

## AGENDA

## SPECIAL ADVISORY COMMITTEE ON ACCESSIBILITY AND INCLUSIVENESS

June 7, 2023, 4:00 P.M. - 6:00 P.M. Boardroom, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC

- 1. CALL THE MEETING TO ORDER:
- 2. INTRODUCTION OF LATE ITEMS:
- 3. ADOPTION OF AGENDA:
- 4. ADOPTION OF MINUTES:
- 5. CHAIR'S REPORT:
  - a. Introductions Councillor Armstrong
- 6. **REPORTS**:
  - a. Terms of Reference

To be introduced by Richard Harding, General Manager, Parks, Recreation and Culture.

#### 7. PRESENTATIONS:

#### a. Committee Orientation/Meeting Procedures

To be introduced by Karen Robertson, Deputy City Clerk.

Committee Orientation Supporting Documents:

- 2023 ACAI Key Date Calendar
- Committee Operating Guidelines
- Council Procedure Bylaw 2018 No. 7272
- Code of Conduct Bylaw 2022 No. 7348
- Conflict of Interest Guidelines Policy

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## b. Accessibility and Inclusion Plan - City Plan (Nanaimo Relmagined)

To be introduced by Lisa Bhopalsingh, Director, Community Development.

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## Presentation:

1. Lisa Brinkman, Manager, Community Planning.

## 8. OTHER BUSINESS:

## a. Correspondence re: Speech to Text

To be introduced by Councillor Armstrong.

## b. Correspondence re: Local Community Accessibility Grant Program Information 92 - 93 Session

To be introduced by Councillor Armstrong.

## c. Future Meeting Items

To be introduced by Richard Harding, General Manager, Parks, Recreation & Culture.

Purpose: To schedule future agenda topics.

## 9. QUESTION PERIOD:

## 10. ADJOURNMENT:



#### **TERMS OF REFERENCE**

#### ADVISORY COMMITTEE ON ACCESSIBILITY AND INCLUSIVENESS

#### PURPOSE:

The purpose of the Advisory Committee on Accessibility and Inclusiveness is to promote social and political equity within existing and proposed City plans, policies, bylaws and infrastructure and make recommendations to ensure that they are inclusive and accommodating to citizens of all ages, abilities and walks of life.

The Advisory Committee on Accessibility and Inclusiveness will:

- Identify barriers to inclusion and accessibility and make recommendations as to how to remove these barriers;
- Identify best practices in other communities and make recommendations based on the findings to promote social and political equity;
- Participate in reviewing City of Nanaimo draft plans, policies and procedures to prevent the creation of barriers in the future;
- Assist in developing a strategy for engaging with the community on issues relating to accessibility and inclusiveness;
- Review *City Plan*'s Empowered Nanaimo goals and identify opportunities to support the related policies;
- Review and provide feedback on the City's accessibility actions to implement City Plan;
- Discuss other issues referred to the Committee by Council, the CAO, GM's or Directors; and,
- Work with Council to increase public awareness on issues related to accessibility and inclusion for all citizens.

#### **MEMBERSHIP:**

The Committee shall be comprised of thirteen (13) voting members:

- a) Two members of Council
- Eleven members at large from the community, who will be chosen based on their experience and involvement related to issues of accessibility and/or inclusiveness. To the extent possible, the committee should:
  - a. Ensure at least half of the members are persons with disabilities or persons representing a disability-serving organization
  - b. Include Indigenous representation
  - c. Include a youth representative (age 15-24)

## ELIGIBILITY:

The members at large shall be appointed by resolution of Council and 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 and commitment to increasing accessibility and inclusiveness within the City of Nanaimo
- 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

#### **MEETING FREQUENCY:**

Meetings will be held once every two months. In addition to regularly scheduled meetings, the Committee will meet upon call of the Chair or the request of two Committee Members.

#### STAFF SUPPORT:

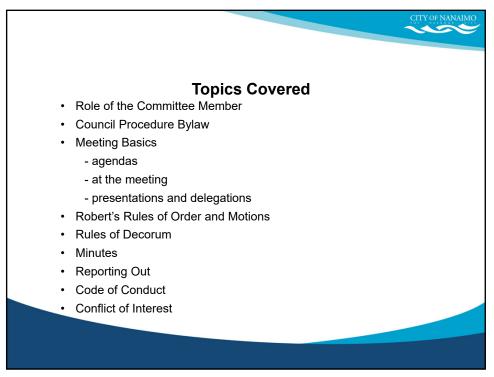
The following City Departments may provide support to the Committee in accordance with the *City of Nanaimo Committee Operating Guidelines*:

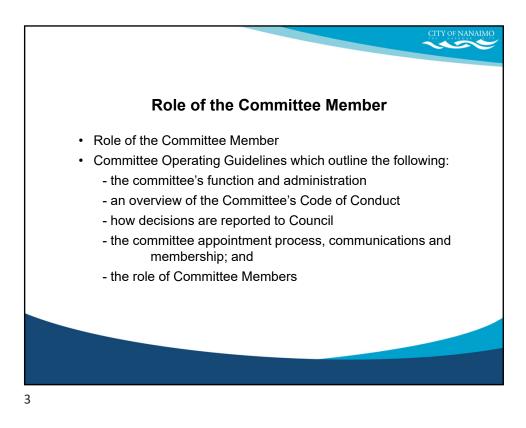
- Office of the Chief Administrative Officer
- Legislative Services and Communications
- Parks, Recreation & Culture
- Development Services
- Engineering and Public Works
- Other Staff as required

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

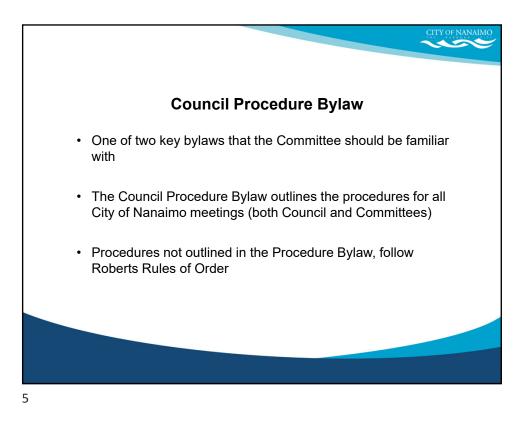
Non-voting representatives may be invited to attend the meeting specific to topics of shared interest. All regular meetings are open to the public.

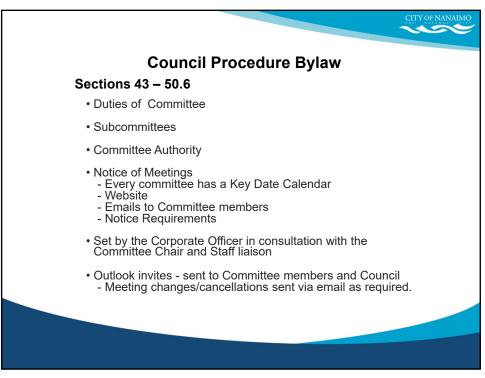


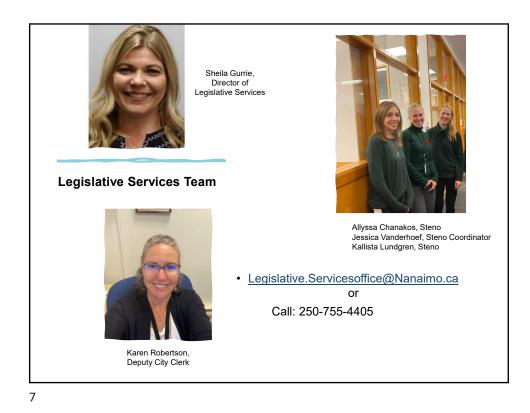




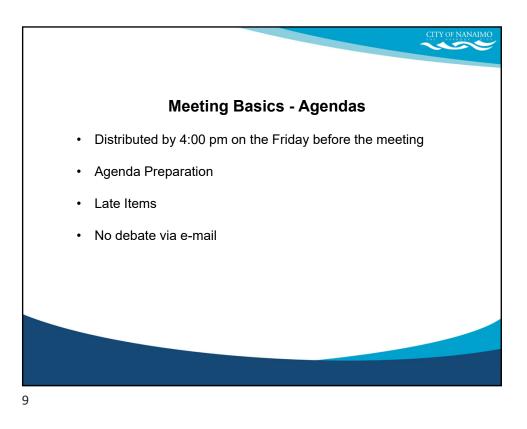


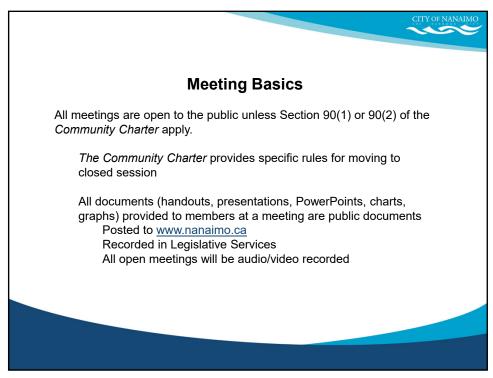


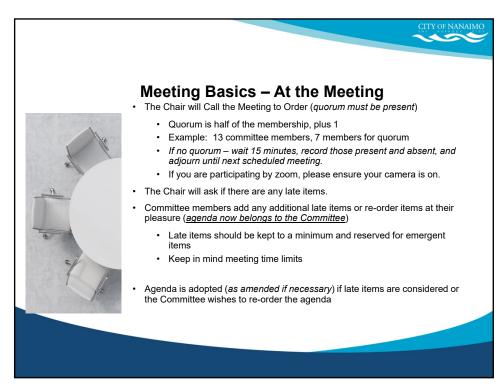


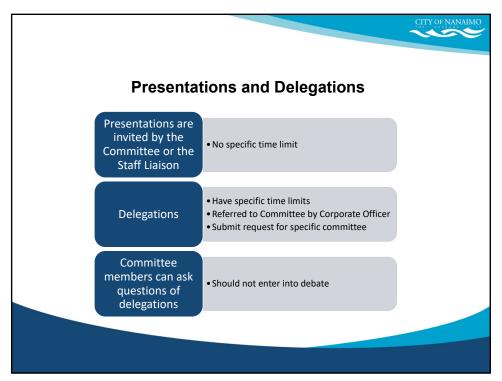


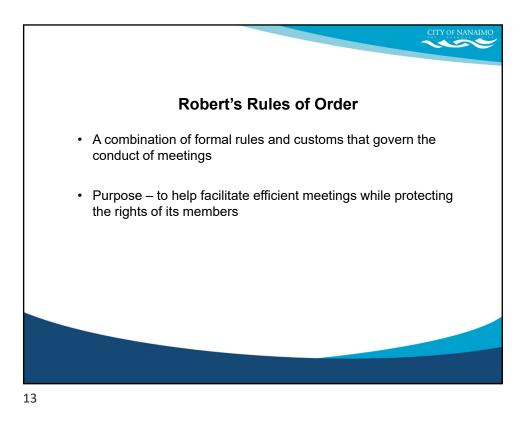


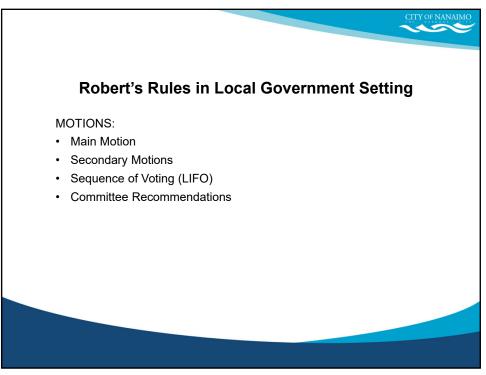


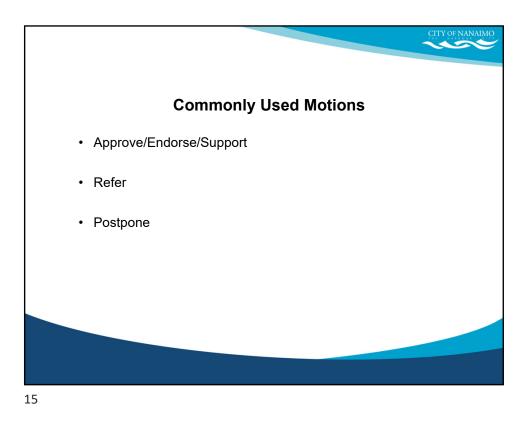


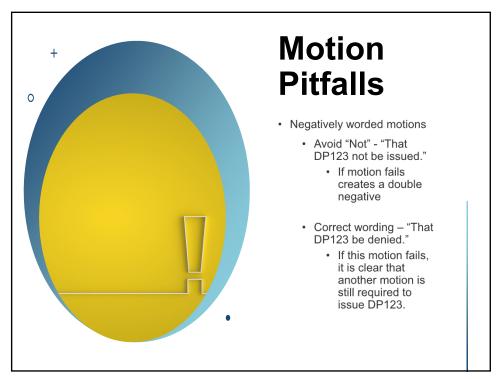


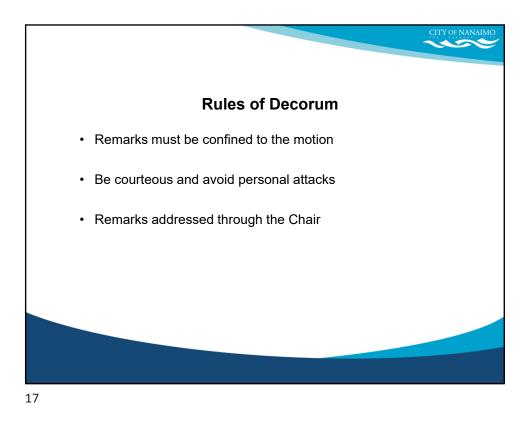






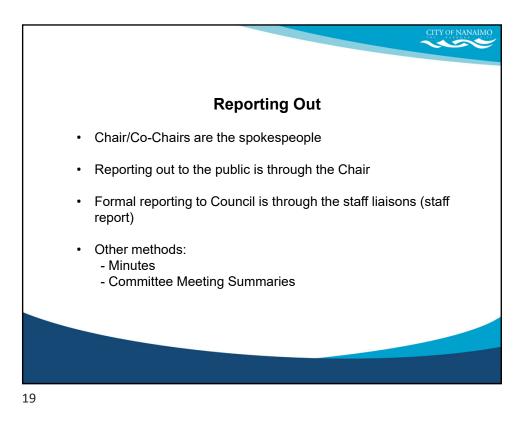


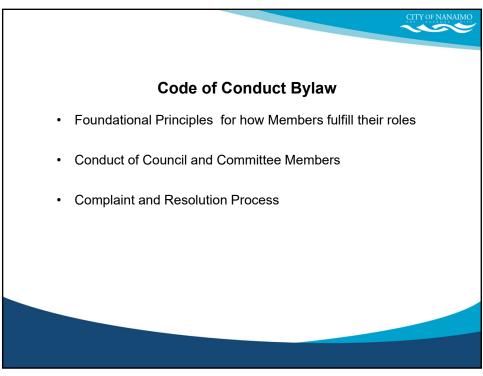




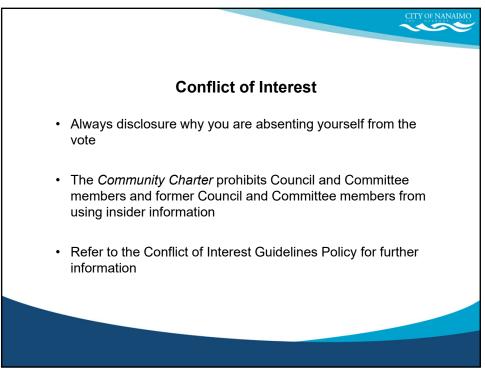








CITY OF NANAIM	
COMMITTEE MEMBER STATEMENT	
As a City of Nanaimo Committee Member, I agree to uphold the Code of Ethics adopted by the City of Nanaimo and conduct myself by the following model of excellence. I will:	
<ul> <li>Recognize the diversity of backgrounds, interests and views in our community;</li> <li>Help create an atmosphere of open and responsive government;</li> <li>Conduct public affairs with integrity, in a fair, honest and open manner;</li> <li>Respect one another and the unique role and contribution each of us has in making the City of Nanaimo a better place to work, live, and play;</li> <li>Strive to keep the decision-making processes open, accessible, participatory, understandable, timely, just and fair;</li> <li>Avoid and discourage conduct which is not in the best interests of the City of Nanaimo;</li> <li>Avoid any real or perceived Conflict of Interest and declare at the earliest opportunity, any interest that is or may be in conflict with the business of the City of Nanaimo in which I am participating;</li> <li>Respect and uphold confidentiality requirements; and</li> <li>Treat all people with whom I come in contact in the way I wish to be treated.</li> <li>I affirm that I have read and understand the City of Nanaimo Code of Conduct Bylaw. Signature: Date:</li> </ul>	
Name (please print):      Committee:	





# City of Nanaimo

# ADVISORY COMMITTEE ON ACCESSIBILITY AND INCLUSIVENESS KEY DATE CALENDAR – 2023

Committee meetings are currently held electronically and in person. In person meetings are held in the boardroom on the first floor of the Service and Resource Centre Building at 411 Dunsmuir Street unless otherwise stated.

