

MINUTES OF THE COMMITTEE OF THE WHOLE
Tuesday, April 25, 2023 @ 6:00 PM
In the City Hall Council Chambers | 4850 Argyle Street, Port Alberni, BC

Present: Mayor S. Minions
Councillor D. Dame
Councillor J. Douglas
Councillor D. Haggard [Electronic Participation]
Councillor C. Mealey
Councillor T. Patola
Councillor C. Solda

Staff: M. Fox, Chief Administrative Officer
S. Smith, Director of Development Services | Deputy CAO
D. Leurebourg, Director of Corporate Services
S. Darling, Deputy Director of Corporate Services/Recording Secretary
J. Pelech, Manager of Information Technology

Other: Consultant, J. Berry of JB Consultants

Gallery: 6

A. CALL TO ORDER & APPROVAL OF THE AGENDA

The meeting was called to order at 6:00 PM.

MOVED AND SECONDED, THAT the agenda be approved as printed and circulated.
CARRIED

B. ADOPTION OF MINUTES

MOVED AND SECONDED, THAT the minutes of the meeting held at 6:00 pm on March 20, 2023 be adopted, as presented.
CARRIED

C. DELEGATIONS

D. UNFINISHED BUSINESS

E. STAFF REPORTS

1. Council Code of Conduct Policy 3002-01

The Director of Corporate Services provided the Committee with a draft Council Code of Conduct policy for consideration.

MOVED AND SECONDED, THAT Committee of the Whole recommend Council approve Council Code of Conduct Policy 3002-01.

CARRIED

Members of the Public commented/questioned as follows *[answers, if provided, are reflected below]*:

N. Anderson

Process to establish the Council Code of Conduct was not democratic with regards to the inclusion of public process and input. Request to postpone the process to provide for a more fulsome approach that incorporates public consultation. Changes proposed do not provide for public input and discussion during Council meetings. Council, staff and the public all need to be considered.

L. Walerius

Who makes Council responsible to the Code of Conduct?

Further to the enforcement measures within the Community Charter, Council is responsible for holding each other accountable. The Code of Conduct policy is a public document which also provides awareness and a level of accountability. Should Council choose, enforcement measures may be included within the policy.

When would amendments/reviews be undertaken for the Code of Conduct Policy?

The amendment or review period has not yet been determined however, each Council of the term is required to review and determine if they wish to establish a code of conduct.

J. Leskosek

Request not to remove Public Input from the Regular meeting agenda before alternative methods are established.

N. Anderson

Don't agree with regulations around establishment of a Code of Conduct and the provision that a Council has the choice to not create one.

How are employees managed when they act out of alignment with a Code of Conduct?

Employees function under contract and as per HR policies and procedures that are followed. The CAO is the employee of Council and is under the purview of Council.

What are the consequences of a Council member who acts out of accordance with the Code of Conduct?

There is the availability to establish sanctions where Council deems an infraction has occurred.

2. **Council Procedures Amendment Bylaw No. 5082, 2023**

The Director of Corporate Services provided the Committee with a draft Council Procedures Bylaw amendment for consideration.

MOVED AND SECONDED, THAT "items that are on not on the agenda" be removed from the proposed wording under Section 42(4) of the draft "Council Procedures Amendment Bylaw No. 5082, 2023"

CARRIED

MOVED AND SECONDED, THAT the Committee defer "Council Procedures Amendment Bylaw No. 5082, 2023" to a future Committee of the Whole meeting for further consideration.

DEFEATED

MOVED AND SECONDED, THAT Committee of the Whole recommend Council consider "Council Procedures Amendment Bylaw No. 5082, 2023" for three readings.

CARRIED

Members of the Committee commented/questioned as follows *[responses, if provided, are reflected below]*:

- Provision of additional Delegations with removal of the public input period. *Not presently included within amendments however should Council wish, they may provide direction to include additional delegation opportunities.*
- Please provide clarity for Section 42(4) which proposes speakers may not address items not on agenda. *Intent is to have public as a delegation and/or submit written correspondence so that Council and staff may address and respond. Operational issues can be addressed to staff and/or Council. If there is a large public presence on an item, it would likely be referred to an agenda by Council to allow for a discussion. Another mechanism would include pre-informal public engagement sessions on items such as budget in lead up to the development of the Plan.*
- Public Input does not require a response and therefore would not support the amendment to have the item related to only agenda business as it is often used for community event announcements and if they are operational in nature it may present the opportunity to have staff connect those individuals to the correct department.
- Correspondence not included on an agenda and rather responded to by staff does not permit the general public to see the outcome.
- Code of Conduct is for Council to hold Council accountable. Somewhat a reiteration of the Oath of Office. Procedures Bylaw is a tool for all. Provides some valuable structure for the Chair and is a tool for Council to focus on business of the City. Tool for public to clarify the abilities to engage with the

City. Intent of Procedures Bylaw has been captured, however the mechanism requires further discussion and further refinement. In favour of removal of Public Input at Regular meetings to be reinforced at Committee of the Whole meetings and would recommend Question Period be moved prior to business during Regular meetings. CoW structure can be expanded for more effective public engagement opportunities. Potentially examining town halls within the Committee of the Whole structure. Bylaw should include all possibilities for public input and inclusion of correspondence for public information purposes.

