

# AGENDA

## FINANCE AND GOVERNANCE STANDING COMMITTEE Monday, July 31, 2023 10 to 11:30 a.m. COMMITTEE ROOM 2

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*The District of Saanich lies within the territories of the lək̓ʷəŋən peoples represented by the Songhees and Esquimalt Nations and the WSÁNEĆ peoples represented by the Tsartlip, Pauquachin, Tsawout, Tseycum and Malahat Nations.*

*We are committed to celebrating the rich diversity of people in our community. We are guided by the principle that embracing diversity enriches the lives of all people. We all share the responsibility for creating an equitable and inclusive community and for addressing discrimination in all forms.*

### 1. TRIMESTER ONE 2023 REPORTING

- Report from the Director of Finance dated July 21, 2023 (attached)
- For Committee information

### 2. INFORMATION ACCESS, PRIVACY AND RECORDS MANAGEMENT REPORT

- Report from the Director of Legislative & Protective Services dated June 30, 2023 (attached)
- For Committee review

### 3. PUBLIC PARTICIPATION AT COUNCIL MEETINGS

- Report from the Chief Administrative Officer dated July 21, 2023 (attached)
- For Committee review

### 4. PROCEDURE BYLAW AMENDMENTS

- Report from Councillor Phelps Bondaroff dated July 30, 2023 (attached)
- For Committee review

... ADJOURNMENT ...

**Next scheduled meeting is Monday, October 30, 2023, at 10 a.m.**

# District of Saanich

## 1st Trimester Results Report

January 1, 2023 to April 30, 2023

Results reporting is prepared on a trimester basis by the District of Saanich as a means of providing the community, council and the organization with regular information on the strategic and financial performance of the municipality.

The Trimester Results Report provides information on:

1. Operational Results
2. Capital Program Results
3. Investment Analysis
  - Diversity
  - Liquidity
  - Return
4. Procurement Results
  - % of procurement processes with more than one bidder
  - Procurement
5. Building Permit Statistics



# Operational Results

## District of Saanich - 2023 1st Trimester Performance Report Operating Budget Results - January 1 to April 30

(Represents 1/3 or 33% of the year)

Overall results for the period are encouraging, with most revenues reaching budgeted targets and investments and building permits exceeding budget due to higher interest rates and large development projects. Expenditures are in line with expectations, however, some departments are still experiencing vacancies and absences due to illness which results in lower utilization of operational expenditure.

Revenues:	2022 Actual	2023 Actual	Annual Budget 2023	2023 Budget Remaining	% Revenue Collected	
Property Taxation	-	-	(161,725,000)	(161,725,000)	0%	1
Utility Tax and Other	(32,000)	(62,300)	(1,839,500)	(1,777,200)	3%	1
Water Utility Revenue	(6,426,300)	(7,017,800)	(26,350,800)	(19,333,000)	27%	2
Sewer Utility Revenue	(9,206,000)	(9,527,900)	(28,668,800)	(19,140,900)	33%	
Solid Waste Revenue	(2,551,800)	(2,705,800)	(8,241,600)	(5,535,800)	33%	
Business License & Inspection Revenues	(1,386,000)	(2,092,200)	(3,663,000)	(1,570,800)	57%	3
Recreation Revenues	(4,172,050)	(5,328,100)	(13,039,300)	(7,711,200)	41%	4
Grants In Lieu	-	-	(3,362,800)	(3,362,800)	0%	1
Provincial Grants	-	-	(1,500,000)	(1,500,000)	0%	1
Interest and Penalties	(569,100)	(2,136,400)	(4,438,900)	(2,302,500)	48%	5
Surplus Appropriations	-	-	(500,000)	(500,000)	0%	6
Other Revenues	(1,100)	(12,300)	(285,600)	(273,300)	4%	
COVID-19 Restart Grant	-	-	(520,000)	(520,000)	0%	6
<b>Total Revenue</b>	<b>(24,344,350)</b>	<b>(28,882,800)</b>	<b>(254,135,300)</b>	<b>(225,252,500)</b>	<b>11%</b>	

### Explanatory notes for variances over 5%

#### REVENUES:

- Property Taxation / Utility Tax / Grants In Lieu / Provincial Grants (0%-3% collected)* – All taxation and grants from various government *entities* are recorded or received in the second trimester.
- Water Utility Revenue (27% collected)* - Revenue percentage in line with last year's actual. Revenues increase during the summer months.
- Business License & Inspection Revenues (57% collected)* - All of the Business License revenue is collected in the first trimester. Inspection revenue varies from year to year based on construction projects undertaken in the community.
- Recreation Revenues (41% collected)* - Higher revenues in realized in first trimester which is then offset with reduced revenues in second trimester when shutdowns occur for facility maintenance
- Interest and Penalties (48% collected)* - Interest revenue is higher due to higher BOC interest rates that translate to higher market investment rates.
- Surplus Appropriations / COVID-19 Restart Grant (0% applied)* - As and when needed to offset revenue reductions or COVID expenditure.

	2022 Actual	2023 Actual	Annual Budget 2023	2023 Budget Remaining	% Expenditure Spent	
<b>Expenditures:</b>						
Administration	943,300	1,008,900	3,941,600	2,932,700	26%	1
Finance - Departmental	1,371,400	1,484,900	5,348,900	3,864,000	28%	
Finance - Corporate	751,600	(46,306)	60,700	107,006	-76%	2
Fiscal Services	3,429,200	3,932,900	8,433,600	4,500,700	47%	3
Corporate Services	658,200	945,200	3,449,000	2,503,800	27%	1
Information Technology	2,976,800	1,683,600	7,561,400	5,877,800	22%	1
Building, Bylaw, Licensing & Legal	2,206,300	2,729,800	6,218,600	3,488,800	44%	4
Police Protection	13,558,400	14,275,600	42,931,200	28,655,600	33%	
Fire Protection	8,480,900	7,540,200	23,087,600	15,547,400	33%	
Emergency Program	171,900	134,800	489,200	354,400	28%	
Planning	917,000	1,401,730	3,884,800	2,483,070	36%	
Engineering	3,886,700	4,418,800	16,639,300	12,220,500	27%	5
Parks	2,747,500	2,995,900	11,041,200	8,045,300	27%	5
Recreation and Community Services	6,776,200	7,828,000	27,050,100	19,222,100	29%	
Library, Grants & Economic Development	2,871,500	2,922,200	8,118,100	5,195,900	36%	
Solid Waste Utility Expenditure	2,205,000	2,521,200	8,690,500	6,169,300	29%	
Water Utility Expenditure	4,363,200	4,208,800	17,831,100	13,622,300	24%	6
Sewer Utility Expenditure	1,798,200	1,987,800	22,421,700	20,433,900	9%	7
Capital Program (tax and fee funded only)	939,200	1,236,100	36,936,700	35,700,600	3%	8
<b>Total Expenditures</b>	<b>61,052,500</b>	<b>63,210,124</b>	<b>254,135,300</b>	<b>190,925,176</b>	<b>25%</b>	
<b>Revenues minus Expenditures</b>	<b>36,708,150</b>	<b>34,327,324</b>	<b>-</b>	<b>(34,327,324)</b>		

### Explanatory notes for variances over 5%

#### EXPENSES:

- 1 *Administration / Corporate Services / Information Technology (22%-27% spent)* - Staff vacancies in Legislative, IT, HR and Safety sections.
- 2 *Finance Corporate (-76% spent)* - Recoveries from water, sewer and solid waste utilities in line, however, no contingency spending.
- 3 *Fiscal Services (47% spent)* - Debt payments in line with last year and occur in April and October.
- 4 *Building, Bylaw, Licensing & Legal (44% spent)* - Expenditure in line with last year; Insurance permuims are paid in 1st trimester.
- 5 *Engineering / Parks (27% spent)* - Seasonal work with higher expenditure occurring in the second trimester.
- 6 *Water Utility Expenditure (24% spent)* - Operating costs in line with last year. Some maintenance programs are lagging due to staff shortages.
- 7 *Sewer Utility Expenditure (9% spent)* - Operating costs in line with last year. Payment to CRD constitutes 70% of budget and occurs in August.
- 8 *Capital Program (3% spent)* - Transfer of funds for capital infrastructure funding occurs in second trimester after budget approval.

# Capital Program Results

## District of Saanich - 2023 1st Trimester Performance Report Capital Program Results up to April 30, 2023

Projects budgeted over \$1,000,000

Capital Project	Fund	Duration	Original 2023 Budget	Budget Transfers	Revised 2023 Budget	Actual	Percent Spent	Schedule Status	Budget Status	
Arena Rd, 340 Ker Ave to Dysart Rd	Sewer	One time	1,037,000		1,037,000	-	0%			1
HR/OHS Project	IT		1,038,830		1,038,830	-	0%			
Braefoot Rd (Braefoot Pl to Wende Rd)	Drainage		1,057,654		1,057,654	1,068,786	101%			
Servers (IT Infrastructure)	IT		1,072,800		1,072,800	3,968	0%			
Canterbury Rd	Various		1,084,000		1,084,000	-	0%			
Madock Ave	Sewer	One time	1,105,000		1,105,000	-	0%			2
Sewage Lift Station Electrical Study	Sewer		1,116,493		1,116,493	92,358	8%			
Sanitary Sewer CIPP Lining	Sewer	Annual	1,215,327		1,215,327	598,462	49%			
Albina-Gorge Utility Upgrades	Sewer		1,400,000		1,400,000	-	0%			
Cadboro Bay Rd	Various		1,412,000		1,412,000	-	0%			
Lift Station Replacement	Sewer	One time	1,485,000		1,485,000	73,514	5%			2
Tempest - Online	IT		1,537,270		1,537,270	8,750	1%			
JDE 2018	IT		1,581,200		1,581,200	86,196	5%			
Wilkinson Road (Greenlea to Quick's Bottom Pk T Transportation	One time		1,646,000		1,646,000	2,759	0%			
Vanalman	Sewer	One time	1,650,000		1,650,000	1,365,092	83%			
Detailed Design - Water	Water	Annual	1,665,606		1,665,606	289,966	17%			
Portage Pump Station Construction	Sewer	One time	1,694,825		1,694,825	1,559,825	92%			
Rutledge Playground Replacement & Splash Pad	Parks	One time	1,715,920		1,715,920	1,509,074	88%			
Tattersall (Quadra to Salsbury	One time		1,724,000		1,724,000	17,231	1%			
Storm Drainage Model Development	Drainage		1,758,154		1,758,154	454,269	26%			
Vanalman (Commerce Circle to Mann)	Drainage	One time	1,848,000		1,848,000	1,736,827	94%			
Short Term Solutions to Advance Active Transp.	Transportation	One time	1,900,000		1,900,000	995,725	52%			
Meter Replacements	Water	One time	1,964,393		1,964,393	113,535	6%			
Mann Ave. Vanalman Ave. & Parkridge	Water	One time	2,026,500		2,026,500	1,802,208	89%			
Storm Drain - Detailed Design	Drainage	Annual	2,048,493		2,048,493	938,547	46%			
Pat Bay Hwy Watermain Lining	Water		2,058,000		2,058,000	54,754	3%			
Detailed Design - Sewer	Sewer	Annual	2,091,173		2,091,173	641,652	31%			
Cycling Infrastructure Program	Transportation	Annual	2,109,016		2,109,016	545,131	26%			
Pump Station / PRV Replacement	Water		2,173,000		2,173,000	282,558	13%			2
Bridge Rehabilitation	Transportation		2,494,261		2,494,261	82,304	3%			
Cordova Bay Road (Walema to Rambler)	Transportation	One time	3,000,000		3,000,000	-	0%			
CHRC - Furnace Replacement	Facilities	Multiyear	3,144,400		3,144,400	147,688	5%			3
Pavement Renewal Program	Transportation	Annual	3,594,854		3,594,854	823,973	23%			
Pearkes RTU Replacement	Facilities		3,735,700		3,735,700	80,220	2%			3
Gorge Drainage Improvements Phases 1&2	Drainage	Multiyear	4,721,700		4,721,700	3,925,272	83%			
Mt Doug Creek	Drainage		4,783,000		4,783,000	-	0%			
Fire Hall #2 - Project Redevelopment	Facilities	Multiyear	5,932,627		5,932,627	1,872,894	32%			
Saanich Operation Centre Redevelopment	Facilities	Multiyear	6,370,703		6,370,703	559,075	9%			
West Saanich/Prospect Lk/Sparton Rd	Transportation	One time	6,706,590		6,706,590	6,308,066	94%			
SCP - Mechanical Upgrades	Facilities	Multiyear	8,894,018		8,894,018	2,143,707	24%			3
Sinclair Rd, Finnerty Rd to Cadboro Bay	One time		8,969,665		8,969,665	99,406	1%			
Sidewalk Installation Program	Transportation	Annual	11,735,901		11,735,901	4,335,020	37%			
Shelbourne Street Improvement Project	Various	Multiyear	45,357,791		45,357,791	19,567,266	43%			