Committee	Start Time	End Time	Day of the Month	
Advisory Committee on Accessibility and Inclusiveness (ACAI)	4:00 p.m.	6:00 p.m.	Select Wednesdays, every two months	
June 7 ACAI Committee (In-Augural Meeting)				
August	No Meetings	(as per Council Pro	cedure Bylaw No. 7272)	
September 6	ACAI Commi	tee		
November 8	ACAI Commi	tee		

Committee Operating Guidelines

As of May 31, 2023



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# **Committee Operating Guidelines**

Part 1 – Specific Terms and Conditions Applicable to Individual Committees

# 1 Terms of Reference

- 1.1 The following subjects are addressed in each Committee's Terms of Reference:
  - a) purpose;
  - b) membership composition and eligibility;
  - c) term of the Committee;
  - d) meeting frequency; and,
  - e) staff support.

# Part 2 – Terms and Conditions Applicable to All Committees

# A. General

# 1 Definitions

- 1.1 In this part:
  - a) **Corporate Officer** means the statutory position of Corporate Officer appointed by Council; and,
  - b) **Staff Liaison** means the staff member assigned by the CAO (Department Head) who is responsible for a Committee and provides subject matter expertise and support to a Committee.

# B. Committee Function and Administration

# 2 Accountability

- 2.1. Any motions made at a Committee meeting will be brought forward for Council's consideration and endorsement at a Council meeting.
- 2.2. Council may choose to assign a Committee with a specific task, if it fits within the Committee's Terms of Reference, or refer a motion made at a Council meeting to a Committee for future research and discussion.
- 2.3. When a matter has been assigned by Council to a Committee, the Committee will report its findings and opinions, with or without recommendations, to Council.
- 2.4. Where a committee assigns a specific task to a member, that member will report back with an update at the next Committee meeting either:
  - a) orally, if the member is in attendance; or,
  - b) in writing, if the member is absent.

## 3 Financial and Administrative Resources

- 3.1. The Committee should not instruct City Staff assigned to the Committee on what tasks are to be completed or how tasks should be completed.
- 3.2. In accordance with the Financial Plan, the City may:
  - a) allocate specific funding to a committee to assist the Committee in carrying out its mandate; and,
  - b) delegate its authority to the Committee to authorize the expenditures of that specific funding.
- 3.3. In order to spend any specific funding allocated to a committee, the following must occur:
  - a) the Committee must pass a resolution to authorize that particular expenditure; and,

b) the staff member must have the authority to approve the expenditure pursuant to the City's Purchasing Policy.

# 4 Code of Conduct

- 4.1. A member will do the following:
  - a) use their knowledge, skills and abilities to the best of their ability;
  - b) act in the best interests of the organization;
  - c) consider the needs of the community;
  - d) engage in professional behavior at all times;
  - e) not use or disclose for personal gain information on decisions, findings, plans, bids, or other matters concerning the Committee in a closed meeting;
  - f) maintain confidentiality of any issue or matter before the Committee;
  - g) attend committee meetings on a regular basis;
  - h) be informed and prepare appropriately before the meeting in order to effectively participate in meetings; and,
  - i) complete any tasks assigned by the Committee to the member.
- 4.2. A member who is in a situation that has the potential to undermine their impartiality because of a possible clash between the public interest and their self, professional or business interest is in a conflict of interest.
- 4.3. A member who is in a conflict of interest, including a potential conflict of interest, must do the following:
  - a) declare the conflict of interest;
  - b) not remain or attend at any part of a meeting during which the matter involving the conflict of interest is under consideration;
  - c) not participate in any discussion of the matter involving the conflict of interest at such a meeting;
  - d) refrain from voting on a question in respect of the matter involving the conflict of interest;
  - e) not attempt in any way, whether before, during or after such a meeting, to influence the voting on any question in respect of the matter involving the conflict of interest; and,
  - f) not attempt in any way to influence a decision, recommendation or other action to be made or taken involving the conflict of interest:
    - i. at a meeting during which the matter involving the conflict of interest or potential conflict of interest;
    - ii. by an officer or employee of the City;
    - iii. by a delegate who has received delegated council authority.
- 4.4. If a member fails to disclose a conflict of interest or a potential conflict of interest, Council may remove that member from the Committee at any time.

Note: On May 30, 2022, Council adopted a new Code of Conduct Bylaw. This bylaw is applicable to both Council and Committee members. Part 2 of the Bylaw outlines the guiding principles for how Committee Members fulfill their roles and responsibilities; Part 3 outlines the conduct provisions. Section 4 outlines the complaint and resolution procedures for bylaw violations; however, only section 4.2 applies to Committee members. See link to the full bylaw in Schedule A attached to the guidelines. Each Committee Member will be required to sign a statement stating that they have read the Code of Conduct Bylaw and agree to uphold the Code of Ethics as outlined in the Bylaw.

## 5 Remuneration

- 5.1. The City will not pay a committee member any remuneration for serving on a committee.
- 5.2. The City will reimburse a member for any expenses incurred while doing business on behalf of the City as a member, provided that:
  - a) the expenses have been approved by the Staff Liaison responsible for that committee;
  - b) the Staff Liaison has approved the expenses before the expenses are incurred; and,
  - c) the member has completed the appropriate form and submitted the form with the original receipts within 30 days after incurring the expenses.

# 6 Reporting to Council

- 6.1. The Staff Liaison, on behalf of the Committee, will submit an annual report to Council at a Council meeting held in January of every year.
- 6.2. The annual report will contain the following information:
  - a) the name of the Committee;
  - b) a list of the various subjects examined by the Committee in the previous year;
  - c) highlights of the Committee's accomplishments;
  - d) the Committee's work plan, which includes:
    - i. the goals and objectives for the Committee to achieve during the upcoming year;
    - ii. the subject matters which the Committee intends to address during the upcoming year;
  - e) any trends or issues of concern which the Committee thinks that Council should be aware of; and,
  - f) any other additional information that Council has requested be included.
- 6.3. Council may do the following with the Committee's work plan:
  - a) approve as presented;
  - b) amend and then approve as amended; or,
  - c) not approve and provide direction or instructions to the Committee.

## 7 Scope

- 7.1. A committee must adhere to the following guiding principles as well as processes outlined in Council's Procedure Bylaw:
  - a) serve Council to the best of its ability;
  - b) keep the welfare of the community foremost;
  - c) treat all individuals with dignity and respect;
  - d) operate in a transparent and collaborative manner;
  - e) provide meaningful input into matters to be considered by Council;
  - f) operate in a manner which makes the most efficient and effective use of the Committee's and staff's time;

- g) work with other committees in a positive manner on matters which impact the Committees;
- h) engage in clear communications in order to assist in efficient, informed decision making and effective distribution of information;
- i) respect diversity of opinion;
- j) appreciate inquiry and curiosity; and,
- k) accept uncertainty, ambiguity and lack of absolutes where necessary.
- 7.2. The Committee may do the following:
  - a) review and provide input on matters within the Committee's Terms of Reference;
  - b) make recommendations for Council's consideration on matters within the Committee's Terms of Reference;
  - c) bring forward new initiatives to Council on matters that support the Committee's mandate;
  - d) exercise authority delegated by Council to the Committee; and,
  - e) work in collaboration with other committees on matters within the mandates of the Committees.
- 7.3. Council will determine if a matter falls within the mandate of a committee, if there is any uncertainty.
- 7.4. Committees will work in a collaborative manner to make joint recommendations to Council for matters which overlap in the Terms of Reference of those committees.

# C. Committee Structure and Operations

## 8 Appointment Process

- 8.1. The Corporate Officer will recruit persons to serve on a committee.
- 8.2. The Corporate Officer may use whatever means the Corporate Officer determines necessary to obtain quality applications for each committee based on its Terms of Reference.
- 8.3. Any person wanting to serve as a committee member must submit an application to the Corporate Officer using the applicable form.
- 8.4. The Corporate Officer will:
  - a) review all applications received by the deadline; and,
  - b) bring to Council for discussion and appointment.
- 8.5. In making appointments, Council should consider the following criteria:
  - a) the person's knowledge, skills and abilities in relation to the Terms of Reference of the Committee;
  - b) the person's past behavior while previously serving on a committee;
  - c) the potential for conflict of interest between the person and the subject matters considered by the Committee in accordance with the Committee's Terms of Reference;
  - d) the composition of the Committee in terms of knowledge, skills and abilities;

- e) diverse representation to ensure the Committee reflects a broad cross-section of individuals;
- f) any information provided by the department responsible for the Committee; and,
- g) any other information that the Corporate Officer deems relevant to the application.
- 8.6. Unless specified in the Terms of Reference, all applicants will be residents of the City of Nanaimo.
- 8.7. Council may, at its pleasure, appoint persons to fill committee vacancies or appoint additional members to a committee by motion in a Council meeting.
- 8.8. Council may remove a person from a committee at any time and for any reason.

## 9 Chair and Co-Chair

- 9.1. Council will appoint the Chair and Co-Chair of a committee.
- 9.2. The Chair and Co-Chair will be members of Council.
- 9.3. The Recording Secretary and/or Corporate Officer and any staff member assigned to a committee will assist in the training of a Chair and Co-Chair to fulfill their duties and responsibilities.
- 9.4. Only the Chair and Co-Chair may speak for the Committee outside of a committee meeting.
- 9.5. The Chair and Co-Chair may determine at their own discretion who will chair a meeting and whether to have a rotation schedule in place.

## 10 Communications

- 10.1. Email will be the preferred method to communicate with all members.
- 10.2. A committee member will provide the Recording Secretary with an email address to be used for all communications relating to committee or City business.
- 10.3. The Recording Secretary and Staff will use the email address provided when communicating with committee members.
- 10.4. Committee business must not be conducted via email.
- 10.5. A member will:
  - a) assist the Freedom of Information Head with any requests for information; and,
  - b) provide all records in the member's possession pertaining to an information request.
- 10.6. Any communications between one committee and another committee will include the Chairs and Co-Chairs of both committees.

# 11 Membership

- 11.1. A member may only serve on one committee at a time.
- 11.2. The term for a committee will be outlined in each committee's Terms of Reference.
- 11.3. A person who is not a Council member may not serve more than two consecutive terms on the same committee. (note: this excludes industry representatives, such as an architect sitting on the Design Advisory Panel)
- 11.4. If a member no longer wishes to serve as a member, the member will:
  - a) give written notice to the Corporate Officer indicating the resignation date; and,
  - b) return any City property provided to the member during their term of office.
- 11.5. A member may not use any City property or resources for their personal benefit or for the benefit of a person associated with the member.

## 12 Roles of the Committee Members

- 12.1. Each committee member has the following duties and responsibilities:
  - a) prepare for and attend committee meetings;
  - b) complete any tasks assigned by the Committee;
  - c) be accountable for all actions taken in the name of the Committee;
  - d) contribute to the direction and work of the Committee to the best of their ability; and,
  - e) adhere to the Code of Conduct set-out in Section B (4).
- 12.2. In addition to those of an individual committee member, a Council Member who is assigned to a committee has the following duties and responsibilities:
  - a) act as a liaison between the Committee and Council;
  - b) provide the Committee with Council's perspective on matters coming before the Committee, where a perspective has been expressed by Council; and,
  - c) assist the Committee in developing feasible options which align with the City's strategic direction, master plans, financial plans, goals and objectives.
- 12.3. The Chair has the following duties and responsibilities, in addition to those of being a member:
  - a) be the liaison between the Committee, Staff, and other committees;
  - b) provide leadership to the Committee;
  - c) preside at all meetings of the Committee, if present;
  - d) supervise the other members in the execution of their duties;
  - e) build consensus and foster teamwork;
  - f) work with the Staff liaison and Corporate Officer to develop agendas for meetings; and,
  - g) act as the official representative of the Committee, as needed.
- 12.4. The Co-Chair has the following duties and responsibilities, in addition to those of being a member:
  - a) perform of the duties of the Chair, if the Chair is unavailable; and,
  - b) assist the Chair and the Recording Secretary as needed.

- 12.5. The Corporate Officer has the following duties and responsibilities:
  - a) issue notices of meetings for the Committee;
  - b) prepare meeting agendas;
  - c) ensure that the minutes for all meetings are kept;
  - d) supervise the custody and maintenance of all committee records; and,
  - e) maintain the register of members.
- 12.6. Any staff member assigned to a committee has the following duties and responsibilities:
  - a) assist the Committee in any appropriate manner to carry out the Committee's mandate;
  - b) communicate to the Committee any information or restrictions coming from Council or senior management which may have an impact on the Committee;
  - c) ensure that any financial resources allocated to the Committee are spent in accordance with the City's policies; and,
  - d) where a committee member becomes a staff member, they are to resign from the Committee immediately upon employment.

# D. Meeting Administration

## 13 General

- 13.1. The committees are subject to the same rules and conditions as Council, set out in the Council Procedure Bylaw.
- 13.2. A committee must meet at least once per year, if the frequency of the meetings is not set out in the Committee's terms of reference.
- 13.3. The Corporate Officer will determine:
  - a) the regular schedule of days and times for the Committee meetings; and,
  - b) the location of the meetings of a committee.
- 13.4. Unless otherwise stipulated, each member of a Committee has equal voting rights.
- 13.5. The mayor is an ex-officio member and as such is able to attend and vote on matters at any committee meeting.

## 14 Minutes and Agendas

14.1. Minutes and Agendas will be administered in accordance with the Council Procedure Bylaw.

## 15 Quorum

- 15.1. Unless specified otherwise, quorum for a committee will be the majority of voting members of the Committee currently holding office.
- 15.2. Both the Chair and Co-Chair count towards quorum.

## ATTACHMENT A

Code of Conduct Bylaw 7348

# "COUNCIL PROCEDURE BYLAW 2018 NO. 7272"

Consolidated Version

2021-OCT-18 Includes Amendment: 7272.01, 7272.02, 7272.03

#### CITY OF NANAIMO

#### BYLAW NO.7272

# A BYLAW TO ESTABLISH THE RULES OF PROCEDURE FOR COUNCIL, COMMITTEE OF THE WHOLE AND COMMITTEE MEETINGS.

# Time and Location of Meetings ......7 Notice of Regular Council Meetings ......7 Petitions and Communications......10 Annual Municipal Report......10 PART III – CONSENT ITEMS ......10 Consent Items Acting Mayor.....11 PART V – COUNCIL PROCEEDINGS......11 Attendance of Public at Meetings......11 Calling Meeting to Order ......12 Adjourning Meeting where No Quorum .....12 Delegations Pertaining to Council Agenda Items (7272.01) .....12 Delegations Unrelated to Agenda Items (7272.01)......13 Voting at Meetings......15 Question Period ......16 Adjournment ......17

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## CITY OF NANAIMO

#### BYLAW NO. 7272

# A BYLAW TO ESTABLISH THE RULES OF PROCEDURE FOR COUNCIL, COMMITTEE OF THE WHOLE AND COMMITTEE MEETINGS.

A Bylaw to establish the rules of procedure for Council, Committee of the Whole and Committee meetings.

