

CITY OF NANAIMO

BYLAW NO. 7272.03

A BYLAW TO AMEND COUNCIL PROCEDURE BYLAW 2018, NO. 7272

WHEREAS City Council has enacted Council Procedure Bylaw 2018, No. 7272 under the *Community Charter* to govern the proceedings of Council and its Committee Meetings;

AND WHEREAS Bill 10 *Municipal Affairs Statutes Amendment Act, 2021* was enacted which authorizes municipalities to conduct regular and committee meetings electronically (in addition to special meetings already authorized under the *Charter*) effective September 29, 2021;

AND WHEREAS Council deems it expedient to amend its Procedure Bylaw to expand the opportunities for electronic meetings and electronic participation in 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 Bylaw Amendment Bylaw 2021 No. 7272.03”.

2. Amendments

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

1. By deleting the definition of “Electronic Means”;
2. by deleting Section 26 and replacing it with the following:

“Electronic Meetings and Electronic Participation

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.

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 themselves 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."

3. by deleting section 45.2.

4. by amending section 6.3(a) to remove the words "July and".

PASSED FIRST READING: 2021-OCT-04
PASSED SECOND READING: 2021-OCT-04
PASSED THIRD READING: 2021-OCT-04

Notice of intention to proceed with this bylaw was published on the 6th day of October, 2021 and the 13th day of October, 2021 in the *Nanaimo News Bulletin* newspaper, circulating in the City of Nanaimo, pursuant to Section 94 of the *Community Charter*.

ADOPTED:

MAYOR

CORPORATE OFFICER