1 Delayed in schedule to await possible grant funding

2 Project start date was delayed due to internal and contracted resources

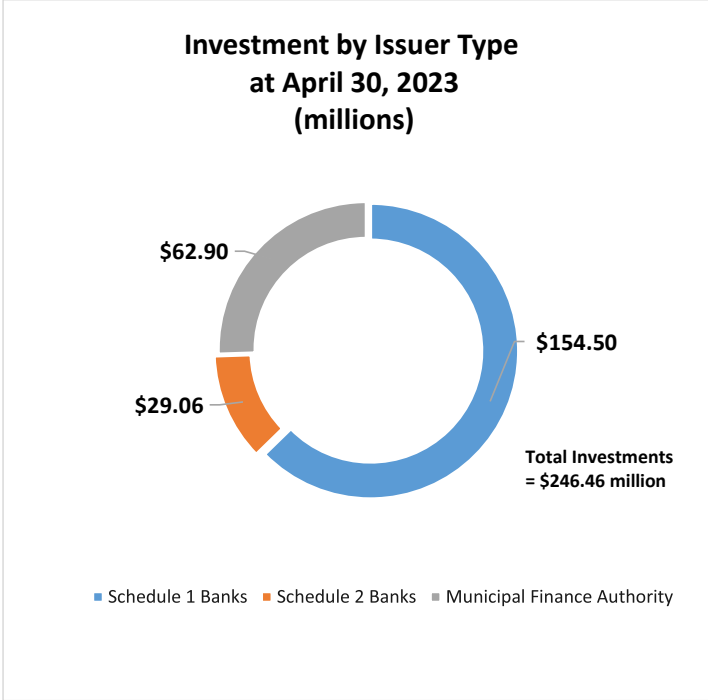
3 Project delays due to cost escalation, longer lead time on material delivery or change in scope of the project

\* Budget transfers are usually done from program budgets such as sidewalks, cycling or paving to individual projects once the scope of the work is determined

	On target
	Caution
	Delayed

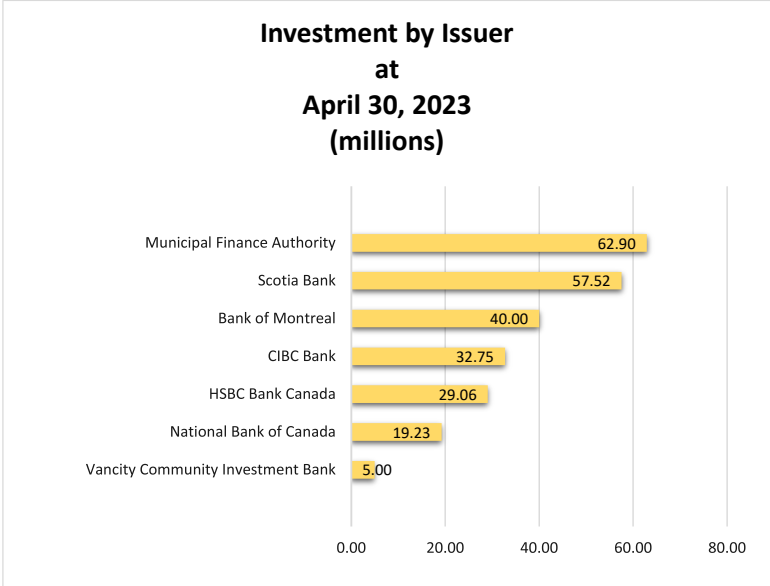
# Investment Analysis

The District of Saanich invests public funds in a prudent manner in accordance with the Council Investment Policy. The investment portfolio is currently valued at \$246.46 million. Most of these funds are either held for specific capital programs or are invested until needed to pay current operating expenses.



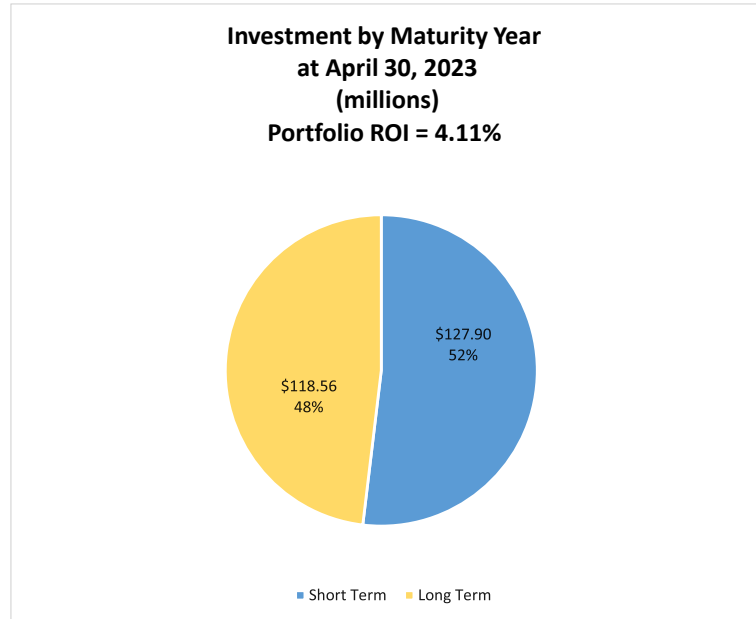
## Diversification

In order to reduce overall portfolio risk, Saanich diversifies its investment holdings across a range of security types and financial institutions.



## Liquidity

Saanich ensures that the investment portfolio remains sufficiently liquid in order to meet all reasonably anticipated operating and capital cash flow requirements. The majority of the MFA Pooled Funds are held for longer terms as they include various capital reserve funds.



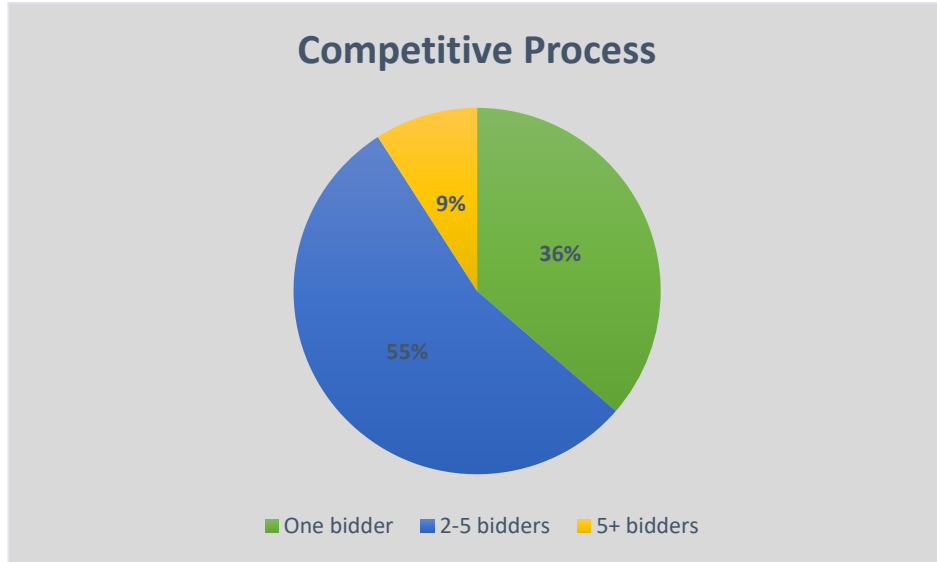
## Return on Investment

Saanich's investment portfolio earned 4.11% (1.27% in 2022) while maintaining the investment security established in the Investment Policy. The market investment rates for 2023 continues to increase with the Bank of Canada planning on further one to two 0.25% increases to the prime rate for the rest of this year to bring inflation down to the 2% range. These increases will continue to drive the market investment rates higher.

# Procurement Results

## Competitive Process

64% of procurement processes in the trimester had more than one bidder.



## Procurement

Value \$200,000+				
Procurement Description	Value	Years	Supplier	# Bids
Roof Replacement - Saanich Public Safety Building	\$567,897	One Time	Universal Sheet Metal Ltd	1
Plumbing Services Program	\$500,000	3	Apex Steel & Gas Ltd, SMS Summit Mechanical, G.Williams Plumbing & Heating	3
Supply of Electric Cargo Vans	\$485,070	5	Jenner Chevrolet Buick GMC, Suburban Motors	2
Road De-icing Salt	\$450,000	5	Mainroad Maintenance Products	3
Supply of Cast Iron Products	\$350,000	5	Iconix Waterworks LP	2
Panasonic Toughbook FZ40 and Peripherals	\$287,123	One Time	Island Key Computer Ltd	6
Supply and Delivery of Fitness Equipment	\$228,311	One Time	Fitness Town Commercial, Fitness Experience, Lifestyle Equipment, Tower Fitness	4
Vehicles - Police (Hybrid Utility, Van, Pickup)	\$225,374	One Time	Metro Motors Ltd.	2

Value \$75,000 to \$200,000				
Procurement Description	Value	Years	Supplier	# Bids
Inet Gas Calibration Services	\$133,033	4	Industrial Scientific Canada U.L.C	1
SCP Upgrades - Shoring	\$131,500	One Time	Western Grater Contracting Ltd	1
Engineering Consulting Services for Traffic Signals and Overhead Sign Structures Assessment	\$124,955	One Time	PBX Engineering Ltd	2
Electric Vehicles - Fire Prevention Program	\$ 99,724	One Time	Jenner Chevrolet Buick GMC	1
Accruent FAMIS 360 Lite	\$ 99,000	One Time	Accruent North LP	Sole

