



AGENDA

**Regular Meeting of the Tahsis Village Council
to be held on May 16, 2023 in the Council Chambers
Municipal Hall, 977 South Maquinna Drive and by electronic means**

Remote access: **To attend this meeting remotely via Microsoft Teams/ phone**
Join the Village of Tahsis Microsoft Teams Meeting
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Toronto, Canada
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- | | |
|--------------------------------------|---|
| A. Call to Order | Mayor Davis will call the meeting to order. |
| Land Acknowledgement | Mayor Davis will acknowledge and respect that we are meeting upon Mowachaht/Muchalaht territory. |
| B. Introduction of Late Items | None. |
| C. Approval of the Agenda | |
| D. Petitions and Delegations | None. |
| E. Public Input # 1 | |
| F. Adoption of the Minutes | 1 Minutes of the Regular Council Meeting held on May 2, 2023. |

G. Rise and Report	1	At the May 9th in camera meeting, Council approved disclosing to the public at the May 16th, 2023 Regular Council meeting the February 7, 2023 letter from Mark Tatchell to Councillor Douglas Elliott and the February 7, 2023 letter from the Village of Tahsis to Councillor Douglas Elliott (attachment G1).
	2	At the May 9, 2023 in camera meeting, Council approved publicly releasing the May 2, 2023 staff report on Council Procedure Bylaw at the May 16, 2023 Regular Council meeting (attachment G2)
	3	At the May 9th in camera meeting, Council approved publicly releasing the Strategic Economic Development Plan, except for those sections which are deemed to be confidential under s. 90(1)(e), (g), (i) and (k) of the Community Charter. Council also agreed to publicly release the brochure inviting input from Tahsis residents and businesses. The brochure will be mailed to all Tahsis residents and businesses. The plan and the brochure will be posted on the Village website.
H. Business Arising		None.
J. Council Reports	1	Mayor Davis
	2	Councillor Joseph
	3	Councillor Fowler
	4	Councillor Northcott
	5	Councillor Elliott
K. Bylaws	1	Tahsis Wastewater Treatment & Reconfiguration & Upgrade Project Temporary Borrowing Bylaw, No.658, 2023. 1st, 2nd and 3rd Readings
L. Correspondence		None.
M. New Business		None.
N. Public Input #2		
O. Adjournment		



Minutes

<u>Meeting</u>	Regular Council Meeting
<u>Date</u>	May 2, 2023
<u>Time</u>	7:00 PM
<u>Place</u>	Municipal Hall - Council Chambers and by electronic means

<u>Present</u>	Mayor Martin Davis Councillor Meggan Joseph Councillor Sarah Fowler Councillor Cheryl Northcott Councillor Douglas Elliott	by video
<u>Staff</u>	Mark Tatchell, Chief Administrative Officer Adia Mavrikos, CPA, CA, Director of Finance Janet St-Denis, Corporate Services Manager Wanda Waksdale, Admin Assistant	(by video) (by video) (by video)
<u>Public</u>	12 Members of the public.	(8 by video)

A. Call to Order

Mayor Davis called the meeting to order at 7:00 p.m.

Land Acknowledgement

Mayor Davis acknowledged and respected that Council is meeting upon Mowachaht/Muchalaht territory.

B. Introduction of Late Items

None.

C. Approval of the Agenda

Fowler/Northcott: VOT 0202/2023

THAT the Agenda for the May 2, 2023 Regular meeting of Council be adopted as presented.

CARRIED

D. Petitions and Delegations

None.

E. Public Input # 1

A member of the public had concerns regarding the content of the Mayor's April 13, 2023 letter, including the financial information.

A member of the public commented on his questions from prior meetings.

F. Adoption of the Minutes

1 Minutes of the Regular Council Meeting held on April 18, 2023.

Fowler/Northcott: VOT 0203/2023

THAT the Regular Council Meeting minutes of April 18, 2023 be adopted as amended.

CARRIED

2 Minutes of the Committee of the Whole Meeting held on April 24, 2023.

Fowler/Northcott: VOT 0204/2023

THAT the Committee of the Whole Meeting minutes of April 24, 2023 be adopted as amended.

CARRIED

G. Rise and Report

None.

H. Business Arising

None.

