



REPORT

To: Chair and Directors

Report Number: ADM-BRD-166

From: Tyra Henderson, Corporate Officer

Date: March 25, 2021

Subject: Procedure Bylaw – Public Meeting Notice

RECOMMENDATION: *[Corporate Unweighted]*

That the Regional Board authorize an amendment to Board Procedure Bylaw No. 2200, 2015 to add the Peace River Regional District web page – www.prrd.bc.ca as a public notice posting place, removes the requirement to make the agenda available to Directors via the “Web Page”, specifies that the agenda be posted five (5) days in advance of the meeting, and adds a definition of “Agenda”.

BACKGROUND/RATIONALE:

On March 11, 2021, the Regional Board passed the following resolution:

MOVED, SECONDED, and CARRIED,

That the Regional Board authorize a report be prepared clarifying the requirements in the *Local Government Act* for posting Board and Committee agendas; further, that the report include options for amendments to the Board Procedure Bylaw No. 2200, 2015 in regards to when and where Board and Committee agendas are posted.

Section 225 of the *Local Government Act*, (**Procedure Bylaws**) states that a board, by bylaw, must do the following:

- b) provide for advance public notice respecting the date, time and place of board and board committee meetings and establish the procedures for giving that notice;
- c) identify places that are to be public notice posting places for the purposes of the application of section 94 *[requirements for public notice]* of the [Community Charter](#) to the regional district.

The two relevant sections of PRRD Board Procedure Bylaw No. 2200, are Sections 6 and 21.

Section 6 (d) **Notice of a Regular Meeting** reads:

*At least **24 hours** before a Regular Meeting of the Board, the Corporate Officer must give public notice of the meeting by:*

- i. Posting a copy of the agenda on the Notice Boards; and*
- ii. Leaving copies of the agenda at the reception counter in the Regional District offices in Dawson Creek and Fort St. John for public viewing.*

“Notice Boards” is defined in the bylaw as the notice boards located in the lobby of the Regional District offices in Dawson Creek and Fort St. John. Changing the definition to “Public Notice Posting Place” and adding the web page as a public notice posting place, in addition to the traditional notice boards, will result in agendas being posted publicly on the web page.

Section 21 **Meeting Agenda** reads:

The Corporate Officer shall prepare and publish an agenda in electronic, web based format before every Regular Meeting of the Board. The agenda shall be accessible to Directors for down load via the Regional District's Web Page at least 5 business days before the applicable meeting. The agenda shall be made publicly available on the Web Page as set out in the provisions of this bylaw. **The agenda shall:**

- (a) be in the order set out in Section 20; and
- (b) **state the general nature of each item of business to be dealt with at the Regular Meeting.**

A definition of "Agenda" will be added to the meeting, to confirm Section 21(b) above. Agenda will be defined as "a list or outline of items to be considered or discussed at the meeting". This means that only the topics scheduled for discussion during a meeting will be posted to the public notice posting places, even though Directors will have access to the entire agenda package, with all background information, through the agenda management system (currently Escribe) at least five days prior to the meeting. The full agenda **package** will be published on the PRRD web page after the Board meeting, once the Board has had an opportunity to review and discuss the information.

Section 21 of the Procedure Bylaw, as noted above, says that the agenda must be available to Directors for download from the webpage at least five business days before the meeting, and that the agenda shall be made publicly available on the Web Page as set out in the bylaw, however, the bylaw does not set out any process or requirement to post the agenda to the web page. (Currently, Section 6 only specifies that the agenda be posted to the Notice Boards).

Staff recommend that the Procedure Bylaw be amended to include the PRRD website as a public posting place, to change the timeline for posting the meeting agenda from 24 hours to five days, and to clarify that the agenda to be posted will be a list of the topics scheduled for discussion.

If approved, Section 6(d), Notice of Regular Meeting would read:

At least ~~24 hours~~ **five days** before a Regular Meeting of the Board, the Corporate Officer must give public notice of the meeting by:

- i. Posting a copy of the agenda **to the public notice posting places** ~~on the Notice Boards~~; and
- ii. Leaving copies of the agenda at the reception counter in the Regional District offices in Dawson Creek and Fort St. John for public viewing.