In addition, there were 14 procurement processes with value less than \$75,000

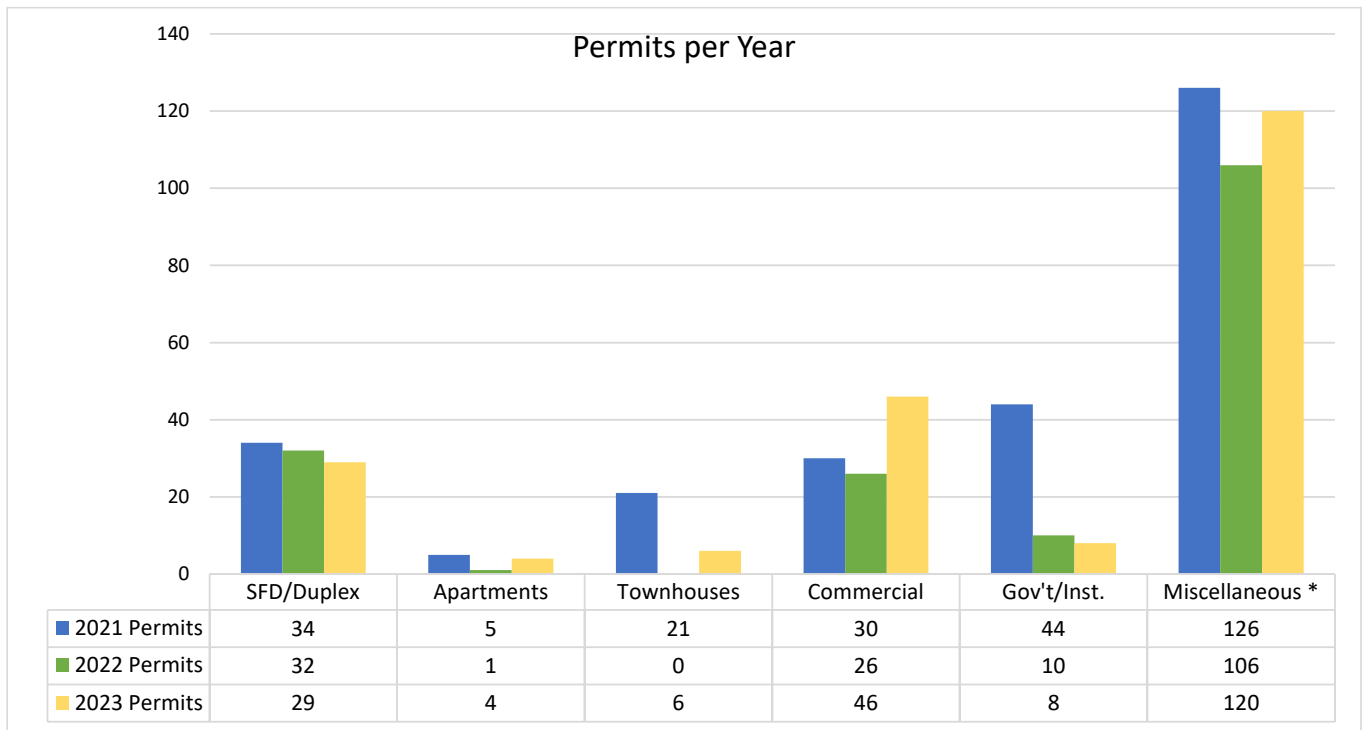


# Building Permit Statistics

Permit Type	Year to Date			No. of Permits			Dwelling Units			Construction Value (millions)		
	2021	2022	2023	2021	2022	2023	2021	2022	2023			
SFD/Duplex	34	32	29	51	42	46	24.8	19.1	21.7			
Apartments	5	1	4	190	76	298	88.6	10.6	53.5			
Townhouses	21	0	6	17	0	37	6.6	0.0	13.0			
Commercial	30	26	46	0	0	0	19.8	5.8	52.2			
Gov't/Inst.	44	10	8	0	0	0	7.7	3.1	2.1			
Miscellaneous *	126	106	120	11	10	10	10.7	10.7	10.1			
<b>Totals</b>	<b>260</b>	<b>175</b>	<b>213</b>	<b>269</b>	<b>128</b>	<b>391</b>	<b>\$158.1</b>	<b>\$ 49.3</b>	<b>\$ 152.6</b>			

**Actual occupancies** 108 90 182

\* Miscellaneous = renovations, additions, accessory buildings, pools, secondary suites, decks, etc.





## The Corporation of the District of Saanich

# Report

**To:** Finance and Governance Committee  
**From:** Angila Bains, Director Legislative and Protective Services  
**Date:** 6/30/2023  
**Subject:** Information Access, Privacy and Records Management Report

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### RECOMMENDATION

That Finance and Governance Committee receive this report for information.

### PURPOSE

This report provides comparable data of the Records, Information and Privacy team's services, year end 2022. It shows the level of demand for local government information and the commitment of the organization to meet the legislated requirements surrounding records and information management.

### DISCUSSION

The Information Access, Privacy and Records Management Report provides comparable data on the District of Saanich information management program areas. The compilation of this information may be used to assess demand for information, identify trends and provide information for associated resource requirements.

The District of Saanich is a public body whose business is done on behalf of and in the best interests of the public. The business of the District encompasses all departments and sensitive and personal information is considered in the context of our records management program. The Records, Information and Privacy team administers the *Freedom of Information and Protection of Privacy Act* (FIPPA) and oversees the information management program which includes corporate records and documents.

### The Records, Information and Privacy Team

The Information Access and Privacy Management Program and the Records Information Management Program are services provided under the Legislative and Protective Services Division and Administrative Department. The Records, Information and Privacy team oversees the management of access to information and protection of privacy as legislated by FIPPA and other legal and regulatory requirements. We are focused on giving the public a right of access to records, protection of personal and sensitive information and appropriately and securely managing information both physical and electronic.

The Office of the Information and Privacy Commissioner (OIPC) provides independent oversight and enforcement of BC's access and privacy laws including FIPPA, which applies to public bodies, which includes the District of Saanich.

The Records, Information and Privacy team's key role is promoting trust in our local government through the application of such principles as accountability, openness, and transparency.

The Records, Information and Privacy team:

- Director Legislative and Protective Services/Head FOI
- Manager Records and Information Services (1 FTE)
- Information and Privacy Analyst(s) (1.7 FTE)
- Records Coordinator (.5 FTE)
- Records Liaison Clerks in each department

## **Education**

Education and mandatory training of all employees is delivered consistently by the Records, Information and Privacy team. Programs include:

- Introduction to Records Management
- Introduction to the *Freedom of Information and Protection of Privacy Act* (FIPPA)
- Privacy Impact Assessments (PIA), and
- Technical sessions for departmental FIPPA Clerks and Records Liaison Clerks.

The Records, Information and Privacy team members attend educational seminars and sessions offered or sponsored by LGMA, the BC Government and local legal firms. Team members attend webinars from professional organizations and exchange information with other municipal governments.

## **FREEDOM OF INFORMATION**

### **Public Access to District of Saanich Records**

The District is committed to making it easy to access information and records online, directly through contact with departments, or formally under FIPPA. Most of the information sought by the public is available and provided routinely. Information may be available online or by contacting the appropriate Saanich department. A written request is not required. Routinely available records include Council agendas, minutes, policy and procedures manuals, guidelines, annual reports, and bylaws.

If individuals are seeking information that is not routinely available, or not available for a fee, they can submit a request for access under FIPPA. Written requests can be submitted to the information and privacy team by email ( [FOI@saanich.ca](mailto:FOI@saanich.ca)), fax, regular mail or hand delivered. There is a link on the District of Saanich website to retrieve the *Access to Records* form.

## Fees

The Act provides, under Section 75, that the District may charge fees for the costs of providing applicants with records.

**TABLE 1 Total number of FOI requests by year (2018-2022)**

Year	2018	2019	2020	2021	2022
<b>Formal FOI Requests</b>	124	143	122	223	170
<b>% Increase from previous year</b>	25%	15%	-14%	83%	-24%
<b>OIPC Reviews*</b>	5	5	3	3	2
<b># of Fee Estimates Issued</b>	11	14	11	15	14
<b># of Fees paid</b>	5	3	3	5	3

### Notes:

- 2018 and 2022 were municipal election years, which traditionally have a higher volume of FOI requests from the previous year.
  - In 2022 there were 14 anonymous requests, by a single applicant related to the local government election
  - Since 2018 access requests at Saanich have consistently surpassed 100 applications for records
- The FOI team has met the legislated response times with only one exception in five years.
- The decrease in FOI requests in 2020 from 2019 may be a result of the global pandemic.
- In 2021, 1 applicant submitted 24 access requests and an additional 3 applicants submitted over 10 access requests each, which reflects the sizable increase in total access requests from the previous year.
- Averaging the past three years (2020, 2021 & 2022), 27 % of total FOI requests are for Bylaw Enforcement records.
- \* Applicants can request a review by the Office of the Information and Privacy Commissioner (OIPC) if they are dissatisfied with any aspect of the handling of their FOI request. The OIPC ruled in favour of the District in all reviews except for one file.
- Applicants who receive a fee estimate under s.75 of FIPPA may decide to narrow their request to reduce the estimated fee or withdraw the request. Applicants may also request to be excused from paying the fee under s. 75 (5).



**Table 2 Requestor /Applicant Types, 2018 to 2022**

<b>Year</b>	<b>2018</b>		<b>2019</b>		<b>2020</b>		<b>2021</b>		<b>2022</b>	
Total FOI	124	%	143	%	122	%	223	%	170	%
<b>Requestor Types (# %)</b>										
Resident	86	69	79	55	92	75	150	67	100	60
Public Sector	23	19	28	16	6	5	31	14	15	9
Private Sector	3	2	8	6	12	10	22	19	11	6
Lawyer/Insurance	10	8	12	8	11	9	15	7	20	12
Anonymous	-	-	-	-	-	-	-	-	14	8
Media	1	.8	3	2	1	.8	1	.5	4	2
Non-Profit	1	.8	1	-	0	-	0	-	1	.6
Other	-	-	-	-	-	-	4	2	5	3

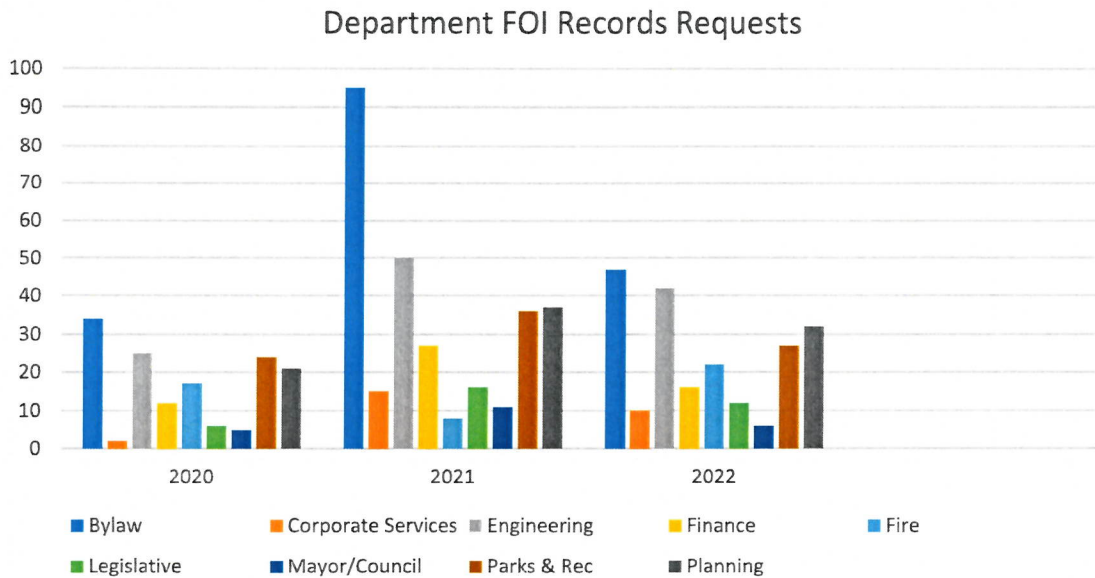
**Notes:**

- Public Sector requests include Police–Law Enforcement requests records using the *Law Enforcement Request for Access To Records* form. A case investigation number is required to access District records for investigative purposes. Records may include surveillance footage.
- The Saanich Police Department, as a separate public body, process FOI requests for records in the custody and control of the police department.

**Table 3 Number of Applicants (who made more than one request)**

<b>Year</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
Applicants	11	7	11	14	14

**Chart 1 Department Record Requests**



**Note:**

- One access request often involves records from several departments

**PRIVACY**

The District established a prescribed Privacy Management Program in 2016 which is guided by principles outlined in the Privacy Management Framework. The framework is available on the District website.

A core privacy metric is the number of Privacy Impact Assessments completed for the year. Surveillance systems, Information Sharing Agreements (ISAs) and privacy breach incidents information are also monitored as part of a 'culture of privacy awareness' at the District.

**Mandatory Privacy Impact Assessments (PIAs)**

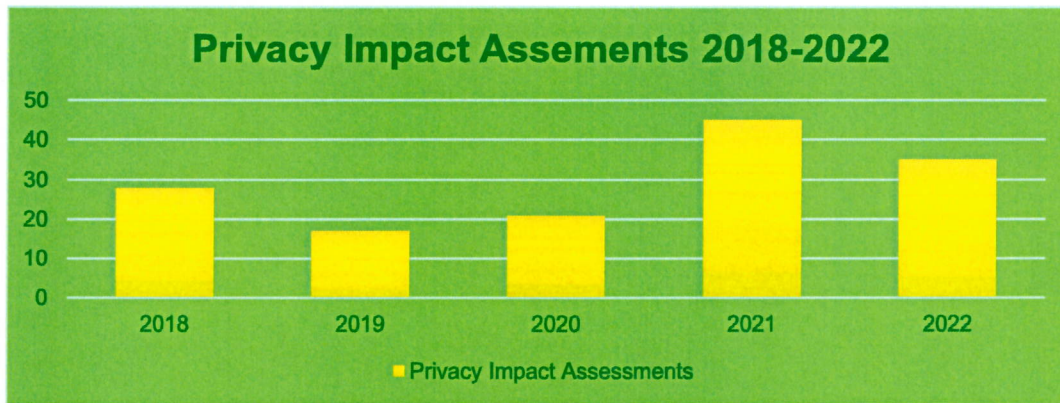
The PIA is a fundamental risk assessment tool/process used to evaluate privacy impacts, including compliance with the personal information protection responsibilities under FIPPA. A PIA promotes transparency and accountability and contributes to continued public confidence in the municipality.