J. Council Reports

Mayor Davis - written

We received a \$1.89 million grant for the fire hall relocation project. This grant, from the Canada Community Building Fund, is administered by the Union of BC Municipalities. I am happy to see that we will finally be able to get our fire department a new home at the least cost to Tahsis taxpayers. This has been a long time coming and it is important to have a fully functional fire department that can meet its obligations.

Since our last council meeting, I have attended meetings of the Regional District Board and the First Nations Relations Committee there, as well as the Comox-Strathcona Regional Health Board. More Tahsis-specific, we have had meetings with staff from both Strathcona and Comox Valley Regional Districts dealing with the Connected Coast project and Solid Waste Management.

I just wanted to acknowledge the passing of Gordon Lightfoot. He was very much the voice of Canada for a generation and his music will always live on. I feel lucky to have seen him perform live once, at the 1982 Stein Valley festival.

Councillor Joseph - no report.

Councillor Fowler -

Attached is my written report outlining the 30 plus meetings I have attended since the last meeting. I have also brought all sorts of information, for your review, from my double barrelled trips to Nanaimo (AVICC) and Victoria (UBCM) respectively.

Also worth noting the Spring Bazaar is scheduled for May 13 and we need folks who want to be exhibitors to sign up for tables by Friday.

Lastly, the Tahsis Buyers Club submitted its 10th order today. Since restarting the initiative in December we have brought in 164 good food boxes for residents in our village to the total of \$2970. Approximately 23 have been sponsored as we have many generous people in our community.

Thanks to those who donate their time and talent to food security in action.

Submitted respectfully,
Councillor Fowler

Councillor Northcott- no report

Councillor Elliott- written report

Hello,

My last report.

Ladies and Gentlemen,

I wish to take this opportunity to apologize to the CAO for my prior conduct.

I, Councillor Doug Elliott, would like to, without reservation, retract any comments I made about Mr. Tatchell, on a professional and personal level. My comments about Mr. Tatchell are not true.

Mr. Tatchell is a highly educated person, with a Bachelor of Arts degree (with honors) from the University of Victoria, a Master's degree from Colorado State University and a skilled Chief Administrator Officer. Prior to Mr. Tatchell's appointment as the CAO for the Village of Tahsis, Mr. Tatchell had a distinguished career, including the following positions;

- From 2013-2015 Mr. Tatchell was the Deputy Auditor General for Local Government, Office of the Auditor General for Local Government.
- From 2010 to 2013, Mr. Tatchell was the Executive Director, Strategic Information Management, Ministry of Labour, Citizen's service and Open Government.
- From 2009 to 2010, Mr. Tatchell was the Executive Director, Police Services Division, Ministry of Public Safety and Solicitor General.
- From 2006 to 2009, Mr. Tatchell was the Executive Director, Strategic Justice Partnerships, Ministry of Public Safety and Solicitor General.
- From 2002 to 2006, Mr. Tatchell was the Deputy General Manager, Liquor Control and Licensing Branch, Ministry of Public Safety and Solicitor General.
- From 1998 to 2002, Mr. Tatchell was the Deputy Director, Police Services Division, Ministry of Public Safety and Solicitor General.
- From 1994 to 1998, Mr. Tatchell was the Regional Manager, Employment Standards Branch.

Mr. Tatchell has provided me, as one member of the Council, with all the Budget information to which I am entitled.

I erred in messaging within my January 24th, 2023 letter and at other times that the Village is impecunious. To the contrary, the Village is in a surplus position.

I also erred in messaging;

- How, whether and if bylaw enforcement occurs.
- That it is the CAO of the Village, not the Council, that decides whether and when the Village's bylaws are enforced and in what manner.

Mr. Tatchell, my deepest apologies for my unprofessional conduct. I let emotion interfere with my better judgement and I crossed over the line. My inexperience in parliamentary procedures led to this violation of the Code of Conduct. I hope that you can forgive me and I wish you success in your continued efforts to serve the village.

I, Councillor Elliott, agree to not be disrespectful towards Mr. Tatchell in public, during Council meetings or any further correspondence.

I, Councillor Elliott, also agree to cease and desist from any slanderous, libelous or defamatory comments of and concerning Mark Tatchell and in any forum and indefinitely.

