

**VILLAGE OF PEMBERTON
-SPECIAL COUNCIL MEETING AGENDA-**

Agenda for the **SPECIAL Meeting** of Council of the Village of Pemberton to be held Tuesday, March 31, 2020 at 12:00 p.m. in Council Chambers, 7400 Prospect Street. This is Meeting No. 1511.

Please note, this meeting will be conducted entirely via electronic attendance. At this time, we do not have the ability to stream live, however, a recording will be made available following the meeting.

Item of Business	Page No.
1. CALL TO ORDER	
In honour of the Lil'wat7ul, the Village of Pemberton acknowledges that we are meeting within the unceded territory of the Lil'wat Nation.	
2. APPROVAL OF AGENDA	
Recommendation: THAT the Agenda be approved as presented.	
3. REPORTS	
a) Corporate & Legislative Services	
i. Lower Mainland Local Government Association – Amendments to Resolutions	3
Recommendation: THAT Council provide direction with respect to the recommended changes to the resolutions regarding Provincial funding for non-seismic dike upgrades and regional geo hazards previously submitted to the LMLGA.	
ii. Cancellation of April 7, 2020 Regular Council Meeting	
Recommendation: THAT the Regular Council Meeting, scheduled for Tuesday, April 7, 2020, be cancelled.	
4. BYLAWS	
a) Bylaws for First, Second, Third and Fourth Reading	
i. Village of Pemberton Council Procedure Amendment (Electronic Participation) Bylaw No. 875, 2020	6
Recommendation: WHEREAS Ministerial Order MO83, issued March 26, 2020, enables municipalities during the Provincial State of Emergency, issued on March 18, 2020, to adopt bylaw on the same day it receives Third Reading;	
AND WHEREAS the Village of Pemberton is presenting an amending Bylaw for Council's consideration;	
THEREFORE BE IT RESOLVED THAT the Village of Pemberton Council Procedure Amendment (Electronic Attendance) Bylaw No. 875, 2020, be given First, Second, Third and Fourth Readings.	
ii. Village of Pemberton Parks and Public Spaces Use Amendment (Powers of Manager) Bylaw No. 876, 2020	36

Recommendation: WHEREAS Ministerial Order MO83, issued March 26, 2020, enables municipalities during the Provincial State of Emergency, issued on March 18, 2020, to adopt bylaw on the same day it receives Third Reading;

AND WHEREAS the Village of Pemberton is presenting an amending Bylaw for Council's consideration;

THEREFORE BE IT RESOLVED THAT the Parks and Public Spaces Use Amendment (Powers of the Manager) Bylaw No. 876, 2020 be given First, Second, Third and Fourth Readings.

iii. Village of Pemberton Municipal Ticket Information Utilization Amendment (Parks and Public Spaces) Bylaw No. 877, 2020 43

Recommendation: WHEREAS Ministerial Order MO83, issued March 26, 2020, enables municipalities during the Provincial State of Emergency, issued on March 18, 2020, to adopt a bylaw on the same day it receives Third Reading;

AND WHEREAS the Village of Pemberton is presenting an amending Bylaw for Council's consideration;

THEREFORE BE IT RESOLVED THAT the Village of Pemberton Municipal Ticket Information Utilization Bylaw No. 845, Amendment (Parks and Open Spaces) Bylaw No. 877, 2020, be given First, Second, Third and Fourth Readings.

5. IN CAMERA

THAT the meeting is closed to the public in accordance with the *Community Charter* Section 90 (k) discussions with municipal officials that in the view of Council could reasonably expect to harm the interest of the municipality if they were held in public.

6. RISE FROM IN CAMERA

7. ADJOURNMENT OF SPECIAL COUNCIL MEETING

Date: March 31, 2020
To: Nikki Gilmore, Chief Administrative Officer
From: Elysia Harvey, Legislative Assistant
Subject: Lower Mainland Local Government Association – Amendments to Resolutions

PURPOSE

The purpose of this report is to present revised resolutions as per recommendations from the Lower Mainland Local Government Association (LMLGA) and Union of BC Municipalities (UBCM). Upon Council's approval the revised resolutions will be submitted for consideration by the Lower Mainland Local Government Association (LMLGA) at their Annual Meeting

BACKGROUND

Following Council's direction at the February 11th and February 25th Regular Council Meetings, No. 1508 and 1509, respectively, Staff prepared and submitted resolutions regarding Provincial funding for non-seismic dike upgrades and regional geo-hazards to the LMLGA.