When Program Areas are developing or updating a project, program, activity, or system, a Privacy Impact Assessment (PIA) is required.

**Table 4 Privacy Impact Assessments 2018 - 2022**

Year	2018	2019	2020	2021	2022
Privacy Impact Assessments Completed	28	17	21	45	35
% increase/decrease from previous year		65%	-39%	23%	114%

**Chart 2**



**Notes:**

- It is apparent, the COVID-19 Pandemic impacted initiation of new initiatives and consequently the decrease in privacy risk assessments.

**Mandatory Breach Reporting** - Bill 22 requires the head of a public body to report breaches to both the Office of the Information and Privacy Commissioner and to affected individuals where there is a risk of "significant harm". This is already an established requirement at Saanich.

**Surveillance Systems policy and procedures** – Saanich has an up-to-date Surveillance Systems Policy and associated procedures for surveillance. The Privacy Officer provides advice on the interpretation and application of privacy legislation related to surveillance systems, reviews related Privacy Impact Assessments (PIA's) and assists with program audits. The Privacy Officer maintains an inventory of locations of Saanich surveillance camera locations and required notification signage.

## RECORDS INFORMATION MANAGEMENT (RIM)

Recordkeeping at the District of Saanich is governed by the Corporate Records Management Program Bylaw, 2016, No. 9404, the Records Management Policy, and applies to all departments and all records.

The Records Information Management program develops and implements records management policies, standards, guidelines, and best practices. The Records Classification and Retention Schedule (RCRS), an evergreen document, is updated, revised, and published on an ongoing basis. Records advisory services provide expert advice and support to departments on recordkeeping requirements including training to all employees.

Records destruction is a key component of the life cycle of a record model. Records are legally disposed of according to RCRS. The records program reviews, approves and tracks record destruction applications received from all departments.

**Table 6 Records Destruction**

Year	2018	2019	2020	2021	2022
# of Records Destruction Forms Received	77	100	42	110	65
# of Boxes of Records Legally Destroyed		387	106	225	245

### Notes:

The records destruction form is the document used to apply for the legal destruction of records in accordance with RCRS. The form describes the department, division, record title and description, classification code, retention schedule, and final disposition year.

## CONCLUSIONS

The Records Management Program is expanding with the implementation of the SaanichIM project. The focus is Electronic Document and Records System (EDRMS) readiness and implementation projects.

The recent changes to FIPPA under Bill 22 have been reviewed and considered. For example, the legislation now permits a public body to charge an application fee. A decision was made that the District would not charge the \$10 administration fee to ensure effective, consistent, and open service to applicants. The new requirements for the development of a privacy management program and mandatory breach notification are current practices of the District.



Moving forward, the Records, Information and Privacy team have plans to develop training opportunities online and to increase awareness of Records and Information Management Month, Privacy Awareness Week, and Right to Know Week.

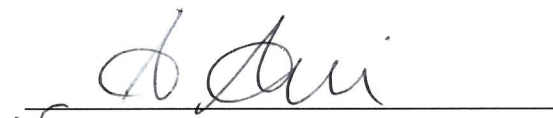
A future consideration is collecting additional data sets for reporting purposes, such as average response times, total number of pages or records released, assessment and review of open data initiatives.

Prepared by Sheryl Masters  
Sheryl Masters  
Manager Records and Information Services

Approved by **Angila Bains** Digitally signed by Angila Bains  
Date: 2023.06.30 13:30:29 -07'00'  
Angila Bains  
Director Legislative and Protective Services

**ADMINISTRATOR'S COMMENTS:**

I endorse the recommendation from the Director of Legislative and Protective Services

  
Administrator



# Report

**To:** Finance and Governance Standing Committee  
**From:** Brent Reems, Chief Administrative Officer  
**Date:** 7/21/2023  
**Subject:** Council Procedure Bylaw – Public Participation

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## RECOMMENDATIONS

That the Finance and Governance Standing Committee receive this report for information.

## PURPOSE

To provide information to assist with the Finance and Governance Standing Committee's consideration of public participation provisions in the Council Procedure Bylaw, 2021, No. 9660.

## BACKGROUND

At its meeting of May 8, 2023, Council passed the following resolution:

*That Council refer public participation as identified in the Council Procedure Bylaw to the Finance and Governance Standing Committee for review and possible recommendations on bylaw updates.*

### Council Procedure Bylaw, 2021, No. 9660

The Council Procedure Bylaw, 2021, No. 9660 ("Council Procedure Bylaw", attached at Appendix "B") contains several provisions that provide for members of the public to provide input in person at Council meetings. Those provisions are summarized by meeting type below.

1. Regular Council Meetings
  - a. Section 39 provides wide latitude for the public to address Council on matters that are before Council by way of public input before agenda items are considered by Council. Section 40 provides for a time limit of 3 minutes per address.
  - b. Section 41 sets out restrictions on the type of topics or subjects that can be addressed.
2. Public Hearings
  - a. Section 43 provides an opportunity for person who believe their interests are affected by a proposed bylaw to be heard.
3. Committee of the Whole
  - a. Section 52 provides for persons to present to Council as a "delegation." Delegation is defined in the bylaw as a presentation for information from a person(s) on behalf of an organization or association.

- b. Section 53 provides for an open forum opportunity at the beginning of the first COW meeting of each month. Persons are limited to a 3-minute address and cannot speak to matters outlined in section 41.

Outside of the Bylaw, it should be noted that in Council's *Draft Strategic Plan, 2023-2027*, Council identified that it will be exploring the potential for semi-annual Town Hall meetings to be held in various neighbourhoods within the District to further public engagement.

### Comparative Review

Staff have reviewed public participation opportunities at a number of municipalities to provide the Committee with a comparative overview of the approaches taken in communities with a similar size and make up. For the purposes of review, staff looked at the following municipalities, which are used by the District as comparators for other administrative purposes (such as determining remuneration):

- Abbotsford
- Coquitlam
- Delta
- Kamloops
- Kelowna
- Langley
- Nanaimo
- North Vancouver
- Victoria

A table summary of the review is attached at Appendix "A". As indicated in the table, practices range across the comparators, from those that have few formal Council meeting opportunities to provide verbal input (such as Coquitlam, Delta, Langley and Kelowna) to those that provide a broader range (such as Nanaimo, Kamloops, North Vancouver and Victoria).

#### *Verbal public input*

Most of the comparables allow verbal public input by way of delegations, either at Council or, if not, COW. Each community typically has rules around the number of delegations that can present, the subjects they can speak on and how frequently individuals/organizations can speak. While all different, these processes appear to be generally similar to the District's formal delegation process.

Outside of formal delegations, five receive verbal public input on agenda items: Abbotsford, Nanaimo, Kamloops and North Vancouver and Victoria. In Nanaimo, people must sign up in advance (and they use the term "delegation"); Kamloops has relatively few formal rules around its process; North Vancouver restricts public input on agenda items to one speaker in favour and one against (outside of their open forum). North Vancouver's rules provide that no person shall speak on an item that is or has been the subject of a public participation process. This appears to be similar to a broader general practice in larger lower mainland municipalities of not providing an opportunity for the public to address land use applications until (and if) a public hearing has been called. Victoria permits public input at their evening Council meetings only. In Victoria, there are no public input opportunities during daytime Council or COW meetings.

While Kelowna does not permit public input at regular meetings, it is permitted at COW.

### *Open forum*

Of the comparables, only North Vancouver and Victoria provide an opportunity that appears similar to Saanich's COW open forum (which is fundamentally distinguished from public input in that the opportunity allows people to speak to items that are not on the agenda).

In North Vancouver, regular Council meetings allow for 30 minutes of public comment on any issue. As noted above, a member of the public can also speak to agenda items in this 30-minute period. Members of the public can also speak to agenda items during the business part of the meeting (when the items come forward) but at that time are limited to one speaker in favour and one against.

In Victoria, there is an opportunity once a month at the evening Council meetings for six people to address Council for a maximum of three minutes each (this was recently changed from two opportunities per month for five-minute addresses).

Coquitlam, Delta and Nanaimo all have a question period. These periods are time limited, and each community has different rules governing process. Delta, for example, only permits questions (and not "speeches"). In Delta and Coquitlam they are held before and after (respectively) the formal business meeting and are not part of the agenda proceedings.

### **ALTERNATIVES**


1. That the Committee approve the recommendation outlined in this Report.
2. That the Committee receive this report for information and make recommendations to Council on bylaw updates that the Committee determines are appropriate in the circumstances.
3. That the Committee direct staff to bring back additional information related to the topic of public participation.
4. That the Committee provide alternate direction to staff.

### **FINANCIAL IMPLICATIONS**

There are no direct financial implications associated with receiving this report for information. There are financial implications associated with providing opportunities for public participation as part of the Council meeting related to: staff (and, where applicable, consultant) time as a result of longer meetings, and technology and meeting support related to standard meeting process matters.

**CONCLUSION**

The information in this report is intended to assist in the Committee’s consideration of the public participation provisions in the Council Procedure Bylaw.

Prepared by  \_\_\_\_\_  
Brent Reems  
CAO

Attachments: Appendix “A” – Comparative Review  
Appendix “B” – Council Procedure Bylaw

## Appendix "A"

### Public Participation Options Included in the Council Procedure Bylaw.

MUNICIPALITY	COUNCIL MEETINGS	COMMITTEE OF THE WHOLE	PUBLIC HEARING
<b>SAANICH</b>	<p>Verbal input –3 minutes/ speaker. Community associations – 6 minutes.</p> <p>Written input</p>	<p>Open Forum – once a month. 15 minutes at beginning of meeting. 3 minutes/speaker.</p> <p>Delegations – Must submit an application. Maximum of one/meeting. 10 minutes/speaker.</p> <p>Verbal input –3 minutes/speaker. Community associations – up to 6 minutes. Applicants – 30 minutes for applicant and representatives.</p> <p>Written input</p>	<p>Public Input –5 minutes/speaker. Speak again with new information after first time speakers.</p> <p>Written Input</p>
<b>ABBOTSFORD</b>	<p>Delegations (individuals or organizations – maximum of once per year on the same topic). Must submit an application. 10 minutes/per delegation.</p> <p>Verbal input – up to 5 minutes (potential to speak a second time).</p> <p>Written comments</p>	<p>Delegations (individuals or organizations. Delegations can also be to the executive committee. Must submit an application. 10 minutes/.</p>	<p>Public Input – 5 minute/speaker</p> <p>Written Input</p>
<b>COQUITLAM</b>	<p>Presentations - Council does not typically hear from the public during regular Council meetings, unless there is a non-business item of broad interest. An application to provide a presentation is required.</p> <p>Written input</p> <p>Public Question Period (after adjournment)</p>	<p>Delegations – (individuals or organizations). Must submit an application. Maximum of three. 5 minutes. Intended for those wishing to address Council on a business item of interest to Council.</p> <p>Written input</p>	<p>Public Input – 5 minute max</p> <p>Written input</p>
<b>DELTA</b>	<p>Question Period – held immediately prior to the Council meeting. Questions must be submitted in advance. Limit of 3 minutes/speaker. Limit to number of questions.</p>	<p>Delegations – (individuals or organizations). Must submit an application.</p>	<p>Public Input – 5 minute max</p> <p>Written input</p>



MUNICIPALITY	COUNCIL MEETINGS	COMMITTEE OF THE WHOLE	PUBLIC HEARING
	<p>Written input</p> <p>Delegations</p>		
<b>KAMLOOPS</b>	<p>* Public participation in Council Meetings and Public Hearings is only permitted in relation to items on the agenda. These are not forums for the public to comment on unrelated issues.</p> <p>Written input – There are options provided on how correspondence is handled.</p> <p>Public submissions – development applications.</p> <p>Public inquiries on matters related to the agenda.</p> <p>Delegations – (individuals or organizations). Must submit an application. Maximum of four. 10 minutes.</p>	<p>Delegations – (individuals or organizations). Must submit an application. Maximum of four/meeting. 10 minutes/delegation.</p> <p>Written input – There are options provided on how correspondence is handled.</p>	<p>Correspondence received outside the notice period is not distributed.</p> <p>Public input</p> <p>Written input</p>
<b>KELOWNA</b>	<p>Council does not typically hear from the public with the following two exceptions:</p> <p>Regular Meetings (afternoon) Public input: The following person(s) shall be permitted the opportunity to make a presentation to Council to express their views regarding an application under consideration by Council on a Regular Monday meeting agenda: (a) the owner or applicant, or their representative, whose Land Use development application has received a negative recommendation will have a maximum of fifteen (15) minutes to express their views, or (b) any tenant(s) or their representative who deem their interest to be affected by a multiple housing strata conversion application will have a maximum of five (5) minutes to express their views.</p>	<p>Delegation invited by Council for a time limit set by Council.</p> <p>Public input – 5 min/each max.</p>	<p>Members of the public are invited to submit correspondence <u>within the notification period</u> to the Office of the City Clerk.</p> <p>Any correspondence received between the date of notification and 4 p.m. the business day prior to the public hearing is circulated in advance to City Council.</p> <p>Written input</p> <p>Verbal input –5 minutes/speaker. Additional time after first time speakers are heard.</p> <p>Presentations by owner/applicant limited to 15 minutes. Additional information is to be provided in writing. Owner/applicant able to respond to questions or comments for up to 10 minutes.</p>
<b>LANGLEY (T)</b>	Presentations		Written input.