On a separate issue

Looking back on this experience, I realize that my mail outs should have been focused on providing information that fueled debate on the issues of this village rather than criticizing individuals in the administration. There is no structure in place for an opposition to exist in local government unlike the provincial and federal levels. Due to my inexperience, I tried desperately to slow down the process of deficit spending in hopes to promote discussion on the consequences of taking on debt at a time when interest rates are rising. I campaigned on streamlining the overhead of the administration, to increase the resources for the Public Works Department and to promote economic development on the former mill site. I realized that my visions are not the same as the council that you elected. This has created tensions and divided us.

I have reached out to the provincial government for assistance, mediation and intervention. The response has been disappointing at best and I have come to the conclusion that the provincial government does not enforce the Community Charter whatsoever. Our system is designed for the rich. It is up to the wealthy to hold elected officials accountable and have the courts determine their political fate. This is a rather disturbing aspect of our democracy and hopefully there will be changes in the future. I did not seek political office to engage in legal disputes that are not in the best interest of our community. After a soul searching discussion with my wife, we both feel that it is not in our best interest to continue my role as a councillor of this village. We moved here because of the spectacular surroundings, the friendly neighbours and economic potential. Regardless of what direction the village moves towards, it will not have an impact on our happiness. We have a wonderful group of friends, we enjoy our interactions with the local business community and will continue to explore our spectacular coastline. I wish to take this time to extend my deepest appreciation to my supporters. It has been a wonderful experience working with you and it is very inspiring to see so many individuals that are committed to the wellbeing of our community.

However, In the interest of my own wellbeing, I wish to announce my resignation effective September 18, 2023.

I was very pleased that Mark and I shook hands.

Councillor Doug Elliott

Village of Tahsis

Fowler/Northcott: VOT 0205/2023

THAT the Council Reports be received.

CARRIED

Bylaws**1 2023-2027 Financial Plan Bylaw No.656, 2023****Adoption****Fowler/Northcott: VOT 0206/2023**

THAT the 2023-2027 Financial Plan Bylaw No. 656,2023 be received for consideration.

CARRIED**Fowler/Northcott: VOT 0207/2023**

THAT the 2023-2027 Financial Plan Bylaw No. 656,2023 be reconsidered, finally passed and adopted the 2nd day of May, 2023.

CARRIED**2 Tax Rate Bylaw No.657, 2023****Adoption****Fowler/Northcott: VOT 0208/2023**

THAT the Tax Rate Bylaw No.657, 2023 be received for consideration.

CARRIED**Fowler/Northcott: VOT 0209/2023**

THAT the Tax Rate Bylaw No. 657, 2023 be reconsidered, finally passed and adopted the 2nd day of May, 2023.

CARRIED**L. Correspondence****1 BC Recreation and Parks Association Re: Designation of the month of June as Recreation and Parks Month - In support of PaRx- A Prescription for Nature.****2 Email from Councillor Fowler Re: Salmon Enhancement Program (SEP) Community Workshop.****3 April 25, 2023 email to Mayor and Council from Cathy Peters, BC anti human trafficking educator, speaker, advocate Re: An Anti-Human Trafficking Initiative" Be Amazing".****Fowler/Northcott: VOT 0210/2023**

THAT these correspondence items be received.

CARRIED**Fowler/Northcott: VOT 0211/2023**

THAT correspondence items 1 & 2 be pulled for discussion.

CARRIED**1 BC Recreation and Parks Association Re: Designation of the month of June as Recreation and Parks Month - In support of PaRx- A Prescription for Nature.**

Councillor Northcott spoke to this correspondence item and a discussion followed.

Northcott/Elliott: VOT 0212/2023

THAT the Village of Tahsis designate June as Recreation and Parks month in support of PaRx- A prescription for Nature.

CARRIED

2 Email from Councillor Fowler Re: Salmon Enhancement Program (SEP) Community Workshop.

Councillor Fowler spoke to this Community Workshop.

M. New Business

1 Director of Finance Re: Presentation the Draft 2022 Village of Tahsis Financial Statements and The Audit Findings Report for the year ending 2022.

Fowler/Northcott: VOT 0213/2023

THAT this presentation and documents be received.