DISCUSSION & COMMENTS

Following submission of the above-noted resolutions, the LMLGA has responded with a recommendation from UBCM's Resolutions and Policy Analyst to amend the above-noted resolutions to have a more province-wide focus.

The recommended amendments to the resolutions are provided below:

Dike Upgrades

Village of Pemberton

WHEREAS the diking infrastructure in the Pemberton Valley is crucial to flood mitigation for the protection of residents and the general public;

AND WHEREAS the Provincial government will only allocate funding for dike upgrades which meet high-cost seismic standards;

AND WHEREAS neglecting dike upgrades while trying to facilitate designs that are to seismic standards could leave residents vulnerable to flooding disasters and exposed to massive and inevitable response costs in the interim;

THEREFORE BE IT RESOLVED that the Provincial government consider applications for funding for dike upgrades which may not meet seismic standards, but would allow for essential and cost-effective minor upgrades.

Regional Geo-Hazards

Village of Pemberton

WHEREAS the landscape of ~~the Sea to Sky Corridor~~ faces many rugged outdoor areas of BC face exposure to multiple hazards with potential for natural disaster, such as forest fires, landslides and flooding which impact residents as well as the traveling public;

AND WHEREAS the majority of Provincial funding that is available is for response-related activities after an event has occurred;

THEREFORE BE IT RESOLVED that the Province be requested to allocate funding to support more pro-active measures for risk management of regional geohazards through the establishment of consistent and regular monitoring.

COMMUNICATIONS

No communication components are required at this time.

LEGAL CONSIDERATIONS

There are no legal, legislative or regulatory considerations at this time.

IMPACT ON BUDGET & STAFFING

There is no impact on budget and staffing at this time.

INTERDEPARTMENTAL IMPACT & APPROVAL

There is no interdepartmental impact or approval required at this time.

IMPACT ON THE REGION OR NEIGHBOURING JURISDICTIONS

A review of this initiative has no impact on other jurisdictions at this time.

ALTERNATIVE OPTIONS

There are no alternative options for consideration at this time.

POTENTIAL GOVERNANCE CONSIDERATIONS

Consideration of submitting resolutions to the LMLGA meets with Strategic Priority Four: Social Responsibility in which the Village strives to create a strong and vibrant community recognizing the importance and benefits of both healthy and engaged citizens as well as an accessible and well managed natural environment.

RECOMMENDATIONS

THAT Council provide direction with respect to the recommended changes to the resolutions regarding Provincial funding for non-seismic dike upgrades and regional geo hazards previously submitted to the LMLGA.

Attachments:

Submitted by:	Elysia Harvey, Legislative Assistant
Manager Review by:	Sheena Fraser, Manager, Corporate & Legislative Services
CAO Approval by:	Nikki Gilmore, Chief Administrative Officer

Date: March 31, 2020

To: Nikki Gilmore, Chief Administrative Officer

From: Sheena Fraser, Manager, Corporate & Legislative Services

Subject: Council Procedure Amendment (Electronic Attendance) Bylaw No. 875, 2020.

PURPOSE

The purpose of this report is to introduce Council Procedure Amendment (Electronic Attendance) Bylaw No. 875, 2020 for First, Second and Third Readings (**Appendix A**).

BACKGROUND

The COVID-19 Pandemic has resulted in changes in how residents conduct their lives including limiting the size of public gatherings to 50 and exercising social distancing in order to slow the progress of the spread of the virus. As a result, there is a need to adjust how we do business given that citizens are being asked to keep a distance from each other and if feeling unwell to stay home.

To address the recent societal changes as a result of the COVID-19 Pandemic and given it is in the best interest of Council and Staff to avoid unnecessary contact through social distancing or conducting business from home through online means, Staff have prepared an amendment to the Council Procedure Bylaw to allow for all members of Council, including the Chair of the meeting, to attend a meeting by electronic means.

