



Committee of the Whole Report For the Meeting of July 29, 2021

To: Council **Date:** July 21, 2021
From: Curt Kingsley, City Clerk
Subject: Council Procedure Bylaw Amendment – Bill 10

RECOMMENDATION

That Council proceed with readings for the Council Procedures Bylaw, Amendment Bylaw No. 21-074, and that the recommendation and the bylaw be forwarded to the August 5, 2021 daytime Council meeting.

PURPOSE

The purpose of this report is to inform Council about the new Municipal Affairs Statutes Amendments Act, 2021 and its implications for current Council meeting procedures and practices.

EXECUTIVE SUMMARY

Earlier in the year, staff reported to Council on changes to the Council Procedures Bylaw needed for Council's strategic plan items including "Hold Public Hearing Only Council Meetings" and "Allow people to make video submissions to public hearings". Council referred the report to the upcoming Governance Review.

The Province recently announced that *Bill 10: Municipal Affairs Statutes Amendments Act, 2021* has passed and will be brought into force to coincide with the expiration of pandemic-related Ministerial Orders. When the Ministerial Orders expire, the City will no longer be able to continue its current electronic participation practices without a Procedure Bylaw Amendment.

Staff propose Council Procedures Bylaw, Amendment Bylaw No. 21-074, to permit Council's current electronic meeting practices to continue after Ministerial Order M192 expires, and until the conclusion of the Governance Review.

BACKGROUND

Council's Strategic Plan includes "Hold Public Hearing Only Council Meetings" and "Allow people to make video submissions to public hearings" as action items continuing in 2021.

In the spring of 2020, the COVID-19 pandemic resulted in a re-structuring of Council's meeting processes to comply with Health Orders that enabled public participation by electronic means both live remote participation and through pre-recorded audio or audio and video submissions. Evening Council meetings were adapted to only include public participation components of the specified Order of Business in the Council Procedures Bylaw while the other items of business were moved to a daytime Council meeting that follows Committee of the Whole.

Ministerial Orders from the Provincial Government, such as M192, enabled these changes in response to the COVID-19 pandemic without amendments to the Council Procedures Bylaw. The practices have been in effect since June 2020.

At the April 8, 2021 Council meeting, Staff reported to Council to introduce the legislative framework to permanently implement the two strategic plan action items, which have both been implemented on a temporary basis due to the pandemic. Council passed the following resolutions:

That this item be referred to the Governance Review.

That Council direct staff to:

- 1. Bring forward amendments to the Council Procedures Bylaw to:
 - a. formally establish daytime Council meetings to follow Committee of the Whole meetings and the order of business for them.*
 - b. establish the Order of Business for evening Council meetings to include Public Hearings, Opportunities for Public Comment and Request to Address Council and Question Period.**
- 2. Approve amendments to the Public Hearing Speaking Policy and Request to Address Council Policy to permit pre-recorded audio and video submissions and telephone participation.*

That Council requests that readings of bylaws and Committee of the Whole items move to daytime Council meetings two weeks after they have been originally discussed.

That as part of the Governance Review, that Council consider live video submissions from the members of the public.

ISSUES AND ANALYSIS

The Province recently announced that *Bill 10: Municipal Affairs Statutes Amendments Act, 2021* has passed and will be brought into force to coincide with the expiration of Ministerial Order M192. The new Act permits local governments, by way of procedure bylaw amendments, to continue using the electronic participation practices permitted by the pandemic-related Ministerial Orders.

The Province entered Step 3 of its 4 step restart plan on July 1, 2021. Ministerial Orders arising from the pandemic will expire 90 days after the provincial state of emergency is lifted. When M192 expires, the City will no longer have the authority to continue some of its current practices of electronic participation in Council meetings and public hearings. Staff anticipate the upcoming Governance Review will not be concluded before M192 will expire.

Staff propose Council Procedures Bylaw, Amendment Bylaw No. 21-074, to permit Council's current electronic meeting practices to continue after Ministerial Order M192 expires. Bylaw No. 21-074 also makes revisions to provide more flexibility for Regular Council meeting times. Table

1.0 below summarizes the changes to the current Council Procedures Bylaw in the proposed amendment bylaw.

Table 1.0 Summary of Proposed Changes in Bylaw No. 21-074

Procedures Bylaw Section	Proposed Change	Rationale
7	Modify to formalize meeting date and times per the annual schedule of meetings approved by Council.	To provide Council with ability to determine its regular meeting times via the annual schedule of meetings (without the need for further Procedure Bylaw amendments).
9	Revise to permit the continuation of current Council member electronic participation practices	To allow Council to continue with electronic participation in addition to in-person participation when the Ministerial Orders expire.
15	Amend to allow for different types of regular Council meetings (daytime and/or evening)	To allow Council to continue with its current practices of daytime meetings (or to change it) without the need for further Procedure Bylaw amendments.
28	Include two designated end times for Council meetings (4:30PM and 11:00PM)	To align with Council's current practices. Also see section 7 rationale above.
40	Modify to allow for COTW meeting date and times per the annual schedule of meetings approved by Council.	Same as section 7 rationale above.
42(2)	Revise reference to new s.7	Same as section 7 rationale above.

OPTIONS AND IMPACTS

Option 1: Proceed with Bylaw 21-047 (Recommended)

Changes are needed to the Procedures Bylaw to enable current practices to continue after the expiry of Ministerial Order M192.

Option 2: Do not amend the Council Procedures Bylaw

Council would not be able to continue the current enhanced electronic participation practices after the Ministerial Order M192 expires.

Accessibility Impact Statement

The proposed Procedure Bylaw amendment will improve accessibility at Council meetings. Use of video submissions and telephone participation would continue to enable persons who are unable to attend for accessibility reasons to speak to Council. They also enable those who are otherwise unable or unwilling to participate in-person to send a pre-recorded video submission or participate by telephone.

Impacts on Financial Plan

Electronic public participation in Council meetings via telephone has resulted in at least one additional staff member attending evening Council meetings and in some cases for expected

larger public hearings, two additional staff persons to manage telephone participation. This could have an additional cost of approximately \$4,000 per year.

CONCLUSION

Changes to the Council Procedures Bylaw are needed to continue with Council's current practices after Ministerial Order M192 expires. Continuing with electronic meeting participation alongside in person participation would improve access to Council meetings for the public and for Council members that are unable to attend in person. Council referred the current practice of dedicated evening meetings for public hearings and video submissions to the upcoming Governance Review. The proposed changes would provide more flexibility for regular Council meetings without the need for further amendments to the Procedures Bylaw. For the reasons outlined above, staff submit the above recommendation.

Respectfully submitted,

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City Clerk

Susanne Thompson
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