

DATE OF MEETING OCTOBER 4, 2021

AUTHORED BY KAREN ROBERTSON, DEPUTY CITY CLERK

SUBJECT COUNCIL PROCEDURE BYLAW AMENDMENT- ELECTRONIC MEETING PROVISIONS

OVERVIEW

Purpose of Report

To present Council with a Council Procedure Bylaw Amendment which would authorize the holding of electronic meetings (in certain circumstances) once the authority to hold electronic meetings under Ministerial Order M192 expires, authority to expand the number of Council or Committee members that could participate remotely, and to add an extra meeting in July to the Council meeting schedule.

Recommendation

1. That "Council Procedure Bylaw Amendment Bylaw 2021 No. 7272.03" (a bylaw to authorize the holding of electronic meetings and remote participation by Council members) pass first reading.
2. That "Council Procedure Bylaw Amendment Bylaw 2021 No. 7272.03) pass second reading.
3. That "Council Procedure Bylaw Amendment Bylaw 2021 No. 7272.03" pass third reading.

BACKGROUND

Since June 17, 2020, local governments have been operating under Ministerial Order M192, which authorized all Council and Committee meetings, and public hearings to be conducted electronically during the COVID-19 pandemic. Order M192 became part of the COVID Related Measures Act (CRMA) on July 8, 2020.

On June 1, 2021 Bill 10 *Municipal Affairs Statutes Amendments Act* was passed and as part of that Bill, changes to the *Community Charter* were added to provide municipalities the authority to continue conducting Regular Council and Committee meetings electronically (in addition to special meetings already authorized under the *Charter*). The new rules come into effect on September 29, 2021 at which time the CRMA and Order M192 expire. This means that should Council wish to have the ability to hold electronic meetings in the future, or expand electronic participation by Council and Committee members, amendments to Council's Procedure Bylaw would be required.

DISCUSSION

The new *Municipal Affairs Statutes Amendment Act* (MASAA) was put into place as a result of the feedback received by the Ministry from local governments during COVID. Many expressed the advantages and enhanced accessibility that electronic meetings offered to residents.

Nanaimo has the benefit of holding its meetings at the Vancouver Island Conference Centre, and with the modifications made to the Council Chambers, it was easier to accommodate in-person attendance for Council while adhering to the physical distancing requirements. Therefore, the need to hold virtual electronic meetings has been rare. However, having the ability to hold electronic meetings in certain circumstances (i.e. health and safety reasons, emergency, or urgent City business) would be beneficial when in-person attendance by Council is not possible (i.e. Council members attending a UBCM conference and an emergency arose that required a meeting to be held).

Should Council be supportive of adding this provision (which is outlined in Section 26.1 through 26.3 in the attached bylaw), the following would still occur:

- notice to the public would be provided;
- an agenda would be prepared advising the public that a meeting is being held electronically;
- the Corporate Officer would be attendance in person; and
- members of the public would still be given the opportunity to watch and hear any portion of the meeting that is open to the public.

Expanding Electronic Participation by Council and Committee Members:

Currently, Council has the ability to participate in meetings electronically but participation is limited to open Council meetings, only two members are to participate electronically for any one meeting, and it does not extend to Committees.

During COVID restrictions, Order M192 gave local governments the authority to allow electronic participation for all Council and Committee members which not only allowed Council and Committee business to move forward but it also proved beneficial for other reasons such as:

- Council and Committee members who faced challenges with child-care or had a mild illness that would normally prevent them from attending in person, were able to participate electronically from home.
- There were higher rates of participation by Committee members making it easier to achieve quorum;
- It provided an alternate way for Committee members who have mobility challenges to attend meetings;
- more meetings were able to be hosted in committee rooms where in-person attendance was not possible due to physical distancing requirements; and
- with the opportunity to participate via zoom coupled with the enhanced live-streaming features that the City implemented for meetings, members of the public now have the opportunity to both see and hear members (whether in-person or remotely) for all Council and Committee meetings.

Given the benefits above, provisions (outlined under Sections 26.4 through 26.7 in the attached bylaw) have been included to expand the existing opportunity for Council and Committee members to participate electronically when a situation arises that would prevent that member from attending in person. Any member wishing to attend electronically would be required to provide the Corporate Officer with at least 24 hours notice to ensure the technological arrangements could be made for them to participate electronically.

The final change being proposed is to formally add an additional meeting in July (which would be held on the third Monday) as it has proved challenging to not have a meeting from the first week of July through to September. Council has been calling a Special meeting on the third Monday of July but adding it formally would enshrine it within the yearly Council schedule.

OPTIONS

Option 1:

1. That “Council Procedure Bylaw Amendment Bylaw 2021 No. 7272.03” (a bylaw to authorize the holding of electronic meetings and remote participation by Council members) pass first reading.
2. That “Council Procedure Bylaw Amendment Bylaw 2021 No. 7272.03) pass second reading.
3. That “Council Procedure Bylaw Amendment Bylaw 2021 No. 7272.03” pass third reading.

The advantages to option one are that Council would have the ability to hold electronic meetings, under certain conditions, going forward, and expand the opportunity for both Council and Committee meetings to participate electronically in meetings. Local governments have been operating under these conditions since June 17, 2020 through Ministerial Order M192 but that Order will expire on September 28, 2021. Without adding the provisions to Council’s Procedure Bylaw, Council would be unable to hold electronic meetings in the future and electronic participation would remain for open Council meetings only, with a maximum of two Council members being able to participate remotely.

The above option also formalizes the holding of a second Council meeting in July. The advantage to adding the extra meeting within the bylaw is that it would formally add the meeting to the Council’s schedule. Council could choose not to formalize the extra meeting within the bylaw and instead rely on calling a Special meeting in July should the need arise.

Option 2:

Should Council wish to exclude any of the proposed provisions but retain others, staff recommend that a motion to be made to that effect and then the bylaw be given three readings based on the provisions that Council supports. This would ensure continuity once Ministerial Order M192 expires on September 28, 2021.

Option 3:

That Council retain the existing electronic meeting provisions as outlined in “Council Procedure Bylaw 2018, No. 7272”.

Under this option, no action would be taken and the Council Procedure Bylaw would remain as is.

SUMMARY POINTS

- Since June 17, 2020, local governments have been operating Ministerial Order M192, which allows all meetings and public hearings to be conducted electronically during the COVID-19 pandemic.
- On September 28, 2021, the authority to hold electronic meetings under M192 expires.
- The amendments put forward to Council's Procedure Bylaw would authorize Council to continue holding electronic meetings, in certain circumstances, once Order M192 expires and expand the opportunity for Council and Committee member participation electronically.

ATTACHMENTS:

Attachment 1 – Bylaw 7272.03 – Council Procedure Bylaw Amendment

Submitted by:

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Concurrence by:

Sheila Gurrie
Director of Legislative Services