DISCUSSION & COMMENTS

Section 10 of the Village of Pemberton Council Procedure Bylaw No. 778, 2015 (**Appendix B**) establishes that up to two (2) Council members may attend a Council, committee, commission or special meeting by electronic means or other communication facilities and if attending via this means are considered to be present at the meeting. However, facilitating attendance by this means does require that quorum be met through the physical presence of three (3) members of Council and the Chair or Presiding Officer of the meeting must also attend the meeting in person.

The amendment being proposed will allow for all members of Council, including the Chair or Presiding Officer, to attend a Council, committee, commission or special meeting by electronic means in the event of a health, environmental or safety emergency.

The clause is provided below:

Despite (b) and (c) above, in the event of a health, environmental or safety emergency, where it is not possible to have a quorum or the Mayor or Acting Mayor physically present

for a meeting, all or any portion of the members may participate in a Council, committee, commission or special meeting by means of electronic or other communication facilities, so long as they comply with the remaining requirements of this Section.

The addition of this clause will enable the Village to proceed with meetings as may be necessary during emergency situations and relieves the requirement to have three people physically present in order to conduct the meeting.

COMMUNICATIONS

As per section 123 (3) of the *Community Charter*, notice of the proposed amendment was posted in the Pique Newsmagazine on Thursday, March 19, 2020 and Thursday, March 26, 2020. **(Appendix C)**

Notice was also posted at the Village of Pemberton Notice Boards at the Village Office and Post Office and issued on the Village Facebook Page on March 18, 2020 and in the eNEWS on Friday, March 20, 2020.

LEGAL CONSIDERATIONS

The amendment was provided by the Village's legal counsel as a result of a request for guidance respecting how best to navigate holding meetings during this time of required social distancing and working remotely.

IMPACT ON BUDGET & STAFFING

There are no impacts to the budget or Staff hours for considerations at this time.

INTERDEPARTMENTAL IMPACT & APPROVAL

There are no interdepartmental impacts or approvals required.

IMPACT ON THE REGION OR NEIGHBOURING JURISDICTIONS

This bylaw amendment has no impact on other jurisdictions.

ALTERNATIVE OPTIONS

There are no alternative options for consideration.

POTENTIAL GOVERNANCE CONSIDERATIONS

Consideration to amend Council Procedure Bylaw to accommodate the electronic attendance of all members of Council including the Chair under emergency circumstances meets with Strategic Priority Two: Good Governance whereby the Village is committed to citizen engagements and being an open and accountable government.

RECOMMENDATIONS

WHEREAS Ministerial Order MO83, issued March 26, 2020, enables municipalities during the Provincial State of Emergency, issued on March 18, 2020, to adopt bylaw on the same day it receives Third Reading;

AND WHEREAS the Village of Pemberton is presenting an amending Bylaw for Council's consideration;

THEREFORE BE IT RESOLVED THAT the Village of Pemberton Council Procedure Amendment (Electronic Attendance) Bylaw No. 875, 2020, be given First, Second, Third and Fourth Readings.

ATTACHMENTS:

Appendix A: Council Procedure Amendment (Electronic Attendance) Bylaw No. 875, 2020

Appendix B: Council Procedure Bylaw No. 778, 2015

Appendix C: Notice to Residents

Prepared by:	Sheena Fraser, Manager, Corporate & Legislative Services
CAO Approval by:	Nikki Gilmore, Chief Administrative Officer

APPENDIX A

**VILLAGE OF PEMBERTON
COUNCIL PROCEDURES AMENDMENT
BYLAW No. 875, 2020**

Being a bylaw to amend the Village of Pemberton Council Procedure Bylaw No. 778, 2015

WHEREAS Council may amend its bylaws from time to time when deemed appropriate:

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

1. This bylaw may be cited for all purposes as Village of Pemberton Council Procedure Bylaw No. 778, 2015, Amendment (Electronic Participation) Bylaw No. 875, 2020.
2. Section 10 of the Village of Pemberton Council Procedure Bylaw No. 778, 2020 is hereby amended by adding subsection (h) as follows:
 - (h) Despite (b) and (c) above, in the event of a health, environmental or safety emergency, where it is not possible to have a quorum or the Mayor or Acting Mayor physically present for a meeting, all or any portion of the members may participate in a Council, committee, commission or special meeting by means of electronic or other communication facilities, so long as they comply with the remaining requirements of this Section.

