

CITY OF NANAIMO

BYLAW NO. 7272.05

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 Council deems it expedient to amend its Procedure Bylaw.

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 2025 No. 7272.05”.

2. Amendments

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

2.1 By adding the following to the Definitions’ section:

“COUNCIL BODY”	means the Council or Committee, as applicable.
“ELECTRONIC DEVICE”	means any device capable of transmitting and/or recording data or audio, including cameras, video recorders, smartphones, cellular phones, computers, laptops, tablets, notebooks, personal digital assistants, or other similar devices.
“INAPPROPRIATE BEHAVIOUR”	means behaviour by a member of the public that obstructs or interferes with the orderly conduct of business at a Council or Committee meeting, including by contravening subsection 16.5.
“PRESENTER”	means a person(s) or organization(s) invited by Council or staff to make a presentation to a Council Body.
“PROHIBITED DISPLAY OF SIGNAGE”	means a display of signage that contravenes any of the requirements set out in Appendix A of this Bylaw.
“PROHIBITED USE OF AN ELECTRONIC DEVICE”	means use of an electronic device by a member of the public that: interferes with the sound system or other technology; interferes with decorum or is inconsistent with orderly conduct of business; generates sound or requires speaking into the device; or to take photographs or record video unless expressly authorized by the Chair.

2.2 By adding the word “sub” in front of the word “section” in sections 4.2, 5.2, 7.2, 8.3, 8.5, 9.2, 9.3, 9.4, 12.3, 12.4, 12.5, 17.4, 20.1, 23.3, 24.2, 24.3, 24.4, 25.3, 27.7, 27.12, 28.3, 46.3, 47.2, 48.1, 51.4, 51.8, 52.2.

2.3 By adding the following after subsection 9.4:

“9.5 Further to subsection 9.4, Committees that do not consist of all members of Council will not have a Question Period.”

2.4 By deleting “he or she” after the word “which” and replacing it with “they” and deleting the words “reading it aloud and” in subsection 11.1.

2.5 By adding the “in writing,” prior to the words “to the Chief Administrative Officer” in subsection 12.4.

2.6 By adding the following after subsection 13.1:

“Presentations

13.2 Council or staff may invite a person(s) or organization(s) to make a presentation to a Council Body.

13.3 A Presenter does not have to request to be a Delegation and is not subject to the speaking limitation.”

2.7 By capitalizing “Tax Roll Review Panel” in subsection 16.2(b) and the word “Variance” in subsection 16.2(c).

2.8 By addition the following after subsection 16.3:

“16.4 Without limiting any other provision of this Bylaw, members of the public shall not engage in Inappropriate Behavior while attending a Council meeting or a meeting referred to in subsection 16.2.

16.5 The following is deemed to constitute Inappropriate Behaviour by a member of the public:

- (a) Disrupting the conduct of business;
- (b) Prohibited Use of an Electronic Device
- (c) Prohibited Display of Signage”

2.9 By deleting section 19 in its entirety and replacing it with the following:

“Delegations

Screening Delegations:

19.1 The Corporate Officer will screen Delegation requests and may do any of the following:

- (a) Schedule the Delegation to a later Council meeting, or Committee meeting as deemed appropriate according to the subject matter of the written request.

- (b) Schedule the Delegation to a Council or Committee meeting as deemed appropriate for Delegations pertaining to Council or Committee agendas as outlined in subsection 19.3 through 19.7.
- (c) Schedule the Delegation to a Council or Committee meeting as deemed appropriate for Delegations not pertaining to Agenda items as outlined in subsection 19.8 through 19.12.
- (d) Refer the matter to the appropriate department if the matter has already been acted upon by Council, or has been referred to staff by Council.
- (e) Refuse to place a Delegation on the Council or Committee agenda if the Delegation has already spoken to Council or the Committee on the same matter and no new significant information is provided.
- (f) When a Delegation is of the opinion that new information regarding a topic has become available for the purpose of a subsequent Delegation on the same topic, as identified in subsection 19.1(e), it is the responsibility of the applicant to prove to the Corporate Officer's satisfaction that any new information is sufficiently substantive to warrant another Delegation on the matter.
 - (i) If the Corporate Officer refuses to place the Delegation on the Council agenda pursuant to subsection 19.1(e), then:
 - (i) the Delegation shall be offered the opportunity to appeal the decision in writing to Council.
 - (ii) the Corporate Officer will distribute the written appeal and copy of the Delegation request to Council via email.
 - (iii) The appeal will be considered when Council is adopting the agenda for the meeting at which the Delegation requested to appear.
 - (iv) If a motion is passed by a unanimous vote of all Council Members present at the start of the meeting, the Delegation may address Council as outlined in subsection 19.12.
- (j) If the Corporate Officer refuses to place the Delegation on the Committee agenda pursuant to section 19.1(e), the Corporate Officer shall offer the Delegation an opportunity to apply as a Delegation to a Council meeting.

