

CORPORATION OF THE TOWNSHIP OF ESQUIMALT

BYLAW NO. 3044

A Bylaw to amend Bylaw No. 2715, cited as the
"Council Procedure Bylaw No. 2715, 2009"

The Council of the Corporation of the Township of Esquimalt, in open meeting assembled, enacts as follows:

1. This Bylaw may be cited as the "Council Procedure Bylaw No. 2715, 2009, Amendment Bylaw, 2021, No. 3044."
2. That Bylaw No. 2715, cited as the "Council Procedure Bylaw No. 2715, 2009", be amended as follows:

(1) Add the following to section 2 **Definitions**:

"Electronic Means" include electronic or other communication facilities that enable a meeting participant to hear, or see and hear, each other and except for any part of the meeting that is closed to the public, enables members of the public to hear, or see and hear, the meeting at the place specified for public attendance;

"Electronic Meeting" means a meeting conducted where all Council or Committee participate by electronic means;

"Electronic Participation" means a hybrid meeting where some meeting participants attend by electronic means and some attend in person;

"Emergency Situation" means any event in which a declaration of provincial or local state of emergency is made;

(2) After section 3 (Application of rules of procedure), add the following as new section 4:

Suspension of rules of procedure

4. The rules of procedure contained in this Bylaw, except those that are governed by statutory provisions, may be suspended by an affirmative 2/3 vote of the Council members present at a Council or COTW meeting, other than a Public Hearing.

(3) Add the following to section 5(1) (Time and location of meetings) after "elsewhere.":

5. (1) , or where the meeting is to be held by electronic means.

- (4) Add the following as section 6(5):
6. (5) Where a Regular Council meeting is to be held by electronic means, the Corporate Officer must, as soon as possible, post a notice at the Public Notice Posting Places advising of:
- (a) the date and time of the meeting;
 - (b) the way in which the meeting is to be conducted by means of electronic or other communication facilities; and
 - (c) the place where the public may attend to hear, or watch and hear, the meeting proceedings that are open to the public.
- (5) Add the following as section 7(3):
7. (2) Where a special meeting of Council is to be conducted by electronic means or other communication facilities, except where notice is waived by unanimous vote of all Council members, the Corporate Officer must post notice to the Public Notice Posting Places at least 24 hours in advance of the meeting advising of:
- (a) the date and time of the meeting;
 - (b) the way in which the meeting is to be conducted by means of electronic or other communication facilities; and
 - (c) the place where the public may attend to hear, or watch and hear, the meeting proceedings that are open to the public.
- (6) Replace section 8 in its entirety and replace with the following:

Electronic meetings

8. (1) Regular meetings of Council and COTW may be held by electronic means or other communication facilities in the event of an emergency situation if the requirements in subsection (3) are met.
- (2) Special Council or COTW meetings may be conducted by means of electronic or other communication facilities at the discretion of the Mayor, CAO, or Corporate Officer if the requirements of subsection (3) are met.
- (3) Electronic meetings of Council shall:
- (a) be conducted in accordance with this Bylaw;
 - (b) provide for advance public notice of the meeting in accordance with the requirements contained in the *Community Charter* and in sections 6, 7, and 42 of this Bylaw; and
 - (c) the facilities must:
 - (i) enable the meeting's participants to hear, or watch and hear, each other;
 - (ii) enable the public to hear, or watch and hear, the meeting at the place specified for public attendance, except for any part of the meeting that is closed to the public; and
 - (iii) enable the public to hear, or watch and hear, the meeting at the specified place, and a designated municipal officer must be in attendance at the specified place, except for any part of the meeting that is closed to the public.
- (4) Once the meeting is called to order the presiding member must verbally confirm the attendance of all meeting participants present.