MUNICIPALITY	COUNCIL MEETINGS	COMMITTEE OF THE WHOLE	PUBLIC HEARING
	Delegations must submit application form. Maximum of 5 delegations/meeting. 5 minutes/delegation		Verbal input
<b>NANAIMO</b>	<p>Presentations</p> <p>Delegations (pertaining to items on the agenda). 5 minutes/delegation. Delegation must submit a written request. No limit of number of delegations. There is public input received (without pre-registration) but is limited to specific agenda items (development variance permits, etc.).</p> <p>Delegations (pertaining to items not on the agenda). 5 minutes/each delegation. Must submit a written request.</p> <p>Question Period – 5 minute time limit. Related to items on the agenda.</p>		<p>Written input.</p> <p>Verbal input</p>
<b>NORTH VANCOUVER (District)</b>	<p>“General” Public Input – 30 minutes total. Individuals can speak up to 3 minutes/each. Speakers sign up in advance. Individuals can speak to items on (or not on) the agenda. Priority is given to those speaking on agenda items. If time remains, the Chair will check if there are any additional speakers. The public cannot speak to any items that are or have been subject to a public participation process.</p> <p>Individuals speaking on a Report from Council or Staff Report can speak during the public input period or when the report is on the floor. If speaking when the report is on the floor, there is a speaker limit of 1 person in favor and 1 person against.</p> <p>Delegation – Limit of 1 delegation. Must submit an application form. 5 minutes/delegation.</p>	<p>Public input - Members of the public will have a total of 10 minutes to make a statement or pose a question to the Committee related to an agenda item at that particular meeting.</p> <p>Where those on the speakers list have spoken and the allotted time has not been filled, the Mayor may ask for speakers from the virtual and in-person galleries, under the same rules as this section, to fill any remaining time in the designated period</p>	<p>Questions from speakers – If a speaker asks a question during their allotted time, they will be permitted to finish speaking before staff or the applicant answers the question.</p> <p>Questions from Councillors – Councillors will provide any questions they may have to staff in writing. Periodically, at the Chair's discretion, the Chair may pause the list of speakers to allow for staff to respond to questions submitted by Councillors.</p> <p>Verbal input.</p>



<p><b>VICTORIA</b></p>	<p><i>Daytime Council Meetings (follows 2:00 C/W meeting)</i></p> <p>Delegations (Organizations that are invited to address Council).</p> <p>Business items (C/W reports for ratification, bylaw introduction and adoptions, update reports from staff, correspondence from other levels of government depending on the subject)</p> <p>No verbal public input.</p>	<p>2:00 daytime Council meeting.</p> <p>No verbal public input.</p> <p>Land Use applications (motion is to draft the bylaws and schedule a public hearing, along with other conditions). This recommendation is then ratified at the Council meeting two weeks later.</p>	<p><i>Evening Council Meetings</i></p> <p>Requests to Address Council – twice/month, maximum of 6 requests per meeting on any topic. 3 minutes/speaker. Individuals must submit a request. Priority given to those that have not addressed Council within the last three meetings.</p> <p>Public Hearings (5 minutes/speaker)</p> <p>Statutory Hearings (5 minutes/speaker)</p> <p>Opportunity for public comment: - a DVP, DP with variances, heritage alternation permit with variances, or a temporary use permit. (5 minutes/speaker)</p> <p>Written input</p> <p>Verbal input – 5 minutes/speaker.</p>
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**THE CORPORATION OF THE DISTRICT OF SAANICH**

**BYLAW NO. 9660**

**TO REGULATE THE PROCEEDINGS OF  
THE COUNCIL AND COUNCIL COMMITTEES**

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The Council of The Corporation of the District of Saanich enacts as follows:

**PART 1 - INTRODUCTION**

**Title**

1. This Bylaw may be cited as the "**COUNCIL PROCEDURE BYLAW, 2021, NO. 9660**".

**Definitions**

2. In this Bylaw:

"Acting Mayor" means the Council member who is responsible for acting in the place of the Mayor when the Mayor is absent or otherwise unable to act or when the office of Mayor is vacant.

"CAO" means the appointed Chief Administrative Officer for the District.

"C/W" means the Committee of the Whole Council.

"Chair" means the Mayor, Acting Mayor or other Councillor presiding at a meeting in accordance with this Bylaw.

"Committee" means a standing, select, advisory or other committee of Council but does not include C/W.

"Consent Agenda" means the portion of the Regular Council Meeting agenda which allows non-controversial, routine items which do not require discussion or debate to be grouped together and dealt with by means of a single resolution of Council.

"Corporate Officer" or "Municipal Clerk" means the appointed Corporate Officer for the District.

"Council" means the Municipal Council of the District.

"Councillor" means a Councillor of the District.

"Delegation" means a presentation for information from a person or persons on behalf of an organization or association.

"District" means The Corporation of the District of Saanich.

"In Camera meeting" means a meeting or part thereof closed to the public in accordance with Section 90 of the *Community Charter*.

"Mayor" means the Mayor of the District.

"Meeting" means a meeting of Council or C/W, or a committee to which this Bylaw applies.

"Motion" includes a resolution.

"Municipal Hall" means the Saanich Municipal Hall located at 770 Vernon Avenue, Saanich, British Columbia.

"Municipal Website" means the information resource found at an internet address provided by the District.

"Notice of Motion" is a motion proposal made by a member of Council to bring forward an idea and specific course of action.

"Public Hearing" means a public hearing required in relation to a proposed bylaw pursuant to Part 14 or Part 15 of the *Local Government Act*.

"Public Notice Posting Place" means the Municipal Hall notice board.

#### **Application of Rules of Procedure**

3. a) The provisions of this Bylaw govern the proceedings of Council, C/W and all committees of Council, as applicable.
- b) In cases not provided for under this Bylaw, the most recent edition of *Robert's Rules of Order, Newly Revised* will apply to the proceedings of Council, C/W and all committees of Council to the extent that those Rules are:
  - i. applicable in the circumstances, and;
  - ii. not inconsistent with provisions of this Bylaw or the *Community Charter*.

#### **Suspension of Rules of Procedure**

4. The rules of procedure contained in this Bylaw except those that are governed by statutory provisions, may be temporarily suspended by a 2/3 vote of the Council members present at a C/W meeting or a Council meeting, other than a public hearing.

## **PART 2 - DUTIES, ROLES AND RESPONSIBILITIES OF THE COUNCIL**

#### **Designation of Member to Act in Place of Mayor**

5. a) Annually in December, Council shall, from among its members, designate Councillors to serve on a rotating basis as Acting Mayor in the place of the Mayor when the Mayor is absent or otherwise unable to act.
- b) In the event the Office of the Mayor becomes vacant, the Council shall designate a member to be Acting Mayor and such Acting Mayor shall continue in office until such time as another Mayor is elected or otherwise appointed.

- c) If both the Mayor and Acting Mayor are absent from a Council meeting, the Councillors present shall select one of their number to preside at the Council meeting, and in so doing shall consider selecting the Councillor next in succession on the rotating roster established under subsection (a).
- d) At a meeting other than a Council meeting, if both the Mayor and the Acting Mayor are absent or otherwise unable to act, the Councillor next in succession on the rotating roster established under subsection (a) shall preside at the meeting.
- e) The Acting Mayor or presiding member of Council designated under subsections (a), (b), (c) or (d) has the same powers and duties as the Mayor in relation to the applicable matter.
- f) The Mayor or, if applicable, the Acting Mayor will, make reasonable efforts to notify the Corporate Officer in advance if the Mayor or Acting Mayor will be absent from a meeting.
- g) A Councillor will make reasonable efforts to remain in the region while serving as Acting Mayor.

#### **Mayor May Require Council Reconsideration**

- 6. The Mayor may require Council to reconsider a matter in accordance with section 131 of the *Community Charter*.

#### **Closed (In Camera) Meetings**

- 7. Every meeting must be open to the public unless the meeting is permitted to be closed in accordance with Section 90 of the *Community Charter*.

### **PART 3 - TIME, PLACE, NOTICE AND MINUTES OF COUNCIL MEETINGS**

#### **Inaugural Meeting of Council**

- 8.
  - a) Following a general local election, the first Council meeting shall be held on the first Monday in November in the year of the election.
  - b) If a quorum of Council elected in a general local election has not taken office by the date of the meeting referred to in subsection (a), the first Council meeting shall be called by the Corporate Officer and held as soon as reasonably possible after a quorum has taken office.

#### **Time, Place and Adjournment of Meetings**

- 9.
  - a) Regular Council and C/W meetings and Public Hearings shall take place within the Municipal Hall, except when Council resolves to hold regular Council and C/W meetings and Public Hearings elsewhere in the Municipality.

- b) Regular Council and C/W meetings will be held bi-weekly on the opposite Mondays except that there will be no regular Council, C/W meetings or Public Hearings:
  - (i) during any week in which a statutory holiday falls;
  - (ii) during the weeks in which the annual general meetings of the Union of British Columbia Municipalities and the Federation of Canadian Municipalities are held;
  - (iii) on the last Monday in July and the last Monday in August;
  - (iv) during the three weeks prior to and the week following a general local election;
  - (v) on general voting days of Provincial and Federal elections.
- c) Public Hearings may be held as part of a regular Council meeting or on another day to be set out in the schedule of Council meetings.
- d) Regular Council and C/W meetings and Public Hearings shall begin at 7 p.m. and be adjourned at 11 p.m. on the day scheduled for the meeting unless Council resolves to proceed beyond that time by an affirmative 2/3 vote of the Council members present.
- e) Notwithstanding subsection (d), regular Council meetings may begin at 3 p.m. or later if any part of the meeting is closed in accordance with Section 90 of the *Community Charter*, and provided that the portion of the regular meeting that is held in the Council Chambers begins at 7 p.m.
- f) Regular Council and C/W meetings and Public Hearings may be cancelled by an affirmative 2/3 vote of the Council members present at a meeting or by the Corporate Officer where there is insufficient business to warrant the holding of a regular Council or C/W meeting or a Public Hearing. The Corporate Officer, prior to cancelling a regular Council or C/W meeting or a Public Hearing, shall consult with the CAO, and shall advise the Mayor.

#### **Notice of Meetings**

- 10. a) A schedule of the date, time and place of regular Council and Committee of the Whole meetings and Public Hearings shall be made available to the public and notice shall be given annually, on or before January 30, of the availability of the schedule in accordance with Section 94 of the *Community Charter*.
- b) Except where notice of a special meeting is waived by unanimous vote of all Council members, a notice of the date, time and place of a special Council meeting shall be given at least 24 hours before the time of the meeting by:
  - (i) posting a copy of the notice in the Council Chambers at the Municipal Hall; and
  - (ii) posting a copy of the notice at the public notice posting place.
- c) The notice under subsection (a) shall describe in general terms the purpose of the meeting and must include the date, time and place of the meeting and be signed by the Mayor or Corporate Officer.

