

DATE OF MEETING SEPTEMBER 21, 2020

AUTHORED BY SHEILA GURRIE, DIRECTOR, LEGISLATIVE SERVICES

SUBJECT COUNCIL PROCEDURE BYLAW AMENDMENTS

## **OVERVIEW**

### **Purpose of Report**

To provide Council with the opportunity to make amendments to Council Procedure Bylaw No. 7272.

### **Recommendation**

That Council provide direction to Staff to:

1. amend specific sections of Council Procedure Bylaw No. 7272; and,
2. bring the draft Bylaw back to Council for approval to proceed with three readings and adoption.

## **BACKGROUND**

At the 2020-JUL-13 Special Meeting of Council, items of the procedure bylaw were discussed as part of a general discussion on governance. Council decided they would like to have a more fulsome review of the procedure bylaw for any potential amendments.

The COVID-19 pandemic has brought about a number of changes to the way Council conducts their business at meetings. Ministerial Orders have been in effect since the State of Emergency was declared and these orders and accompanying guidelines structure how meetings are to be conducted. Prior to the initial order from the Province, many local governments were scrambling to amend their procedure bylaws to include the ability to conduct electronic meetings (members of Council able to attend electronically), and other matters of procedures that were not included or contrary to their existing bylaws and had to be changed in order to carry on with the business of their municipalities. Council Procedure Bylaw 7272 has these provisions; and many other provisions that were workable; however, changes were made to accommodate other health and safety concerns and the Ministerial Orders assisted in matters not addressed.

In response to the initial Order, Council implemented the following guidelines and issued a press release on April 3, 2020 advising 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;

- 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.

On May 1, 2020, a subsequent Order - Ministerial Order M139 - came into effect, which repealed M083. This Order outlined the continued threat 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. However, the Order did give authority for local governments to pursue the option of conducting public hearings by means of electronic or other communication means. In response, staff implemented public hearings electronically, complete with a plan that could safely facilitate in-person attendance (for smaller and medium scale public hearings). Options for members of the public to call in were also arranged.

On June 17, 2020, Ministerial Order M192 came into effect, repealing M139. The intent behind the current order is to assist local governments with transitioning towards more normal operations while moving through the restart process. It continues to provide the City of Nanaimo flexibility with how meeting procedures are conducted while moving towards increased public presence for both “in-person” and electronic meetings. This order continues to be in effect until the State of Emergency is over, or it is replaced with a new one.

## **DISCUSSION**

Changes to the way Council is conducting business at meetings due to COVID-19 and Ministerial Orders put in place because of this pandemic, have initiated a review of the City's bylaw to see if there is a new or amended way of doing business.

Council Procedure Bylaw 7272 has been in effect since November 2018, with amendments made to the bylaw in the Fall of 2019. Many parts of the bylaw are not amendable as they are requirements of the Community Charter, or matters of procedure and necessary for conducting business. Sections of the bylaw that Council have expressed an interest in reviewing, or that can be amended have been included in the PowerPoint attached to the agenda.

Council members had a discussion around Question Period, which has been suspended since the State of Local Emergency has been in effect. Discussion around length of time to provide the questioner, conduct/decorum of the questioner, and eliminating Question Period permanently were part of that discussion. Many municipalities have limited the amount of time per question; per the entire question period; and/or, no longer offer that opportunity to the public.

Staff have included a proposed amendment to the date of Public Hearings, as COVID-19 has limited the amount of newspaper distribution and it is uncertain if this will change. To allow for efficiencies for applications moving forward through the development process, staff are proposing the change to the third Thursday of the month.

The COVID-19 pandemic has changed a number of processes involved in how council does its business. With the advancement of electronic participation and the work that staff have done to bring virtual meetings a reality, Council has the option of changing other ways of doing business at meetings. As well, there is an opportunity to solidify our bylaw to incorporate business continuity lessons learned throughout the pandemic.

Staff is looking for direction from Council on any amendments they wish to make to Council Procedure Bylaw No. 7272. Staff will then come back to Council with those proposed amendments as well as some housekeeping changes, including the Public Hearing date, for three readings.

## **OPTIONS**

1. That Council provide direction to staff to:
  - a. amend specific sections of Council Procedure Bylaw No. 7272; and,
  - b. bring the draft Bylaw back to Council for approval to proceed with three readings and adoption.
  - The advantages of this option: Council can take the opportunity of advances made to the virtual way meetings are being conducted due to COVID-19 and incorporate those changes permanently into Council Procedure Bylaw No. 7272.
  - The disadvantages of this option: Council Procedure Bylaw amendments require public notice, three readings and adoption before coming into effect. Once an amendment is made, it must go through this entire process again to be amended again.
  - Financial Implications: There will be advertising costs to publish any proposed amendments Council chooses to make.
2. That Council maintain the current Council Procedure Bylaw No. 7272.
  - The advantages of this option: No notifications or readings need to be done and changes made due to the pandemic that could be made and not continue to work, would not need to be corrected.
  - The disadvantages of this option: The conclusion of the current Ministerial Order, without a change to the bylaw, could again change how business is conducted.
  - Financial Implications: None.

## **SUMMARY POINTS**

- At the 2020-JUL-13 Special Meeting of Council, Council decided to have a review of Council Procedure Bylaw No. 7272.
- The COVID-19 pandemic has brought about a number of changes to the way Council conducts their business at meetings.

- With the advancement of electronic participation and the work that staff have done to bring virtual meetings a reality, Council has the option of changing other ways of doing business at meetings.

**Submitted by:**

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