



THE CORPORATION OF THE CITY OF COURTENAY

STAFF REPORT

To: Council
From: Director of Corporate Services
Subject: Council Procedure Amendment Bylaw No. 3102, 2023

File No.: 3900-01
Date: May 31, 2023

PURPOSE:

To request Council approve first and second reading to the Courtenay Council Procedure Amendment Bylaw No. 3102, 2023.

BACKGROUND:

Council Procedure Bylaw No. 2730, 2013 outlines the ways in which Council and its committees conduct their business. The foundational principles of a procedure bylaw are integrity, accountability, respect, and leadership and collaboration. They are one tool used to set shared expectations for process, procedure and conduct at council and committee meetings including rules for:

- how meetings are conducted
- how decisions are made and recorded
- how schedules and notice requirements are handled

Procedures encourage a collaborative approach that fosters respectful and responsible conduct. Responsible conduct is the expectation that each member of Council conducts themselves according to the principles of honesty and integrity, in a way that furthers local government's ability to provide good governance to their community.

Council, at the November 21, 2022 Council meeting considered a report entitled "Council Procedure Bylaw – Proposed Amendments" that proposed amendments to the Council Procedure Bylaw based on changes in legislation and best practice, procedure gaps/omissions, equity and inclusion, and access. Upon consideration of the report Council approved the following motion:

THAT Council direct staff to bring forward a bylaw to amend the Council Procedure Bylaw No. 2730, 2013 as follows:

- 1. Set the standard meeting type as hybrid (in person and electronic) and permit electronic participation in all meetings in accordance with the Community Charter.*
- 2. Delegate to the City Manager the authority to change the meeting type from hybrid to electronic in circumstances that pose a risk to the meeting participants.*
- 3. Change the process for setting the annual council meeting schedule, requiring an annual meeting schedule to be adopted by Council prior to the December 31st of the preceding year.*
- 4. Update the meeting location section and permit meetings at the CVRD administration building and Courtenay City Hall, and alternative locations within City boundaries.*
- 5. Authorize the Corporate Officer, in consultation with the Mayor and City Manager to amend the start time of a Regular Council meeting to accommodate the closed portion*

- of the meeting prior to the open portion of the meeting, and cancel or establish a different day, time or place for the meeting without council resolution.*
6. *Remove the prescribed order of the agenda to accommodate any items of interest to Council in consultation with the Mayor and City Manager.*
 7. *Update the public notice posting place to reflect current meeting locations.*
 8. *Amend gendered language to be inclusive and non-binary.*
 9. *Add a section identifying a procedure for notices of motion where notice is provided in writing and read aloud at a preceding meeting for consideration at the next regular meeting unless council resolves to consider the motion without notice.*
 10. *Identify ineligible delegations.*
 11. *Change the adjournment time from 12:00 a.m. to 9 p.m.*
 12. *Update language generally to clarify procedures without changing the procedure or its intent.*

DISCUSSION:

Upon approval of first and second reading of the Council Procedure Amendment Bylaw No. 3102, 2023, the City will provide notice to the public in accordance with the *Community Charter*, s.94 [public notice] and s. 124(3) [procedure bylaws] seeking public comments prior to Council's consideration of third reading of the bylaw. Should any public comments be received, they will be provided to Council at third reading. Should Council wish to make any amendments to the Council Procedure Bylaw Amendment Bylaw they may do so after second reading and before third reading of the bylaw by way of resolution.

POLICY ANALYSIS:

The *Community Charter* requires Council to establish a bylaw identifying general procedures to be followed by Council and Council Committees.

Community Charter:

Procedure Bylaws

- 124** (1) *A council must, by bylaw, establish the general procedures to be followed by council and council committees in conducting their business.*
- (2) *Without limiting the matters that may be dealt with under this section, a council must, by bylaw, do the following:*
- (a) *establish rules of procedure for council meetings, including the manner in which resolutions may be passed and the manner by which bylaws may be adopted in accordance with Division 3 [Bylaw Procedures] of this Part;*
 - (b) *establish rules of procedure for meetings of council committees;*
 - (c) *provide for the taking on minutes of council meetings and council committee meetings, including requiring certification of those minutes;*
 - (d) *provide for advance public notice respecting the time and date and, if applicable, the place of council committee meetings and establish the procedures for giving that notice;*
 - (e) *identify places that are to be public notice posting places for the purposes of section 94 [publish notice];*
 - (f) *establish the procedure for designating a person under section 130 [designation of member to act in place of the mayor];*
 - (g) *establish the first regular council meeting dates referred to in section 125(1) [council meetings] as a day in the first 10 days of November following a general local election.*

- (3) A bylaw under this section must not be amended, or repealed and substituted, unless the council first gives notice in accordance with section 94 [public notice] describing the proposed changes in general terms.*

Further, recent amendments to the *Community Charter* now authorize meetings to be conducted electronically.

