

**DISTRICT OF LAKE COUNTRY**  
**REQUEST FOR COUNCIL DECISION**

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**MEETING TYPE AND DATE:** REGULAR COUNCIL MEETING, DECEMBER 21, 2021  
**AUTHOR:** REYNA SEABROOK, DIRECTOR OF CORPORATE SERVICES  
**SUBJECT:** COUNCIL PROCEDURES AMENDMENT BYLAW

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**ESSENTIAL QUESTION:** Does Council wish to continue the use of electronic or other communication means for conducting Regular, Special and Committee meetings? Does Council wish to consider other amendments to the Procedures bylaw related to deadlines and agenda headings?

**OPTIONS:**

- A. THAT Council Procedures Amendment (Electronic Meetings) Bylaw 1175, 2021 be read a first, second and third time.
- B. THAT Council Procedures Amendment (Electronic Meetings) Bylaw 1175, 2021 be amended as directed by Council;  
Council Procedures Amendment (Electronic Meetings) Bylaw 1175, 2021 be read a first, second and third time as amended.
- C. THAT Council Procedures Amendment (Electronic Meetings) Bylaw 1175, 2021 be referred back to staff to provide additional information as directed by Council.

**EXECUTIVE SUMMARY:**

**ELECTRONIC MEETINGS**

In June 2020 Ministerial Order M192 granted local governments the temporary power to conduct all meetings and public hearings by means of electronic or other communication means during the COVID-19 pandemic. Prior to M192, municipalities were permitted to conduct Special Council meetings electronically so long as it was authorized through Council's procedure bylaw.

On June 1, 2021, Bill 10 amended the *Community Charter* sections 128 (128, 128.1, 128.2 and 128.3) providing permanent authority for municipalities to choose, by bylaw, whether to conduct regular and committee meetings electronically (in addition to special meetings already authorized under the Charter). These amendments could not be adopted until the provincial amendments are brought into force on September 29, 2021. Amendments to section 465 of the *Local Government Act* also enable local governments to hold electronic public hearings.

Electronic meetings may be a useful tool for councils in certain circumstances; however, as a best practice, they should not be a substitute for all in-person meetings. Local government electronic meetings should attempt to resemble in-person meetings as much as possible, adhering to rules of procedural fairness.

The proposed amendment updates Council Procedure Bylaw in accordance with the legislation permitting the District to continue conducting Regular Council meetings, Special Council meetings, Public Hearings and Committee meetings electronically.

## REPORT DEADLINES

Section 5.2 of Council Procedures Bylaw 1105, 2019 sets out deadlines for reports from staff to be submitted to the Corporate Officer for inclusion on a Council Agenda. Section 5.2 reads: *All items to be included on a Regular Council Meeting agenda must be submitted to the Corporate Officer no later than 4:30 p.m., Friday two weeks before the meeting. Items received after the deadline may be held to the next Council meeting unless approved for inclusion as "Late Item" as contained herein.*

The current report deadlines conflict with the legislated requirements for notices of public hearings and permits and staff are investigating the impacts of amending the deadlines for submitting staff reports to Council.

For a Public Hearing or Council Meeting on a Tuesday, the report deadline for staff to submit to Corporate Services and the CAO is Friday, two weeks prior to the meeting (11 days). The CAO reviews and concurs on the Monday (7 days prior to meeting) and the Agenda is published on Thursday (5 days prior to meeting).

Notice of a Public Hearing must be published in the newspaper not less than 3 days and not more than 10 days prior to the meeting. Letters must be mailed out at least 10 days before the meeting. Therefore, public notice (signs, letters, advertisements) must be prepared and published before the report to Council is approved for inclusion on the Agenda by the CAO. In the event a report is not approved for inclusion, public notice has already been distributed. This results in confusion for the applicant, staff and public and may result in additional costs if re-advertising is required. Staff are investigating the impacts of amending the report deadline submission from 11 to 18 days.

SUN	MON	TUES	WED	THU	FRI	SAT
		Department Concurrence	Manager Review	Notice Advertised	Reports to Corporate 11 days before PH	
		CAO Concurrence		Notice Advertised Agenda Published	3 days before PH	
		Council Meeting / Public Hearing				

The deadline for submitting reports to be included on an Agenda is stated in the Procedures bylaw as "the Friday, two weeks prior to the meeting" and thereby limits the CAO and Corporate Officer's ability to manage operational and procedural deadlines. In comparison to other municipalities procedure bylaws, there are a variety of structures and procedures adapted to fit each community. There is no requirement that the deadline for staff submission of reports be stated specifically in the procedures bylaw and staff propose section 5.2 be replaced with the following:

5.2 All items to be included on a Council Agenda shall be submitted to the Corporate Officer prior to the meeting. The deadline for receipt of items shall be:

- (a) for the public, no later than 11 days prior to meeting date; and
- (b) for staff, as established by the CAO.

## AGENDA HEADINGS

A minor change included in the proposed amendment bylaw adds an additional section to the Agenda entitled "Bylaws for adoption". This section is added to help set apart bylaws that have received all necessary readings, or met all required prior to conditions, including but not limited to notice requirements, and are now provided for Council's consideration of adoption. This section is not intended to include bylaws that have not been to Public Hearing, bylaws that have been to a public hearing and are before Council for consideration will be included under item Bylaws following a Public Hearing. In addition to the Bylaws for adoption addition, staff propose amending the headings currently identified as "Development Related Applications (Public Comment)" and "Development Related

Applications (No Public Comment)” to “Development Applications Requiring Public Notice (Public Comment)” and “Development Applications No Public Notice (No Public Comment)”. As noted above, staff are investigating the deadlines for ensuring reports associated with applications requiring public notice are available for both Council and the public. The proposed amended headings allow staff, Council and the public to differentiate between reports that must meet different submissions deadlines.