CARRIED

The Director of Finance presented the Audit Findings Report which was prepared by Chan Nowosad Boates, Chartered Professional Accountants.

As per the attached Audit Findings Report prepared by Chan Nowosad Boates the financial statements present fairly in all material respects, the financial position of the Village as at December 31, 2022.

There were no control deficiencies identified nor did not make any adjustments.

The Director of Finance presented the Village of Tahsis 2022 Financial Statements explaining the composition of the Villages' assets, liabilities, surplus, revenue and expenditures.

Fowler/Northcott: VOT 0214/2023

THAT Council approve The Draft 2022 Village of Tahsis Financial Statements and receive The Audit Findings Report.

CARRIED**Public Input #2**

None.

Adjournment**Elder/Fowler: VOT 0215/2023**

THAT the meeting be adjourned at 7:36 p.m.

CARRIED**Certified Correct this**

the 16th Day of May, 2023

Chief Administrative Officer



Village of Tahsis

February 7, 2023

Re: Apology Sought for the Comments within Your January 24, 2023 Letter to Tahsis Residents

I write this letter further to the Village of Tahsis ("Village")'s letter dated February 7, 2023 to you and also as the Chief Administrative Officer ("CAO") of the Village of Tahsis in response to your January 24, 2023 letter mailed to Tahsis residents.

Many of your statements within your January 24, 2023 letter are without merit and cast aspersions on me as the CAO.

- My reputation in my employment and profession is key to my personal dignity and livelihood.
- Your statements within the January 24, 2023 letter suggesting that I engaged in unethical conduct and am not professionally competent or qualified in my position as CAO undermine my credibility to effectively interact with community members, Council, staff, stakeholders, First Nations, contractors, colleagues in other local governments and public servants in other levels of government.

I am seeking that you immediately retract the comments within your January 24, 2023 letter about me, write an apology to me and publish your apology by writing a letter to all Tahsis residents and on the Village's website along these lines to set the record straight:

I would like to, without reservation, retract, any comments I made about Mark Tatchell on a professional and personal level. My comments about Mr. Tatchell were not true.

Mr. Tatchell is a highly educated person, with a Bachelor of Arts degree (with Honours) from the University of Victoria and Master's degree from Colorado State University and an experienced and skilled Chief Administrative Officer. Prior to Mr. Tatchell's appointment as the Village's CAO Mr. Tatchell had a distinguished career, including the following positions:

- From 2013 to 2015 Mr. Tatchell was the Deputy Auditor General for Local Government, Office of the Auditor General for Local Government;
- From 2010 to 2013 Mr. Tatchell was the Executed Director, Strategic Information Management, Ministry of Labour, Citizens' Services and Open Government;

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- From 2009 to 2010 Mr. Tatchell was the Executive Director, Police Services Division, Ministry of Public Safety and Solicitor General;
- From 2006 to 2009 Mr. Tatchell was the Executive Director, Strategic Justice Partnerships, Ministry of Public Safety and Solicitor General;
- From 2002 to 2006 Mr. Tatchell was the Deputy General Manager, Liquor Control and Licensing Branch, Ministry of Public Safety and Solicitor General;
- From 1998 to 2002 Mr. Tatchell was the Deputy Director, Police Services Division, Ministry of Public Safety and Solicitor General; and
- From 1994 to 1998 Mr. Tatchell was the Regional Manager, Employment Standards Branch.

Mark has provided to me, as one member of Council, with all budget information to which I am entitled. I erred in messaging within my January 24, 2023 letter and at other times that the Village is impecunious. To the contrary, the Village is in a surplus position.

Respectfully,

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke at the end.

Mark Tatchell,
Chief Administrative Officer



Village of Tahsis

February 7, 2023

Re: Conduct and Communications with Council Members, Chief Administrative Officer, Public and the Deputy Inspector of Municipalities, Apology Sought and Training Required

The Village of Tahsis ("**Village**") writes this letter to you in response to your January 24, 2023 letter mailed to Tahsis residents and your conduct and communications to date with Council members, Village staff and the public.

Council and the Chief Administrative Officer ("**CAO**") received a copy of the attached January 24, 2023 letter with multiple incorrect and concerning statements. Many of your statements are without merit and cast aspersions on Council members and the CAO.