- Council meetings are for business and decisions. Shifting of the content to the Committee of the Whole as proposed in the Procedures Bylaw is in alignment with this intent. Agree with linking of Public Input to what is covered on the agenda. Administrative and operational issues should be addressed directly by staff. Suggest inclusion of potential alternative venues for informal meetings.
- Communication is important as we explore and move through these changes to ensure the public is aware of what opportunities are being provided for the public to provide their input. A recommendation to include a communications plan in conjunction with the changes.
- Public speak to Council regarding process as they are unfamiliar with how to attend City Hall and Council meetings or regarding frustrations they may be experiencing.

Councillor Douglas left the meeting at 7:28 pm and returned at 7:30 pm.

Members of the Public commented/questioned as follows *[response, if provided, are reflected below]*:

R. Smith

Request to change Question Period at Regular meetings from the end of the agenda to the beginning as public questions are about the process at the meeting and the resolutions are made in effect. Questions at a Committee of the Whole meeting could be managed differently. Would like to retain democratic right to attend and speak at meetings. Committee of the Whole meetings are scheduled only once a month which may further delay opportunities for public input and issues to be addressed. Include public representation from the beginning of these processes.

Question Period is intended to provide clarity on decisions made by Council within the meeting. Committee of the Whole meetings would serve to provide opportunity for input and questions related to shaping future decisions of Council.

Councillor Mealey left the meeting at 7:59 and returned at 8:01 pm.

J. Leskosek

Public Input period does not distract from decision making given the limited timing allocated to that function of 3 minutes per speaker.

N. Anderson

Code of conduct should encompass Council, staff and public. Use public input to provide opinion to then follow up with Questions and Question Period. There is a difference between a response and answer. Past practice included the response brought forward under Unfinished Business. This was not sufficient as it did not often provide an answer. Suggest New Business be put earlier in agenda to ensure an answer to the proposed question. Look at whole process before proceeding with bylaw rather than piecemeal amendments.

L. Walerius

Is there a requirement for Council members to attend meetings?

Attendance provisions are the same as Council which is quorum (4).

Does quorum include those members participating electronically?

Yes.

Will the provision include community engagement through electronic means?

There is not presently a provision that mandates electronic participation by the public. It has been permitted at previous Committee of the Whole meetings via webinar such as for the Financial Planning process. There is the ability within the bylaw to permit should Council wish to consider.

The proposed replacement of Section 11 to read "the Mayor or the Presiding Member may expel or exclude from the meeting a person in attendance at the meeting in accordance with Section 133 of the *Community Charter*. Is this a safety issue for Council?

The proposed wording existed previously in the procedures bylaw and has been updated to reflect the provision within the Community Charter and relates to both safety and the ability for the Chair to run the meeting.

The requirement to identify oneself when they approach the podium to speak at meetings still exists in the bylaw.

It is the individual's prerogative how to identify and choice to provide location.

The provision that speakers may not address items that are not on the agenda, would this apply to both Regular and Committee of the Whole meetings?

Current intent relates to speakers addressing those decisions made by the Committee or Council of the day.

Scheduling of meetings for the year and consideration in the report to reduce summer meetings and Christmas break. Will this be addressed?

It has been proposed as an item for Council's consideration. With regards to the Committee of the Whole meeting schedule, as Council and staff adapt to the new process, it is anticipated that additional meetings may need to be scheduled as required.

Request to still include correspondence on agendas and suggest implementation of an auto-reply that correspondence has been received.

3. **City of Port Alberni Building Bylaw No. 5077**

The Director of Development Services/Deputy CAO provided members of the Committee with the draft Building Bylaw for consideration.

MOVED AND SECONDED, THAT Committee of the Whole recommend Council consider "City of Port Alberni Building Bylaw No. 5077" for three readings.

CARRIED

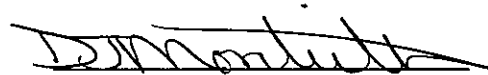
F. **PUBLIC INPUT/QUESTION PERIOD**

G. **ADJOURNMENT**

MOVED and SECONDED, THAT the meeting adjourn at 8:41 pm.

CARRIED

CERTIFIED CORRECT


Mayor
Corporate Officer