



## Proposed Amendments to Regional District of Nanaimo Board Procedure Bylaw No. 1862, 2022

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### **RECOMMENDATION**

That the Executive Committee recommend the Regional District of Nanaimo Board:

1. direct staff to return to the Board with amendments to “Regional District of Nanaimo Board Procedure Bylaw No. 1862, 2022”, to incorporate the changes noted in the staff report to the Executive Committee dated June 27, 2023.
2. direct staff to return to the Board with amendments to committee terms of reference to incorporate the changes noted in the staff report to the Executive Committee dated June 27, 2023.

### **BACKGROUND**

In accordance with Section 225 of the *Local Government Act*, Regional Districts are required to establish by bylaw, the general procedures to be followed by the Board and the Board’s committees when conducting their business. Procedure bylaws are an agreed upon set of rules that clearly define procedures to ensure rules and requirements are applied consistently and effectively.

In October 2022 the Board adopted “Regional District of Nanaimo Board Procedure Bylaw No. 1862, 2022” (the Bylaw) which included sections to clarify and simplify language, adjust Board meeting start times, repeal outdated sections, clarify the notice of motion process and update the Board’s order of business. Since the Bylaw’s adoption and through the application of the bylaw, staff have identified amendments advisable to clarify the administrative processes related to the delegation and correspondence sections of the bylaw and address emergent operational challenges regarding delegations and correspondence.

Changes regarding the naming of standing and select committees are also proposed to align with the *Local Government Act*, as well as procedural changes to Advisory Committees to align with current practice (see Attachment 1).

To develop a thorough set of recommendations related to delegations, staff reviewed delegation procedures in key comparators such as the Regional District of Nanaimo’s member municipalities, mid-Island local governments, and various regional districts throughout the province and municipalities comparable in population to the RDN’s member municipalities. Staff have proposed additional delegation amendments to align the RDN with best practices based on these jurisdictions. Proposed amendments are noted in Attachment 1.

By clearly defining delegation rules and requirements, delegation procedures will be applied equitably and consistently and will provide clarity for staff and the public and will ensure that meeting proceedings are not compromised. The scope of this report is limited to the delegation, correspondence and committee sections of the bylaw and does not consider other amendments.

Executive Committee feedback is sought regarding the proposed amendments. If the Executive Committee recommends and the Board resolves that the proposed amendments be incorporated in the Bylaw, staff will bring forward an amendment bylaw and updated Committee Terms of Reference for the Board's consideration. It is anticipated that the amendment bylaw and Terms of Reference would be brought forward to the Board in September 2023.

### **FINANCIAL IMPLICATIONS**

Minimal advertising costs are expected to be incurred if the bylaw amendments are approved due to the legislated requirement for public notice.

### **STRATEGIC PLAN ALIGNMENT**

People and Partnerships - Improve the governance and awareness of RDN activities for citizens throughout the Region.

### **REVIEWED BY:**

- J. Hill, Manager, Legislative Services
- D. Holmes, Chief Administrative Officer

### **ATTACHMENT(S)**

1. Table of Proposed Procedure Bylaw Changes
2. Regional District of Nanaimo Board Procedure Bylaw No. 1862, 2022

## Table of Proposed Procedure Bylaw Changes

<b>Audio/Visual Deadline</b>	
Current Language - Section 17(1)(c)	Proposed Language
<p>A person or group of persons wishing to appear as a delegation before the Board, on a matter within the jurisdiction of the Board or within the terms of reference of the Committee for which the delegation wishes to appear, must:</p> <p>(c) Provide any audio/visual presentation to the Corporate Officer or designate by 11:00 a.m. on the day of the meeting.</p>	<p>A person or group of persons wishing to appear as a delegation before the Board, on a matter within the jurisdiction of the Board or within the terms of reference of the Committee for which the delegation wishes to appear, must:</p> <p>(c) Provide any audio/visual presentation to the Corporate Officer or designate <b>no later than 24 hours prior to the scheduled</b> meeting.</p>
<p>Rationale: Prior to “Regional District of Nanaimo Board Procedure Bylaw No. 1862, 2022” approval, Board meetings were held at 7:00 pm which allowed eight hours for staff to process and review delegation audio/visual presentations. When Board meetings were changed to start at 1:00 pm this section of the bylaw was not updated. The current allowance of two hours is not sufficient for staff to review and process delegation audio/visual submissions. The proposed audio/visual submission deadline aligns with the current deadline to submit delegation requests.</p>	
<b>Request Deadline</b>	
Current Language - Section 17(3)	Proposed Language
<p>Requests to appear as a delegation on an agenda item must be received no later than 24 hours prior to the scheduled meeting.</p>	<p><b>Delegation requests to speak to items on the agenda:</b></p> <p style="padding-left: 40px;"><b>(a) may be accepted starting the day the agenda is published</b></p> <p style="padding-left: 40px;">(b) must be received no later than 24 hours prior to the scheduled meeting.</p>
<p>Rationale: If a delegation limit is applied, delegations must be informed of when they can apply to appear as a delegation for agenda items and the deadline to submit their request.</p>	
<b>Delegation Time Limits</b>	
Current Language - Section 17(4)	Proposed Language
<p>Each delegation will be provided up to five (5) minutes to make a presentation to the Board or a Committee, unless otherwise determined by the Chair.</p>	<p>No Change</p>
<p>Rationale: No change is recommended for the delegation speaking time limit. The Board may wish to consider a shorter time to provide in the event where there are several delegations, which would have to be embedded in the bylaw.</p>	