The Council for the City of Nanaimo in open meeting assembled ENACTS AS FOLLOWS:

<u>Title</u>

1.1 This Bylaw may be cited as the "Council Procedure Bylaw 2018 NO. 7272".

#### PART I – GENERAL

#### **Definitions**

- 2.1 In this Bylaw:
  - "ACTING MAYOR" means the Council member who, in accordance with Part IV of this Bylaw, is responsible for acting in the place of the Mayor when the Mayor is absent or otherwise unable to act or when the office of the Mayor is vacant.
  - "AVICC" means the Association of Vancouver Island Coastal Communities.
  - "BOARD OF VARIANCE" Means an independent Board, comprised of 5 members, appointed by Council for the purpose of hearing appeals outlined in Section 542 of the *Local Government Act.*
  - "CHAIR" means the person presiding at a meeting.
  - "CITY" means the City of Nanaimo.
  - "CITY HALL" means Nanaimo City Hall located at 455 Wallace Street, Nanaimo, British Columbia.
  - "CHIEF ADMINISTRATIVE means the person appointed by Council as the Chief Administrative Officer for the City and his or her designate.
  - "COMMISSION" (7272.01)
  - "COMMITTEE" means a Select Committee, a Standing Committee or other committee of Council. (7272.01)

"COMMITTEE OF THE	(7272.01)
WHOLE" "COMMUNITY CHARTER"	means the <i>Community Charter</i> , S.B.C. 2003, c. 26 and its amendments.
"CORPORATE OFFICER"	means the person responsible for corporate administration as set out under Section 148 of the <i>Community Charter</i> .
"COW"	(7272.01)
"COUNCIL"	means the Council of the City.
"DELEGATION"	means a person, group, or organization which makes a request to speak at a meeting of Council or Committee. (7272.01)
"FCM"	means the Federation of Canadian Municipalities.
"IN CAMERA MEETING"	means a meeting that is closed to the public in accordance with Sections 90 and 92 of the <i>Community Charter</i> .
"LOCAL GOVERNMENT ACT"	means the <i>Local Government Act</i> , R.S.B.C. 2015, c.1 and its amendments.
"MAYOR"	means the Mayor of the City.
"MEMBER"	means a member of the Council or Council Committee.
"PARCEL TAX ROLL REVIEW PANEL"	Means a panel consisting of at least 3 members appointed by Council under Section 204 of the <i>Community Charter</i> to consider complaints respecting the parcel tax roll and to authenticate the roll.
"PUBLIC HEARING"	means a formal open meeting of officials and citizens where citizens are permitted to offer comments as a means of gathering public opinions and concern on political issues before a decision is made, or action is taken.
"PUBLIC NOTICE POSTING PLACE"	means the Notice Board at the front entry of Nanaimo City Hall, 455 Wallace Street.
"QUORUM"	means the majority of Council.
"RECORDING SECRETARY"	means the person who is responsible for taking the minutes at a Council or Committee meeting.

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- "STANDING COMMITTEE" means a committee appointed by the Mayor under Section 141 of the *Community Charter* for matters the Mayor considers would be better dealt with by a Committee and at least half of the members must be Council members.
- "SELECT COMMITTEE" means a committee appointed by Council under Section 142 of the *Community Charter* for a select purpose and to report its finding and opinion to the Council. At least one member of a select committee must be a Council member.
- "TASK FORCE" means a type of Select Committee that is created for a specific purpose identified by Council. (7272.01)

"UBCM" means the Union of British Columbia Municipalities.

#### Applications of Rules of Procedure

- 3.1 The provisions of this Bylaw will govern the proceedings of Council and Committees for the City. (7272.01)
- 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.*

(7272.01)

#### PART II - COUNCIL MEETING ADMINISTRATION

#### Inaugural Meeting

- 4.1 Council will hold the first meeting of Council within the first 10 days of November pursuant to section 124 of the *Community Charter*.
- 4.2 If a quorum of Council Members elected at the general local election has not taken office by the date of the meeting referred in section 4.1, the first Council meeting will be called by the Corporate Officer and held as soon as reasonably possible after a quorum of Council Members has taken office.

#### Time and Location of Meetings

- 5.1 Regular Council meetings will take place at the Shaw Auditorium, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC except when Council resolves to hold the meetings elsewhere. (7272.01)
- 5.2 Regular Council meetings will:
  - (a) be held in accordance with the schedule adopted by Council on or before December 31 of the preceding year;
  - (b) begin:
    - (i) at 4:30 p.m. to proceed "In Camera", if necessary, pursuant to section 90 of the *Community Charter*, and, *(7272.01)*
    - (ii) commence the open session of the meeting at 7:00 p.m.
  - (c) be adjourned at 11:00 p.m. on the day scheduled for the meeting unless Council resolves to proceed beyond that time in accordance with section 25.2.
- 5.3 Regular Council meetings may:
  - (a) be cancelled by motion passed by Council, provided that two consecutive meetings are not cancelled;
  - (b) be postponed to a different date, time, or location by the Mayor, provided that the Council Members are given written notice at least 24 hours in advance; or,
  - (c) be postponed by a motion of Council to the date, time and location set out in the motion.
- 5.4 Special Council meetings may be held at the date, time and location specified in the notice for the Special Council meeting.

Notice of Regular Council Meetings

- 6.1 The Corporate Officer will:
  - have prepared annually on or before December 31 a schedule of dates, times and locations of Regular Council meetings for the following year to be approved by Council;
  - (b) have the schedule available to the public by posting it at the Public Notice Posting Place; and,
  - (c) have notice given annually when and where the schedule of Regular Council meetings will be available in accordance with the section 94 of the *Community Charter*.
- 6.2 If revisions are necessary to the schedule of the Regular Council meetings, the Corporate Officer, will, as soon as possible, post a notice on the Public Notice Posting Place which indicates any revisions to the schedule.
- 6.3 Regular Council meetings will:
  - (a) be held on the first and third Monday of each month, with the exception of January in which no meeting will be held the first Monday, in which only one meeting will be held; and,

- (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 (7272.01)
- (c) not be held in August. (7272.01)

## Notice of Special Meetings

- 7.1 Except where notice of a Special Council meeting is waived by a motion passed by a unanimous vote of all Council Members, the Corporate Officer will give a notice of the date, time and location of a Special Council meeting at least 24 hours before the time of the meeting:
  - (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 place to which the member has directed notices to be sent. (7272.02)

(7272.01)

7.2 The notice under section 7.1 will describe in general terms the purpose of the meeting and be signed by the Mayor or the Corporate Officer.

#### <u>Agenda</u>

- 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. (7272.01)
- 8.2 The deadline for submissions to the Corporate Officer of items for inclusion on the agenda for the meeting by staff will be by 8:30 a.m., the Tuesday two weeks prior to the meeting date. (7272.02)
- 8.3 Items received after the deadline set out in section 8.2 will not be placed on agenda for the upcoming meeting but will be placed on the agenda for the subsequent meeting unless the item is introduced as a late item pursuant to section 10.1.
- 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. (7272.01)

- 8.5 Council will not consider any matters not listed on the agenda unless a new matter for consideration is properly introduced as a late item pursuant to section 10.1.
- 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. *(7272.01)*

# Order of Proceedings and Business

- 9.1 The agenda for all Regular Council meetings may contain the following matters in the order in which they are listed below:
  - (a) Call to Order
  - (b) Procedural Motion
  - (c) Introduction of Late Items
  - (d) Approval of the Agenda
  - (e) Adoption of the Minutes
  - (f) Mayor's Report
  - (g) Presentations
  - (h) Consent Items
  - (i) Delegations (unrelated to agenda items)
  - (j) Reports
  - (k) Bylaws (with no accompanying report)
  - (I) Notice of Motion
  - (m) Other Business
  - (n) Question Period
  - (o) Adjournment

(7272.01)

- 9.2 The order of proceedings and business for special meetings may contain the matters listed in Section 9.1. (7272.01)
- 9.3 When preparing the agenda prior to the meeting, the Mayor and Corporate Officer may in their discretion:
  - (a) vary the order set out in section 9.1; and

(b) delete agenda headings if there is no business under those items. (7272.02)

9.4 The order of business specified in section 9.1 and 9.3 hereof may be varied, as the Council deems necessary. (7272.02)

## Late Items

10.1 Council will not consider an item of business not included on the agenda at a Council meeting unless a motion to introduce the item as a late item has been passed by a majority vote of all Council Members present.

### Notice of Motion

- 11.1 A Council Member may give a notice of motion respecting an item which he or she intends to present at a future meeting by reading it aloud and providing a copy of the notice of motion to the Chair and the Corporate Officer either before or during the meeting.
- 11.2 The Corporate Officer will include the notice of motion under the notice of motion section in the minutes and will place the notice of motion with any relevant background information under other business on the agenda for the next meeting

or another future meeting as requested by the Council Member who presented the notice of motion.

11.3 If the Council Member who presented the notice of motion is not in attendance at the meeting when the subject of that notice of motion is brought forward, the notice of motion will be postponed to the next meeting at which the Council Member who submitted the notice of motion is in attendance.

### Petitions and Communications

- 12.1 A petition or a communication intended to be presented to Council will:
  - (a) be legibly written, typed or printed;
  - (b) not be libelous, obscene, impertinent or improper;
  - (c) be dated;
  - (d) be signed by at least one person; and,
  - (e) include the name and civic address for each person who has signed the petition or communication.
- 12.2 The Corporate Officer may refer any communication addressed to Council which relates to a matter that falls within the scope of responsibility of a particular department directly to that department.
- 12.3 If such a matter is referred pursuant to section 12.2 the Corporate Officer will give a copy of communication to each Council Member and the appropriate staff member and will send an acknowledgement to the writer of the communication advising to whom the matter has been referred.
- 12.4 A person may appeal the referral of a communication pursuant to section 12.2 to the Chief Administrative Officer.
- 12.5 The Chief Administrative Officer shall make the final determination of an appeal made pursuant to section 12.4.

### Annual Municipal Report

- 13.1 In accordance with Section 99 of the *Community Charter*, the Council must annually consider the Annual Municipal Report. The Corporate Officer must give notice, in accordance with Section 94 of the *Community Charter*, of the date, time and place when Council will consider:
  - (a) the annual report prepared under Section 98 of the Community Charter,
  - (b) submissions and questions from the public.

## PART III – CONSENT ITEMS

### Consent Items

- 14.1 The Corporate Officer may prepare a list of consent items which will include various items, and recommendations on how to address those items.
- 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.

(7272.01)

- 14.3 Council may vote on and adopt in one motion all recommendations appearing under the consent items.
- 14.4 If a Council Member makes a request to remove an item from the consent items for the purposes of:
  - (a) debate or discussion;
  - (b) voting in opposition to a recommendation in the consent items; or,
  - (c) declaring a conflict of interest,

the Chair will remove applicable item and its recommendation from the consent items and have it considered separately by Council immediately after the consideration of the remaining consent item recommendations.

- 14.5 The Corporate Officer will remove consent items from the consent items list where a delegation has been permitted to speak to an item. *(7272.01)*
- 14.6 Where a consent item has been removed from the consent items list 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. (7272.01)

## PART IV – DESIGNATION OF COUNCILLOR TO ACT IN PLACE OF MAYOR

### Acting Mayor

- 15.1 On an annual basis, the Corporate Officer will prepare a schedule to designate the Council Members to serve as Acting Mayor on a rotating basis.
- 15.2 The Acting Mayor will fulfill the responsibilities of the Mayor in his or her absence.
- 15.3 If both the Mayor and Acting Mayor are absent from the Council meeting, the Council Member who is next in rotation as Acting Mayor and is in attendance at the meeting will act as the Chair at the meeting.

## PART V – COUNCIL PROCEEDINGS

Attendance of Public at Meetings

- 16.1 Except where the provisions of section 90 of the *Community Charter* apply, all Council Meetings will be open to the public.
- 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;

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- (b) Parcel tax roll review panel;
- (c) Board of variance; and,
- (d) Task Forces
- (7272.01)
- 16.3 Despite subsection 16.1, the Chair may expel or exclude a person from a Council meeting in accordance with section 133 of the *Community Charter*.

### Calling Meeting to Order

- 17.1 As soon as possible after the time specified for a Council meeting, the Mayor will assume the position of Chair and call the Council meeting to order.
- 17.2 If the Mayor is absent, then the Acting Mayor will assume the position of Chair and call the meeting to order.
- 17.3 If a quorum of Council is present but the Mayor and the Acting Mayor do not attend within 15 minutes of the scheduled time for a Council meeting:
  - (a) the Council Member who is next in the rotation for Acting Mayor and is in attendance at that meeting will call the meeting to order, and preside as Chair until the Mayor or Acting Mayor arrives at that meeting.
- 17.4 If the Mayor or the Acting Mayor arrive at any time during a meeting that was called pursuant to section 17.3, the Mayor or the Acting Mayor will then assume the position of Chair.

### Adjourning Meeting where No Quorum

- 18.1 If there is no quorum of Council present within 15 minutes of the scheduled time for a Council meeting, the Corporate Officer will:
  - (a) record the names of the Council Members who are present and those who are absent; and,
  - (b) adjourn the meeting until the next scheduled meeting.

## Delegations Pertaining to Council Agenda Items (7272.01)

- 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. (7272.01)
- 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. (7272.01)
- 19.3 (deleted 7272.01)
- 19.4 The Corporate Officer will screen Delegation requests and may do any of the following:

- (a) schedule a Delegation to a later Council meeting, or Committee meeting as deemed appropriate according to the subject matter of the written request; (7272.01)
- (b) refuse to place a Delegation on the agenda if:
  - (i) the issue is not considered to fall within the mandate or jurisdiction of Council; or,
  - (ii) the Delegation has already spoken to Council on the same matter and no new significant information is provided; or,
- (c) refer the matter to the appropriate department if the matter has already been referred to staff by Council.
- 19.5 If the Corporate Officer refuses to place the Delegation on the agenda pursuant to subsection 19.4(b), the Corporate Officer will distribute the information received from the Delegation under a separate cover to Council.
- 19.6 If the Delegation wishes to appeal the Corporate Officer's decision made pursuant to subsection 19.4(b), then:
  - (i) the Corporate Officer will distribute the information received from the Delegation under a separate cover to the Council; and,
  - (ii) the appeal will be considered when Council is adopting the agenda for the meeting at which the Delegation requested to appear.
- 19.7 If a Delegation request is received, but not within the timelines pursuant to section 19.1 the Corporate Officer will not place a Delegation on the agenda.
- 19.8 A Delegation which has made an appeal may address the Council at the meeting, if a motion is passed by a unanimous vote of all Council Members present at the start of the meeting.
- 19.9 A Delegation will be:
  - (a) restricted to the subject matter contained in the written request; and,
  - (b) limited to 5 minutes for the presentation unless a longer time period is permitted by a motion passed by a unanimous vote of all of the Council Members present.
- 19.10 Notwithstanding section 19.9, Delegations will be given 5 minutes total to make their presentation. (7272.01)
- 19.11 There shall be no limit to the number of delegations included on the Council Meeting Agenda for items that have been included on the Agenda.