#### **Electronic Meetings**

- 11. a) A Council member who is unable to attend a Council or C/W meeting may participate in the meeting by means of electronic or other communication facilities provided that:

- (i) the facilities must enable the meeting's participants to hear, or watch and hear, each other;
  - (ii) except for any part of the meeting that is closed to the public, the facilities must enable the public to hear, or watch and hear, the meeting at the place specified for public attendance.
- b) A special Council meeting may be conducted by means of electronic or other communication facilities if the Mayor, CAO or Corporate Officer calls for such a meeting to deal with an urgent matter.
  - c) Where reasonably practicable by means of the electronic or other communication facilities in use, any person who has an interest in a matter being considered by Council at a special meeting conducted by electronic or other communication facilities may be afforded an opportunity to provide written or verbal input.
  - d) Section 11 (b) does not apply to public hearings.

#### **Minutes of Council and Committee of the Whole Meetings**

- 12. a) It is the responsibility of the Corporate Officer or designate to ensure that minutes of Council and Committee of the Whole meetings, representing a summary of the proceedings and action items, are prepared and certified as accurate. The Corporate Officer may make minor corrections that do not affect the substance of the minutes.
- b) The minutes of a Council meeting shall be signed by the Chair of the meeting and the Corporate Officer.
- c) The minutes of a Council meeting must be available for public inspection unless the meeting has been closed to the public.

#### **PART 4 - ATTENDANCE OF PUBLIC AT MEETINGS**

##### **Conduct at Meetings**

- 13. a) The Chair at a meeting may refuse to allow a person to be heard or continue to be heard if the person is using profane or vulgar language or making offensive signs or gestures.
- b) If the Chair at a meeting considers that another person at the meeting is acting improperly, the Chair may order that the person is expelled from the meeting.
- c) If the person who is expelled does not leave the meeting, a peace officer may enforce the order under subsection (a) or (b) as if it were a court order.

## **PART 5 – COUNCIL PROCEEDINGS**

### **Call to Order**

14. The Mayor shall take the chair and, if quorum is achieved, call the meeting to order as soon after the time advertised as possible.

### **Non Attendance of Mayor**

15. If the Mayor and the Acting Mayor do not attend the meeting within 15 minutes after the time scheduled for the meeting, the Corporate Officer shall call the meeting to order and if a quorum is present, a Chair shall be chosen to preside during the meeting or until the arrival of the Mayor or Acting Mayor.

### **No Quorum**

16. If there is no quorum present within 30 minutes after the time scheduled for the meeting, the Corporate Officer shall record the names of the members present at the expiration of the 30 minutes and the Council shall stand adjourned.

### **General Rules of Conduct and Debate**

17.
  - a) Every member in speaking to any motion shall address themselves to the Chair.
  - b) Debates shall be strictly relevant to the motion before the meeting and the Chair shall warn speakers who violate this rule.
  - c) Members shall address the Mayor as "Mr. Mayor or Madam Mayor" and shall address each other as "Councillor", followed by the name of the person referred to.
  - d) No member shall speak until recognized by the Chair. A member of Council may speak to a motion twice for a maximum of five (5) minutes each time. No member of Council shall speak a second time until all Council members have had their first opportunity to speak.
  - e) A question of privilege (an urgent matter dealing with the welfare of the Council as a whole or of a member personally) may be raised at any time and shall be ruled on immediately by the Chair before resumption of business.
  - f) Points of order to correct a breach in the rules of procedure shall be raised at the time the breach occurs. After the motion has been discussed, it is too late to raise the question as to whether it was in order for the Chair to rule the motion out of order unless the motion is in violation of the law, or of the rules and orders of this Bylaw.
  - g) The Chair shall preserve order at the meeting and decide points of order which may arise, subject to an appeal by the other members of the Council then present.
  - h) On an appeal by a Council member of the decision of the Chair on a point of order, the motion shall be immediately put by the Chair and decided without debate "shall the chair be sustained?" and the Chair shall be governed by the vote of the majority of the members then present, excluding the Chair. In the event of the votes being equal, the motion shall pass as in the affirmative. The names of the Council members voting for or against the motion shall be recorded in the minutes.

- i) If the Chair refuses to put the motion "shall the Chair be sustained?", the Council shall immediately appoint a member to preside temporarily and that member shall proceed in accordance with subsection (h). A resolution or motion carried under this subsection is as binding as if carried under subsection (h).

### **Phrasing of Motions**

18. Motions shall be phrased in a clear and concise manner so as to express an opinion or achieve a result. The Chair or Corporate Officer may require that motions be put in writing for purposes of clarity.

### **Motions Must be Seconded**

19. No motion shall be debated unless it has been seconded. A motion that is not seconded will not be documented in the minutes.

### **Withdrawal of Motion**

20. After a motion has been seconded, it shall be deemed to be in the hands of Council but the mover may, with the permission of the seconder, withdraw the motion at any time before the motion is amended or a decision on the motion is made.

### **Secondary Motions Allowed During Debate**

21. When a question is under consideration, no motion shall be received unless it is one of the following:

#### **Subsidiary Motions** (related to the main motion)

- a) to postpone indefinitely;
- b) to amend;
- c) to refer to a committee;
- d) to postpone to a future meeting;
- e) to close debate and take the vote immediately; or
- f) to lay on the table (set aside temporarily).

#### **Privileged Motions** (related to matters of immediate importance)

- g) to raise a question of privilege (dealing with the welfare of the assembly or the individual);
- h) to recess (take a short break); or
- i) to adjourn.

#### **Incidental Motions** (related to matters of procedure)

- j) to raise a point of order; or
- k) to suspend the rules.



**Order of Motions Allowed During Debate/Certain Motions Not Amendable or Debatable**

22. a) The subsidiary and privileged motions (a) through (i) inclusive listed in Section 21 of this Bylaw shall have precedence in the order in which they are named.
- b) The motions to close debate and take the vote immediately, to lay on the table, to raise a question of privilege, to recess, to adjourn, to raise a point of order, or to suspend the rules shall not be amendable or debatable.

**Amendments to the Main Motion**

23. Only one amendment shall be allowed at one time and shall be dealt with before the main motion is decided. Amendments must be strictly relevant to the main motion and not alter in a material way or be contrary to the principle embodied in the main motion.

**Motions to Close Debate and Take the Vote Immediately**

24. a) If a motion to close debate and take the vote immediately carries, the original motion shall be put without any amendment or debate.
- b) If a motion to close debate and take the vote immediately fails, then the motion is once again debatable.

**Motions to Adjourn**

25. A motion to adjourn the meeting or close debate shall always be in order.

**Motion to Postpone**

26. A motion to postpone requires that the time, date and place be provided for when the motion would be considered or that it be referred to the Corporate Officer.

**Reading of the Motion**

27. Any member may require the motion under discussion to be read at any time during debate, but not so as to interrupt a member while speaking. The motion must be clarified by the mover.

**Reconsideration of Council Decisions**

28. a) Subject to Section 6 of this Bylaw, after any motion has been decided, it shall not be reconsidered by Council for a period of six months unless a motion to reconsider is passed by a 2/3 vote of the Council members present.
- b) Subsection (a) shall not apply to any bylaw, motion, proceeding or decision which has been returned for reconsideration by the Mayor under Section 6 of this Bylaw, or which has been acted upon by an officer, employee or agent of the Municipality.

## **Voting**

29. When debate on a motion is closed and Council is ready to vote, the Chair shall proceed to put the question, "is the Council ready for the motion?" The Chair shall then proceed by saying, "those in favour of the motion" (or amendment as the case may be) and "those opposed to the motion". Members of Council shall vote by raising their hand. When the supporters and opponents of the motion or amendment have given their vote for and against, the Chair shall declare the result and announce those opposed for the record.

## **Majority Decision unless Otherwise Required**

30. Unless otherwise provided by statute or this Bylaw, a motion on a bylaw or resolution, or any other question before Council, is decided by a majority of the Council members present at the meeting, including the Mayor.

## **One Vote per Council Member**

31. Each Council member has one vote on any motion or question.

## **Voting Compulsory if Present**

32. a) Each Council member present at the time of a vote must vote on the matter.  
b) If a Council member abstains from voting or does not indicate how they vote, the member is deemed to have voted in the affirmative.

## **Tie Vote**

33. If the vote of the members present at a Council meeting at the time of the vote are equal for and against a motion, the motion is defeated.

## **Affirmative Vote of Specified Portion of All Members of Council**

34. A requirement under an enactment for an affirmative vote of a specified portion of all members of Council means an affirmative vote of that portion of nine (9) members of Council.

# **PART 6 - COUNCIL MEETINGS**

## **Order and Scheduling of Business**

35. The order of business at all regular Council meetings shall be as follows:
- a) Mayor's Introduction;
  - b) Public Hearing;
  - c) Notice Against Land Title that Building Regulations Contravened;
  - d) Appeals;
  - e) Presentations from Other Government Agencies;
  - f) Adoption of Minutes;
  - g) Ratification of Motions from C/W meetings;
  - h) Rise and Report of Motions from Closed Meetings;

- i) Notices of Motion;
  - j) Council Deliberations following Receipt of Public Input at C/W;
  - k) Bylaws for Final Reading, Ratification of Permit Approval, Bylaws for First Reading (Subject to a Public Hearing);
  - l) Public Input on Business Items;
  - m) Consent Agenda Items;
  - n) Bylaws for Three Readings;
  - o) Resolutions for Adoption;
  - p) Reports from the CAO or Directors;
  - q) Recommendations from Advisory Committees;
  - r) Reports from Members of Council.
36. a) Recommendations from Advisory Committees may be scheduled for a C/W meeting rather than a regular Council meeting at the request of the Advisory Committee Chair, provided that the request is made to the Corporate Officer in advance of scheduling.
- b) Reports from Members of Council may be scheduled for a C/W meeting rather than a regular Council meeting at the request of the Council member, provided that the request is made to the Corporate Officer in advance of scheduling.

#### **Consent Agenda**

37. a) The Corporate Officer may prepare a Consent Agenda for any regular Council meeting.
- b) Council may vote on and adopt in one motion all recommendations appearing in the Consent Agenda.
- c) A Council member may make a request to remove an item from the Consent Agenda for the purpose of:
- (i) debate or discussion;
  - (ii) voting in opposition to a recommendation in the consent items; or
  - (iii) declaring a conflict of interest.
- d) If a Council member requests that an item be removed from the Consent Agenda, the item will be dealt with as it would in accordance with the Order and Scheduling of Business.

#### **Notice of Motion**

38. a) Any member who during a regular Council meeting wishes to bring before Council any new matter, other than a point of order or of privilege, shall do so by way of a motion.
- b) If any member present at the time such motion is presented, and before debate thereon, calls for notice of motion, then the motion, in its exact wording as stated in the motion, shall be placed on the agenda of a future Council meeting.
- c) Any member may give notice of motion which they intend to present to Council by giving a copy of the motion to the Corporate Officer, during a Council meeting or in advance, and upon it being acknowledged by the Mayor, it shall appear in the minutes of that meeting as notice of motion.

**Opportunity to be Heard (Public Input)**

39. Any person who has an interest in any of the following matters being considered by Council at a regular Council meeting may be afforded an opportunity to be heard in person provided they identify themselves by first providing their name and address:
- a) Consent Agenda Items
  - b) Bylaws for Three Readings
  - c) Resolutions for Adoption
  - d) Reports from the CAO or Directors
  - e) Recommendations from Advisory Committees
  - f) Reports from Members of Council

**Time Limitation**

40. a) No person shall address Council at a regular Council meeting:
- (i) more than one time; or
  - (ii) for longer than three (3) minutes.
- b) For certainty, no person shall be permitted to address Council on any matter listed in Section 41 of this Bylaw.
- c) A speaker who requires assistance to present to Council and is present at the meeting may have another person read a statement that they have prepared.

**Restrictions on Subject Matter**

41. a) This section applies to any person or organization addressing Council as a delegation, any person addressing Council on agenda items at regular Council meetings, or any person addressing Council members during the Open Forum.
- b) A person or organization must not, without the leave of Council, address Council on any matter:
- (i) that must be or has been considered by Council at a closed meeting under the authority of Section 90 of the *Community Charter*;
  - (ii) that is before the courts or for which legal action is being pursued or is pending;
  - (iii) that is or has been the subject of a claim for damages against the District;
  - (iv) that is or has been the subject of bylaw enforcement action by the District;
  - (v) that has been the subject of a public hearing held in accordance with an enactment is a pre-requisite to the adoption of a Bylaw;
  - (vi) that involves an application before the Board of Variance that is pending or has been decided;
  - (vii) that is or has been the subject of an appeal under Part 9 of this Bylaw or reconsideration under Sections 6 or 28 this Bylaw with the exception of a Remedial Action Order;
  - (viii) that involves an application that will be or has been considered under the Saanich Community Grant Program Policy;
  - (ix) that has been referred to committee or staff.

