

CITY OF NANAIMO

BYLAW NO. 7272.01

A BYLAW TO AMEND THE COUNCIL PROCEDURE BYLAW

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

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

1. Title

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

2. Amendments

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) applicable in the circumstances; and,

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

“except when Council resolves to hold the meetings elsewhere.”
- (10) By deleting Section 5.2(b)(i) in its entirety and replacing it with the following:
  - (i) at 4:30 p.m. to proceed “In Camera”, if necessary, pursuant to section 90 of the *Community Charter*; and,
- (11) By deleting Section 6.3(b) and adding Sections 6.3(b) and 6.3(c) as follows:
  - (b) where a Council meeting falls on a statutory holiday or occurs during a week in which the FCM, UBCM or AVICC annual conferences are held, the meeting will be held on the following Monday; and
  - (c) not be held in August.
- (12) By deleting the period at the end of section 7.1, replacing the period with a colon and adding the following:
  - (a) posting a copy of the notice at the Shaw Auditorium located in the Vancouver Island Conference Centre, or other;
  - (b) posting a copy of the notice at the Public Notice Posting Places, and
  - (c) leaving one copy of the notice for each Council member in the to which the member has directed notices to be sent.
- (13) By deleting section 8.1 in its entirety and substituting the following:

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

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

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

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

- (16) By deleting Section 9.1(h)-(p) and substituting the following:
- (h) Consent Items
  - (i) Delegations (unrelated to agenda items)
  - (j) Reports
  - (k) Bylaws (with no accompanying report)
  - (l) Notice of Motion
  - (m) Other Business
  - (n) Question Period
  - (o) Adjournment
- (17) By deleting Section 9.2. in its entirety and substituting the following:
- 9.2 The order of proceedings and business for special meetings may contain the matters listed in Section 9.1.
- (18) By deleting section 14.2 in its entirety and substituting the following:
- 14.2 The following matters should not be included under consent items:
- (a) adoption of the financial plan;
  - (b) adoption of the annual municipal report; or,
  - (c) adoption of any strategic plans.
- (19) By adding Section 14.5 as follows:
- 14.5 The Corporate Officer will remove consent items from the consent items list where a delegation has been permitted to speak to an item.
- (20) By adding Section 14.6 as follows:
- 14.6 Where a consent item has been removed from the 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.
- (21) By deleting Section 16.2 in its entirety and substituting with the following:
- 16.2 This section will apply to all meetings of the bodies referred to in section 93 of the *Community Charter*, including without limitation:
- (a) Committees;
  - (b) Parcel tax roll review panel;
  - (c) Board of variance; and,
  - (d) Task Forces
- (22) By replacing the heading of Section 19.1 as follows:
- “Delegations Pertaining to Council Agenda Items”
- (23) By deleting section 19.1 in its entirety and substituting the following:
- 19.1 A Delegation requesting to appear before Council will submit a written request which includes an outline on the agenda matter of the request to the Corporate Officer by 11:00 a.m. the Friday prior to the Monday meeting.

- (24) By deleting section 19.2 in its entirety and substituting the following:
- 19.2 All presentations and handouts from Delegations must be received by the Legislative Services Department by 11:00 a.m. the Friday prior to the Monday meeting. No late presentations will be displayed at the meeting. Handouts must be no more than ten pages long.
- (25) By deleting Section 19.3 in its entirety.
- (26) By deleting Section 19.4(a) in its entirety and substituting the following:
- 19.4 (a) schedule a Delegation to a later Council meeting, or Committee meeting as deemed appropriate according to the subject matter of the written request;
- (27) By deleting Section 19.10 in its entirety and substituting the following:
- 19.10 Notwithstanding section 19.9, Delegations will be given 5 minutes total to make their presentation.
- (28) By deleting Sections 19.12 to 19.15 in their entirety and substituting with the following, after Section 19.11:

Delegations Unrelated to Agenda Items

- 19.12 Any Delegation requests that do not pertain to an item on the agenda shall be reviewed by the corporate officer and if appropriate placed on the next Council meeting agenda under the Delegations heading.
- 19.13 A maximum of 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.
- 19.14 Delegations regarding an item not on the Council agenda will be limited to 5 minutes for their presentation unless a longer time period is permitted by a motion passed by a majority vote of all of the Council Members present.
- 19.15 Council will not permit a Delegation to address Council regarding the following:
- (a) a bylaw in which a public or statutory hearing has already been held;
  - (b) matters on which the City had commenced legal proceedings and on which judgment has not been rendered;
  - (c) matters for which legal proceedings have commenced against the City on which judgement has not been rendered;
  - (d) publicly tendered contracts or proposal calls for the provision of goods or services for the City between the time that such contract or proposal has been authorized and the time such contract or proposal call has been awarded either by Council or staff;
  - (e) a hearing pertaining to an application, permit or license which has not yet been considered by Council;
  - (f) other Delegation's requests;
  - (g) soliciting of services or goods;

- (h) matters that are or have been the subject of a claim for damages against the City of Nanaimo;
- (i) personal or personnel matters about an individual; and/or
- (j) matters that are outside the mandate or jurisdiction of Council.

19.16 Multiple delegations from the same organization or group, regarding the same topic will be combined and have a five minute time limitation.

(29) By deleting section 26.2 in its entirety and substituting with the following:

26.2 The Electronic Means used will enable Council Members to hear and be heard simultaneously and permits the public to hear the participation of all Council Members during the meeting.

(30) By deleting "Part VIII - Committee of the Whole" in its entirety.

(31) By deleting Section 42.1 in its entirety and substituting it with the following and moving it above the heading "Duties of Standing Committees":

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

(32) By deleting the period at the end of 43.2 and adding the following:

at the date and time specified by Council or as soon as possible if the Council does not specify a time.

(33) By deleting Section 47.1 in its entirety and substituting the following:

47.1 For items on the Committee agenda, staff will submit items for inclusion on the agenda to the Staff liaison by 11:00 a.m., 10 days prior to the Committee meeting.

(34) By deleting Section 47.3 in its entirety and substituting the following:

47.3 Committee agendas will be published on a schedule determined by the Corporate Officer.

(35) By adding to Section 48.1 a period after Committees and deleting "and Commissions."

(36) By deleting from Section 50.2 "and Commissions".

(37) By adding the following sections after section 50.3:

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

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

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

(38) By deleting 51.3(d) in its entirety and replacing with the following:

(d) distributed to the group in advance of the next meeting.

(39) By deleting 51.4 in its entirety and substituting the following:

51.4 Subject to section 51.8, minutes of the open meetings will be available for public inspection at City Hall during regular office hours

(40) By adding Section 51.7 as follows:

51.7 In the absence of the Corporate Officer or Recording Secretary a motion passed by the majority of Council members present is required to permit members of staff or Council to take minutes.

(41) By adding Section 51.8 as follows:

51.8 Section 51.4 does not apply to minutes of a Council meeting from which person were excluded under Section 90 of the *Community Charter*.

(42) By adding Section 55.5 as follows:

55.5 The order of business at a Public Hearing shall be as follows:

- (a) Public Hearing is called to order;
- (b) Staff reports are identified;
- (c) Staff provide introductory presentations;
- (d) Applicant details their application;
- (e) Chair calls for any person to be heard or present a written submission;
- (f) Correspondence received at the Public Hearing is identified and read by Council.

(43) By renumbering each section in numerical order, as necessary.

(44) By capitalizing all defined terms and removing capitalization from undefined terms.

### 3. Effective Date

This Bylaw shall take effect on 2019-NOV-01.

PASSED FIRST READING: 2019-OCT-07  
PASSED SECOND READING: 2019-OCT-07  
PASSED THIRD READING: 2019-OCT-07

Notice of intention to proceed with this bylaw was published on the 10<sup>th</sup> day of October and on the 17<sup>th</sup> day of October in the Nanaimo News Bulletin circulating in the City of Nanaimo, pursuant to Section 94 of the *Community Charter*.

ADOPTED: \_\_\_\_\_

\_\_\_\_\_  
MAYOR

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CORPORATE OFFICER