## Delegations Unrelated to Agenda Items (7272.01)

- 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. (7272.01)
- 19.13 A maximum of four Delegations will be permitted regarding items not listed on a Council agenda. The order of Delegations will be the first four received, commencing 14 days prior to Delegation deadline. (7272.01)

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- 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. (7272.01)
- 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.

(7272.01)

- 19.16 Multiple delegations from the same organization or group, regarding the same topic will be combined and have a five minute time limitation. (7272.01)
- 19.17 A Council Member will:
  - (a) limit their questions to a Delegation to seek clarification or additional details; and,
  - (b) not engage the Delegation in a debate or comment on the merits of the issue.
- 19.18 If a Delegation:
  - (a) speaks disrespectfully to or of any person;
  - (b) refuses to abide by the rules for delegations;
  - (c) fails to adhere to the time limits; or,
  - (d) disregards the authority of the Chair to run the meeting,

the Chair may do any of the following:

- (a) ask the Delegation to withdraw the offensive remarks or cease the offensive behavior;
- (b) stop the presentation; or,
- (c) take steps to have the Delegation abide by the Chair's instructions.
- 19.19 If the Delegation fails to comply with the Chair pursuant to section 19.18 the Chair may terminate the presentation and direct the Delegation to vacate the speaker's podium and return to the public seating area.
- 19.20 If the Delegation still fails to comply with the Chair's direction pursuant to section 19.19, then section 16.3 applies.

# Point of Order

- 20.1 Without limiting the Chair's duty under the section 132(1) of the *Community Charter*, the Chair will apply the correct procedure to a motion:
  - (a) if the motion is contrary to the rules of procedure in this Bylaw; and,
  - (b) whether or not a Council Member has raised a point of order in connection with the motion.
- 20.2 If the Chair is required to decide a point of order:
  - (a) the Chair will cite the applicable rule or authority, if requested by a Council Member;
  - (b) a Council Member will not question or comment on the rule or authority cited by the Chair under subsection 20.2(a); and,
  - (c) the Chair may reserve the decision until the next Council meeting.

# <u>Recess</u>

- 21.1 At any time while the meeting is in progress, the Chair:
  - (a) may call for a recess for a short period of time; and,
  - (b) will state the approximate duration for which the meeting will be recessed.

# Voting at Meetings

- 22.1 The following procedures apply to voting at meetings:
  - (a) when debate on a motion is closed, the Chair will put the motion to a vote of the Council Members;
  - (b) when the Chair is putting the motion to a vote, a Council Member will not:
    - (i) cross or leave the room;
    - (ii) make a noise or other disturbance; or,
    - (iii) interrupt the voting procedure unless the interrupting Council Member is raising a point of order;
  - (c) after the Chair finally puts the motion to a vote, a Council Member will not speak to the motion or make another motion concerning it;
  - (d) if a vote on a motion is taken, each Council Member present will signify his or her vote by:
    - (i) raising his or her hand;
    - (ii) pushing the appropriate button on any automated voting system being used at the meeting;
    - (iii) indicating whether he or she votes in favour or against the motion when his or her name is called; or,
    - (iv) by any other means specified by the Chair, except as prohibited by the *Community Charter* or this section;
  - (e) the Chair will not take a vote by ballot or any other method of secret voting;
  - (f) the Chair will declare the result of the vote; and,
  - (g) the Chair's decision about whether a motion has been finally put is conclusive.

### Question Period

- 23.1 Questions will be addressed through the Mayor and Council members will respond with a 5 minute time limit.
- 23.2 The public will limit its questions strictly to matters considered by Council at that particular Council meeting;
- 23.3 (1) If a member of the public:
  - (a) speaks disrespectfully to or of any person;
  - (b) refuses to abide by the rules;
  - (c) fails to adhere to the time limits;
  - (d) does not ask a question; or,
  - (e) disregards the authority of the Chair to run meeting,

the Chair may ask the person to abide by the Chair's instructions.

- (2) If the person fails to comply with the Chair pursuant to section 23.3(1), the Chair may direct the person to vacate the speaker's podium and return to the public seating area.
- (3) If the person still fails to comply with the Chair's direction pursuant to section 23.3(1) or 23.3(2), then section 16.3 applies.
- 23.4 The Chair will determine, if necessary, if sufficient discussion has taken place and may close the question period based on that determination.

### Reconsideration

24.1 A motion/resolution which was adopted or defeated may be reconsidered by Council provided that the resolution has not had the assent of the electors, has not been reconsidered under this Section or Section 131 of the *Community Charter*, and has not been acted upon by an officer, servant or agent of the Municipality.

A reconsideration motion:

- (a) must be brought forward by a member who voted on the prevailing side of the motion, or by any member who was absent during the original vote;
- (b) may be seconded by any member;
- (c) must be brought forward at the next meeting of Council after the original vote; or, in the case of when a member was absent at the time of the original vote, at the next meeting to which this member is able to attend;
- (d) must receive a majority vote of Council for it to be adopted;
- (e) if defeated, and the outcome being that the resolution is preserved unchanged, the same resolution may not be brought back before Council for six (6) months from the date of the latest vote, except with two-thirds consent of all the members of Council.

- 24.2 Each resolution or reading of a bylaw may be reconsidered under the provisions of Section 24.1.
- 24.3 Notwithstanding section 24.2, once a bylaw is finally adopted, it may not be reconsidered except in accordance with Section 131 of the *Community Charter*.
- 24.4 Notwithstanding section 24.2, resolutions for third reading or final adoption of an Official Community Plan Bylaw or Zoning Bylaw shall not be reconsidered.

#### **Adjournment**

- 25.1 The Council shall observe an 11:00 p.m. curfew whereby the item on the Agenda under discussion at 11:00 p.m. will be the last item dealt with on that day unless, by majority vote, the Council members decide to extend the time of adjournment.
- 25.2 A Council meeting may continue after 11:00 p.m. by a motion passed by a majority vote of all Council Members present.
- 25.3 As an exception to section 25.2, Council may continue to deal with the item on the agenda under discussion before adjournment, if the 11:00 p.m. has arrived and Council has not passed a motion to extend the time of adjournment.
- 25.4 A motion to adjourn either a Council meeting or a debate at a Council meeting is always in order.
- 25.5 Section 25.4 does not apply to either of the following motions:
  - (a) a motion to adjourn to a specific day; or,
  - (b) a motion that adds a qualification to a preceding motion to adjourn.

### Electronic Meetings and Electronic Participation (7272.03)

### Electronic Meetings

- 26.1 Subject to Sections 128 to 128.2 of the *Community Charter*, Regular Council meetings, Special Council meetings, and Council Committee meetings may be conducted by means of electronic or other communication facilities if the Mayor, or in the absence of the Mayor, the Acting Mayor, determines it is advisable based on an emergency, or health, safety, environmental, or urgent City business, and the number of members able to attend the meeting in person is insufficient to achieve quorum.
- 26.2 Advance notice will be provided advising that the meeting will be conducted by means of electronic or other communication facilities, as follows:
  - (a) notice of the meeting will be provided, pursuant to the Community Charter,
  - (b) the agenda cover sheet will include that the meeting is being held electronically;
  - (c) details will be included on the agenda cover sheet and on the City's website noting the location for the public to attend to watch and hear the meeting.

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26.3 For Regular Council meetings and Special Council meetings, the public may attend to watch and hear any part of the meeting that is open to the public with the Corporate Officer in attendance.

### Electronic Participation by Members

- 26.4 If a Council or Committee Member is unable to attend a Regular Council meeting, Special Council meeting, or Committee Meeting, as applicable, in person, the Council or Committee Member may participate in the meeting by means of electronic or other communication facilities if:
  - (a) The facilities enable the other Council or Committee Members to hear and be heard by the Council or Committee Member; and
  - (b) Except for any part of the Council or Committee Meeting that is closed to the public, the facilities enable the public to hear, or watch and hear, the Council or Committee Member.
- 26.6 A Council or Committee Member who intends to participate in a Regular Council Meeting, Special Council Meeting, or Committee Meeting by electronic or other communication facilities shall give the Corporate Officer notice of this intention at least 24 hours prior to the Regular Council Meeting, Special Council Meeting, or Committee Meeting. The Corporate Officer shall, as soon as reasonably possible thereafter, provide the Council or Committee Member with instructions on how to connect to and participate in the Regular Council Meeting, Special Council Meeting or Committee Meeting by electronic or other communication facilities.
- 26.7 A Member who participates in a Regular Council Meeting, Special Council Meeting, or Committee Meeting by electronic or other communication facilities shall:
  - (a) Advise Council when they join the Meeting and when they leave the Meeting; and,
  - (b) if applicable, ensure no person other than themself or a person authorized under section 91 of the *Community Charter* is able to hear, or watch and hear, that part of a meeting that is closed to the public.

### PART VI – CONDUCT AND DEBATE DURING MEETINGS

### Decorum in Debate

- 27.1 A Council Member may speak to a motion at a Council meeting only if:
  - (a) that Council Member first addresses the Chair; and,
  - (b) the Chair recognizes that Council Member as having the floor.
- 27.2 If more than one Council Member speaks, the Chair will call on the Council Member who, in the Chair's opinion, first spoke.

- 27.3 A Council Member will address:
  - (a) the Chair by that person's title of Mayor or Acting Mayor or "Your Worship", "Mr./Madam Mayor", "Mr./Madam Acting Mayor" or "Mr./Madam Chair";
  - (b) another Council Member by the title of Councillor and his last name; and,
  - (c) a staff member by his/her official title or Mr./Ms. and his/her last name.
- 27.4 A Council Member will not interrupt another Council Member who is speaking except to raise a point of order.
- 27.5 A Council Member who is called to order by the Chair:
  - (a) will immediately stop speaking;
  - (b) may explain his or her position on the point of order, if requested by the Chair; and,
  - (c) may appeal to Council for its decision on the point of order in accordance with section 132 of the *Community Charter*.
- 27.6 A Council Member:
  - (a) will use respectful language;
  - (b) will not speak offensive words or use offensive gestures or signs;
  - (c) will speak only in connection with the matter being debated;
  - (d) will announce whether they are speaking in support or against the motion, when called upon by the Chair;
  - (e) will speak through the Chair;
  - (f) will not introduce irrelevant matters or indulge in tedious repetition;
  - (g) may speak about a vote of Council only for the purpose of making a motion that the vote be rescinded or reconsidered; and,
  - (h) will adhere to the rules of procedure established under this Bylaw and to the decision of Chair and Council in connection with the rules and points of order.
- 27.7 If a Council Member does not adhere to section 27.6, the Chair may order the Council Member to leave the Council Member's seat and:
  - (a) if the Council Member refuses to leave, the Chair may cause the Council Member to be removed by a peace officer from the Council Member's seat; or
  - (b) if the Council Member apologizes to the Council, Council may allow the Council Member to retake the Council Member's seat.
- 27.8 A Council Member may require the motion being debated at a Council meeting to be read at any time during the debate, if that request does not interrupt another Council Member who is speaking.
- 27.9 The following rules apply to limit speech on matters being considered at a Council meeting:
  - (a) a Council Member may speak:
    - (i) up to 5 minutes for the first time on a matter;
    - (ii) up to 2 minutes for the second time on the matter;
    - up to 2 minutes on any amendment on the motion, unless Council has permitted an extension of the time limit for that Council Member by a motion passed by two-thirds of all Council Members present; and,

- (b) a Council Member may speak a second time in connection with the same motion but only after all other Council Members have had an opportunity to speak; and,
- (c) a Council Member may not speak any additional times unless Council has permitted an extension for the frequency for that Council Member by a motion passed by two-thirds of all Council Members present.
- 27.10 The Chair may make a motion, second a motion or debate a motion while presiding during the meeting.
- 27.11 The Chair may put the motion to a vote in the following circumstances:
  - (a) if the first two speakers have all spoken in support or in opposition to a motion, Chair has called for a speaker for the contrary position and no such speaker is forthcoming; or,
  - (b) if the Chair is of the opinion that there has been sufficient debate on the motion and the debate has been more than 20 minutes in duration.
- 27.12 A Council Member may make motion to continue debate, if either situation in section 27.11(a) or (b) occurs.
- 27.13 A Council Member will keep in confidence any information considered in any part of a closed meeting until the Council agrees to discuss the information at a meeting that is open to the public or releases the information to the public under the appropriate policy or procedure.
- 27.14 Members of the public who constitute the audience at a meeting shall not disrupt the meeting and refrain from any activity or behaviour that would affect the Council or Committee deliberations.

## Appeal Ruling of the Chair

- 28.1 Whenever the Chair is of the opinion that a motion is contrary to the rules and privileges of the Council, the Chair shall apprise the members without proposing the question and shall cite the rule or authority applicable to the case without argument or comment. The ruling of the Chair may be appealed to the other members of Council then present.
- 28.2 On an appeal by a Council member from the decision of the Chair, the question shall be immediately put by him, and decided without debate "Shall the Chair be sustained?" and the Chair shall be governed by the vote of the majority of the Council members then present, excluding himself. In the event of the votes being equal, the question shall pass in the affirmative.
- 28.3 If the Chair refuses to put the question "Shall the Chair be sustained?", the Council shall immediately appoint a Chair <u>pro</u> tem. He shall proceed in accordance with Section 28.2. A resolution or motion carried under this Section is binding.

### PART VII - BYLAWS

### Form of Bylaws

- 29.1 A bylaw introduced at a Council meeting will:
  - (a) be legibly typewritten;
  - (b) have a distinguishing name;
  - (c) have a distinguishing number; and,
  - (d) be divided into sections.

### Bylaws to be Considered Separately or Jointly

30.1 Council will consider a proposed bylaw at a Council meeting and review each reading of the proposed bylaw separately.

### Reading and Adopting Bylaws

- 31.1 The Chair may give the readings of a proposed bylaw by stating the bylaw's title and the applicable reading number.
- 31.2 Council may debate or amend a proposed bylaw at any time during the first three readings unless prohibited by the *Community Charter*.
- 31.3 If Council resolves to consider a bylaw section by section, Council will consider the bylaw in this manner at the second reading of the proposed bylaw.
- 31.4 The first three readings of a bylaw may be given on the same day, except in the case of an Official Community Plan designation bylaw or a Zoning bylaw.
- 31.5 An Official Community Plan designation bylaw or a Zoning bylaw which is to be considered at Public Hearing may receive only first and second reading at the time of introduction.
- 31.6 If Council wishes to amend a bylaw after third reading, the Council may do so as follows:
  - (a) make a motion to rescind third reading; and if carried;
  - (b) make a motion to amend the bylaw; and if carried;
  - (c) make a motion to pass third reading of the bylaw as amended.

### Bylaws Will Be Signed

- 32.1 After a bylaw is adopted, and signed by the Corporate Officer and the presiding member of the Council meeting at which it was adopted, the Corporate Officer must have it placed in the City's records for safekeeping with the following affixed to the bylaw:
  - (a) the City's corporate seal,
  - (b) the dates of its readings and adoption,
  - (c) the date of the Public Hearing if applicable; and,
  - (d) the date of Ministerial approval or approval of the electorate if applicable.

# Consolidation of Bylaws

33.1 The Corporate Officer may consolidate one or more of the City's bylaws for official use.

# PART VIII – COMMITTEE OF THE WHOLE (deleted 7272.01)

34.1 to 41.1 (deleted 7272.01)

# PART IX – STANDING AND SELECT COMMITTEES

42.1 This part applies, where applicable, to all Committees of the City. (7272.01)

## Duties of Standing Committees

- 42.2 A Standing Committee will consider, inquire into, report and make recommendations to Council about all of the following matters:
  - (a) matters that are related to the general subject indicated by the name of the committee;
  - (b) matters that are assigned by Council; or,
  - (c) matters that are assigned by the Mayor.
- 42.3 A Standing Committee will report and make recommendations to Council at all of the following times;
  - (a) in accordance with the schedule of the Standing Committee's meetings; and,
  - (b) on matters that are assigned by Council or the Mayor,
    - (i) as required by Council or the Mayor; or,
    - (ii) as soon as possible if the Council or Mayor does not specify a time.

