



PI-1

Public Input Information Package

February 14, 2022, at 7:00 pm
Sooke Council Chambers
2225 Otter Point Road, Sooke, BC

Council Procedure Amendment Bylaw

Proposed Bylaw:	<i>Council Procedure Amendment Bylaw No. 837 (728-04), 2022.</i>
Zoning Amendment:	The purpose of <i>Council Procedure Amendment Bylaw No. 837 (728-04), 2022</i> , is to update regulations for electronic meetings.

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| 1. Notice of Public Hearing published in the Sooke News Mirror <ul style="list-style-type: none">• February 2 and 9, 2022. | 1 |
| 2. <i>Council Procedure Amendment Bylaw No. 837 (728-04), 2022</i> , at third reading | 2 |
| 3. Draft Council minutes and resolution dated January 24, 2022. | 5 |
| 4. Staff report to Council dated January 24, 2022. | 6 |

*Please note that written and verbal submissions will
become part of the public record.*

Printed February 1, 2022



Notice of Intent to Adopt

(pursuant to sections 124 and 94 of the *Community Charter*)

Council Procedure Amendment Bylaw No. 837 (728-04), 2022

NOTE: Public participation at council meetings is currently through an electronic format due to the COVID-19 pandemic. Please see instructions for providing public input below or how to attend.

Notice is hereby given that the District of Sooke Council will consider adoption of the *Council Procedure Amendment Bylaw No. 837 (728-04), 2022* at the **February 14, 2022**, Regular Council meeting.

Date: **Monday, February 14, 2022**
Meeting Time: **7:00 p.m.**
Place: **District of Sooke Council Chambers – by virtual participation**

The purpose of this bylaw is to amend the District of Sooke's Council Procedure Bylaw to provide for electronic meetings in certain circumstances and update regulations on electronic participation.

Copies of the proposed bylaw are available for public inspection starting **Wednesday, February 2, 2022**, until **Monday, February 14, 2022**, on the District's website www.sooke.ca, as well at the front reception counter of the District of Sooke Municipal Hall, between the hours of 8:30 a.m. and 4:30 p.m., excluding weekends and statutory holidays.

Public Input:

Please be advised that the District of Sooke Council meetings are not currently open to the public to attend in person. Members of the public may express their support or opposition to the proposed bylaws in one of the following ways:

1. Submit written comments to Council

Should you have any concerns or comments you wish to convey to Council regarding this bylaw amendment, please submit in writing by fax to 250-642-0541, email corp@sooke.ca or in-person to the Corporate Officer at the District Municipal Offices no later than **Monday, February 14, 2022**, at 12:00 p.m. (noon).

2. Register to speak live

You can register to speak live via phone regarding an item on the agenda. Once registered, you will be provided with a phone number and instructions to call to join the live meeting. To register to speak live and to receive further instructions, email corp@sooke.ca or phone 250-642-1634. The deadline to register to speak live is **Monday, February 14, 2022**, at 12:00 p.m. (noon).

3. Register to participate electronically

If you have a webcam and/or microphone, you can register to participate via a Microsoft Teams Meeting with a valid email address. Once registered, an invitation to participate will be sent to your email. To register to participate electronically, email corp@sooke.ca or phone 250-642-1634. The deadline to register to speak live is **Monday, February 14, 2022**, at 12:00 p.m. (noon).

Only registered participants will be admitted to the meeting. Please be advised that the opinions you express orally and any submissions to Council will become part of the public record and are subject to disclosure under the *Freedom of Information and Protection of Privacy Act (FOIPPA)*.

If you wish to view the meeting online and do not wish to participate, you can watch the meeting live at <http://sooke.ca/livestream>.