<b>Number of Delegations</b>	
Current Language - Section N/A	Proposed Language
N/A	<p>The number of delegations permitted at Board or Committee meetings related to <u>agenda</u> items is six (6) per meeting.</p> <p>The number of delegations permitted at a Board or Committee meeting for <u>non-agenda</u> items is three (3) per meeting.</p>
<p>Rationale: The Procedure Bylaw does not place a limit on the number of delegations permitted for agenda items or non-agenda items at Board or Committee meetings. The majority of regional districts surveyed on Vancouver Island have a delegation limit of two or three per meeting. Staff proposed to limit the delegations for <u>non-agenda</u> items to three and delegations for <u>agenda</u> items to six. From 2018 to May 2023, the average number of delegations for non-agenda items appearing at a Board meeting was one and the maximum number of delegations for agenda items at a meeting, which occurred once, was seven. Limiting delegations to nine total per meeting and providing them five minutes to speak, in addition to time for questions with the Board or committee, may equate to more than forty-five minutes of public input per meeting, if question and answer period is 2-3 minutes per delegation. Chair permitted delegations would be in addition to these limits and would not form part of the delegation limit.</p>	
<b>Clarifying delegations re: DP, DPw/V, TUP</b>	
Current Language - Section 17(7)	Proposed Language
A delegation wishing to speak on a Development Permit with Variance, a Development Variance Permit, or a Temporary Use Permit will be afforded that opportunity at the time the item is being considered on the agenda and will be afforded a maximum of 5 minutes to make their presentation.	<p>A <b>person, persons or organizations</b> wishing to speak on a Development Permit with Variance, a Development Variance Permit, or a Temporary Use Permit will be afforded that opportunity at the time the item is being considered on the agenda and will be afforded a maximum of 5 minutes to make their <b>verbal</b> presentation.</p> <p><b>Visual presentations may be submitted no later than 24 hours prior to the scheduled meeting.</b></p>
<p>Rationale: Under the legislation, members of the public who wish to speak regarding Development Permit with Variance, a Development Variance Permit, or a Temporary Use Permit are not required to sign up in advance as a delegation. This amendment clarifies that presentations received at the meeting must be limited to verbal presentations only as electronic presentations should not be accepted at the meeting due to privacy, copyright and security concerns. Visual presentations may be submitted in advance.</p>	

<b>Clarifying delegations re: Unsightly Premises or a Building Bylaw Contravention</b>	
Current Language - Section 17(8)	Proposed Language
An owner wishing to speak on an Unsightly Premises or a Building Bylaw Contravention will be afforded that opportunity at the time the item is being considered on the agenda.	An owner wishing to speak on an Unsightly Premises or a Building Bylaw Contravention will be afforded that opportunity <b>to verbally present</b> at the time the item is being considered on the agenda.  <b>Visual presentations may be submitted no later than 24 hours prior to the scheduled meeting.</b>
<p>Rationale:</p> <p>As the Board is acting as a quasi-judicial body when reviewing unsightly premise and building bylaw contraventions, procedural fairness must be maintained and owners must be provided an opportunity to be heard. The RDN should not require a delegation request to be submitted. This amendment clarifies that presentations received at the meeting must be limited to verbal presentations only as electronic presentations should not be accepted at the meeting due to privacy, copyright and security concerns. Visual presentations may be submitted in advance.</p>	
<b>Chair permitted delegation presentations</b>	
Current Language - Section 17(10)	Proposed Language
Notwithstanding subsection (3), the Chair may grant individuals or groups not listed on the agenda, an opportunity to be heard on matters related to agenda items in circumstances where the Chair is satisfied that circumstances prevented the person, persons or organizations from giving earlier notice of their desire to appear before the Board or Committee. Such delegation may be afforded a maximum of five (5) minutes to make their presentation.	Notwithstanding subsection (3), the Chair may grant individuals or groups not listed on the agenda, an opportunity to be heard on matters related to agenda items in circumstances where the Chair is satisfied that circumstances prevented the person, persons or organizations from giving earlier notice of their desire to appear before the Board or Committee. Such delegation may be afforded a maximum of five (5) minutes to make <b>a verbal</b> presentation.
<p>Rationale: The Chair would typically decide to allow a late delegation at the start of the meeting. Staff do not recommend displaying audio/visual presentations that have not been reviewed in advance for privacy and copyright concerns. Accepting electronic presentations at the meeting is not recommended due to security concerns related to corrupt or compromised files. The five minute limit aligns with the time limits afforded to delegations who have signed up in advance.</p>	