## Duties of Select Committees

- 43.1 A Select Committee will consider, inquire into, report and make recommendations to Council about all matters referred to the Select Committee by the Council.
- 43.2 The Select Committee will report and make recommendations to Council at the date and time specified by Council or as soon as possible if the Council does not specify a time. (7272.01)

### <u>Subcommittees</u>

44.1 Committees may not create sub-committees without prior approval of Council.

## <u>Authority</u>

45.1 A Committee of Council will not bind the City to any course of action, except if Council has expressly delegated such power to act on the Committee or has approved such action by a motion passed by majority of all Council.

### Notice of Meetings

- 46.1 The Corporate Officer will establish a regular schedule of meetings of the Committee, including the dates, times and locations of the Committee meetings, and notice of the schedule will be given by:
  - (a) posting a copy of the schedule at the Public Notice Posting Place; and,
  - (b) providing a copy of the schedule to each member of the Committee.
- 46.2 If revisions are necessary to the regular schedule of meetings for a Committee, the Corporate Officer will post a notice and a revised schedule as soon as possible at the Public Notice Posting Place which indicates any revisions to the date, time and location, or cancellation of a Committee meeting.
- 46.3 The Corporate Officer will ensure a notice of the date, time and location of a meeting called under Section 46.2 to be given to all members of the Committee at least 24 hours before the time of the meeting.

### Agendas for Committee Meetings

- 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. (7272.01)
- 47.2 If there are no items submitted for discussion by the deadline set out in section 47.1 the Corporate Officer may cancel the Committee meeting.
- 47.3 Committee agendas will be published on a schedule determined by the Corporate Officer. (7272.01)

### Attendance at Meetings

48.1 Section 16.1 applies to Committees. (7272.01)

### <u>Quorum</u>

49.1 The quorum for a Committee is a majority of the members of the Committee.

### Conduct and debate

- 50.1 The rules of the Council procedure will be observed during Committee meetings, so far as is possible and unless as otherwise provided in this bylaw.
- 50.2 Council may adopt additional procedural rules for Committees by a motion. (7272.01)
- 50.3 A Council Member:
  - (a) may attend meeting of a Committee of which he or she is not a member;
  - (b) may participate in the discussion; and
  - (c) will not:
    - (i) be counted as part of the quorum;
    - (ii) make motions; or,

- (iii) vote on any motion considered by the Committee.
- 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. (7272.01)
- 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. (7272.01)
- 50.6 Delegations requesting to speak before a Committee will be reviewed by the Corporate Officer and assigned to the appropriate Committee. (7272.01)

# PART X – MINUTES OF MEETINGS

### Minutes of Meetings

- 51.1 This part applies to the minutes of the meetings of any group listed in Section 3 Applications of Rules of Procedure of this bylaw.
- 51.2 The following persons may take the minutes of a meeting:
  - (a) the Corporate Officer; or,
  - (b) the Recording Secretary.
- 51.3 Minutes of the meetings will be:
  - (a) legibly recorded;
  - (b) certified as correct by the Corporate Officer;
  - (c) signed by the Chair; and,
  - (d) distributed to the group in advance of the next meeting. (7272.01)
- 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. (7272.01)
- 51.5 The Corporate Officer may make minor corrections to approved minutes including but not limited to:
  - (a) typographical errors;
  - (b) sequential numbering;
  - (c) grammatical errors; or,
  - (d) completing missing information.
- 51.6 Prior to adoption of the minutes, the Corporate Officer will distribute a copy of all minutes to each Council Member and the Corporate Officer will distribute a copy of all minutes to each member of the Committee.
- 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. (7272.01)
- 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*. (7272.01)

### Recording of Motions in Minutes

- 52.1 Every motion that has been seconded shall be recorded in the Minutes.
- 52.2 Notwithstanding Section 52.1, motions that have been withdrawn by Council as per Section 54.1, shall not be recorded in the Minutes.
- 52.3 The names of the members who moved and seconded a motion shall not be recorded in the Minutes.
- 52.4 All votes on motions will be recorded as either:
  - (a) carried unanimously;
  - (b) defeated unanimously; or,
  - (c) in cases where unanimity is not reached, the names of those who voted against the motion will be recorded in the Minutes.

#### Consideration of Motions

53.1 When any motion is under consideration, no other motion shall be received, except a motion to amend, refer, table or postpone.

#### Withdrawal of Motions

54.1 After a motion has been made and seconded, it shall be deemed to be in the possession of the Council, but the motion may be withdrawn by the mover of the motion at any time before a decision or amendment is made, provided that the mover has the consent of the seconder.

# PART XI – PUBLIC HEARINGS

### Public Hearings

- 55.1 Public Hearing meetings will be scheduled on the third Thursday of each month, excluding the month of August, and will take place at the Shaw Auditorium, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, and will commence at 7:00 p.m. (7272.02)
- 55.2 On an annual basis, the Corporate Officer will prepare a schedule that Council may adopt by resolution for Public Hearing meetings on or before December 31 of the preceding year.
- 55.3 The Chair of the public hearing will ask if there is any person who wishes to speak at the public hearing, whether or not there is a speakers' list.
- 55.4 A Council Member will:
  - (a) limit his or her questions to the speaker to seek clarification or additional details;
  - (b) not engage the speaker in a debate; and,
  - (c) not comment on the merits of the issue.
- 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.

(7272.01)

## PART XII – ADMINISTRATION OF THE BYLAW

### Suspension of the Rules

56.1 Any provision of this bylaw, except those required by the *Community Charter* or the *Local Government Act*, may be temporarily suspended for a single meeting by a motion passed by a two-thirds vote of all Council Members present.

### Irregularity

57.1 The failure of Council to observe the provisions of this bylaw and any associated policies will not affect the validity of motions passed or bylaws enacted by Council.

### Supporting Policies

58.1 Council may adopt policies which provide additional administrative or procedural rules to support this bylaw.

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### <u>Repeal</u>

- 59.1 The following bylaw and amendments are repealed effective November 15, 2018:
  - (a) "Council Procedure Bylaw, 2007, No. 7060"; and,
  - (b) "Delegation of Council Powers Bylaw 2012 No. 7148".

### Effective Date

60.1 This Bylaw comes into force and effect on November 15, 2018.

### CITY OF NANAIMO

### BYLAW NO. 7348

### A BYLAW TO REGULATE THE CONDUCT FOR COUNCIL AND COMMITTEE MEMBERS

WHEREAS Council and Committee Members are keepers of the public trust and must uphold the highest standards of ethical behaviour in order to build and inspire the public's trust and confidence in local government;

AND WHEREAS Council and Committee Members are expected to:

- (a) make decisions that benefit the community;
- (b) act lawfully and within the authorities of the *Community Charter, Local Government Act* and other applicable enactments; and
- (c) be free from undue influence and not act to gain financial or other benefits for themselves, family, friends or business interests;

AND WHEREAS Council and Committee Members wish to conduct its business in a transparent, efficient, accountable and respectful fashion;

AND WHEREAS it is to the benefit of the community for Council and Committee Members to conduct their business in accordance with the City's guiding principles of integrity, accountability, respect, leadership and collaboration;

AND WHEREAS Council and Committee Members intend to demonstrate their leadership in ethical behaviour and to promote the principles of transparency, accountability and civility through their decisions, actions and behaviour;

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

## PART I – GENERAL

1.1 <u>Title</u>

This Bylaw may be cited as "Code of Conduct Bylaw 2022 No. 7348".

1.2 <u>Definitions</u>

In this bylaw:

"CAO"	Means the Chief Administrative Officer for the City of Nanaimo.
"Bully and Harass"	Includes, without limitation, any unwelcome or objectionable conduct or comment by a Council or Committee Member that causes that individual to be humiliated or intimidated, including verbal aggression or insults, making derogatory comments, including questioning the professional competence of a Committee Member, Volunteer, Municipal Officer, or Staff, calling someone derogatory names, hazing

	or intimidation practices, vandalizing personal belongings or spreading malicious and untrue rumours.
"Committee Member"	Means a person appointed to a committee, sub-committee, task force, commission, board, or other Council established body under the <i>Community Charter</i> – Division 4 – Committees, Commissions and Other Bodies or the <i>Local Government Act.</i>
"Complaint"	Means a formal allegation that a Member has breached this Bylaw in accordance with the complaint procedure set out in Part 4 of this Bylaw.
"Complainant"	Means a person who has submitted a complaint under Part 4 of this Bylaw.
"Confidential Information"	Means information or records held in confidence by the City, including to which Section 117 of the <i>Community Charter</i> applies.
	For clarity, this includes all information and records from closed meetings of Council until publicly released.
"Conflict of Interest"	Refers to pecuniary and non-pecuniary conflicts of interest governed by the <i>Community Charter,</i> S.B.C., 2003, c. 36 and the common law.
"Council Member"	Means the Mayor and Councillors for the City of Nanaimo.
"Commissioner"	Means the person appointed as the Ethics Commissioner by Council to fulfill the duties and responsibilities assigned to that position as set out in this Bylaw or an <i>ad hoc</i> Commissioner appointed by the CAO to administer this Bylaw in respect of an individual complaint.
"Gifts and Personal Benefits"	Means an item or service of value that is received by Council and Committee Members for personal use. This would include, but is not limited to, cash, gift cards, tickets to events, items of clothing, jewellery, pens, food or beverages, discounts or rebates on purchases, free or subsidized drinks or meals, entertainment and admission fees to social functions.
"Member"	Means a Council Member or a Committee Member.
"Municipal Officer"	Means a member of Staff designated as an officer under Section 146 of the <i>Community Charter</i> .
"Personal Information"	As defined in the Freedom of Information & Protection of Privacy Act.
"Respondent"	Means a Council or Committee Member whose conduct is the subject of a complaint.
"Staff"	Means an employee of the City.
"Volunteer"	Means a person serving the City who is not a Council Member, Committee Member.

### 1.3 Purpose and Interpretation:

- 1.3.1 This Bylaw sets out the rules Members must follow in fulfilling their duties and responsibilities as elected or appointed officials, and the powers and procedures of the Commissioner in exercising oversight over Council Members.
- 1.3.2 The provisions of this Bylaw are to be interpreted broadly and in a manner that is consistent with the *Community Charter* S.B.C. 2003, c. 36.
- 1.3.3 For clarity, the provisions of this bylaw that reference Committee Members only are intended to apply also to Council Members.

### 1.4 Application:

- (a) This Bylaw applies to Council Members and Committee Members.
- (b) This Bylaw does not apply to a Member's conduct in their personal life, except to the extent that such conduct reasonably undermines public confidence in City governance.
- (c) This Bylaw does not apply to Staff.
- (d) In the event of a conflict between this Bylaw and another City bylaw or Council policy governing Member conduct, this Bylaw prevails.
- (e) In this Bylaw, a reference to a person who holds an office includes a reference to the persons appointed to act for that person from time to time.

### 1.5 <u>Severability:</u>

If any definition, section, subsection, paragraph, subparagraph, clause or phrase in this Bylaw is held invalid by a Court of competent jurisdiction, the invalid definition, section, subsection, paragraph, subparagraph, clause or phrase must be severed and the remainder of this Bylaw is deemed to have been adopted without the severed definition, section, subsection, paragraph, subparagraph, clause or phrase.

# PART 2 – STANDARDS AND VALUES

### 2.1 Foundational Principles

These guiding principles provide a basis for how Members fulfill their roles and responsibilities, including in their relationships with each other, Staff and with the public.

(a) Integrity: being honest and demonstrating strong ethical principles.

Members are expected to act with integrity by:

- i. Behaving in a manner that promotes public confidence in the City, including actively avoiding any Conflicts of Interest, improper use of office or unethical conduct.
- ii. Being truthful, honest and open in all dealings.
- iii. Upholding the public interest and making decisions in the best interests of the community.
- iv. Following through on commitments, engaging in positive communication with the community and correcting errors in a timely and transparent manner.

- v. Acting lawfully and within the authority of the *Community Charter, Local Government Act, Workers Compensation Act of B.C.* and *B.C. Human Rights Code.*
- (b) Accountability: an obligation and willingness to accept responsibility or to account for one's actions.

Members are expected to act with accountability by:

- i. Being transparent in how they individually and collectively conduct business and carry out their duties.
- ii. Ensuring information is accessible, and that citizens can view the process and rationale behind each decision and action, while protecting confidentiality where appropriate or necessary.
- iii. Accepting that they are collectively accountable for local government decisions, and that individual Members are responsible and accountable for the decisions they make in fulfilling their roles.
- iv. Listening to and considering the opinions and needs of the community in all decision making, and allowing for respectful discourse and feedback.
- (c) Respect: having due regard for others' perspectives, wishes and rights; displaying deference to the offices of local government, and the role of local government in community decision-making.

Members are expected to act with respect by:

- i. Treating every person, including other Members, Staff and the public with dignity.
- ii. Showing consideration for colleagues and Staff.
- iii. Creating an environment of trust, including displaying awareness and sensitivity around comments and language that may be perceived as derogatory.
- iv. Valuing the role of diverse perspectives and debate in decision-making.
- v. Acting in a way that is respectful of the roles and responsibilities of the office of Mayor and Council.
- vi. Valuing the distinct roles and responsibilities of local government Staff and the community in local government considerations and operations, and committing to fostering a positive working relationship between Staff, the public and elected officials.
- (d) Leadership and Collaboration: an ability to lead, listen to, and positively influence others; coming together to create or meet a common goal through collective efforts.

Members are expected to demonstrate leadership and collaboration by:

- i. Demonstrating behaviour that builds and inspires public trust and confidence in local government.
- ii. Calmly facing challenges and providing considered direction of the issues of the day, and enabling colleagues and Staff to do the same.
- iii. Creating space for open expression by others, taking responsibility for one's own actions and reactions and accepting the decisions of the majority.
- iv. Accepting that it is the equal responsibility of the Council and Committee Members individually and collectively to work together to achieve common goals.
- v. Being an active participant in ensuring these Foundational Principles and the standards of conduct are followed.

### 2.1.1 Interpretation

The standards and values above are to inform the interpretation of the substantive provisions of this Bylaw and are not to be standalone bases for Complaints.

### 2.2 Roles and Responsibilities

- (a) Council is the governing body of the City. It has the responsibility to govern the City in accordance with Part 5 of the *Community Charter* and other applicable legislation.
- (b) The Mayor is the head and chief executive officer of the City and has a statutory responsibility to provide leadership to the Council and to provide general direction to Municipal Officers respecting City policies, programs and other directions of the Council as set out in Part 5 of the *Community Charter*.
- (c) Staff provide professional advice to the Council and carry out decisions in an effective, efficient and non-partisan manner. The CAO is Council's one employee.



**Council** – making decisions, direction setting and public interest

CAO – interface

Staff – implement directions, provide information and share knowledge

# PART 3 – CONDUCT OF ELECTED OFFICIALS

## 3.1 <u>General Conduct</u>

- 3.1.1 A Member shall not:
  - (a) contravene this Bylaw, as amended or replaced from time to time;
  - (b) contravene any other City bylaw or policy, as amended or replaced from time to time;

- (c) contravene a law of British Columbia or Canada, including the British Columbia *Human Rights Code* or the *Freedom of Information and Protection of Privacy Act;*
- (d) Bully or Harass a Member, Staff, or Volunteer;
- (e) defame a Member, Staff, or Volunteer.
- 3.1.2 A Member shall treat other Council Members, Committee Members, Staff, and Volunteers with respect and dignity.
- 3.1.3 A Council Member shall not:
  - (a) breach their oath sworn upon taking office as a Council Member; or
  - (b) abuse their office.