Section 21 Meeting Agenda would read:

The Corporate Officer shall prepare and publish an agenda in electronic, web based format before every Regular Meeting of the Board. The agenda **package** shall be accessible to Directors for download ~~via the Regional District's Web Page~~ at least 5 business days before the applicable meeting. The agenda shall be made publicly available on the ~~Web Page~~ public notice posting places as set out in the provisions of this bylaw. **The agenda shall:**

- (a) be in the order set out in Section 20; and
- (b) state the general nature of each item of business to be dealt with at the Regular Meeting.

It should be noted that the posting of the agenda 5 days prior to the meeting applies only to Regular Meetings. As the bylaw 'precis' states the purpose of the Procedure Bylaw is "to provide for the

procedures of Board Meetings, Committees, and Commissions of the Board, staff have applied these same procedures to committee meetings.

Special Meeting notice shall continue to be given in accordance with the *Local Government Act*, Section 220 *Calling of Special Board Meetings*, which is repeated in the Procedure Bylaw Section 12.

ALTERNATIVE OPTIONS:

1. That the Regional Board provide further direction.

STRATEGIC PLAN RELEVANCE:

- ☒ Organizational Effectiveness

FINANCIAL CONSIDERATION(S):

None at this time.

COMMUNICATIONS CONSIDERATION(S):

The Board Procedure Bylaw is posted on the PRRD web page under the Bylaws tab at <https://prrd.bc.ca/bylaws/>

OTHER CONSIDERATION(S):

The inclusion of the web page as a public notice posting place will affect more than the posting of meeting agendas. Anything required to be posted in the public notice posting place, as per the *Local Government Act*, will also be posted to the PRRD web page, once it is included as a public notice posting place. Examples include notice of the provision of assistance required under the *Local Government Act* Sec 272, or notice of property disposition *Local Government Act* Sec 276. Staff have routinely been posting such information to the web page for some time, so this will not be a significant change in the process once it becomes mandatory.

The BC Ministry of Municipal Affairs and the Local Government Management Association jointly produced a “Procedure Bylaw Guide” for BC’s local governments in December 2020. That guide is being reviewed by staff, and any best practices that can be applied to the proposed Board Procedure Bylaw amendment will be included in the upcoming bylaw. A new bylaw may be introduced instead of an extensive amendment, which can be confusing. The “good parts” will be retained and transferred into the new Board Procedure bylaw. Any language that contradicts the guide or is simply a restatement of information found in the *Local Government Act* will not be included.

The Board has provided previous direction regarding desired amendments to the Board Procedure Bylaw:

November 2020

MOVED, SECONDED, and CARRIED,

That Board Procedure Bylaw No. 2200, 2015 be amended to extend the maximum time for the appearance of a delegation before the Board from 15 to 20 minutes.

March 2020

MOVED, SECONDED, and CARRIED,

That Board Procedure Amendment Bylaw No. 2408, 2020 be amended to encourage the Board Chair or Vice Chair to physically be in attendance, if at all possible, to provide for effective governance of Board business.

The change to the delegation time limit will be included in the Board Procedure bylaw prepared for the Board's consideration. In response to the public health orders in March 2020, the changes made to *allow* Directors to attend virtually, for reasons other than health or road conditions, remain in effect. It is not proposed to amend the bylaw to exempt the Chair from the ability to attend virtually, as that could be contrary to the public health orders. It will remain at the discretion of the meeting Chair whether or not they participate electronically or in person, at least until the COVID-19 pandemic is 'over.' At that time, authorization for electronic participation will revert to in the event of sickness or treacherous road conditions. The requirement for the Chair or Vice Chair to be physically in attendance can be revisited. If unable to attend, the Chair could delegate the chairing of the meeting to the Vice or any other Director in attendance, even though they were participating electronically and deemed in attendance, if they so choose.