**Key Information:**

Updated legislation now provides municipalities the authority to conduct electronic meetings for Regular Council meetings and Public Hearings. The amendment for report deadlines provides the CAO and Corporate Officer the operational ability to structure processes for the organization without amendments to the bylaw.

**Desired Benefit of Key Result:**

Council may continue to hold electronic meetings as required. The CAO and Corporate Officer may implement effective procedures for report deadlines.

**Requisites:**

Council is required to establish a procedures bylaw as per section 124 of the *Community Charter* and a bylaw under this section must not be amended, repealed or substituted without first giving notice for two consecutive weeks in a local newspaper.

Respectfully Submitted,

Reyna Seabrook  
Director of Corporate Services

This report has been prepared with the collaboration of the following individuals:

COLLABORATORS	
TITLE	NAME

This report has been prepared in consultation with the following departments:

CONCURRENCES	
DEPARTMENT	NAME
Chief Administrative Officer	Tanya Garost
Planning Manager	Corine (Cory) Gain

**ATTACHMENTS:**

Attachment A - Council Procedure Amendment (Electronic Meeting) Bylaw 1175, 2021

**DISTRICT OF LAKE COUNTRY**

**BYLAW 1175, 2021**

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**A BYLAW TO AMEND ZONING BYLAW 1105**

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

1. This bylaw may be cited as “Council Procedure Amendment (Electronic Meeting) Bylaw 1175, 2021”.
2. Council Procedures Bylaw 1105, 2019 is hereby amended by:
  - 2.1. Deleting section 5.2 and replacing it with the following:
    - 5.2 All items to be included on a Council Agenda shall be submitted to the Corporate Officer prior to the meeting. The deadline for receipt of items shall be:
      - (a) for the public, no later than 11 days prior to meeting date; and
      - (b) for staff, as established by the CAO.
  - 2.2. Deleting section 8.1 and replacing it with the following:
    - 8.1 Agendas for Regular **Council** Meetings shall contain the following headings in the order in which they are listed, unless otherwise amended the **Corporate Officer** or **CAO** with approval from the **Mayor**:

Call to Order
Adoption of Agenda
Adoption of Minutes
Report from Mayor
Announcements
Delegations and Petitions
Bylaws following a Public Hearing <i>(No Public Comment)</i>
Bylaws for adoption
Public Comment <i>(For items not included on the Agenda)</i>
Development Applications Requiring Public Notice <i>(Public Comment)</i>
Development Applications No Public Notice <i>(No Public Comment)</i>
Non-Development Related Reports
Report from In Camera
Council Committees
Information Items
Strategic Priorities
Councillor Items
Adjournment

- 2.3. Deleting section 12 in its entirety and replacing it with the following:

**12. ELECTRONIC MEETINGS**

- 12.1 A Member who is unable to attend in person may, participate in the meeting by means of electronic or other communication facilities.
- 12.2 Delegations and presentations may participate by electronic means provided the Corporate Officer has been notified in advance.
- 12.3 Regular Council meetings, Special Council meetings and Public Hearings may, upon authorization from the Mayor or during a state of local, provincial, or national emergency, be conducted by means of electronic or other communication facilities.
- 12.4 A designated municipal officer must be in attendance for Regular and Special Council meetings held by means of electronic or other communication facilities.
- 12.5 Where a meeting or a portion thereof is closed to the public pursuant to the *Community Charter*, Members shall ensure no person other than themselves, or person authorized to attend is able to hear or watch and hear the meeting.
- 12.6 Council Committee meetings may, upon authorization from the Corporate Officer and Committee Chair or during a state of local, provincial, or national emergency, be conducted by means of electronic or other communication facilities.
- 12.7 Where a meeting is authorized to be held by means of electronic or other communication facilities:
  - (a) the facilities shall enable participants and the public to hear, or watch and hear the meeting;
  - (b) advance public notice of a meeting shall include the way the meeting is to be conducted and the place where the public may hear, or watch and hear, the electronic proceedings.
- 12.8 Members participating electronically must vote by audibly stating “aye” or “nay”. If a Member does not indicate how they vote, they are deemed to have voted in the affirmative.
- 12.9 A Member will be considered absent if they have not joined the meeting electronically within 15 minutes of the start time.
- 12.10 If there is an interruption in the connection with a Member who is participating electronically, the other Members may decide on a short recess until a connection can be re-established or continue the meeting and treat the interruption in the same manner as if the Member was physically present and leaves the meeting room. If the connection is unable to be re-established within 25 minutes, the Member will have been considered to have left the meeting.

READ A FIRST TIME this xx day of xx, 2021.

READ A SECOND TIME this xx day of xx, 2021.

ADVERTISED on the xx and xx days of xx, 2021 and a Public Hearing held pursuant to the provisions of Section 464 of the *Local Government Act* on the xx day of xx, 2021.

READ A THIRD TIME this xx day of xx 2021.

ADOPTED this xx day of xx, 2021.

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Mayor

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Corporate Officer