# 3.2 Interactions with Staff, Volunteers and Committee Members

- 3.2.1 A Member must direct inquiries regarding departmental issues or questions to the CAO, General Manager, or department Director of the appropriate department and refrain from contacting Staff directly unless the communication is minor and of a day-to-day operational nature.
- 3.2.2 Members must not interfere with, hinder or obstruct Staff, Volunteers or Committee Members in the exercise or performance of their roles, responsibilities, powers, duties or functions, nor shall they impair the ability of Municipal Officers and Staff to implement Council policy decisions in accordance with Section 153 of the *Community Charter*.
- 3.2.3 Members must not request or require Staff to undertake personal or private work on behalf of a Member.
- 3.2.4 If a Council Member has information about Staff or a Volunteer that the Council Member wishes to bring to the attention of the City for the purposes of a review or investigation into the conduct or an omission of the individual, the Council Member may only do so by delivering the information in writing to the CAO. On receipt of such information, the CAO shall conduct a review or investigation and address the matter in accordance with the City's employment agreements, bylaws and policies and with the applicable employment law or professional responsibility enactments.
- 3.2.5 Members must not publish statements attacking Members, Staff, or Volunteers.
- 3.2.6 Information obtained by any Council Member, which is likely to be used in a Council or political debate, must be provided to all other Council Members, and to the CAO.

# 3.3 Interactions with the Public and Media

- 3.3.1 Members must not communicate on behalf of the City unless authorized to do so by Council resolution or by virtue of a position or role the Member has been authorized to undertake by Council.
- 3.3.2 Without limiting the ability of the Council Member to hold a position on an issue and respectfully express their opinions, a Council Member must:

- (a) ensure that their communications relating to Council business are accurate and not issue any communication that the Member knows, or ought to have known, to be false; and
- (b) ensure that all communications by, and on behalf of a Member, including communications made via social media, are respectful and do not discriminate against, harass, or defame any Member, Staff, or Volunteer.
- 3.3.3 Members are not to issue instructions to any of the City's contractors, tenderers, consultants or other service providers unless expressly authorized to do so.
- 3.3.4 Outside of a Council or committee meeting, a Member shall not communicate with a tenderer or proponent regarding the subject matter of the procurement.

## 3.4 Public Meetings

3.4.1 A Member must act with decorum at Council and Committee meetings in accordance with the Council Procedure Bylaw 2018 No. 7272, as amended or replaced from time to time.

### 3.5 Collection and Handling of Information

- 3.5.1 A Member must:
  - (a) comply with the provisions of the *Freedom* of *Information* and *Protection* of *Privacy Act* and the policies and guidelines as established by the City;
  - (b) comply with section 117 of the Community Charter, including by protecting, and not disclosing publicly, Confidential Information;
  - (c) only access information held by the City for City business, and not for personal purposes; and
  - (d) not alter City records unless expressly authorized to do so.

### 3.6 Use of Social Media

- 3.6.1 The provisions of this Bylaw apply, without limitation, to the use of a Member's personal and official social media accounts.
- 3.6.2 Members must regularly monitor their social media accounts and immediately take measures to deal with the publication of messages or postings made by others on their behalf that violate the terms of this Code of Conduct Bylaw.

### 3.7 Conflict of Interest

- 3.7.1 A Member shall not participate in discussion of a matter, or vote on a question in respect of that matter, where the Member has a Conflict of Interest.
- 3.7.2 In respect of each matter before Council, a Council Member shall:
  - (a) assess whether they have a Conflict of Interest, if necessary, with the advice of the Commissioner; and
  - (b) determine whether it is necessary to seek independent legal advice, at their own cost except where the CAO approves the cost, with respect to any situation which may result in a Conflict of Interest.

- 3.7.3 If a Member believes they have a Conflict of Interest in respect of a matter in a Council or Committee meeting, the Member shall:
  - (a) notify the Mayor or the Chair of the meeting that the Member has a Conflict of Interest prior to the matter being considered, and the Member shall restate the Conflict of Interest each time the matter arises before Council;
  - (b) refrain from discussing the matter with any other Member publicly or privately; and
  - (c) leave the meeting room if the matter is discussed and not return until the discussion has ended or voting on the matter has been concluded.

### 3.8 <u>Use of Influence</u>

- 3.8.1 A Member must not attempt to influence a decision of Council, a Committee, Municipal Officer, or Staff if the Member has a pecuniary Conflict of Interest in relation to that decision.
- 3.8.2 A Member must not use their office to provide preferential treatment to any person or organization except as warranted by the ordinary and lawful discharge of their duties.
- 3.8.3 A Member must not intimidate, improperly influence, threaten, or coerce Staff.

# 3.9 Gifts and Personal Benefits

- 3.9.1 A Council Member must not accept a Gift or Personal Benefit, unless accepted in accordance with section 105 of the *Community Charter*.
- 3.9.2 A Council Member must disclose a Gift or Personal Benefit, received in accordance with section 105 of the *Community Charter*, as per section 106 of the *Community Charter*.
- 3.9.3 Committee Members must comply with 3.9.1 and 3.9.2 as though they were Council Members.

# PART 4 – COMPLAINT AND RESOLUTION PROCEDURES

### 4.1 <u>Council Members</u>

### 4.1.1 <u>Confidential Requests</u>

- (a) If a Council Member, Committee Member, or Staff believes that they have been subject to conduct by a Council Member in breach of this Bylaw, that person may approach the Commissioner on a confidential basis, without the need to file a Complaint, to request that the Commissioner inform the Council Member of the alleged breach. Upon receipt of the confidential request, the Commissioner may attempt to address the conduct with the Council Member.
- (b) The Commissioner must protect the confidentiality of a person making a request under 4.1.1(a) unless the person making the request consents to disclosure.

### 4.1.2 <u>Complaint Procedure:</u>

- (a) Any Council Member, Committee Member, or Staff may submit a Complaint to the Commissioner.
- (b) A Complaint must be in writing and describe with sufficient detail:
  - i. the name of the Complainant;
  - ii. the name of the Respondent;
  - iii. the conduct that the Complainant alleges to have breached the Code;
  - iv. the date of the alleged conduct;
  - v. the part or parts of this Bylaw that the Complainant alleges has or have been breached; and
  - vi. the basis for the Complainant's knowledge about the conduct.
- (c) A Complainant may specify in the Complaint if they are willing to participate in an informal resolution of the Complaint.
- (d) The Commissioner may accept a Complaint notwithstanding that the form of the Complaint does not comply with all of the requirements set out in Section 4.1.2 (b) if, in the Commissioner's opinion, the circumstances warrant.
- (e) The Commissioner must not accept multiple Complaints concerning the same matter. In the event that the Commissioner receives multiple Complaints concerning the same matter, the Commissioner must proceed with the first Complaint accepted, but may expand the Complaint and/or add Complainants for the purpose of conducting the investigation and preparing the investigation report.
- (f) The Commissioner must reject a Complaint received more than 90 days after the Complainant knew or reasonably ought to have known of the alleged breach of this Bylaw. The Commissioner is authorized to extend this 90 day deadline up to a further 90 days if circumstances warrant an extension.
- (g) The Commissioner must reject a Complaint received regarding a Council Member seeking re-election in the period from the first day of the nomination period to the general voting day.
- (h) In the 90 days prior to general voting day, the Commissioner may suspend any investigation underway.

## 4.1.3 Dismissal or Suspension of Complaint

- (a) If a Complaint is submitted that, on its face, is not made with respect to a breach of this Bylaw, or if a Complaint would be more appropriately addressed through another process, including if the Complaint is:
  - i. with respect to non-compliance with the *Freedom of Information and Protection of Privacy Act;*
  - ii. with respect to non-compliance with a more specific Council policy or bylaw with a separate Complaint procedure; or
  - iii. with respect to a matter that is subject to another outstanding process, such as a court proceeding or human rights complaint,

the Commissioner may reject the Complaint, or part of the Complaint, and must notify the Complainant in writing that the Complaint is not within the jurisdiction of this Bylaw, or that the Complaint would be more appropriately addressed through another process, as the case may be, and set out any additional reasons and referrals the Commissioner thinks appropriate.

- (b) If the Commissioner, at any stage in the Complaint procedure, determines that there are reasonable grounds to believe that there has been a contravention of the *Criminal Code* (Canada), the Commissioner must immediately refer the matter to the appropriate authorities and suspend the inquiry until any resulting police investigation and charge have been finally disposed of, and shall report the suspension to Council.
- (c) Where a Complaint is made against a Council Member who, during the course of the Complaint procedure, ceases to hold office, the Commissioner may close the Complaint and notify the Complainant and Respondent of this decision.

### 4.1.4 Preliminary Assessment

- (a) On receipt of a Complaint, the Commissioner must conduct a preliminary assessment and if at that time, or any time thereafter, the Commissioner is of the opinion that:
  - i. the statement is not with respect to a breach of this Bylaw;
  - ii. the Complaint is frivolous, vexatious, or not made in good faith;
  - iii. the investigation is, or might be, hampered, or the Council Member might be prejudiced by the Complainant's failure to provide a Complaint in compliance with Section 4.1.2(b), or otherwise cooperate with the investigation;
  - iv. the Complainant wishes to withdraw the Complaint, and it would be appropriate in the circumstances to allow the withdrawal; or
  - v. there are no grounds or insufficient grounds for concluding that a violation of this Bylaw has occurred,

the Commissioner must notify the Complainant and the Respondent in writing that the Commissioner is closing the Complaint, set out the reasons therefore, and close the Complaint.

(b) Notwithstanding Section 4.1.4 (a), the Commissioner may request further information from the Complainant before determining whether or not there are sufficient grounds for believing that a breach of this Bylaw may have occurred.

## 4.1.5 Informal Resolution:

- (a) When the Commissioner has decided to proceed with a Complaint, the Commissioner must determine whether the Complaint requires a formal investigation, or whether the Complaint may be resolved informally. In the latter case, the Commissioner may either attempt to resolve the Complaint directly, or refer the Complaint to the CAO.
- (b) When determining whether the Complaint may be resolved informally, the Commissioner may consider culturally appropriate, or transformative or restorative justice approaches, and may engage a third party to assist the Commissioner for this purpose.
- (c) Where the Commissioner refers the Complaint in accordance with Section 4.1.5(a) the CAO may agree to assist in resolving the Complaint directly, or may appoint a third party to assist in resolving the Complaint at their discretion.
- (d) The person assisting in the informal resolution of a Complaint will assess the suitability of the Complaint for settlement or resolution on an on-going basis and may decline to assist at any point.
- (e) The Complainant, or the Respondent, can decline to participate in an informal resolution at any time.
- (f) If a Complaint is resolved informally, the person assisting in resolving the Complaint must notify the Commissioner in writing of the terms of the resolution, upon receipt of which, the Commissioner must close the Complaint.
- (g) If a Complaint cannot be resolved informally, the person assisting in resolving the Complaint must refer the Complaint back to the Commissioner for a formal investigation.

## 4.1.6 Formal Resolution:

- (a) If a Complaint is not rejected, closed, or resolved informally, the Commissioner must proceed with a formal investigation.
- (b) The Commissioner must serve the Complaint on the Respondent with a request that the Respondent provide a written response to the Complaint together with any submissions the Respondent chooses to make within 10 days, subject to the Commissioner's discretion to extend the timeline.
- (c) The Commissioner may serve the Complainant with the Respondent's written response together with any submissions, on a strictly confidential basis, and request a reply in writing within 10 days, subject to the Commissioner's discretion to extend the timeline.

- (d) The Commissioner may:
  - i. speak to anyone relevant to the Complaint;
  - ii. request disclosure of documents relevant to the Complaint; or
  - iii. access any record in the possession or control of the City, except a record that is subject to privilege.
- (e) The Commissioner must ensure that the formal investigation complies with the rules of procedural fairness and natural justice required in the circumstances.
- (f) Notwithstanding 4.1.6(a), nothing prohibits the Commissioner from summarily dismissing a Complaint where it becomes apparent, after some investigation, that the Complaint has no chance of success.
- (g) If the Commissioner summarily dismisses a Complaint at the Formal Resolution stage, the Commissioner shall report to the Complainant and Respondent in the manner set out in 4.1.4(a).

## 4.1.7 Adjudication and Reporting:

- (a) The Commissioner must make a decision within 90 days of making the determination to proceed with a formal investigation, unless the Commissioner determines that doing so is not practicable, in which case the Commissioner must notify the Complainant and Respondent of the delay and provide a revised decision date. The revised decision date may be extended by periods of up to 30 days on provision of written notice to the Complainant and the Respondent.
- (b) A notification issued pursuant to sections 4.1.3(a), 4.1.3(b), 4.1.4(a), or 4.1.7(a) is confidential and must not be disclosed except in the following circumstances:
  - i. to Council for the purpose of considering a resolution for reimbursement of legal fees pursuant to section 4.4.2; and
  - ii. the Respondent may disclose the fact that the Complaint has been closed, or that a finding has been made that the Respondent did not breach this Bylaw.
- (c) If after reviewing all material information, the Commissioner determines that the Respondent did not violate this Bylaw, then:
  - i. the Commissioner must prepare a written investigation report providing reasons for their determination that the Council Member did not breach the Bylaw;
  - ii. the Commissioner must deliver a copy of the investigation report or, where appropriate, a summary thereof, to the Complainant, Respondent and Council; and
  - iii. in consultation with Staff, the Commissioner shall produce and make publicly available a summary of the investigation report, in compliance with the *Freedom of Information and Protection of Privacy Act*.

- (d) If after reviewing all the material information, the Commissioner determines that a Council Member did violate this Bylaw, then:
  - i. the Commissioner must prepare a written investigation report providing reasons for their determination that the Council Member breached this Bylaw;
  - ii. the investigation report must make recommendations as to the appropriate sanction for the breach;
  - iii. if the Commissioner determines that a Council Member did breach this Bylaw, but that the Council Member took all reasonable steps to prevent it, or that it was trivial or done inadvertently or because of an error in judgment made in good faith, the Commissioner will so state in the investigation report and may recommend that no sanction be imposed;
  - iv. the Commissioner must deliver, on a strictly confidential basis, a copy of the investigation report to the Respondent; and
  - v. the Commissioner must deliver a copy of the investigation report to the Complainant and Council forty eight (48) hours after delivery of the investigation report to the Respondent.

# 4.1.8 Report to be Public

- (a) Where the Commissioner has determined that a Council Member did violate this Bylaw, after the Commissioner has delivered a copy of the investigation report to the Complainant and Council, the City must make the investigation report available to the public.
- (b) The City will ensure that the investigation report complies with the City's obligations regarding disclosure of personal information set out in the *Freedom of Information and Protection of Privacy Act*, and ensure that appropriate redactions are applied prior to release to the public.

## 4.1.9 Final Determination by Council

- (a) Council must, within 30 days of delivery of the investigation report pursuant to Section 4.1.7(d)(v), or a longer period if approved by a 2/3 vote of Council, decide on the appropriate measures, if any, that are warranted by the breach of this Bylaw, and will take such actions as Council considers appropriate in the circumstances.
- (b) Prior to Council making any decision regarding the findings and recommendations set out in the investigation report, the Respondent must be provided with an opportunity, either in person or in writing, to comment on the decision and any recommended censure, sanctions or corrective actions.
- (c) While an investigation report provided to Council may be considered in a closed meeting for the purpose of receiving legal advice, or other valid reason, when Council deliberates and votes on the investigation report, it will do so in a public meeting and the investigation report must be made available to the public in a form that complies with section 4.1.8 (b).

(d) Notwithstanding section 4.1.9(c), Council may deliberate on and vote on a report in a closed meeting where there is a valid reason to close the meeting under section 90 of the *Community Charter*.