<b>Topics where Delegations are Not Permitted</b>	
Current Language - Section 17(12)	Proposed Language
The Board must not permit a delegation to address a meeting of the Board regarding a bylaw in respect of which a public hearing has been held, where the public hearing is required under an enactment as a pre-requisite to the adoption of the bylaw.	The Board must not permit a delegation to address a meeting <del>of the Board</del> regarding: <ul style="list-style-type: none"> <li>(a) A bylaw in respect of which a public hearing has been held, where the public hearing is required under an enactment as a pre-requisite to the adoption of the bylaw</li> <li>(b) Matters where legal proceedings are ongoing and judgement hasn't been rendered</li> <li>(c) Other delegation's requests</li> <li>(d) Matters that are the subject of a claim for damages</li> <li>(e) Personnel matters</li> <li>(f) Publicly tendered contracts or proposal calls for the provision of goods, services or construction for the Regional District of Nanaimo between the time that such contract or proposal has been issued and the time such contract or proposal call has been awarded either by the Board or staff.</li> </ul>
Rationale: Staff recommend the Board limit delegation requests to exclude the items noted above based on case law and best practices. It is best practice that the Board not permit delegations on matters which would compromise the integrity of a meeting or which would preclude fair and reasonable consideration of any matter.	
<b>Correspondence</b>	
Current Language – Section 13(2)	Proposed Language
The deadline for the public to submit items of correspondence to the Corporate Officer for inclusion on the agenda is 11:00 a.m. on the Monday of the week preceding the meeting.	<p>The deadline for the public to submit items of correspondence <b>related to agenda items</b>, to the Corporate Officer for inclusion on the agenda is <b>24 hours prior to the meeting</b>.</p> <p>The deadline for the public to submit items of correspondence to the Corporate Officer for inclusion on the agenda, <b>for topics unrelated to agenda items</b> is 11:00 a.m. on the Monday of the week preceding the meeting.</p> <p><b>All correspondence intended to be presented to the Board or a Committee must:</b></p> <ul style="list-style-type: none"> <li>a. be legibly written, typed or printed;</li> <li>b. not be libelous, obscene, impertinent or improper;</li> <li>c. not include any items not permitted for a</li> </ul>

	<p>delegation to address in section 17(12); and</p> <p>d. be dated.</p>
<p>Rationale: When correspondence is submitted to the Corporate Officer regarding an agenda item, it is placed on the agenda regardless of the deadline to submit it as it is imperative that the Board is informed of the public’s input. This creates challenges where staff are creating multiple addendums and addendums the morning of the meeting. The proposed deadline aligns with the delegation deadline which will allow staff to publish correspondence on addendums in a timely manner and give the Board an opportunity to receive correspondence in time to review it prior to the meeting. Guidelines for correspondence have been provided as there are no parameters for correspondence to be reviewed prior to inclusion on an agenda. Providing a deadline to submit correspondence provides much needed clarity for the public and staff.</p>	
<p><b>Advisory Committees and Commissions</b></p>	
<p>Current Language – Section 24(3)</p>	<p>Proposed Language</p>
<p>Advisory Committees and Commissions are those established and appointed by the Board which include members of the public and at least one Board member to provide advice and recommendations to the Board on specific matters, as determined by the Committee's Terms of Reference.</p>	<p>Advisory Committees and Commissions are those established and appointed by the Board which include members of the public and at least one Board member to provide advice and recommendations to the Board (or designated Committee) on specific matters, as determined by the Committee's Terms of Reference.</p>
<p>Rationale: Some Advisory Committees and Commissions provide recommendations to other Committees rather than directly to the Board. Examples include the Electoral Area Parks and Open Space Advisory Committees, which provide recommendations to the Electoral Area Services Committee. Staff will bring forward amendments for committee terms of reference which need to change to align the bylaw with the current practice.</p>	
<p><b>Select and Standing Committee Updates</b></p>	
<p>Current Language – Section 24, Schedule A (See attached bylaw)</p>	<p>Proposed Language – changes to Section 24, Schedule A</p>
<p>Rationale: Staff recommend that select committees noted in the procedure bylaw be updated to be properly categorized to reflect that they are standing committees. This proposed change provides clarity and aligns the procedure bylaw with the <i>Local Government Act</i>.</p> <p>Select committees are established to consider or inquire into a matter and report their findings and opinion to the Board. Select committees are typically formed for a specific purpose and once that purpose is complete, they are dissolved. An example of an RDN select committee is the District 69 Swimming Pool Service Select Committee.</p> <p>Standing committees are established to address ongoing matters with no specific end date. An example of a standing committee (currently considered a select committee) is the Oceanside Services Committee.</p>	

Select committees noted in Schedule A of the bylaw will be changed to standing committees. Staff will bring forward for the Board's consideration amendments to the terms of reference for the committees that have "standing" or "select" in their name, if they need to change. Some Advisory committees (e.g. sub committees) are also considered select committees as they are formed for a specific purpose (to advise on a specific topic).

This change will not result in any appointment process changes as the procedure bylaw states the Chair establishes and appoints members to standing committees per the *Local Government Act* and the Board establishes select committees and has delegated to the Chair the power to appoint Directors to Select Committees.