



City of Richmond

Report to Council

To: Richmond City Council
From: Claudia Jesson
 Director, City Clerk's Office

Date: December 2, 2021
File: 99-LAW/2021-Vol 01

Re: Amendments to the Council Procedure Bylaw – Electronic Meetings and Electronic Participation

Staff Recommendation

That Council Procedure Bylaw No. 7560, Amendment Bylaw No. 10335, which introduces amendments relating to electronic meetings and electronic participation, be introduced and given first, second and third readings.

Claudia Jesson
 Director, City Clerk's Office
 (604-276-4006)

REPORT CONCURRENCE	
CONCURRENCE OF GENERAL MANAGER 	
SENIOR STAFF REPORT REVIEW	INITIALS: N/A
APPROVED BY CAO 	

Staff Report

Origin

At the November 8, 2021 Council Meeting, Council considered a report and bylaw introducing amendments to the Council Procedure Bylaw regarding electronic meetings and electronic participation. Upon closer review of the proposed bylaw amendment wording, it has been determined that the proposed changes to the Council Procedure Bylaw No. 7560 could benefit from additional flexibility, in particular pertaining to electronic participation at a Standing Committee. Accordingly, a new Council Procedure Bylaw, Amendment Bylaw No. 10335 is presented for Council's consideration.

This report supports Council's Strategic Plan 2018-2022 Strategy #8 An Engaged and Informed Community:

Ensure that the citizenry of Richmond is well-informed and engaged about City business and decision-making.

Electronic Meetings

Under the authority of these newly enacted provisions of the *Community Charter*, a municipality may, by bylaw, provide permanent authority for municipalities to choose to conduct regular and committee meetings electronically (previously, only special meetings could be conducted in this way). While not defined by legislation, the Ministry of Municipal Affairs in its guidance document entitled "Guidance for Adapting to the New Electronic Meetings Framework" that accompanied these newly enacted provisions, has described the difference between "electronic meetings" and "electronic participation" as follows:

- *Electronic Meetings*, if authorized by bylaw, are meetings where all members of a council or board may participate electronically (e.g., video conference, audioconference or telephone).
- *Electronic participation*, if authorized by bylaw, allows for a hybrid meeting where some members of council or a board attend in person, and other members attend by electronic participation.

Currently, the Council Procedure Bylaw only permits electronic meetings for Special Council Meetings. The proposed amendments to the Council Procedure Bylaw contemplated by this report would allow for electronic meetings generally, as opposed to just being limited to Special Council Meetings.

Under the proposed bylaw amendments, the determination of whether a meeting will be conducted as an electronic meeting, will be made by the Mayor or the Standing Committee Chair, as applicable, in his or her discretion which is consistent with the current determination of whether a Special Meeting of Council should be held.

If the Mayor or the Standing Committee Chair wishes to conduct an Electronic Meeting, then the respective meeting notice will need to stipulate that this meeting will be conducted by electronic means, in accordance with Section 1.6 (c) (i). Once the Mayor and/or Standing Committee Chair determines to hold an electronic meeting, the City Clerk will need to be notified to ensure that the respective meeting agenda notice is posed on the public notice board and that notice stipulates the meeting will be held as an electronic meeting pursuant to Section 1.6 of the Council Procedure Bylaw.

Electronic Participation

The proposed Amendment Bylaw No. 10355 states that Council members may participate in a Regular Council Meeting, a Regular Council Meeting for Public Hearings or a Standing Committee by means of electronic means, provided the member of Council is approved to attend in this manner by Council resolution or by a resolution of the Standing Committee where applicable.

In practice, if a Council and/or Standing Committee member is unable to attend in person a Council Meeting or a Standing Committee meeting, at the start of that respective meeting, a resolution of either Council or the Standing Committee will be required to approve the member's electronic participation. The previous amendment bylaw wording that was presented to Council limited the electronic participation approval to only a Council resolution. The current proposed Bylaw No. 10335 also enables a Standing Committee to approve a member's electronic participation by a resolution of that Standing Committee. In the circumstance of an unforeseen incident where a Council member or a Standing Committee member is unable to attend a meeting in person on short notice, at the start of any meeting there can be a Council resolution or a Standing Committee resolution to consider and approve the electronic participation request.

