

STAFF REPORT TO COUNCIL

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DATE: September 22, 2021

TO: MAYOR AND COUNCIL

NAME AND TITLE: MAUREEN CONNELLY, MANAGER OF LEGISLATIVE SERVICES

SUBJECT: Proposed Amendments to the Council Procedures Bylaw

ATTACHMENT(S):

1. Appendix “A”: Redlined Version – City of Prince George Council Procedures Bylaw No. 8388, 2011, Amendment Bylaw No. 9250, 2021
2. Appendix “B”: Redlined Version - Proposed Committees, Commissions, and Boards Procedures Manual

RECOMMENDATIONS:

That Council:

1. GIVES FIRST THREE READINGS to “City of Prince George Council Procedures Bylaw No. 8388, 2011, Amendment Bylaw No. 9250, 2021”;
2. AUTHORIZES the continuance of the City Council Meeting Procedure changes regarding informal and formal public hearings, including telephone submissions referenced in the report dated September 22, 2021 from the Manager of Legislative Services titled “Proposed Amendments to the Council Procedures Bylaw”; and
3. subject to final reading and adoption of “City of Prince George Council Procedures Bylaw No. 8388, 2011, Amendment Bylaw No. 9250, 2021”, APPROVES amendments to the Committees, Commissions, and Boards Procedure Manual, attached as Appendix “B” to the report dated September 22, 2021 from the Manager of Legislative Services titled “Proposed Amendments to the Council Procedures Bylaw”.

PURPOSE:

To introduce to Council proposed amendments to the “City of Prince George Council Procedures Bylaw No. 8388, 2011” following the enactment of Bill 10 *Municipal Affairs Statutes Amendments Act* regarding electronic participation in council and committee meetings and public hearings. The main function of the proposed amendments will be to authorize Council participation via phone or other electronic communication methods in public hearings and all council and committee meetings. It also extends the meeting procedures authorized by Council at the start of the pandemic and amends the Committees, Commissions, and Boards Procedure Manual to align with the proposed changes to the Council Procedures Bylaw.

BACKGROUND:

Since June 2020, local governments have had the authority to conduct all meetings and public hearings electronically, first through the Ministerial Orders and subsequently under the *COVID Related Measures Act*. On June 1, 2021, *Municipal Affairs Statutes Amendments Act* (Bill 10) was passed. This Bill amends the *Community Charter* to provide permanent authority for municipalities to choose, by bylaw, whether to conduct regular and committee meetings and public hearings electronically and to permit electronic participation by various communication facilities. These new rules came into force by regulation on September 29, 2021 after the authority to hold electronic meetings under the *COVID Related Measures Act* and Ministerial Order M192 expired on September 28, 2021. The timing also offers the opportunity for Administration to provide, for Council's consideration, various other updates to the City's meeting procedures.

Council Procedures Bylaw Amendments

The "City of Prince George Council Procedures Bylaw No. 8388, 2011" establishes general procedures to be followed by Council and Council committees in conducting their business.

Principal changes to the bylaw include the following sections:

- Section 14 - Electronic participation by members
- Section 18 & 19 - Calling meeting to order and Adjourning meeting where no quorum
- Section 22 - Delegations to Council

In addition, various housekeeping text amendments are proposed to update and provide for improved clarity and interpretation. The amendments proposed will apply to council meetings and public hearings and to any member of council attending a committee meeting. These changes will also be applicable to both open and closed meetings.

One of the primary amendments is to allow for any Member of Council to participate electronically in a single meeting with the exception of the Chair, who unless otherwise resolved by Council at that meeting, is required to be physically present at the meeting. Council will also be permitted to participate in all parts of a Council meeting, including public hearings, so long as that member has had opportunity to receive all written handout materials related to that subject matter in advance of the meeting.

Amendments further propose reducing the length of time for quorum to be established or for the presiding chair to call the meeting to order from thirty (30) to fifteen (15) minutes of the scheduled time. This amendment falls in line with several peer municipalities and provides sufficient time for quorum to be established while being respectful and mindful of other participant's and the public's time in attending the meeting.

Another change requires the public to provide two weeks notice for requests to appear as a delegation before Council. The proposed Bylaw also includes text that limits delegations to Council from addressing issues related to legal matters involving the City.

Council Meeting Procedures during the COVID-19 Pandemic

Effective under Ministerial Order No. M192, in a report presented at the [April 6, 2020 regular Council meeting](#), Council authorized certain Council meeting procedural changes as follows:

- discontinue informal hearings for Development Variance Permit and Temporary Use Permit Applications and other applications where such hearings are not legally required to be held; and
- waive formal public hearings for rezoning applications that are consistent with the Official Community Plan.

At the June 29, 2020 regular Council Meeting, Administration advised Council of the intent to implement the use of telephone for members of the public and applicants to provide representations to Council at a public hearings, in addition to existing processes that allow for members of the public to attend a public hearing in person and/or to provide written submissions.

Given that the aforementioned procedural changes are in accordance with the *Local Government Act* and common law decisions, Administration seeks Council's authorization to continue with the changes to City Council meeting procedures pertaining to informal hearings, formal public hearings, and telephone participation in formal public hearings. The changes would remain in place until such a time as deemed necessary to reconsider.

Committees, Commissions, and Boards Procedures Manual Amendments

Council's adoption of the proposed amendments to the Council Procedures Bylaw results in amendments to the *Committees, Commissions, and Boards Procedures Manual*.

In 2020, City Council approved updates to the Committees, Commissions, and Boards Procedures Manual as a tool for providing guidance and instruction on the conduct and procedures of Council committees inclusive of select, advisory, statutory and standing committees. This manual is supplemental to requirements outlined in legislation and in the City of Prince George Council Procedures Bylaw.

To provide clarity on the conduct and procedures of all Council Committees, Commissions and Boards, attached to this report as Appendix "B", are proposed amendments regarding:

- Timelines surrounding the preparation and distribution of committee meeting agendas; and
- Allowance of electronic participation via telephone or video for appointed committee members and their appointed alternates and members of Council participating in a committee meeting.

Administration intends to undertake a review of other policy and guideline documents related to electronic participation (i.e. Public Hearing Policy) before the end of the calendar year and make recommendations as necessary.

SUMMARY AND CONCLUSION:

The Province's Bill 10 includes a change to the *Community Charter* to provide permanent authority for municipalities to choose by bylaw whether to conduct regular and committee meetings and public hearings electronically and revises the legislation with respect to electronic participation by a Member of Council. This report provides Administration's recommendations for changes to "City of Prince George Council Procedures Bylaw No. 8388, 2011", extension of the protocols and procedures previously approved by Council in April and June 2020 and consequential amendments to the Committees, Commissions and Boards Procedures Manual that would be required on Council's adoption of the proposed Council Procedures Amendment Bylaw. Administration will return to Council with further recommendations on meeting procedures and processes as local government

open meetings move towards more normal operations through progression to step 4 of the BC Restart Plan and beyond.

RESPECTFULLY SUBMITTED:

Maureen Connelly, Manager of Legislative Services

APPROVED:

Walter Babicz, City Manager

Meeting Date: 2021/10/04