As noted in your January 24, 2023 letter, Council and the CAO are also aware that you spoke with the Deputy Inspector of Municipalities concerning "unethical conduct from the CAO, mayor and the re-elected councillors". Although not named in your January 24, 2023 letter, the identities of the re-elected councillors, Councillor Sarah Fowler and Councillor Cheryl Northcott, can be easily determined by recipients of your letter.

Council is entrusted by the electors of Tahsis to govern in the best interests of the community and Council can only do this as a collective.

The relationship between Council members and Village officials, such as CAO Mark Tatchell is intertwined and it is vital that each understand and respect one another's roles.

Council members, the CAO and I have informed you:

- of the importance of respectful dialogue at Council meetings;
- about appropriate protocols in communicating with Council members, Village staff and the public; and
- that a Council member must have an open mind, be capable of persuasion and not be in a position where their personal interest may be in conflict with their ability to hold office and act in a legislative and quasi-judicial capacity.

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Your behaviour and communications with Council members, Village staff and the public is eroding relationships and affecting the Village's ability to make collective decisions in the interests of the community and provide good governance for the community. The Village is seeking that you take steps to educate yourself about responsible conduct in relationships with Council members, Village staff and the public.

The Role of Elected Officials Regarding Respectful Communications and Conduct

The Village seeks that you:

- Review the Village of Tahsis' August 6, 2019 Policy No. 2015 (the "**Code of Conduct**"), which was adopted under sections 113.1 and 113.2 of the *Community Charter*.
 - The Code of Conduct sets clear boundaries for communications with all Council members, the CAO, staff and the public.
 - The Code of Conduct includes four foundational principles that elected officials are expected to adhere to: integrity, accountability, leadership and collaboration.
- Review the *Village of Tahsis Council Procedure Bylaw No. 495, 2004* ("**Council Procedure Bylaw**") and in particular section 24.
- Review the LGMA/UBCM/Ministry of Municipal Affairs document **Foundational Principles of Responsible Conduct for BC Local Governments**, which can be found at this link:

https://www2.gov.bc.ca/assets/gov/british-columbians-our-governments/local-governments/governance-powers/foundational_principles_responsible_conduct_2022.pdf
- Attend Frank Leonard's training for local government relations (which training all Council members, except you, attended in November 2022).
- Should borrowing funds for the fire hall proceed to referendum (assent voting), review the process for and best practices regarding the role of Council, including providing factual information to the public about a referendum (assent) voting, including:

- Ministry of Municipal Affairs' August 2018 Assent Voting: Processes & Considerations for Local Governments in British Columbia, which can be found at this link:
https://www2.gov.bc.ca/assets/gov/british-columbians-our-governments/local-governments/governance-powers/assent_voting_best_practices_guide.pdf
- Ministry of Municipal Affairs and Housing's September 2018 Alternative Approval Process: a Guide for Local Governments in British Columbia, which can be found at this link:
https://www2.gov.bc.ca/assets/gov/british-columbians-our-governments/local-governments/governance-powers/alternative_approval_process_guide.pdf

together, referred to as the "Ministry Guides for Referendums (Assent Voting Practices").

The Need for an Apology

The Village also seeks that you retract the comments within your January 24, 2023 letter and immediately write an apology to CAO Mark Tatchell, Councillors Fowler and Northcott, and to me, as the Mayor, along these lines to set the record straight:

- Council decided that Councillors Fowler and Northcott were not in a disqualifying conflict of interest to discuss the Village's plans for the new firehall or vote on the *Capital Projects and Loan Authorization Bylaw No. 652, 2022*. The Village also sought legal advice whether Councillors Fowler and Northcott were in an alleged conflict of interest in discussing the Village's plans to re-purpose the local school's woodshop as a new Fire Hall on the basis that Councillors Fowler's husband is the Deputy Fire Chief and Councillor Northcott's husband is a volunteer firefighter.
- You apologize to Mark Tatchell. Mr. Tatchell is a highly educated person, with a Bachelor of Arts degree (with Honours) from the University of Victoria and Master's degree from Colorado State University and an experienced and skilled Chief Administrative Officer. Prior to Mr. Tatchell's appointment as the Village's CAO Mr.