Public Participation

In terms of public participation, at the November 8, 2021 Council Meeting, Council considered an earlier report regarding electronic meetings and electronic participation and authorized by resolution the participation by the public by means of electronic or other communication facilities. As noted in an earlier report to Council, it is not necessary for a municipality to amend its procedure bylaw to allow for continued public participation through electronic or other communication facilities. However, to ensure for clarity and public awareness, an amendment to the Council Procedure Bylaw has been proposed which specifies that the public is afforded the opportunity to participate by electronic means.

Next Steps

Should Amendment Bylaw No. 10335 be given 1st, 2nd and 3rd Readings, in accordance with the *Community Charter*, any amendment to the Council Procedure Bylaw requires that a public notice be placed in a local newspaper publication for two consecutive weeks. Following the required public notice, it is anticipated that the Amendment Bylaw No. 10335 will be brought forward to the January 10, 2022 Council Meeting for Final Adoption.

Financial Impact

None.

Conclusion

Staff recommends that Council Procedure Bylaw No. 7560, Amendment Bylaw No. 10335, which introduces amendments pertaining to electronic meetings and electronic participation, be introduced and given first, second and third readings.



Claudia Jesson
Director, City Clerk's Office
(604-276-4006)



Council Procedure Bylaw No. 7560, Amendment Bylaw No. 10335

The Council of the City of Richmond enacts as follows:

1. “Council Procedure Bylaw No. 7560”, as amended, is further amended as follows:

a) Delete Section 1.4 and replace it with new Section 1.4 as follows:

“1.4 Electronic Participation

1.4.1. In accordance with the provisions of the *Community Charter*, a member of Council or a council committee who is unable to attend in person at a Special Council Meeting, a Regular Council Meeting, a Regular Council Meeting for Public Hearings, or a Standing Committee Meeting, as applicable, may participate in the meeting by means of electronic or other communication facilities, provided the member of Council is approved to participate in this manner by Council resolution or by a resolution of a Standing Committee where applicable.

1.4.2. A person or organization wishing to address a Special Council Meeting, a Regular Council Meeting, a Regular Council Meeting for Public Hearings or a Standing Committee Meeting as a delegation may be offered the option to be heard at that meeting by means of electronic or other communication facilities, provided the communication facilities are available and operational, and a resolution of Council authorizing communication in this manner is in effect.”

b) Insert new Section 1.6 as follows:

“1.6 Electronic Meetings

(a) At the discretion of the Mayor, a Special Council Meeting, a Regular Council Meeting, a Regular Council Meeting for Public Hearings or a Standing Committee Meeting may be conducted by means of electronic or other communication facilities;

(b) At the discretion of the Standing Committee Chair, a Standing Committee Meeting may be conducted by means of electronic or other communication facilities;

- (c) For a Special Council Meeting, a Regular Council Meeting, a Regular Council Meeting for Public Hearings or a Standing Committee that is conducted by means of electronic or other communication facilities, the following provisions apply:
- (i) The advance public notice shall be posted in the Public Notice Posting Place and shall describe that the meeting is to be conducted by way of videoconference, audioconference or telephone;
 - (ii) The specified place where the public may attend to hear, or watch and hear, the proceedings that are open to the public, shall be the Council Chambers of Richmond City Hall or such other place specified by the Mayor and shall be identified in the advance public notice;
 - (iii) The procedures for giving advance public notice are those set out in Section 3.3;
 - (iv) The designated municipal officer who must be in attendance at the specified place shall be the City Clerk, his or her delegate, or such other person specified by the Mayor.”

2. This Bylaw is cited as “**Council Procedure Bylaw No. 7560, Amendment Bylaw No. 10335**”.

FIRST READING

SECOND READING

THIRD READING

ADOPTED

CITY OF RICHMOND
APPROVED for content by originating dept <i>CS</i>
APPROVED for legality by solicitor <i>TC</i>

MAYOR

CORPORATE OFFICER