Delegations Not Permitted;

- 19.2 Council will not permit a Delegation to address Council regarding the following:
- (a) if the matter relates to a bylaw in respect of which a public or statutory hearing has already been held or a public hearing is prohibited.
 - (b) matters on which the City had commenced legal proceedings and on which judgment has not be 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 wither 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) solicitation 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;
 - (j) matters that are outside the mandate or jurisdiction of Council.
 - (k) election campaigning or an election related issue.
 - (l) matters that are contrary to a City policy or legislative requirement.
- These topics may be addressed to the Mayor and Council in writing for a response.

Delegations Pertaining to Council Agenda Items:

- 19.3 A Delegation requesting to appear before Council for a matter that is on the agenda must submit a written request, including an outline on the agenda matter to the Corporate Officer by 11:00 am the Friday prior to the Monday meeting, or in the case of a Committee meeting, 11:00 am the day prior the scheduled meeting.
- 19.4 PowerPoint presentations and/or handout materials from Delegations must be received by the Legislative Services Department by 11:00 am the Friday prior to a Monday meeting. In the case of a Committee that meets on another day, 11:00 am the day prior to the scheduled meeting. No late PowerPoint presentations will be displayed at the meeting. Handouts must not be more than ten pages long.
- 19.5 There shall be no limit to the number of delegations included on the Council Meeting Agenda for items that have been included on the agenda.
- 19.6 A Delegation will be:
- (a) restricted to the subject matter contained in the written request; and
 - (b) limited to five (5) minutes to verbally address Council unless a longer time period is permitted by a motion passed by a unanimous vote of all of the Council members present.
 - (c) despite subsection 19.6 (b), when there are multiple Delegations for the same item on the agenda, Council may, by a motion passed by a majority vote of Council members present, limit the time for Delegations to verbally address Council to three (3) minutes.
- 19.7 Multiple delegations from the same organization or group, regarding the same topic will be combined and treated as a single Delegation with a five-minute time limitation.

Delegations Not Pertaining to Council Agenda Items

- 19.8 A Delegation requesting to appear before Council for a matter that is not on the agenda must submit a written request, including an outline on the agenda matter to the Corporate Officer by 9:00 am, on the Monday the week prior to the Monday meeting. In the case of a Committee that meets on another day, written requests must be received seven calendar days prior to the Committee meeting.
- 19.9 PowerPoint presentations and/or handout materials from Delegations must be received by the Legislative Services Department by 11:00 am the Friday prior to a Monday meeting, or in the case of a Committee that meets on another day,

11:00 am the day prior to the scheduled meeting. No late PowerPoint presentations will be displayed at the meeting. Handouts must not be more than ten pages long.

- 19.10 A maximum of four Delegations will be permitted regarding items not listed on a Council agenda.
- 19.11 The order of Delegations will be the first four received, commencing 14 days prior to the Delegation deadline.
- 19.12 A Delegation will be:
 - (a) restricted to the subject matter contained in the written request; and
 - (b) limited to five (5) minutes to verbally address Council unless a longer time period is permitted by a motion passed by a unanimous vote of all of the Council members present.

Rules for Delegations:

- 19.13 A Council Member will:
 - (a) limit their questions to a Delegation to seek clarification or additional details; and
 - (b) not engage the Delegation in a debate or comment on the merits of the issue.
- 19.14 If a Delegation:
 - (a) speaks disrespectfully to or of any person,
 - (b) fails to adhere to the time limits;
 - (c) engages in improper conduct or address issues not within the written application; or
 - (d) disregards the authority of the Chair to run the meeting.

