the next Council meeting agenda under the Delegations heading.

19.13 A maximum of three Delegations will be permitted regarding items not listed on a Council agenda. The order of Delegations will be the first three received, commencing 14 days prior to Delegation deadline.

19.14 Delegations regarding an item not on the Council agenda will be limited to 5 minutes for their presentation unless a longer time period is permitted by a motion passed by a majority vote of all of the Council Members present.

19.15 Council will not permit a Delegation to address Council regarding the following:

- (a) a bylaw in which a public or statutory hearing has already been held;
- (b) matters on which the City had commenced legal proceedings and on which judgment has not been rendered;
- (c) matters for which legal proceedings have commenced against the City on which judgement has not been rendered;
- (d) publicly tendered contracts or proposal calls for the provision of goods or services for the City between the time that such contract or proposal has been authorized and the time such contract or proposal call has been awarded either by Council or staff;
- (e) a hearing pertaining to an application, permit or license which has not yet been considered by Council;
- (f) other Delegation's requests;
- (g) soliciting of services or goods;

- (h) matters that are or have been the subject of a claim for damages against the City of Nanaimo;
  - (i) personal or personnel matters about an individual; and/or
  - (j) matters that are outside the mandate or jurisdiction of Council.
- (29) By deleting section 26.2 in its entirety and substituting with the following:

26.2 The Electronic Means used will enable Council Members to hear and be heard simultaneously and permits the public to hear the participation of all Council Members during the meeting.
- (30) By deleting "Part VIII - Committee of the Whole" in its entirety.
- (31) By deleting Section 42.1 in its entirety and substituting it with the following and moving it above the heading "Duties of Standing Committees":

42.1 This part applies, where applicable, to all Committees of the City.
- (32) By deleting the period at the end of 43.2 and adding the following:

at the date and time specified by Council or as soon as possible if the Council does not specify a time.
- (33) By deleting Section 47.1 in its entirety and substituting the following:

47.1 For items on the Committee agenda, staff will submit items for inclusion on the agenda to the Staff liaison by 11:00 a.m., 10 days prior to the Committee meeting.
- (34) By deleting Section 47.3 in its entirety and substituting the following:

47.3 Committee agendas will be published on a schedule determined by the Corporate Officer.
- (35) By adding to Section 48.1 a period after Committees and deleting "and Commissions."
- (36) By deleting from Section 50.2 "and Commissions".
- (37) By adding the following sections after section 50.3:

50.4 A Delegation requesting to appear before a Committee or Taskforce, will submit a written request which includes an outline on the agenda matter of the request to the Corporate Officer by 11:00 a.m. ten days prior to the meeting.

50.5 All presentations from Committee Delegations must be received by the Legislative Services Department by 11:00 a.m. ten days prior to the meeting. No late presentations will be displayed at the meeting.

50.6 Delegations requesting to speak before a Committee will be reviewed by the Corporate Officer and assigned to the appropriate Committee.

- (38) By deleting the period at the end of 51.3(d) and adding the following:  
“next meeting.”
- (39) By deleting 51.4 in its entirety and substituting the following:  
51.4 Subject to section 51.8, minutes of the open meetings will be available for public inspection at City Hall during regular office hours
- (40) By adding Section 51.7 as follows:  
51.7 In the absence of the Corporate Officer or Recording Secretary a motion passed by the majority of Council members present is required to permit members of staff or Council to take minutes.
- (41) By adding Section 51.8 as follows:  
51.8 Section 51.4 does not apply to minutes of a Council meeting from which person were excluded under Section 90 of the *Community Charter*.
- (42) By adding Section 55.5 as follows:  
55.5 The order of business at a Public Hearing shall be as follows:  
(a) Public Hearing is called to order;  
(b) Staff reports are identified;  
(c) Staff provide introductory presentations;  
(d) Applicant details their application;  
(e) Chair calls for any person to be heard or present a written submission;  
(f) Correspondence received at the Public Hearing is identified and read by Council.
- (43) By renumbering each section in numerical order, as necessary.
- (44) By capitalizing all defined terms and removing capitalization from undefined terms.

PASSED FIRST READING: \_\_\_\_\_  
PASSED SECOND READING: \_\_\_\_\_  
PASSED THIRD READING: \_\_\_\_\_  
ADOPTED: \_\_\_\_\_

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CORPORATE OFFICER

DATE OF MEETING JULY 15, 2019

AUTHORED BY JESSICA VANDERHOEF, STENO, LEGISLATIVE SERVICES

SUBJECT **2019 UNION OF BRITISH COLUMBIA MUNICIPALITIES  
CONVENTION MEETINGS WITH PROVINCIAL CABINET  
MINISTERS**

## **OVERVIEW**

### **Purpose of Report:**

To provide Council with a summary of the meetings scheduled with Provincial Cabinet Ministers during the 2019 Union of British Columbia Municipalities Convention, September 23 - 27, 2019, in Vancouver, BC.

## **BACKGROUND**

Staff reached out to Council requesting feedback regarding which Provincial Cabinet Ministers Council would like to schedule meetings with during the 2019 Union of British Columbia Municipalities Convention (UBCM). The Annual UBCM Convention will take place September 23 – 27, 2019, and will be held in the Vancouver Convention Centre.

The deadline to request meetings with the Premier and Provincial Cabinet Ministers during the 2019 UBCM Convention is Wednesday, July 17, 2019.

## **DISCUSSION**

Based on feedback from Councillors, meetings have been requested with the following Provincial Cabinet Ministers during the 2019 UBCM Convention:

- Honourable Judy Darcy, Minister of Mental Health and Addictions
- Honourable Selina Robinson, Minister of Municipal Affairs and Housing
- Honourable Claire Trevena, Minister of Transportation and Infrastructure

When submitting meeting requests Staff were required to provide as much detail as possible regarding the topics, background and requests planned for discussion. Staff identified the following topics for discussion:

- The current opioid crisis - Minister of Mental Health and Addictions
- Nanaimo supportive and affordable housing - Minister of Municipal Affairs and Housing
- Foot-passenger ferry services - Minister of Transportation and Infrastructure

## **CONCLUSION**

There is no limitation noted on the application for the number of attendees during each Provincial Cabinet Minister meeting; therefore, Staff will ask if each member of Council can attend as many of these meetings as they are able to. Staff estimate they will be able to provide Councillors with times for these meetings by early September, or as soon as dates and times have been confirmed.

## **SUMMARY POINTS**

- Based on feedback from Council Staff have requested meetings with three Provincial Cabinet Ministers during the 2019 UBCM Convention.
- The 2019 UBCM Convention will be held September 23 – 27, 2019, at the Vancouver Convention Centre.

**Submitted by:**

Sheila Gurrie  
Director, Legislative Services