NOTICE OF INTENTION TO AMEND Council Procedures Bylaw No. 778, 2015
PUBLISHED IN THE Pique Newsmagazine March 19, 2020 and March 26, 2020.

READ A FIRST TIME this ____ day of, March, 2020.

READ A SECOND TIME this ____ day of March, 2020.

READ A THIRD TIME this ____ day of March, 2020.

RECONSIDERED AND FINALLY ADOPTED this ____ day of April, 2020.

Mike Richman
Mayor

Sheena Fraser
Corporate Officer

APPENDIX B

Village of Pemberton

BYLAW No. 788, 2015

A bylaw to repeal and replace the Village of Pemberton Council Procedure Bylaw No. 656, 2011 and its amendments, Bylaw No. 687, 2012 and Bylaw No. 737, 2013.

WHEREAS the Council of the Village of Pemberton must by bylaw regulate Council meetings and their conduct, and must by bylaw provide for the procedure that is to be followed in passing bylaws, pursuant to Section 124 (1) of the *Community Charter*.

THEREFORE BE IT RESOLVED that the Municipal Council of the Village of Pemberton enacts a Procedure Bylaw as follows:

TABLE OF CONTENTS

PART 1 - INTRODUCTION

1. Title
2. Table of Contents
3. Definitions
4. Application of Rules of Procedures

PART 2 – COUNCIL MEETINGS

5. Inaugural Meeting
6. Dates, Times and Locations of Meetings
7. Notice of Regular Council Meetings
8. Notice of Special Meetings
9. Confidential Matters
10. Electronic Participation at Meetings

PART 3 – DESIGNATION OF MEMBER TO ACT IN PLACE OF MAYOR

11. Appointment of Acting Mayor

PART 4 – COUNCIL PROCEEDINGS

12. Attendance of Public at Meetings
13. Minutes of Meetings to Be Maintained and Available to Public
14. Release of In Camera (Closed) Meeting Items
15. Calling Meeting to Order
16. Adjourning Meeting Where No Quorum
17. Agenda
18. Order of Proceedings and Business
19. Late Business
20. Notice of Motion

21. Petitions and Correspondence
22. Voting at Meetings
23. Delegations
24. Points of Order
25. Conduct and Debate
26. Motions Generally
27. Motions to Commit
28. Motion for the Main Question
29. Amendments Generally
30. Reconsideration by Mayor
31. Reconsideration by Council Member
32. Adjournment

PART 5 - BYLAWS

33. Copies of Proposed Bylaws to Council Members
34. Form of Bylaws
35. Reading and Adopting Bylaws
36. Bylaws Must Be Signed

PART 6 - RESOLUTIONS

37. Copies of Resolutions to Council Members

PART 7 – COMMITTEE OF THE WHOLE

38. Notice for COTW
39. Minutes of COTW to Be Maintained and Available to the Public
40. Presiding Members of COTW Meetings and Quorum
41. Points of Order at Meetings
42. Conduct of Debate
43. Voting at Meetings
44. Adjournment

PART 8 - COMMITTEES

45. Duties of Standing Committees
46. Duties of Select Committees
47. Ratification of Committee Resolutions by Council
48. Notice of Committee Meetings
49. Minutes of Committee Meetings to Be Maintained and Available to Public
50. Quorum
51. Conduct and Debate
52. Voting at Meetings

PART 9 - COMMISSIONS

53. Commission Meeting Conduct

PART 10 - GENERAL

54. Validity of the Bylaw
55. Repeal

PART 1 – INTRODUCTION

1. Title

This Bylaw may be cited as the “**COUNCIL PROCEDURE BYLAW NO. 788, 2015**”.

2. Table of Contents

The table of contents is for convenience of reference only, and is not for use in interpreting or enforcing this Bylaw.