Tatchell had a distinguished career. Mr. Tatchell has provided you, as one member of Council, with all budget information to which you are entitled. You erred in messaging within your January 24, 2023 letter and at other times that the Village is impecunious. To the contrary, the Village is in a surplus position.

- You apologize to me as the Mayor of the Village of Tahsis and Councillor Cheryl Northcott and Councillor Sarah Fowler for falsely alleging that we have acted in contravention of the *Community Charter* and the Code of Conduct.
- You apologize to me as the Mayor of the Village for alleging that I am selective in which Councillors may provide answers to the public. Under section 116 of the *Community Charter*, the Mayor's responsibilities include providing leadership and maintaining order at meetings as the head and chief executive officer of the Village.
- You apologize to Councillor Fowler for falsely alleging in your January 24, 2023 letter that she was dishonest and lied to the public.
- If the Village proceeds with a referendum (assent) voting related to borrowing funds for the fire hall, that referendum will be done in accordance with statutory procedures and best practices as set out in the Ministry Guides for Best Practices for Referendums (Assent Voting).

The Village request that you publish your apology in a letter to all Tahsis residents and on the Village's website.

Independent Legal Advice and Next Steps

The Village also strongly suggests that you engage legal counsel immediately and in particular in relation to the statements in your January 24, 2023 letter.

Elected officials have the capacity to do a great deal of good for their communities by providing strong, sound, and reasoned leadership. The processes and rules contained in the *Community Charter*, *Local Government Act*, the Code of Conduct and the *Council Procedure Bylaw* are designed to enhance the democratic process by, among other things, providing a mechanism for responsible conduct and proper decision-making within an orderly environment. The Village is asking for your co-operation so that Council can engage in collective decisions in the interests of the community and provide good

views of your colleagues and staff, and that you engage with us in a respectful manner that also respects Village bylaws, procedures and policies.

Respectfully,



Mayor Martin Davis

VILLAGE OF TAHSIS

Report to Council

To: Mayor and Council

From: Chief Administrative Officer

Date: May 2, 2023

Re: Council Procedure Bylaw – issues and considerations

PURPOSE OF REPORT:

To provide Council with an analysis and considerations for use in developing and writing a new Procedure Bylaw to replace Council Procedure Bylaw No. 495, 2004 (consolidated 2012) or amending the existing bylaw.

OPTIONS/ALTERNATIVES

1. Council approve staff undertaking to develop and write a new Procedure Bylaw, seeking direction from Council as needed, and provide a draft to Council no later than December 31, 2023.
2. Council approve staff preparing amendments to Council Procedure Bylaw No. 495 based on specific resolutions passed by Council.
3. Council approve no action be taken regarding Council Procedure Bylaw No. 495.
4. Any other option that Council deems appropriate.

BACKGROUND:

Adherence by the public and members of Council to some provisions of the Council Procedure Bylaw No. 495 (“the procedure bylaw”) has proven to be challenging especially since November 2022. This has prompted an interest by some members of Council to re-visiting the procedure bylaw as a means of improving the certainty, effectiveness, efficiency and decorum at Council meetings. Moreover, there are provisions of the procedure bylaw which are no longer legally in effect due to changes in provincial legislation, e.g., section 4.1 states that following a general election the first Council meeting must be held on the first Tuesday in December in the year of the election. (With general elections now being held in October, the inaugural Council meeting is in November.)

In 2022 the Ministry of Municipal Affairs and the Local Government Management Association published “Procedure Bylaw Guide: For B.C.’s Local Governments “to help local governments proactively consider and amend their procedure bylaw if necessary, so clear processes are in place to help address challenging situations and support positive interactions.”

This staff report addresses the following:

- Legislative requirements for Procedure Bylaws, Council Conduct and Debate, Electronic Meetings and Participation, Addressing Council at Meetings, and Correspondence¹
- Considerations for procedure bylaw amendments or for inclusion in a new procedure bylaw

KEY LEGISLATIVE REQUIREMENTS AND CONSIDERATIONS

Legislative Requirements for Procedure Bylaws

(see *Community Charter* sections 124, 125(1) and (3)(a), 135 and 130)

- Establish rules for council meetings and council committee meetings, including how bylaws are adopted and how resolutions are passed;
- Provide for the taking and certifying of minutes at council meetings and council committee meetings;
- Provide for advance public notice of the date, time and, if applicable, the place of council committee meetings;
- Identify places as the public notice posting places;
- Establish the procedure for designating a council member as the acting mayor when the mayor is absent;
- Establish the method for the members present to choose the presiding member if the mayor and designate are absent;
- Set the first council meeting date after a general election; and,
- Hold regular meetings in accordance with the procedure bylaw.

