

Council Meetings

COVID-19 Recovery Plan



JULY 13, 2020

CITY OF NANAIMO

COVID-19 Recovery – Council Meeting Processes

Introduction

Since the COVID pandemic began, the City of Nanaimo Council and staff have taken a number of steps to ensure the health and safety of its employees, Council and citizens, while continuing public participation at Council meetings as much as possible.

“Do all you can to flatten our curve to zero. You are making a difference and we are making a difference together.”

Dr. Bonnie Henry

Council meetings continued, as scheduled, with members of Council participating virtually via Zoom, or attending in person where physical distancing could be maintained. Delegations continued to participate for agenda related topics, and redundant measures were put in place for livestreaming purposes so that members of the public could participate virtually and in attempt to remain a safe work environment for all.

Staff worked hard to be innovative and find solutions to a number of new obstacles placed in the way of the Council meeting processes and staff and Council had to adjust to a number of different protocols and procedural changes through the COVID-19 pandemic.

Background – Step 1

The same recovery framework components noted in the “Planning Framework for Municipal Operations” applies to meetings of Council. Staff had to enact the same safe work procedures, respond to advice and guidelines from WorkSafe BC, Island Health, BC Ministry of Health, Ministerial Orders, etc. to the operations and processes involved in the Council Meeting process as is necessary for other facilities, programs/activities and in-person services.

Safety plans, signage, and internal and external communications had to be implemented in the Council Chambers at the Conference Centre as well as the Service and Resource Centre and have had to be updated and renewed throughout the COVID-19 pandemic. Staff have continued to be responsive to changing recommendations and Orders.

At the start of the COVID-19 pandemic Council resolved to immediately postpone all Council task forces and committee meetings, including Finance and Audit and the Governance and Priorities Committee in order to focus on key government matters and necessary decision-making and not expose Council, staff, or the public to any unnecessary harm.

On March 26, 2020, the Minister of Public Safety and Solicitor General signed Ministerial Order No. M083, which declared a state of emergency throughout the Province of British Columbia. The order gave local governments authority to conduct its meetings electronically (for those that did not already have those provisions in their Council Procedure Bylaw) and limit in person attendance at its meetings in order to ensure the health and safety of its citizens. The Order also gave local governments the authority to adopt bylaws on the same day a bylaw was given third reading.

In response to this Order Council implemented the following guidelines and staff issued a [press release](#) on April 3, 2020 advising the public of the following:

- Members of the public were required to observe meetings virtually and not attend in person;
- Question period was suspended for the duration of the Order being in effect;

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- Delegation requests for unrelated Council matters were not permitted but delegation requests related to agenda matters (such as a developer wanting to speak to their development application or a member of the public to speak to an item on the agenda at the Shaw Auditorium) were allowed as physical distancing requirements could be maintained;
 - Council members, if attending a Council meeting at the Shaw Auditorium, in person, were required to maintain physical distancing at all times; and
 - Staff partaking in meetings would be required to spread throughout the Auditorium.

At the April 1, 2020 Special Meeting of Council, a motion was carried to reconvene Health and Housing Task Force meetings, which were previously put on hold along with all other City committee meetings, in order to assist in facilitating planning for the City’s vulnerable populations during the COVID-19 pandemic.

At the April 20, 2020 Special Meeting of Council, a resolution was unanimously passed that Council reinstate all existing Committees and Task Forces.

Steps 2 & 3 - Current COVID-19 Council Meeting Process

On May 1, 2020, Ministerial Order M139 came into effect, which repealed Order No. M083. This Order outlined the continued impact of COVID-19 on the health and safety of its citizens and retained the authority for local governments to limit in-person public participation at Council meetings. The Order did however provide authority for local governments to conduct public hearings by means of electronic or other communication means. In response, staff explored options for how public hearings might be held electronically and presented Council with a way that could safely facilitate in-person attendance coupled with an option for citizens to call in at the June 18, 2020 Public Hearing – Special Council Meeting.

On June 17, 2020 - Order M192 was issued by the province, which repeals and replaces Order No. M139, continues to provide local governments flexibility in meeting procedures while moving towards increased public presence and local government meetings where appropriate, for both “in person” and electronic meetings.

The Order requires local governments to undertake “best efforts” to meet the legislative requirements to allow members of the public to attend open meetings in-person.

Best efforts include:

- Provide information to staff, elected officials and the public on how local governments are meeting the Public Health Orders such as:
- How many members of the public can safely be accommodated at the meeting location while maintaining physical distancing guidelines;
- Whether another meeting location has been considered to provide better space for public attendance;
- How public attendance at meetings will be managed if there is limited space (i.e. restricting the number of attendees to ensure there are no crowds); and,
- Enhanced cleaning protocols in all meeting rooms, including the Shaw Auditorium, as well as cleaning of high-contact areas such as the podium, after every use.
- Offer alternative means by which the public can provide input on agenda topics (e.g. via email, on-line submissions form, phone or written letter)

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- If in-person presence will be physically possible in the meeting room, consider technology for enabling the public to be present by electronic means (i.e. livestreaming in a space made available where people can watch and hear the open meeting)
 - Adjust the agenda and meeting schedules so that matters that are likely to be controversial or attract high public interest are the subject of a separate meeting held in a larger facility;
 - Provide draft agendas, minutes and archived video of meetings (if available) to the public to facilitate public understanding of local government decision making; and
 - Document and be able to provide information to the public about what efforts have been made and considered if the local government needs to continue to meet without the public physically present.

Order M192 requires that local governments undertake best efforts for the public to watch and hear a meeting that is held electronically. Best efforts in this regard include:

- Electronic meetings should attempt to resemble the in-person public meeting as much as possible, adhering to rules of procedural fairness;
- Exploring available technology that will enable the public to hear, or watch and hear, the meeting (e.g. livestream, record and provide an archived copy on the local government website); and
- Anticipate technology issues and consider allowing additional time on the agenda to resolve technical issues, including the possible lag when live streaming.

Under the Order, municipalities may only adopt financial and tax bylaws on the same day that a bylaw has been given third reading. For bylaws unrelated to these areas, there must be at least one day between third reading and adoption of the bylaw.

As local governments transition back towards operations that are more normal, new policies and procedures are needed to support elected officials, local government staff and the public. In doing so, the following must be considered:

- Identifying areas of risk for holding open meetings;
- Considering changes to occupancy limits and meeting room flow/setup; and
- Revisiting open meeting procedures, every few weeks to ensure best efforts are continuing to be met and to review questions/concerns from the public.

Moving Forward

Staff will continue to strive to align with the BC's Restart Plan and ensure that Council's meetings continue to abide by Ministerial Orders. Staff will adapt to deliver best efforts in order to allow public participation in a safe and measured way and bring forward recommendations to Council that allow for this; and, at the same time, manage the health risks to Council, staff and the citizens of Nanaimo. Logistics of all meetings will continue to incorporate each of the components noted in the "Planning Framework for Municipal Operations" to ensure all of the appropriate legislation, Orders and guidelines are met.