DISTRICT OF SOOKE COUNCIL PROCEDURE AMENDMENT BYLAW No. 837

A bylaw to amend the “Council Procedure Bylaw No. 728, 2019” to update regulations for electronic meetings

The Council of the District of Sooke, in open meeting assembled, enacts as follows:

Citation

1. This Bylaw is cited as the “Council Procedure Amendment Bylaw No.837 (728-04), 2022”.

Amendments

2. Section 2 is hereby amended by adding new definitions in the appropriate alphabetical order as follows:

“Electronic Meeting means a meeting where all Members of Council and participants are participating electronically under the circumstances described in section 10(1).

Electronic Participation means a meeting where some Members of Council and staff are participating electronically at an in-person meeting.

Facilities means the technology used to conduct electronic meetings and electronic participation.”

3. Section 6 is hereby amended by deleting subsection 6(1) and replacing it with a new subsection 6(1) as follows:

“6. (1) All Council Meetings, except Electronic Meetings, must take place within the Municipal Hall except when Council resolves to hold meetings elsewhere.”

4. Section 10 is hereby deleted and replaced with a new Section 10 as follows:

“Electronic Meetings

10. (1) In an emergency, special circumstance, or public health event that prevents or restricts members from being able to physically meet in one location, an Electronic Meeting may be held for any Regular, Special, COTW, Closed, or Committee meeting provided that:
 - (a) notice of the meeting given in accordance with this bylaw includes:
 - i. the way in which the meeting is to be conducted by means of electronic or other communication facilities; and
 - ii. the place where the public may attend to hear, or watch and hear, the proceedings that are open to the public.

- iii. the facilities enable the meeting participants to hear, or watch and hear the meeting, except for any part of the meeting that is closed to the public”
 - (2) An electronic meeting under subsection (1) may be held at the discretion of the Mayor, CAO, or Corporate Officer.
 - (3) The regulations contained in section 11(1)(e), (f), (g), and (h) apply to Electronic Meetings.
5. The bylaw is hereby amended by adding a new section 11 as follows and renumbering the subsequent sections accordingly:

“Electronic Participation

11. (1) Electronic Participation is authorized in Regular, Special, COTW, or Closed meetings, provided that:
- (a) A Member of Council participating electronically has made all reasonable efforts to attend the meeting in person.;
 - (b) no more than four (4) Members of Council participate electronically at any one time;
 - (c) no more than two (2) staff members participate electronically at any one time with the approval of the CAO
 - (d) the presiding Member does not participate electronically;
 - (e) the Corporate Officer is notified prior to the meeting;
 - (f) the electronic equipment necessary to facilitate electronic participation in the meeting is available;
 - (g) a designated municipal officer must be in attendance at the place and time designated for the public to hear, or watch and hear the proceedings that are open to the public;
 - (h) the facilities enable the meeting participants to hear, or watch and hear the meeting, except for any part of the meeting that is closed to the public; and
 - (i) Members and participants at a closed meeting must participate from a location within Canada and must take reasonable precautions to ensure that all content remains confidential.
- (2) A Member of Council may not participate electronically at more than two (2) consecutive regular council meetings, unless the absence is because of illness or injury or the Member has obtained approval of the Council.

READ a FIRST, SECOND and THIRD time the 24 day of January, 2022.

PUBLIC NOTICE placed the 2 day of February and the 9 day of February, 2022.

ADOPTED the day of , 2022.

Maja Tait
Mayor

Carolyn Mushata
Corporate Officer

11.3. **Council Procedure Amendment Bylaw No. 837**

The Director of Corporate Services provided an overview of the written staff report, to amend the Council Procedure Bylaw to address electronic meetings and electronic participation.

2022-20

MOVED by Councillor Tony St-Pierre, seconded by Councillor Dana Lajeunesse:

THAT Council give first, second and third reading to "Council Procedure Amendment Bylaw No. 837 (728-04), 2022".

CARRIED UNANIMOUSLY

In Favour: Mayor Maja Tait, Councillor Jeff Bateman, Councillor Al Beddows, Councillor Dana Lajeunesse, Councillor Ebony Logins, Councillor Megan McMath, and Councillor Tony St-Pierre

DRAFT



Council Procedure Amendment Bylaw No. 837

RECOMMENDATION:

1) THAT Council give First and Second Reading to "Council Procedure Amendment Bylaw No. 837 (728-04), 2022".