Considerations

- Continue with only one regular meeting in June, July, August and December.
- Amend the council meeting date after a general election to reflect October election date.
- Clarify notice of motion procedures
- Confirm agreement or changes to points of order, points of privilege, motions, amendments and voting

Legislative Requirements for Council in Conduct and Debate

(see *Community Charter* sections 114, 115, 116, 132 and 133)

- The presiding member (usually the mayor) must preserve order and decide on points of order;
- If a council or board member appeals the decision of the presiding member, the question of whether the presiding members' decision will stand must be asked by the presiding member and voted on without debate and without the presiding member voting. In this situation, if votes are tied the motion passes;

¹This is not a complete list. Not included are: Application of the Procedure Bylaw to Other Bodies; Open Meetings; Closed Meetings; Meeting Notices; Meeting Agendas; Bylaws and Resolutions; and Reconsideration of a Council Decision.

- If the presiding member refuses to ask the question appealing the presiding members' decision the council or board must appoint another member to act as presiding member temporarily;
- If the presiding member considers another person to be acting improperly, they may order that person be expelled from the meeting – that could include a member of the public or another council or board member; and
- If the expelled person does not leave, a peace officer may enforce the order

Considerations

- The phrase “acting improperly” is undefined in the legislation, so Council may wish to consider whether the procedure bylaw should incorporate provisions or definitions from Council's Code of Conduct, such as the provisions that state:
Council members shall not:
 - *undermine other members of Council or Council as a whole by making critical, denigrating or derogatory comments about the views, decisions, positions, expressed or approved by Council;*
 - *engage in physical altercations with any person;*
 - *defame, libel or slander a member of Council, staff or the public;*
 - *utter or otherwise make threats of violence aimed at a member of Council, staff or the public;*
and/or
 - *utter or otherwise make racist, sexist or homophobic remarks.*
- Consider whether to restrict debate to the motion on the floor
- Handling the expulsion of a member – e.g., member issuing an apology and means by which the member can retake their seat at the meeting.
- Outline how Council conduct and debate section applies to delegations, public input and invited presenters

Legislative Requirements for Electronic Meetings and Participation

(see *Community Charter*, sections 128, 128.1, and 128.2)

- Electronic meeting must be authorized in the procedure bylaw and the following requirements must be met, the;
 - meeting must be conducted in accordance with the procedure bylaw;
 - procedure bylaw must provide for advance public notice of the meeting including, the:
 - way in which the meeting is to be conducted;
 - place where the public can attend to hear, or watch and hear the open parts of the meeting;
 - procedure bylaw must include procedures for giving public notice;
- The technology must enable, the:
 - meeting's participants to hear, or watch and hear, each other;
 - public to hear, or watch and hear, the open parts of the meeting;
- A designated municipal officer must attend the place of the meeting; and,
- Members who are participating electronically are deemed to be present.

Council Procedure Amendment Bylaw No. 643, 2021 establishes Council electronic meeting procedures which comply with *Community Charter* sections 128, 128.1 and 128.2

Considerations

- clarify or codify voting procedures (e.g., stating name and yea or nay)
- method for making a motion or point of order if attending online
- incorporate respectful online participation policy into the bylaw
- clarify and incorporate policies for public joining the meeting (e.g., must provide full name) and participating (e.g., reference “How to Participate in Tahsis Council Meetings and Public Hearings Virtually” approved by Council and posted on the Village website)
- how to deal with member declarations of conflict of interest in an electronic meeting
- consider whether to set a maximum number of consecutive meetings a member can attend electronically
- members to identify others in the room with them if attending electronically
- members attending a closed meeting electronically must ensure no other person can observe or hear the meeting

Addressing Council at Meetings

Council may establish rules in its procedure bylaw to allow speakers and/or delegations to present on a topic and allow for requests from the public (public delegations) to appear at meetings. Local government legislation does not include specific requirements for public delegations to appear at council meetings. A clear process for the public to speak before council supports the principles of respect, accountability, and collaboration. Established rules provide consistency and assist with meeting management.