(7) Add the following as new section 9:

Electronic Participation

9. (1) Members of Council and Committees of Council must make all reasonable efforts to attend meetings in person unless an electronic meeting is scheduled in accordance with section 8 of this Bylaw. Members may participate in Regular Council or COTW, Special Council or COTW, or closed meetings by electronic means or other communication facilities provided that:
- (a) they are not the presiding member;
 - (b) no more than three members of Council are participating electronically, except in accordance with the provisions under section 8 of this Bylaw;
 - (c) the Corporate Officer is notified prior to the meeting;
 - (d) the Corporate Officer is able to secure the electronic equipment necessary to facilitate electronic participation in the meeting;
 - (e) the facilities enable the meeting participants to hear, or watch and hear, each other;
 - (f) the facilities enable the public to hear, or watch and hear, the meeting, except for any part of the meeting that is closed to the public; and
 - (g) Electronic participants must take reasonable precautions to ensure that all content from a closed meeting remains confidential.
- (2) After a meeting is called to order, the presiding member must identify any Council or Committee member who is participating electronically.
- (3) Members of the public wishing to participate electronically in a meeting open to the public must register in advance with the Corporate Officer.
- (4) The following may participate by electronic means provided that the Corporate Officer has been notified in advance and the facilities necessary to facilitate electronic participation can be secured:
- (a) Presentations, in accordance with section 19 of this Bylaw; and
 - (b) Delegations and Petitions, in accordance with section 20 of this Bylaw.
- (8) Add the following to the end of section 11(5) after "order.":
- Where meetings are conducted by electronic means, or where the member of the public is participating by electronic means, the Mayor or Presiding Member may direct the Corporate Officer to disconnect the member of the public from the meeting.
- (9) Delete section 18 (1)(b) and replace with the following:
18. (1) (b) when the Council is ready to vote, the presiding member must put the matter to a vote by calling "All in favour" followed by "Those opposed".

(10) Add the following to section 18 (1)(f):

- 18. (1) (f) or, if participating electronically, by verbally stating their vote as either in favour or opposed;

(11) Delete section 42(4) and replace with the following:

Regular meetings of COTW shall take place within the Council Chambers, Municipal Hall unless Council has resolved to hold the meeting in another place, or the meeting is to be conducted by electronic means, in which case the Corporate Officer will give notice of the different meeting place by posting a notice of change in the Public Notice Posting Places.

(12) Add the following as section 42(5):

- 42. (5) Subject to subsection (1) where a Regular COTW meeting is to be held by electronic means, the Corporate Officer must, as soon as possible, post notice at the Public Notice Posting Places advising of:
 - (a) the date and time of the meeting;
 - (b) the way in which the meeting is to be conducted by electronic or other communication facilities;
 - (c) the place where the public may attend to hear, or watch and hear, the meeting proceedings that are open to the public.

(13) Add the following to section 47(1):

- 47. (1) , or if participating by electronic means, by verbally stating their vote as either in favour or opposed.

(14) Add the following as new section 60:

Electronic Participation

- 60. Committee members may participate in Regular or Special Committee meetings by electronic means or other communication facilities, if necessary, provided that:
 - (1) they are not the presiding member;
 - (2) a minimum of quorum are participating in-person;
 - (3) the staff liaison is notified prior to the meeting;
 - (4) the facilities enable the meeting participants to hear, or watch and hear, each other; and
 - (5) the facilities enable the public to hear, or watch and hear, the meeting, except for any part of the meeting that is closed to the public.

(15) Delete the word “not” from section 64(2).

(16) Add the following as new section 68:

Electronic Participation

68. Commission members may participate in Regular or Special Commission meetings by electronic means or other communication facilities, if necessary, provided that:
- (1) they are not the presiding member;
 - (2) a minimum of quorum are participating in-person;
 - (3) the staff liaison is notified prior to the meeting;
 - (4) the facilities enable the meeting participants to hear, or watch and hear, each other; and
 - (5) the facilities enable the public to hear, or watch and hear, the meeting, except for any part of the meeting that is closed to the public.

And that "Council Procedure Bylaw, 2009, No. 2715" as amended be re-numbered accordingly.

READ a first time on the day of , 2021.

READ a second time on the day of , 2021.

READ a third time on the day of , 2021.

ADOPTED on the day of , 2021.

BARBARA DESJARDINS
MAYOR

DEBRA HOPKINS
CORPORATE OFFICER