- c) For certainty, a person or organization must not address Council on any matter that involves an application, project or other initiative that will be or has been dealt with through another process under this Bylaw or the Land Use and Development Procedures Bylaw.

## **PART 7 - PUBLIC HEARINGS**

### **Order of Business**

42. The order of Business at a Public Hearing shall be as follows:
- a) the Notice of Public Hearing is summarized;
  - b) any staff reports are identified and any staff recommendations are summarized;
  - c) any correspondence received is identified;
  - d) the applicant details their application;
  - e) the Chair calls for any person to be heard or to present a written submission respecting the bylaw;
  - f) the applicant responds to new information or factual matters raised by previous speakers or Council.

### **Opportunity to be Heard (Public Input)**

43. a) All persons who believe their interest in property is affected by the proposed bylaw shall be afforded an opportunity to be heard in person or by a representative in matters contained in the bylaw provided they first identify themselves by stating their name and address and the name and address of the person or persons they represent.

### **Council May Ask Questions**

44. Only members of Council may ask questions of any person who has been heard.

### **No Reply, Rebuttal or Further Submission**

45. No person, having been heard, may make a reply or rebuttal or further submission without the leave of Council.

## **PART 8 - COMMITTEE OF THE WHOLE MEETINGS**

### **Order and Scheduling of Business**

46. The order of business at all C/W meetings shall be as follows:
- a) Awards
  - b) Open Forum
  - c) Delegations
  - d) C/W Business Items
  - e) Adjourn to Council to ratify motions made at C/W.
- Recommendations from C/W meeting will be ratified at a Council meeting immediately following.

**Appointment of Chair by Mayor**

47. C/W may be chaired by Councillors on a rotating basis as determined by the Mayor.

**Opportunity to be Heard (Public Input)**

48. a) Any person who has an interest in the following matters being considered by Council at a C/W meeting may be afforded an opportunity to be heard in person provided they first identify themselves by stating their name and address:
- (i) C/W Business Items.
- b) A speaker who requires assistance to present to Council and is present at the meeting may have another individual read a statement they have prepared.

**Time Limitation**

49. a) No person shall address Council at a C/W meeting:
- (i) more than one time on one C/W Business Item; or
  - (ii) for longer than three (3) minutes.
- b) Notwithstanding subsection (a), the Chair may permit one representative on behalf of a neighbourhood community association up to six (6) minutes to address Council on a C/W Business Item.

**No Reply, Rebuttal or Further Submission**

50. No person, having been heard, may make a reply or rebuttal or further submission without the leave of Council.

**Council Rules and Procedure Apply**

51. For certainty, the rules and procedures of the Council under Parts 4 and 5 of this Bylaw shall be observed in C/W as far as may be applicable.

**Delegations**

52. a) A person or persons on behalf of an organization or association, who wishes to address Council as a delegation at a C/W meeting must submit a written request on a form prescribed by the Corporate Officer at least ten (10) days in advance of the meeting.
- b) The Corporate Officer may schedule the delegation for the C/W meeting requested or a future meeting, or in consultation with the CAO, may refer the delegation to an Advisory Committee.
- c) Notwithstanding subsection (b), the CAO may direct the Corporate Officer to refer the organization or association to staff for direct action and/or response if deemed appropriate, and the Council will be so advised.
- d) Subject to subsection (a), a maximum of one (1) delegation will be permitted at each C/W meeting and the delegation shall have no more than 10 (ten) minutes to address the Council unless a longer period is agreed to by an affirmative vote of the majority

of the Council members present. Video presentations used as part of a delegation will be included in the time permitted for the delegation.

- e) An organization or association may only address Council as a delegation every six (6) months on the same topic or subject matter unless prior consent has been obtained by resolution of Council.
- f) If an organization or association wishes to address Council as a delegation on a matter that is urgent or time sensitive but is unable to meet the deadline under subsection (a), the delegation may be heard by Council if agreed to by an affirmative vote of the majority of the Council members present. For certainty, subsections (b), (c), (d), and (e) apply in this circumstance.
- g) A Council member may ask questions of the delegation to clarify or correct information but must not enter into debate on the item which is the subject of the delegation and Council itself will not enter into debate on the information received.
- h) Council will not act on the information received from a delegation except to:
  - (i) receive the information.
  - (ii) refer the matter to an Advisory Committee or staff, or
  - (iii) provide a letter of comment or support if requested and where Council determines no additional information or public input is necessary.
- i) For certainty, no delegation addressing Council shall be heard on any matter listed in Section 41 of this Bylaw.

#### **Open Forum – Comment and Question Period**

- 53. a) Council will hold a fifteen (15) minute Open Forum session at the beginning of the first C/W meeting of each month providing an opportunity for the public to address Council on District-related topics.
- b) No person shall address Council at Open Forum for a period longer than three (3) minutes.
- c) For certainty, no person shall be permitted to address the members of Council on any matter listed in Section 41 of this Bylaw.

### **PART 9 - APPEALS**

#### **Appeal of Council or C/W Decision within 30 Days**

- 54. a) Any person may appeal any decision of the Council or the C/W at a Council meeting within 30 days of the decision being made public but not at any future meeting except that the Corporate Officer may extend the appeal period for a sufficient number of days to include one additional regular Council meeting where there are fewer than three regular Council meetings during the appeal period.
- b) Notwithstanding subsection (a) no person may appeal:
  - (i) a decision reached after a Public Hearing;
  - (ii) a decision to issue any permit after the permit has been issued;

- (iii) a decision to enter into a contract after the contract has been entered into;
- (iv) a decision authorizing some action to be carried out where the action has been fully or partially carried out; or
- (v) a recommendation from the C/W to the Council.

#### **Corporate Officer Must be Advised of Appeal and Presenters**

55. Any person wishing to make an appeal shall so advise the Corporate Officer either orally or in writing at least six (6) days in advance of the meeting at which they wish to appeal and shall at the same time provide the names of all persons who will be presenting the appeal.

#### **Appeal Procedure at Council Meeting**

56. a) No person shall speak for more than five (5) minutes in presenting an appeal.
- b) If at any one meeting, the total time of appeals presented to Council exceeds thirty (30) minutes, any appeals not yet heard by Council shall be referred to the following Council meeting.

#### **Council Action Following Appeal**

57. After hearing an appeal, Council may either confirm its earlier decision or refer the question to a Council meeting at least one week later.

#### **Decisions May Only be Appealed Once**

58. No person may appeal any decision of the Council or the C/W more than once without receiving permission from the Council.

### **PART 10 - BYLAWS**

#### **Requirements for Passing Bylaws**

59. a) Before a bylaw is adopted by Council, it must be given three readings, all of which may be given at one Council meeting.
- b) There must be at least one day between third reading and adoption of a bylaw, notwithstanding which, Council may adopt an Official Community Plan, Zoning Bylaw or Heritage Designation Bylaw at the same meeting at which the plan or bylaw received third reading providing Section 61 of this Bylaw does not apply.

#### **Amendments to Bylaws**

60. Any amendment to a bylaw shall be made by a motion of Council after the bylaw has received second reading and before it receives third reading. If the bylaw has been amended, the motion at third reading shall be "to give the bylaw third reading as amended".

#### **Bylaws Requiring Provincial or Elector Approvals**

61. Where a bylaw requires the approval of the Lieutenant Governor in Council, a Minister or the Inspector of Municipalities, or the approval or assent of the electors, the approval or assent must be obtained after the bylaw has received third reading and before it is adopted.



**Majority of Council Required Unless Specified by Statute**

62. Unless otherwise specified by statute, every bylaw shall be passed by an affirmative vote of the majority of the members of the Council present.

**Bylaws Must be Signed and Sealed**

63. Once a bylaw is adopted, the Mayor or other member presiding at the meeting at which it was adopted and the Corporate Officer must sign the bylaw and it must be sealed with the Corporate Seal.

**Safe Custody**

64. It is the responsibility of the Corporate Officer to maintain and keep in safe custody all bylaws of Council.

**PART 11 - COMMITTEES AND COMMITTEE PROCEEDINGS**

**Appointments on Committees (except Standing Committees) and Other Bodies**

65. (a) The Council shall appoint all District representatives on committees and on all boards, commissions or other bodies to which the District is entitled to appoint representatives, with the exception of standing committees.
- (b) The Council shall appoint Directors to the Capital Regional District in accordance with the *Local Government Act*, and in so doing shall take into consideration the tradition of appointing the Mayor along with the four Councillors who received the most votes from the electors in response to ballot question on the subject during the most recent general local election.

**Voting on Appointments**

66. (a) The names of all nominees for an appointment shall be submitted to Council before any vote is taken.
- (b) In the taking of a vote by secret ballot for any appointment by the Council, the Corporate Officer shall provide each member of the Council with one ballot marked with the Corporate Officer's initials on which each member shall indicate their choice. The nominee or nominees receiving the highest majority of votes from the members of the Council then present shall be declared appointed. In only that case where no nominee received a majority vote on any ballot, the name of the nominee receiving the lowest number of votes shall be dropped and shall not appear on the succeeding ballot or ballots. Ballots shall proceed until the requisite number of nominees has been appointed. The Corporate Officer or a person designated by the Corporate Officer for that purpose shall act as scrutineer in the taking of any vote by secret ballot.

### **Standing Committees**

67. The Mayor must establish standing committees for matters the Mayor considers would be better dealt with by committee and must appoint persons to those committees. At least half the members of a standing committee must be Council members. The Mayor shall be an ex officio member of each standing committee.

### **Select Committees**

68. The Council may establish and appoint select committees to consider or inquire into any matter and to report their findings and opinions to the Council. At least one member of a select committee must be a Council member. The Mayor shall be an ex officio member of each select committee.

### **Advisory Committees**

69. The Council may establish and appoint advisory committees to consider and make recommendations to Council on matters set out in the committees' terms of reference or on matters referred by the Council. The Mayor shall be an ex officio member of each advisory committee.

### **Councillors May Attend**

70. Councillors may attend the meetings of any standing, select or advisory committee, but shall not be allowed to vote; nor may they take part in any discussion or debate except by permission of the majority of the members of the committee.

### **Appointment of Chair by Mayor or Committee**

71. The Mayor may appoint one of the committee members as Chair of the committee in advance. Where the Mayor does not appoint a Chair, the committee shall elect a Chair from among its members.

### **Quorum**

72. Of the number of members appointed to compose any committee, a majority shall be a quorum.

### **Schedule of Regular Committee Meetings**

73. At the first meeting after appointment annually by the Mayor or the Council, as the case may be, each committee shall establish a regular schedule of meetings including the date, time and place of the committee meetings and be made available to the public via the municipal website.

### **Notice of Special Committee Meetings**

74. The Chair of a committee may call a special meeting provided that the members of the committee are given at least 24 hours notice of the date, time and place of the meeting and that a notice of the meeting is posted at the public notice posting place.

**Committee Meeting Cancellation**

75. The Chair of a committee may cancel a meeting. The Corporate Officer may cancel a meeting due to extraordinary circumstances, such as snowfall or severe weather conditions.

**Minutes of Committee Meetings**

76. (a) It is the responsibility of the Corporate Officer or designate to ensure that minutes of committee meetings, representing a summary of the proceedings, are prepared and certified as accurate.
- (b) The minutes of committee meetings shall be signed by the Chair presiding at the meeting and the record of minutes must be available for public inspection.

**Council Rules and Procedures Apply**

77. For certainty, the rules and procedures of the Council under Parts 4 and 5 of this Bylaw shall be observed in the committees as far as may be applicable.

**PART 12 - REPEAL**

78. Bylaw No. 9321 being the "Council Procedure Bylaw, 2015", and any amendments thereto, are hereby repealed except insofar as they may repeal any other bylaw.

Read a first time this 10<sup>th</sup> day of May, 2021.

Read a second time this 10<sup>th</sup> day of May, 2021.

Read a third time this 10<sup>th</sup> day of May, 2021.

Adopted by Council, signed by the Mayor and Clerk and sealed with the Seal of the Corporation on the 21<sup>st</sup> day of, June 2021.