Electronic regular Council meetings

- 128** (1) *If authorized by a procedure bylaw and the requirements of subsection (2) are met, regular council meetings may be conducted by means of electronic or other communication facilities.*
- (2) *The following requirements apply in relation to a regular council meeting referred to in subsection (1):*
- (a) the meeting must be conducted in accordance with the applicable procedure bylaw;*
 - (b) in the procedure bylaw, a council must*
 - i. provide for advance public notice of the following:*
 - A. the way in which the meeting is to be conducted by means of electronic or other communication facilities;*
 - B. the place where the public may attend to hear, or watch and hear, the proceedings that are open to the public, and*
 - ii. establish the procedures for giving that notice;*
 - (c) the facilities must*
 - i. enable the meeting's participants to hear, or watch and hear, the meeting,*
 - ii. except for any part of the meeting that is closed to the public, enable the public to hear, or watch and hear, the meeting, and*
 - iii. except for any part of the meeting that is closed to the public, enable the public to hear, or watch and hear, the meeting at the specified place, and a designated municipal officer must be in attendance at the specified place.*
- (3) *Members of council who are participating in a meeting conducted in accordance with this section are deemed to be present at the meeting.*

FINANCIAL IMPLICATIONS:

As the Council Procedure Bylaw needs to function both in legal terms and in operational terms in regard to the order and conduct of Council meetings extensive review was required to ensure the proposed amendments clearly articulated the intent of the procedure amendment. The original cost estimate to prepare the bylaw was \$800 and the actual cost was closer to \$2000. Costs of the statutory notices has not

changed and continue to be estimated at \$500. The aforementioned costs are covered under the Corporate Services operations budget.

ADMINISTRATIVE IMPLICATIONS:

Upon approval staff will develop a delegation application form that clearly outlines the information required to be considered as a delegation. Staff will also provide a process reference and time line for notices of motion to assist Council in the new procedure.

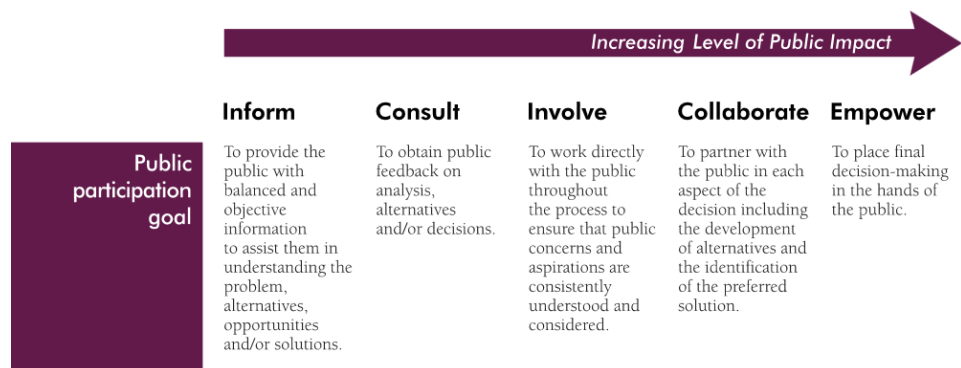
STRATEGIC PRIORITIES REFERENCE:

Updating the Council Procedure Bylaw is a 2022 Council Strategic Priority.

PUBLIC ENGAGEMENT:

In accordance with the *Community Charter*, s.94 [public notice] and s. 124(3) [procedure bylaws] the City must provide notice of the proposed bylaw amendments, describing the proposed changes in general terms.

Staff would inform the public based on the IAP2 Spectrum of Public Participation:



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OPTIONS:

1. THAT Council give first and second readings to the Council Procedure Amendment Bylaw No. 3102, 2023
2. THAT Council provide alternative direction to staff.

ATTACHMENTS:

1. SR -DCS-2022-11-21 Council Procedure Bylaw Amendment Report
2. Council Procedure Amendment Bylaw No. 3102,2023

Prepared by: Kate O’Connell, Director of Corporate Services
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Concurrence: Geoff Garbutt, M.PI., MCIP, RPP, City Manager (CAO)