2) THAT Council give Third Reading to "Council Procedure Amendment Bylaw No. 837 (728-04), 2022".

Previous Council Action:

December 13, 2021 - Council amended the Council Procedure bylaw to allow 4 members of Council to participate electronically.

January 10, 2022 - Council directed staff to bring forward amendments to the Council Procedure Bylaw to address electronic meetings under specific circumstances.

Report:

Provincial health restrictions began to affect in-person attendance at Council meetings when COVID began in 2020. Recently, the Province amended the *Community Charter* to provide local governments with the ongoing ability to hold electronic meetings.

Under the new regulations, local governments are not required to adopt electronic meeting provisions in their procedure bylaw and the decision to do so will be dependent on local circumstances such as population size, available technology, resources and needs. Throughout the best practices guide for electronic meetings, the messaging is prevalent that electronic meetings should not be a substitute for in-person meetings. It is also recommended that prior to authorizing electronic meetings or participation the local government should ensure they are able to mirror an in-person meeting as much as possible.

At the January 10, 2022 meeting Council directed staff to bring forward amendments to the bylaw that would address electronic meetings under specific circumstances, particularly, those that prohibit all members of Council from being in Council Chambers at the same time. The attached draft amendment bylaw has broken this into two parts: electronic meetings and electronic participation.

Electronic meetings are defined as a meeting where all members of council and participants are participating electronically under special circumstances, emergencies or public health events. Upon adoption of the bylaw, Council will once again, be permitted to hold electronic meetings where all participants are virtual. **Electronic participation**

is defined as meetings where some members of council participate electronically and the provision that allows 4 members of council to participate electronically falls under this category. Additionally, a provision has been added to allow up to 2 staff to participate electronically, with the approval of the Chief Administrative Officer, to ensure their expertise is available to Council during a meeting. At this time, a provision for the public to participate electronically has not been included for several reasons: 1) the resources to facilitate electronic public participation are significant for a small municipality, 2) there is a significant risk of error 3) there are no resources available to assist during the meeting if the public experience technical difficulties 4) having IT staff attend Council meetings was never proposed to be a permanent solution and has not been budgeted/accommodated for.

In the amendment, Committee meetings are permitted to be conducted electronically in the same special circumstances as council meetings. Electronic participation is not permitted at committee meetings as we do not have the resources required to conduct hybrid committee meetings.

Through the amendment to the *Community Charter*, public hearings may now also be conducted electronically. As this was previously prohibited, the regulation prohibiting electronic participation by council members at a public hearing has been removed.

It should be noted that the local government conducting an electronic meeting is required to provide a specified place for members of the public to hear, or to watch and hear, the proceedings. This specified place, except in extreme circumstances, would be Council Chambers with a designated municipal officer in attendance and be limited based on capacity restrictions, as applicable. This would be identified in the meeting notice.

A policy regarding electronic meetings and participation will be forthcoming to Council for consideration.

Strategic Relevance:

- Build a reputable organization - Improve communication and engagement with the public and community partners
- Build a reputable organization - Support Council and staff with the necessary tools to provide excellent governance and customer service

Attached Documents:

[837 \(728-04\) Council Procedure Amendment, 2022](#)

Approved by
Carolyn Mushata, Corporate Officer
Raechel Gray, Director of Financial Services
Norm McInnis, Chief Administrative Officer

Approved - 19 Jan 2022
Approved - 19 Jan 2022
Approved - 19 Jan 2022



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READ a FIRST, SECOND and THIRD time the day of , 2022.

PUBLIC NOTICE placed the day of and the day of , 2022.

ADOPTED the day of , 2022.

Maja Tait
Mayor

Carolyn Mushata
Corporate Officer