"Angila Bains"

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Municipal Clerk

"Fred Haynes"

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Mayor



## The Corporation of the District of Saanich

# Report

**To:** Finance and Governance Committee  
**From:** Councillor Phelps Bondaroff  
**Date:** 07/30/23  
**Subject:** Proposed Amendments to Council Procedure Bylaw, 2021, NO. 9660

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### RECOMMENDATION

That the Finance and Governance Committee request that staff prepare amendments to the Council Procedure Bylaw, 2021, No. 9660, to:

- 1) Prevent meetings (Regular Council and C/W) from being held during the campaign period, the 28 days prior to the general municipal elections (Section 9.c).
- 2) Make the use of language as they relate to honorifics and titles consistent (Section 17.c).
- 3) To eliminate the potential barrier posed by the requirement of those providing public input at a Council meeting to share their residential address (Section 39).
- 4) To eliminate the potential barrier posed by the requirement of those providing input at a Public Hearing to share their residential address (Section 43).
- 5) Clarify the language around time limitation to avoid confusion (Section 49).

These changes can be considered individually or together. They can be combined with a report to council including other proposed amendments to the Procedure Bylaw, or submitted to Council on their own.

### PURPOSE

The purpose of this report is to propose updates to help the ongoing process of modernizing Saanich's Procedures Bylaws (2021, No. 9660). Main recommendations for changes to the Council Procedure Bylaw promote good governance and public participation by:

- Ensuring fairness by avoiding holding meetings during the campaign period prior to a general municipal election;
- Updating language to ensure the smooth running of meetings;
- Encouraging public participation by removing the need for those presenting to Council to share their full address;



## The Corporation of the District of Saanich

- Clarifying the wording of some rules to avoid ambiguity and potential confusion.

The goal of these changes is to ensure the smooth running of Council meetings, to support public participation, and ensure fairness.

### **BACKGROUND**

Saanich's Procedure Bylaw is a living document that were most recently amended by Council on 10 May 2021. At this time, a number of significant changes were made, including:

- Inclusion of consent agendas;
- Changes to speaking times;
- Updated content on electronic meetings;
- Consistent wording for Council speaking time on motions at Council and Committee of the Whole meetings;
- Revised order and scheduling of business items; and,
- Removing unnecessary legislative references and simplifying language where possible.

Since this time, a number of minor improvements have been identified. Here, the need for changes to various sections of the Procedure Bylaw are outlined.

### **Section 9 - Time, Place and Adjournment of Meetings**

Section 9 of the Procedure Bylaw outlines the Time, Place, and Adjournment of Meetings. Section 9.b notes that "Regular Council and C/W meetings will be held bi-weekly on the opposite Mondays except that there will be no regular Council, C/W meetings or Public Hearings," and then lists times when meetings will not be held. Section 9.b (iv) stipulates that:

*9.b. (iv) during the three weeks prior to and the week following a general local election;*

The *Local Elections Campaign Financing Act* (SBC 2014) Chapter 18, Section 10(2)(a) defines the 'campaign period,' as "The period that begins on the 28th day before General Voting Day and ends at the close of voting on General Voting Day." And notes that "Candidate and third party expense limits apply during this period."



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The result is that Council meetings could occur during the campaign period, as the current version of the Procedure Bylaw only prevent Council from meeting three weeks prior to the general local election. This results in a week where members of Council are participating in meetings while actively campaigning for re-election during the campaign period.

Holding meetings during the campaign meeting is to be avoided. This eliminates the possibility of Council making financial decisions during the campaign period, which could be seen as giving incumbents an unfair advantage. Avoiding holding meetings during this time also reduces the possibility of election grandstanding on the part of incumbents and non-incumbents, which has the potential to disrupt meetings.

### **Section 17 - General Rules of Conduct and Debate**

Section 17 of the Procedures Bylaw concerns the general rules of conduct and debate. Section 17.c stipulates that:

*17.c. Members shall address the Mayor as “Mr. Mayor or Madam Mayor” and shall address each other as “Councillor”, followed by the name of the person referred to.*

It is inconsistent to use a gendered honorific in combination with the Mayor’s title, while only using a title to refer to a Councillor. It is recommended that this section be made consistent and the gendered honorific prior to the Mayor’s title be dropped. This measure makes the use of language as they relate to honorifics and titles consistent.

### **Section 39 - Opportunity to be Heard (Public Input)**

There are two sections of the Procedure Bylaw where those speaking to Council are required to share their names and residential addresses. Section 39 details the instances where members of the public may share their thoughts with Council. This section reads as follows:

*39. Any person who has an interest in any of the following matters being considered by Council at a regular Council meeting may be afforded an opportunity to be heard in person provided they identify themselves by first providing their name and address:*

- a) Consent Agenda Items*
- b) Bylaws for Three Readings*
- c) Resolutions for Adoption*
- d) Reports from the CAO or Directors*



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- e) *Recommendations from Advisory Committees*
- f) *Reports from Members of Council*

The procedures around Public Hearings (Part 7), also include the following:

*43.a "All persons who believe their interest in property is affected by the proposed bylaw shall be afforded an opportunity to be heard in person or by a representative in matters contained in the bylaw provided they first identify themselves by stating their name and address and the name and address of the person or persons they represent."*

### **Problem**

The requirement of those wishing to be heard by Council to share their address could serve as a barrier preventing someone from sharing their views with Council. It could stifle participation by those with concerns around sharing their address in public, it could reinforce stigma for those experiencing homelessness, and it could lead to a perception of preference or unfairness.

The need to for those presenting to council to share their name and address presents a potential risk to would-be participants. Council meetings are open to the public, broadcast live online, and recordings are available online after meetings. The practice may stifle the participation of those concerned with the sharing of their personal information in such a public forum.

There are many situations in which someone might not be comfortable or safe sharing both their name and address in a public forum. In an age where there are numerous concerns around doxing and identify theft, there are many reasons why someone might not want their name and address shared publicly. Such as:

- A resident expressing an unpopular opinion that could attract unwanted attention, threats, harassment, or other potential negative outcomes.
- An individual escaping domestic abuse.
- Protecting folks in vulnerable situations from identity theft.

The requirement that those speaking to Council share their residential addresses could also serve to identify and stigmatize those without an address. Unfortunately, there are a number of stigmas and stereotypes associated with those experiencing homelessness. Requiring someone to share their address when they may not have one risks their having to actively identify themselves as someone experiencing homelessness, thereby evoking these negative stereotypes and stigma. We want to ensure that everyone speaking to Council feels as though their views are heard and considered equally.



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Towards this end, the requirement for those speaking at Council meetings to share their addresses also could serve to identify that person's housing tenure. This has the potential to lead to perceptions of preference or unfairness. The fact that someone owns their home or is a renter is information that a person speaking to Council can introduce if they would like to and if it is relevant to the content of their speech, but revealing this type of information should not be required.

The same is true for those who live in close proximity to a proposed development. Knowing that someone lives immediately adjacent to a proposed development may provide them with additional insight as to the impact of that development on their neighbourhood, but sharing an address could also be seen as lending additional weight to that person's contribution, and risk diminishing the contributions of those who might live elsewhere.

This comes up regularly at public hearings and council meetings, where some contributors will emphasize their proximity to a project and question the validity or weight of comments made by those who might not live in close proximity to the project. This has the potential effect of stifling participation from people who may be impacted by, but not live in close proximity to, a proposed development. On a number of occasions, the chair of a meeting has had to remind contributors not to diminish their views of those who might live further from a project or elevate their own above those same contributors.

It is also noteworthy that there is currently a lack of consistency with respect to those sharing their addresses. Practices vary considerably, with some individuals who speak to Council sharing their full street address, while others will provide their street only, and still others their community. The status quo is such that it is unclear as to what constitutes an address, resulting in varied practice.

Likewise, when a speaker forgets to share their address, which is a common occurrence, the chair or a member of Council is required to interrupt the speaker to ask them for this information. This sometimes has the effect of discombobulating the speaker, disorganizing their thoughts, disrupting the flow of their speech, and resulting in their having less time to share their views.

It is challenging enough for many people to speak to Council. Many people speaking to Council are nervous about public speaking and may be unfamiliar with Council rules and procedures, we do not need additional barriers making the process more challenging. The requirement for those speaking to Council to share their addresses is one such barrier.





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Ultimately, we have to consider what benefit is provided by requiring participants to share their addresses, and does this outweighs the potential stifling effect it could have on participation. Given that we want to maximize participation in meetings, that we want people to feel comfortable and safe when presenting to council, and that we want to avoid the perception that the contributions of certain residents are given more weight than others, it would follow that we remove the requirement for participants to share their addresses when speaking to council, or amend our procedures in some way.

It is noteworthy that those speaking to Council always have the option of sharing their address, should they feel as though it is relevant. The issue with respect to these sections of our Procedure Bylaws is requiring this disclosure.

### ***Solutions***

Here there are a number of possible solutions, including:

1. Remove the need to share a full address, but request the members of the public identify their community of residence (however this may be defined).
2. Make sharing an address optional.
3. Eliminating the requirement for members of the public to share their address.

Here, the strengths and drawbacks of these solutions are outlined, in order to inform the discussion.

1. Remove the need to share a full address, but request the members of the public identify their community of residence (however this may be defined).

In essence, adopting this rule would codify current practice, which does clarify current practices. This approach has the potential to introduce confusion, as it is difficult to explain the vague requirements. The requirement to share a truncated addresses introduces unnecessary confusion that will result in some meeting participants continuing to share their full address, and a hodge podge of different geographic indicators.

This leads to the question of how useful this information would be in assisting Council in making a decision on a matter? The approach still has the potential drawback of introducing the potential for impressions of bias and preference.

This approach represents an improvement upon the requirement for individuals to share their full addresses but does not obviate other shortcomings outlined above.



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### 2. Make sharing an address optional.

The proposed amendment allows for residents to share their address should they feel as though it is relevant and if they are comfortable doing so for the record, but does not make this a requirement for participation. For example, if the place of residence is relevant to the discussion, i.e. the presenter lives immediately adjacent to, or will be directly impacted by, a proposed development. Similarly, allowing for the option of a resident to specify their community allows them to identify their general location, without divulging personal information.

Those speaking to Council are already able to share their address, or a portion thereof, if they feel as though it is relevant. The risk of adopting this approach is that it still has the potential to introduce perceptions of bias and preference. The issue here is that there would be two broader groups of people speaking to Council, those who share their full addresses, and those who chose not to.

There is a distinction between asking for someone to share their address if they would like to, and having people share their address if they feel as though it is relevant. The risk here is that asking for people to share their addresses if they would like creates a space where sharing one's address is seen as the norm or expectation, and those not sharing their addresses are the exception. While this is a minor distinction, it still has the potential to introduce perceptions of preference as well as unease among those presenting to Council. The same outcome can be achieved with the following course of action (3), while avoiding the shortcomings.

### 3. Eliminating the requirement for members of the public to share their address.

Given challenges inherent in the first two options (outlined below), it is recommended that the practice of requiring those speaking to Council in the context of Section 39 to share their addresses be ended. It is recognized that due to the quasi-judicial nature of Public Hearings, the requirement for those being heard may be different than at a Regular Council Meeting of C/W. As a result, two recommendations have been made differentiating Section 39 from 43. The extent to which procedures relating to Public Hearings can be amended will need to be considered by staff working in consultation with our legal team.

This approach allows for those speaking to Council to share whatever information they feel is relevant and whatever information they feel comfortable and safe sharing.



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### Sections 49 – Time Limitation

The current phrasing of Section 49, which concerns time limitation, has the potential to be misunderstood. This section reads as follows:

*49. a) No person shall address Council at a C/W meeting:  
(i) more than one time on one C/W Business Item; or  
(ii) for longer than three (3) minutes.*

As it currently reads, it is unclear if an individual may speak a number of times on different C/W items but that the total duration of all of their speeches cannot exceed 3 minutes, or if they may speak on each item for a time not to exceed 3 minutes.

The recommendation is that this section be re-written to remove the potential for confusion.

### SUMMARY

In order to continue the process of improving and modernizing our Procedure Bylaws, the following changes are recommended:

- That meetings not be held during the campaign period prior to the general elections.
- That the language relating to honorifics and titles be made consistent.
- That the requirement for those speaking to Council to share their residential addresses be removed.
- And that language around time limitations be clarified.