Considerations

- clarify and update conduct provisions such as:
 - process for a member of public to request to speak at a meeting
 - information required from the public in advance of the meeting (if any)
 - time frame for including submissions on the meeting agenda
 - how requests to address council are handled by the corporate officer
 - how disrespectful conduct by the public is managed
- outline what the public may speak to and restrictions on certain topics
- clarify if public input allows for questions and answers, or is that a separate item on the agenda
- set time limits on public input/Q and A period(s)
- limit the number of times a person can speak during a public input or Q and A period
- refer topics that bear upon the financial or operational plans to staff for a report before a matter raised by the public or a delegation is considered by council

Correspondence

A municipality may have a policy in place that outlines how correspondence that is addressed to a council is managed. The procedure bylaw may refer to the policy or further set out the procedures for how correspondence that is addressed to a council is handled.

The *Freedom of Information and Protection of Privacy Act* governs the collection and sharing of personal information in-person and online. If correspondence which contains protected personal

information is placed on an open meeting agenda, the personal information must be protected. Once correspondence is delivered to the Village it becomes a record held by the Village and the Village is thus responsible for ensuring there is security to protect personal information that is protected under the FOIPPA from unauthorized disclosure.

Considerations

- develop policy that sets out how correspondence is to be managed from receipt by the corporate officer to being placed on the agenda and considered by Council.
- What type of correspondence is accepted and how it is received
- Process for how council is provided with correspondence, e.g., secure website to protect personal information, and how it may be added to a council meeting agenda
- Outline the process for the corporate officer to take if correspondence does not meet the criteria for which correspondence is accepted.

POLICY/LEGISLATIVE REQUIREMENTS:

1. *Community Charter*, SBC 2003, Ch 26
2. *Freedom of Information and Protection of Privacy Act*, RSBC 1996, Ch 165

FINANCIAL IMPLICATIONS:

No direct financial implications

STRATEGIC PRIORITY:

N/A

RECOMMENDATION:

No recommendation

Respectfully submitted:



Mark Tatchell, CAO

Temporary Borrowing Bylaw

The Village of Tahsis

Bylaw No. 658

Being a bylaw to authorize temporary borrowing for the Tahsis Wastewater Treatment & Reconfiguration & Upgrade Project

WHEREAS it is provided by S. 181 of the *Community Charter* that the Council may, where it has adopted a loan authorization bylaw, without further assents or approvals, borrow temporarily under the conditions therein set out;

AND WHEREAS the Council has adopted Bylaw No. 653, cited as “Loan Authorization bylaw No. 653, 2022”, authorizing borrowing for the purpose of the Tahsis Wastewater Treatment Reconfiguration & Upgrade Project, in the amount of Four Hundred and Ninety Thousand dollars (\$490,000) and which received the approval of the Inspector of Municipalities on February 20, 2023;

NOW THEREFORE, the Council of the Village of Tahsis in open meeting assembled, enacts as follows:

1. The Council is hereby authorized and empowered to borrow an amount or amounts not exceeding the sum of Four Hundred and Ninety Thousand dollars (\$490,000).
2. The form of obligation to be given as acknowledgement of the liability shall be a promissory note or notes bearing the corporate seal and signed by the Mayor and the Financial Administration Officer.
3. The money so borrowed shall be used solely for the purposes set out in Loan Authorization Bylaw no. 653.
4. This bylaw may be cited as “Tahsis Wastewater Treatment & Reconfiguration & Upgrade Project Temporary Borrowing Bylaw, No.658, 2023 ”.

READ A FIRST TIME this 16th day of May, 2023.

READ A SECOND TIME this 16th day of May, 2023.

READ A THIRD TIME this 16th day of May, 2023.

RECONSIDERED and FINALLY PASSED and ADOPTED this day day of month, year.

Mayor

Corporate Administrator

Certified a true copy of Bylaw No. 658 as adopted.

Corporate Administrator