The Chair may do any of the following:

- (a) ask the Delegation to withdraw the offensive remarks or cease the improper conduct;
- (b) stop the Delegation from continuing to address Council; or
- (c) take steps to have the Delegation abide by the Chair's instructions.

- 19.15 If the Delegation fails to comply with the Chair pursuant to section 19.14, the Chair may direct the Delegation to vacate the speaker's podium and return to the public seating area.
- 19.16 If the Delegation still fails to comply with the Chair's direction pursuant to Section 19.15 then the Chair may expel or exclude a person from a Council meeting in accordance with section 133 of the *Community Charter*."
- 2.10 By deleting references to the words "his or her" in subsection 22.1 (d) and replacing them with the word "their".
- 2.11 By deleting references to the words "he or she" in subsections 22.1(d)(iii) and 50.3(a) replacing them with the word "they" and deleting the "s" of the word votes.
- 2.12 Be deleting the word "or" in subsection 23.3(1)(d).

2.13 By adding the following after subsection 23.3(1)(e):

- “; or
(f) engages in Inappropriate Behaviour”

2.14 By deleting section 27.14 and replacing it with the following;

“27.14 Without limiting subsection 16.4 or 16.5, members of the public who constitute the audience at a meeting shall not disrupt the meeting and shall refrain from any activity that would affect the Council or Committee deliberations, including Inappropriate Behaviour.”

2.15 By deleting the word “He” in subsection 28.3 and replacing it with the word “They”.

2.16 By deleting subsections 50.4, 50.5, and 50.6 and replacing them with the following:

“50.4 The rules outlined in subsection 19 apply to Delegations requesting to appear before a Committee or Taskforce.”

2.17 By deleting section 53.1 and replacing it with the following:

“53.1 When any motion is under consideration, no other motion shall be received, except a motion to:

- (a) **Amend** means changing the words of a motion to add or omit words from the original motion to clarify the wording of the motion;
- (b) **Refer** (to committee or back to staff) – means to send the matter to committee or staff to address details and additional information required in order for the matter to be brought back to a meeting;
- (c) **Table** – means put the main motion temporarily aside to be dealt with within the current meeting or on next meeting Agenda as Other Business. It is not open to debate and suspends all discussions on the original motion. If the motion is not addressed by the next regular meeting, the motion dies;
- (d) **Postpone Indefinitely** – means the matter is disposed of by a majority vote;
- (e) **Postpone to a Certain Time or Date** – means the matter is rescheduled for a vote at a specified time or date; or
- (f) **Call the Question** – means to close debate. Requires 2/3rd vote.”

2.18 By deleting section 54.1 and replacing it with the following:

“54.1 A motion may be withdrawn by the mover and seconder of the motion only with consent of all Members present.”

2.19 By adding the following as an Appendix A to the Bylaw:

“Appendix A – Prohibited Display of Signage

1. These provisions apply to all meetings of Council and 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

2. While attending a meeting governed by this Bylaw, no person shall display signage that:
 - a. Causes a disturbance or interrupts the business of the City;
 - b. Blocks any person’s view of members of Council, a Committee, Board or Task Force at any time;
 - c. Blocks any person’s view of the speaker’s podium while in use;
 - d. Blocks any audio or video equipment belonging to or used by the City for conducting the meeting;
 - e. Blocks any doorway, hallway, aisle or area of access or egress to or from the meeting;
 - f. Consists of sharp or pointed materials that may pose a danger or cause injury; or
 - g. Depicts explicit graphic violence.

3. No person shall place or leave signage unattended.

4. No person may attach a sign or any part thereof to any walls, fixtures, furniture or equipment.”

PASSED FIRST READING: 2025-FEB-24
PASSED SECOND READING: 2025-FEB-24
PASSED THIRD READING: 2025-FEB-24

Notice of intention to proceed with this bylaw was published on the 5th day of March 2025 in the *Nanaimo News Bulletin* newspaper, circulating in the City of Nanaimo, and posted on the City of Nanaimo website pursuant to Section 94.2 of the *Community Charter*.

ADOPTED: _____

MAYOR

CORPORATE OFFICER