# 4.1.10 <u>Remedies</u>

Sanctions that may be imposed for a violation of this Bylaw include the following:

- (a) a letter of reprimand from Council addressed to the Council Member;
- (b) a request from Council that the Council Member issue a letter of apology;
- (c) the publication of the letters contemplated in subsections (a) and (b), along with the Council Member's written response, if any;
- (d) directions to the CAO regarding the provision of documents, including documents containing Confidential Information, to the Council Member;
- (e) a recommendation that the Council Member attend specific training or counselling;
- (f) limitations on access to certain City facilities;
- (g) suspension or removal of the Council Member from some or all Council committees and bodies to which the Council Member was appointed by Council;
- (h) prohibition from representing the City at events and/or attending conferences and seminars;
- (i) suspension or removal of the appointment of a Council Member as the Acting Mayor;
- (j) public censure of a Council Member;
- (k) reduction in compensation in accordance with the Council Spending and Amenities Policy; and
- (I) any other sanction recommended by the Commissioner, so long as that sanction is within the authority of Council.

# 4.1.11 Confidentiality of the Investigation

The Commissioner must make all reasonable efforts to investigate Complaints in confidence.

- (a) The Commissioner and every person acting under the Commissioners' instructions must preserve confidentiality with respect to all matters that come into the Commissioner's knowledge in the course of any investigation or Complaint except as required by law.
- (b) An investigation report must only disclose such matters as, in the Commissioner's opinion, are necessary for the purpose of the investigation report.
- (c) At the conclusion of the process, the Commissioner will destroy all the notes that were taken throughout the process of the investigation.

### 4.1.12 Interpretation

For clarity, and despite section 4.2, the procedure in section 4.1 is to apply to all allegations against Council Members including in their capacity as Committee Members.

### 4.2 Committee Members

- 4.2.1 Alleged breaches of this Bylaw by Committee Members shall be submitted simultaneously in writing addressed to the Mayor and CAO within 90 days of the last alleged breach.
- 4.2.2 A Complaint must comply with the standards set out at section 4.1.1.
- 4.2.3 The Mayor shall consider alleged breaches of this Code by Committee Members, direct that any enquiries they consider appropriate or desirable be undertaken, including a referral to the Commissioner, and recommend appropriate disciplinary action to Council.
  - (a) The Mayor may recommend that Council take any actions provided for in the Code that the Mayor considers reasonable in the circumstances.
  - (b) Where Council finds that a Committee Member has breached this Code, Council may decide by resolution to:
    - i) Require the Committee Member to apologize to any person adversely affected by the breach;
    - ii) Counsel the Committee Member;
    - iii) Terminate the Committee Member's appointment; or
    - iv) Implement such other measures as Council deems appropriate.

### 4.3 Reprisals and Obstruction

- 4.3.1 No Council Member, Committee Member, or Staff will obstruct the Commissioner in the carrying out of their duties or responsibilities.
- 4.3.2 No Council Member, Committee Member, or Staff will threaten or undertake any active reprisal against a Complainant or against a person who provides information to the Commissioner in the context of an investigation.
- 4.3.3 No Council Member, Committee Member, or Staff will tamper with or destroy documents or electronic records related to any matter under investigation under this Bylaw or refuse to respond to the Commissioner when questioned regarding an investigation.
- 4.3.4 Any individual covered by this Bylaw who is found to have engaged in any reprisal or retaliation in violation of this Bylaw will be subject to appropriate disciplinary action, which action may include, and is not limited to, the sanctions and remedies described above, or in the case of Staff, disciplinary action up to and including the termination of employment for just cause, as applicable.

# 4.4 <u>Reimbursement of Costs</u>

- 4.4.1 For clarity, actions by Council Members as outlined in Indemnification Bylaw 2005 No. 7002, as replaced or amended from time to time, do not apply to this Bylaw.
- 4.4.2 A Council Member may make a request to Council for reimbursement for the costs of legal advice and representation in responding to the formal complaint process outlined in this Bylaw. If appropriate after considering all circumstances, Council may resolve to reimburse legal fees reasonably incurred by a Council Member, provided that all of the following are met:
  - (a) It is the Council Member's first formal complaint process; and
  - (b) The amount does not exceed \$10,000.

### 4.5 <u>Vexatious Allegations and Complaints</u>

- 4.5.1 Any individual covered by this Bylaw who makes an allegation or Complaint under this Bylaw that is subsequently found to have been made in a deliberately vexatious or malicious manner, or otherwise to have been made in bad faith, will be subject to appropriate disciplinary action, which action may include, but is not limited to:
  - (a) in the case of Council Members, sanctions and remedies described in Section 4.1.7.
  - (b) in the case of Committee Members, termination of the Committee Member's appointment.
  - (c) in the case of Staff, the termination of employment for just cause, as applicable.

## PART 5 – ENACTMENT

#### Effective Date

This bylaw comes into force and effect on 2022-OCT-15.

PASSED FIRST READING: 2022-MAY-16 PASSED SECOND READING: 2022-MAY-16 PASSED THIRD READING: 2022-MAY-16 ADOPTED: 2022-MAY-30

Non Bko

DEPUTY CITY CLERK

# SCHEDULE A

# COMMITTEE MEMBER STATEMENT

As a City of Nanaimo Committee Member, I agree to uphold the Code of Ethics adopted by the City of Nanaimo and conduct myself by the following model of excellence. I will:

- Recognize the diversity of backgrounds, interests and views in our community;
- Help create an atmosphere of open and responsive government;
- Conduct public affairs with integrity, in a fair, honest and open manner;
- Respect one another and the unique role and contribution each of us has in making the City of Nanaimo a better place to work, live, and play;
- Strive to keep the decision making processes open, accessible, participatory, understandable, timely, just and fair;
- Avoid and discourage conduct which is not in the best interests of the City of Nanaimo;
- Avoid any real or perceived Conflict of Interest and declare at the earliest opportunity, any interest that is or may be in conflict with the business of the body of the City of Nanaimo in which I am participating;
- Respect and uphold confidentiality requirements; and
- Treat all people with whom I come in contact in the way I wish to be treated.

I affirm that I have read and understand the City of Nanaimo Code of Conduct Bylaw.

Signature:

Date: \_\_\_\_\_

Name (please print): \_\_\_\_\_

Committee: \_\_\_\_\_



RCRS Secondary:	GOV-02	Effective Date:	1988-JUN-27
Policy Number:	COU-053	Amendment Date/s:	
Title:	Conflict of Interest Guidelines	Repeal Date:	
Department:	Administration	Approval Date:	1988-JUN-27 COUNCIL

#### PURPOSE:

To ensure that elected officials, Council appointees and Staff are aware of their responsibilities regarding Conflict of Interest.

#### **DEFINITIONS**:

Where the masculine is used in these Guidelines, it includes the feminine where the context requires.

#### SCOPE:

This policy is applicable to Council; Appointees to Boards, Committees, and Commissions; and Staff.

## POLICY:

The proper operation of democratic local government requires that elected officials be independent, impartial and duly responsible to the people. To this end it is imperative that the following three principles be followed:

- 1. Government decisions and policy be made through the proper and lawful channels of government structure.
- 2. Public office not be used for personal gain.
- 3. The public have confidence in the integrity of its government.

#### (1) <u>THE LAW</u>

It is your personal responsibility to comply with the law and to avoid conflicts of interest.

Therefore, make sure that you have read and understood the provisions of the *Local Government Act*, the *Financial Disclosure Act*, the *Criminal Code of Canada* and the summary of the common law provided to you with this Guide.

You should remember that if some or all of your financial or property interests are held otherwise than in your own name and the nature of them does not appear in your disclosure statement under the *Financial Disclosure Act* that in certain circumstances you may have to declare those interests in order to comply with these guidelines. Similarly you may have to declare the interest of your family. If you are in any doubt as to the meaning, requirements or application of any of these laws you should seek advice; possibly from your own solicitor, from experienced Councillors, or from senior Staff.

You shall not assume that any unethical activities not covered by or specifically prohibited by these guidelines, or by legislation, are therefore condoned.

Remember that the responsibility is always yours.

## (2) <u>PUBLIC DUTY AND PRIVATE INTERESTS</u>

- (i) Your overriding duty as a Councillor is to all of the residents of Nanaimo.
- (ii) Whenever you have, or any member of your family has, a private or personal interest in any question which Councillors must decide, you must not do anything to let that interest influence the decisions.

You shall:

- declare to Council at the first opportunity your interests, or known interests of any close relatives, in any enterprise which proposes to transact business with the municipality;
- make no effort whatsoever to influence Council or Staff in any decisions on the matter;
- leave the place of the meeting prior to discussions and vote on the subject, and ;
- of course not vote on the matter.
- (iii) Do nothing as a Councillor which you could not justify to the public.
- (iv) It is not enough to avoid actual impropriety; you should at all times avoid any occasion for suspicion or the appearance of improper conduct.
- (v) As each matter comes before Council, each member should decide for himself whether he has a specific property, business or financial interest, direct or indirect, which could be affected to the benefit or detriment of the member, his family or associates. If he has, he should then decide whether the effect would be a personal benefit to himself, family or associate as opposed to an effect on the community as a whole. If it would not affect the whole community, but would have a similar effect on a majority of, or substantial number of persons in the community with similar interest, then his acting on the matter would probably not result in a conflict of interest.

## (3) DISCLOSURE OF PECUNIARY AND OTHER INTERESTS

(i) The law makes specific provision requiring you to disclose pecuniary interest, direct and indirect. But interests which are not pecuniary can be just as important. Kinship, friendship, membership of an association, religion, partisanship, institutional or ethnic interests and so forth can sometimes influence your judgment and give the impression that you might be acting for personal motives. A good test is to ask yourself whether others would think that the interest, in the circumstances of the matter at issue, is of a kind to make this possible. If you think they would, or if you are in doubt, disclose the interest and withdraw from the meeting unless you are specifically invited to stay.

(ii) The principles about disclosure of interest should be borne in mind in your unofficial relations with other Councillors on informal or social occasions no less scrupulously than at formal meetings of Council, its Committees or Sub-Committees.

## (4) MEMBERSHIP AND CHAIRMANSHIP OF COUNCIL COMMITTEES AND <u>SUB-COMMITTEES</u>

- (i) You, or a firm or body with which you are personally connected, may have professional business or personal interests within an area for which the Council is responsible; such interests may be substantial and closely related to the work of one or more of the Council's Committees or Sub-Committees, concerned with (say) planning or developing land, personnel matters or the letting of contracts for supplies, services or works. Before seeking or accepting membership of any such Committee or Sub-Committee, you should seriously consider whether your membership would involve you:
  - (a) in disclosing an interest so often that you could by of little value to the Committee or Sub-Committee, or;
  - (b) in weakening public confidence in the impartiality of the Committee or Sub-Committee.
- (ii) You should not seek or accept the Chairmanship of a Committee or Sub-Committee whose business is closely related to a substantial interest or range of interests of yourself or of any body with which you are associated.

## (5) <u>COUNCILLORS AND OFFICERS</u>

- (i) Both Councillors and Officers are servants of the public, and they are indispensable to one another. But their responsibilities are distinct. Councillors are responsible to the electorate and serve only so long as their term of office lasts. Officers are responsible to the Council and are permanently appointed. An Officer's job is to give advice to Councillors and the Council, and to carry out the Council's work under the direction and control of the Council and its Committees.
- (ii) Mutual respect between Councillors and Officers is essential to good local government. Close personal familiarity between individual Councillors and Officers can damage this relationship and prove embarrassing to other Councillors and Officers.

## (6) <u>USE OF CONFIDENTIAL AND PRIVATE INFORMATION</u>

- (i) As a Councillor you necessarily acquire much information that has not yet been made public and is still confidential. It is a grave betrayal of trust to <u>use</u> confidential information for personal advantage of yourself or of anyone known to you.
- (ii) You must not communicate information designated confidential to anyone not entitled to receive it.

If you disagree with the designation of such information as confidential, or the designation of those entitled to receive it, under no circumstances should you arbitrarily disclose it. First you should advise Council in writing at an "In Camera" meeting of your

disagreement and the reasons for it. If the disagreement is not resolved before you decide to disclose the information, you should carefully reflect your decision against the first and third principles which preface these guidelines.

# (7) <u>GIFTS AND HOSPITALITY</u>

Treat with extreme caution any offer or gift, favour or hospitality that is made to you personally. The person or organization making the offer may be doing or seeking to do business with the Council, or may be applying to the Council for planning permission or some other kind of decision. Working lunches and other social occasions arranged or authorized by Council or by one of its Committees or Sub-Committees may be a proper way of doing business, provided that no extravagance is involved. Nor can there by any hard and fast rule about acceptance or refusal of tokens of goodwill on special occasions. But you are personally responsible for all such decisions and for avoiding the risk of damage to public confidence in local government. The receipt or offer of gifts should be reported to the City Manager.

## (8) <u>EXPENSES AND ALLOWANCES</u>

There are rules entitling you to claim expenses and allowances in connection with your duties as a Councillor. These rules should be scrupulously observed.

#### (9) <u>USE OF COUNCIL FACILITIES</u>

Make sure that any facilities -- such as transport, stationery, or secretarial services -- provided by the Council for your use in your duties as a Councillor are used strictly for those duties and for no other purpose.

### (10) <u>UNDUE INFLUENCE</u>

Do not use your position to secure special privileges, favours or exemptions for yourself or any other person.

#### (11) <u>CONDUCT AFTER LEAVING OFFICE</u>

For a period of twelve months after leaving office, abide by these guidelines except those related to confidential information which shall apply in perpetuity, or until public release of such information as authorized by Council.

## GUIDELINES FOR CITY COUNCIL APPOINTEES TO CIVIC BOARDS, COMMITTEES AND COMMISSIONS

All such bodies are called "Committees" in the Guidelines.

It is essential that Council, in its deliberations and in its conduct of municipal affairs, should have available to it the wisdom, expertise, experience and advice of competent members of the community. It is also essential that members of such Committees be seen to act with integrity to ensure a continued confidence in the process by the citizenry.

In most cases, the advice and guidance of such persons is sought because they have practical experience and special knowledge in the areas of endeavour covered by the mandate of the particular Committee on which they are invited to serve and generally will have business and property interests in those fields of endeavour.

But it is essential and is a matter of law that such members not allow themselves to become involved in conflict of interest situations.

A summary of the law on conflicts of interest is available to you through the Corporate Administration Office.

A member of a Committee stands as a trustee for the local community and he is not to vote or to deal so as to gain or appear to gain private advantage out of matters over which he is asked to comment and advise.

- 1. Your overriding duty as a member of a Committee is to all residents of Nanaimo.
- 2. Whenever you have, or any member of your family has, a private or personal interest in any question on which you must advise, you must not do anything to let that interest influence the advice.
- 3. It is not enough to avoid actual impropriety; you should at all times avoid any occasion for suspicion or the appearance of improper conduct.
- 4. As a Committee member you often acquire information that has not yet been made public. It is a grave betrayal of trust to use confidential information for personal advantage of yourself or anyone known to you.
- 5. You must not communicate information designated confidential to anyone not entitled to receive it.
- 6. Do not use your position to secure special privileges, favours or exemptions for yourself or any other person.
- 7. Avoid any situations that may cause any person to believe that you may have brought bias or partiality to a question before Council.
- 8. As each matter comes before a Committee, each member should decide for himself whether he has a specific property, business or financial interest, direct or indirect, which could be affected to the benefit or detriment of the member, his family or associates. If he has, he should then decide whether the effect would be a personal benefit to himself, family or associate as opposed to an effect on the community as a whole. If it would not affect the whole community, but would have a similar effect on a majority of, or substantial number of persons in the community with similar interests, then his acting on the matter would probably not result in a conflict of interest.

Such a financial business or property interest would include an interest as an advocate or lobbyist whether the member was being paid for his services or not. It would be difficult to conceive of a situation where such advocacy would not result in a conflict of interest. Therefore, a member should always withdraw and take no part whatsoever to influence the Committee on any question if he has been engaged to influence in any way the decision on that question. He should always declare such an interest - preferably for his own protection – in writing.

If a member does have such an interest whether personal or community as above discussed, he should declare it to the Committee as soon as possible. The Committee Chair shall then report the conflict in writing to Council as soon as possible.

If it is personal, the member should:

- 1. leave the place of a meeting;
- 2. take no part in the discussion;
- 3. do nothing to influence the other members of the Committee;
- 4. not vote; and,
- 5. take no part in drafting the report of the Committee insofar as it touches on that particular matter.

If he deems his to be a community interest he should continue to act as a member of the Committee.

It may be that a member has business or property interests which, for sound business or other reasons, it would be imprudent to declare at that time. Therefore, because secrecy, no matter how prudent, can give rise to suspicion in others, the member should proceed as though for the time being at least his interest is personal -- even if when it becomes public knowledge it would be clearly a community interest.

In summary, before seeking or accepting membership on any Council-appointed Board, Committee or Commission, an individual should seriously consider whether such membership would involve the individual;

- 1. in disclosing an interest so often that he would be of little value to the Board, Committee or Commission, or
- 2. in weakening public confidence in the impartiality of the Board, Committee or Commission.

#### CONFLICT OF INTEREST CODE (MUNICIPAL EMPLOYEES)

- "City" means City of Nanaimo
- "Employee" means an Officer of the City or a Management/Excluded Employee of the City as designated by "MANAGEMENT TERMS AND CONDITIONS OF EMPLOYMENT AND MUNICIPAL PUBLIC OFFICERS INDEMNIFICATION BYLAW 1992 NO. 4524".

#### Impartiality and Equality of Service:

1. An Employee shall carry out his/her duties with integrity, impartiality and equality of service to the general public.

#### Preferential Treatment:

2. An Employee shall not go beyond his/her official duty to assist those dealing with the City where this would result in preferential treatment.

### Public Interest:

3. An Employee shall exercise care in the management of his/her private affairs so as not to benefit, or be perceived by the public to benefit from, any City transactions over which he/she can influence decisions (for example: investments, borrowing, purchases, sales, contracts, grants, regulatory or discretionary approvals and appointments).

#### Confidential Information:

4. An Employee shall not use information which is <u>not available to the general public</u> for his/her own personal profit or advantage, and shall not provide such information to others unless it is in the course of the Employee's duties to do so.

#### Outside Remuneration:

- 5. An Employee may engage in outside employment, carry on business or receive public funds for personal activities provided that it does not place demands inconsistent with his/her job, or jeopardize his/her objectivity, and in particular that:
  - (i) it does not interfere with the performance of his/her duties;
  - (ii) it does not represent a conflict of interest as herein set out;
  - (iii) he/she does not have an advantage derived from his/her employment;
  - (iv) it is not performed in such a way as to appear to be an official act; and
  - (v) it does not involve the use of City premises, services, equipment, information or supplies which he/she has access to by virtue of his/her employment with the City.
- 6. An Employee shall forthwith file a written disclosure of any activity as set out in Section 5 with the City Manager.
- 7. On receipt of a written disclosure by an Employee, the City Manager shall forward a copy of same to members of Council.

#### Hospitality, Gifts and Other Benefits:

8. An Employee shall not solicit or accept hospitality, gifts or other benefits which might influence his/her conduct at work, or which could compromise the objectivity of the Employee or result in a public perception that his/her objectivity is compromised.

#### City Materials, Equipment and Facilities:

9. An Employee shall not use, or allow the use of, City materials, equipment and facilities for unapproved activities.

#### Property (Land):

10. An Employee shall not deal in property directly or indirectly within the City other than his/her personal residence without first informing the City Manager in writing.

11. An Employee shall declare to the City Manager his/her interest, direct or indirect, in any property which is subject to a rezoning proposal or subdivision within the City.

### Private Interests:

12. An Employee shall declare to the City Manager, in writing, any personal or corporate interest held directly or indirectly by the Employee or by an immediate relative of the Employee in a contract or a proposed contract with the City, or in any enterprise which proposes to transact business with the City.

For the purpose of this Section:

"immediate relative" means a spouse (including common-law spouse), parent, child, brother, sister, brother-in-law or sister-in-law.

"indirectly" means through any other person, including a company, trustee or immediate relative.

#### Plans for, or Offers of, Outside Employment:

13. An Employee shall not allow himself/herself to be influenced in the pursuit of his/her official duties and responsibilities by plans for, or offers of, outside employment.

#### Post-Employment Behavior:

14. Former Officers of the City who have provided advice to the City on ongoing, specific matters may not switch sides by acting for another employer on the same matter.

#### Reporting of Conflict of Interest:

- 15. An Employee shall report to the City Manager any conflict of interest or potential conflict of interest of which he/she is aware involving himself/herself or his/her family, or any other Employee of the City. The City Manager shall then report the conflict to City Council.
- 16. The City Manager shall report to the City Council any conflict of interest or potential conflict of interest of which he/she is aware involving himself/herself or his/her family, or any other Employee of the City.

#### **RELATED DOCUMENTS:**

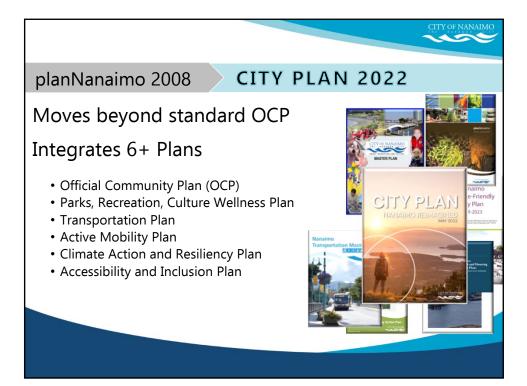
*Community Charter* – Division 6 – Conflict of Interest – for Elected Officials Code of Conduct Administrative Policy– for Employees

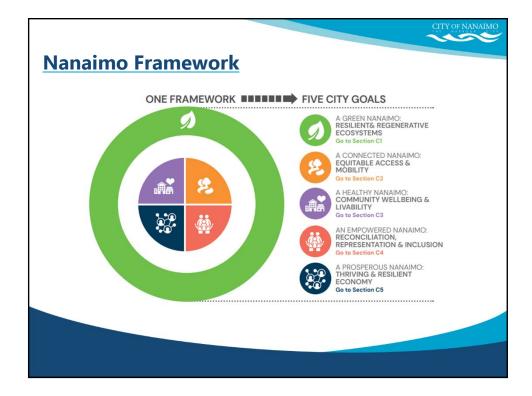
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N/A

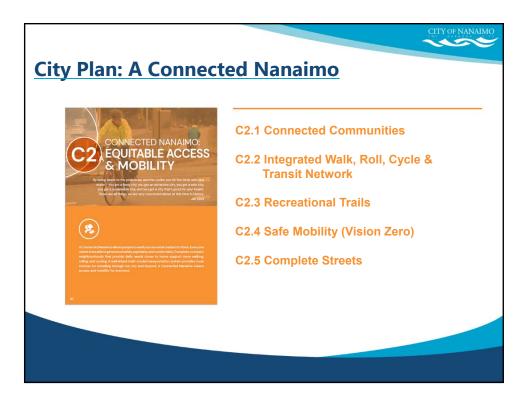


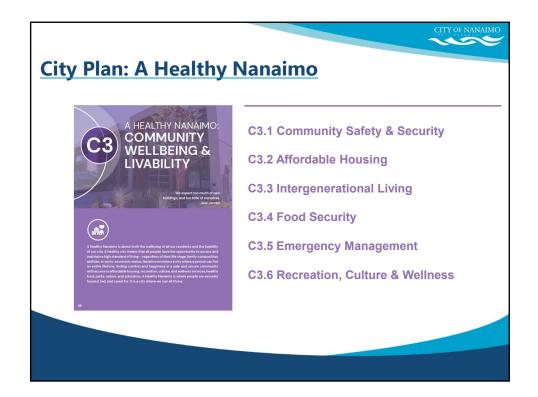


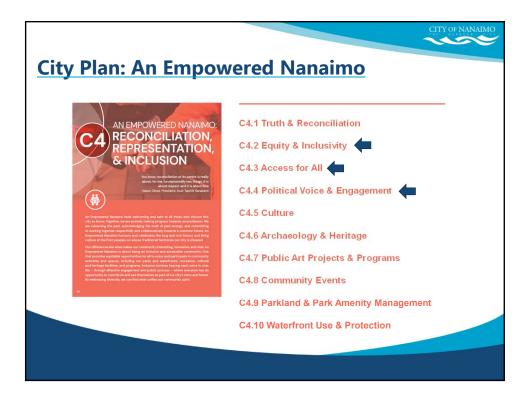


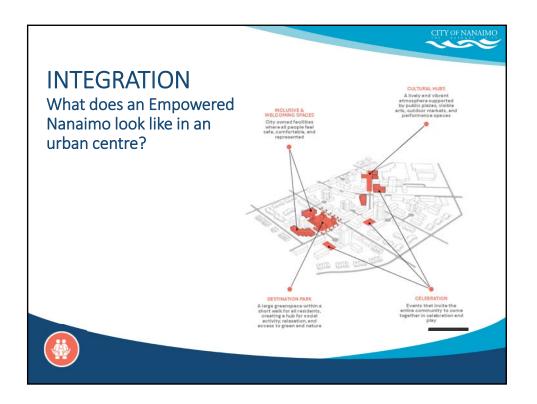


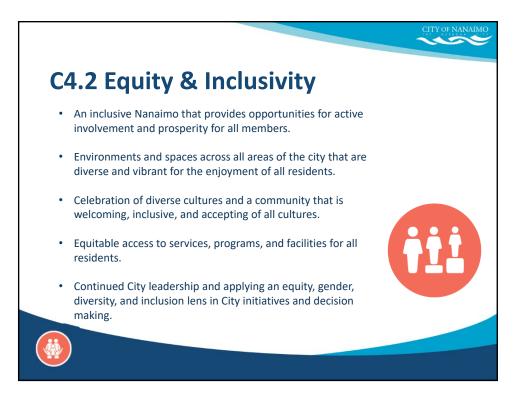




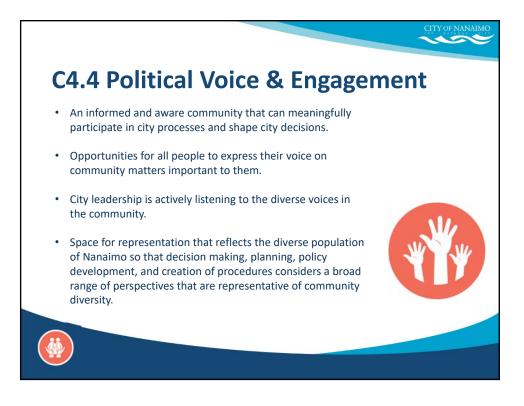










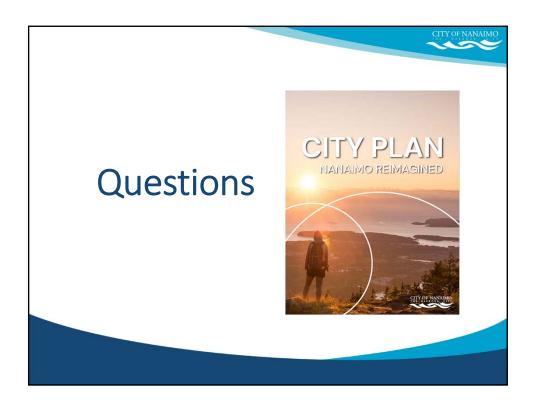












From: Eileen Williamson Date: March 23, 2023 at 4:40:10 PM PDT To: Sheryl Armstrong </br/>Sheryl.Armstrong@nanaimo.ca> Subject: speech to text

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

#### Hi Sheryl,

#### Here the info about the speech to text programs used at St. Paul's Hospital.

Hi Eileen,

The automatic speech-to-text app we use is Google Live Transcribe: <u>https://play.google.com/store/apps/details?</u> <u>id=com.google.audio.hearing.visualization.accessibility.scribe&hl=en&gl=US</u>. This can only work on Android devices, and can be used in multiple languages. For apple devices, there is now a feature that can work on devices that can operate on iOS 16 and above (iPhone 11 or later), called Live Captions (Beta). It is currently English only, but here are the instructions for use on the iPhone as well as on the iPad: <u>https://support.apple.com/en-ca/guide/ipad/bbca12e/ipados</u>.

Small handheld tablets we use in the clinic room: https://www.amazon.ca/gp/product/B07VDB92RK/ref=ppx\_yo\_dt\_b\_asin\_title\_000\_s01? ie=UTF8&psc=1; larger one we used at the ENT front desk: https://www.amazon.ca/Samsung-Galaxy-Grey-Android-Tablet/dp/B09NMPCMK5/ref=sr\_1\_4? crid=1DH82DIR3GLEK&keywords=samsung+galaxy+tablet+a8&qid=1678991777&s=electronics&sprefix=samsung+galaaxy+tablet+a8%2Celectronics%2C144&sr=1-4

The app can work on Android devices running on Android 6.0 and above. A caveat is that it seems like some newer features (like having the app work offline) are not available for our device though, so I believe you may not get access of certain features as the app updates if you buy a product that can run on only older Android versions. I've updated the app and it doesn't seem to allow us to do that on our small tablet devices. This may only be an issue if the tablet is used in spaces where there is limited access/poor access to Wi-fi signals as it needs a consistent enough wifi signal to do the auto-transcription. I just wanted to let you know of this as a caveat!

Thanks Eileen Williamson

www.eileenwilliamson.artist.com

# From: Accessibility <accessibility@sparc.bc.ca> Date: June 1, 2023 at 10:01:51 AM PDT Subject: Information Session for the Local Community Accessibility Grant Program

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

SPARC BC is excited to invite you to join our webinars to learn more about the Local Community Accessibility Grant Program!

On May 29<sup>th</sup>, the second day of National Accessibility Week, the Accessibility Directorate with the Ministry of Social Development and Poverty Reduction (MSDPR) announced that \$5 million is allocated for local and regional governments to aid in implementing accessibility initiatives.

This initiative provides one-time funding for local governments, of up to\$25,000, to remove barriers for persons with disabilities by implementing one of the initiatives identified in their Accessibility Plans, or by their Accessibility Committees or feedback mechanisms.

In our webinar we will discuss:

- 1. Eligible projects for the \$25K grant,
- 2. The two Streams local or regional governments can apply for, Your responsibilities when receiving the grant,
- 3. The application process and timing,

Followed by a question and answer.

Please note, our webinars will feature ASL interpretation as well as CART captioning. Between June and July, 2023 we will be doing a series of information sessions over zoom every Tuesday from 10-11:30am. To sign up for one of the sessions please click this link: https://us06web.zoom.us/webinar/register/WN\_cqUuSnHnRg-sREN6mfAaTQ#/registration

You can also learn more by reading our Program Overview which you can find on our website through this link:

https://www.sparc.bc.ca/partnerships/local-community-accessibility-grant-program/

If you have any questions, please reach out to accessibility@sparc.bc.ca or you can call Lily, the Accessibility Initiatives Manager, directly on 604-718-7748.

We're excited to work with you to make your community more accessible!

Warm regards,

Lily Connor Manager – Accessibility Initiatives Social Planning and Research Council of British Columbia (SPARC BC) Charity registration number# 12168 3916 RR0001 4445 Norfolk Street, Burnaby, B.C. V5G 0A7 T: 604-718-7748 E: lconnor@sparc.bc.ca W: www.sparc.bc.ca

# <image001.png>

SPARC BC works with communities in building a just and healthy society for all.

SPARC BC acknowledges that our office is located on the ancestral and unceded homelands of the həńáəmińəm and Skwxwú7mesh speaking peoples. They have been custodians of this land for thousands of years and we would like to pay our respect to the Elders and knowledge keepers both past and present. We are grateful for the opportunity to be on this shared territory.