3. Definitions

“**Chief Administrative Officer**” means the Chief Administrative Officer for the Village;

“**Chair**” means the Mayor, Acting Mayor or other Member who is chairing a meeting;

“**Commission**” means a municipal commission established under s. 143 of the *Community Charter*;

“**Committee**” means a standing, select, or other committee of Council established under s. 141 and 142 of the *Community Charter*;

“**Committee of the Whole**” means a committee comprised of all Council Members of the Village of Pemberton to consider and recommend to Council on matters of the Village’s business. The Committee sits in a deliberative rather than a legislative capacity, for informal debate and preliminary consideration of matters awaiting action;

“**Corporate Officer**” means the municipal officer assigned responsibility under section 148 [*corporate officer*];

“**Council**” means the council of the Village of Pemberton;

“**Councillor**” means a member of a council other than the mayor;

“**Council Chambers**” means the premises located at 1350 Aster Street, Pemberton, B.C. or the Village Office, 7400 Prospect Street;

“**Delegation**” means an individual or group who wishes to bring information to Council or committee or other advisory body on a topic specified on a Request to Appear as a Delegation Form;

“**Inaugural Meeting**” means the first meeting of the newly elected Council at which the members elected at the most recent general local election are sworn in or are meeting for the first time after the swearing in ceremony;

“In Camera” means a meeting of the Village of Pemberton Council, committees or commissions which is closed to the public pursuant to the provisions of s. 90 of the *Community Charter*;

“Mayor” means the Mayor of the Village of Pemberton;

“Public Notice Posting Places” means the notice board at the Village Office at 7400 Prospect Street, the Post Office at 7431 Prospect Street and on the Village Web Site;

“Special Council Meeting” means a meeting of the Council other than a Regular or Inaugural Meeting.

“Swearing In Ceremony” means the event at which the newly elected members of Council take the oath of office. This could take place at the Inaugural Meeting or at a different time and place prior to the Inaugural meeting of Council.

“Village” means the Village of Pemberton;

“Village Office” means the premises located at 7400 Prospect Street, Pemberton, B.C.;

“Village Web Site” means the information resource found at an internet address provided by the Village.

4. Application of Rules of Procedure

- a) The provisions of this Bylaw govern the proceedings of Council, and all standing, select committees and commissions of Council, as applicable.
- b) In cases not provided for under this Bylaw, the then most current edition of Robert's Rules of Order applies to the proceedings of Council, committees and commissions to the extent that those Rules are:
 - i) applicable in the circumstances, and
 - ii) consistent with provisions of this Bylaw or the *Community Charter*.

PART 2 – COUNCIL MEETINGS

5. Inaugural Meeting

- a) Following a general local election the first Council meeting must be held on the first Tuesday of November.

- b) If a quorum of council members elected at the general local election has not taken office by the date of the meeting referred to in section 4 (a), the first Council meeting must be called by the Corporate Officer and held as soon as reasonably possible after a quorum has taken office.

6. Dates, Times and Locations of Meetings

- a) All Council meetings must take place at the Council Chambers within the Village except when Council resolves to hold meetings elsewhere.
- b) Regular Council meetings must:
 - i) be held on Tuesdays the dates and times shall be established by Council resolution before December 15th of each year for the subsequent year;
 - ii) be adjourned no later than three (3) hours after being called to order unless Council resolves to proceed beyond that time in accordance with section 31;
 - iii) notwithstanding clause (b)(i) above, there shall not be a meeting during the month of August unless Council otherwise resolves.
- c) Regular Council meetings may:
 - i) be cancelled or postponed to a different day, time and place by Council by resolution, provided that two consecutive meetings are not cancelled; and
 - ii) be postponed to a different day, time and place by the Mayor, provided the Corporate Officer is given at least two (2) days' written notice.
- d) In Camera (Closed) Council meetings may:
 - i) be held on the same day as the Regular Council Meeting as established in section 5 (b) (i).
- e) Special Meetings, being a meeting other than a statutory, regular or adjourned meeting, may:
 - i) be called by Council at a Regular meeting of Council;
 - ii) be called by the Mayor at his or her discretion at any time;

- i) be called by Council at a Regular meeting of Council;
- ii) be called by the Mayor at his or her discretion at any time;
- iii) be requested by two or more Council Members, in writing to the Mayor, Chief Administrative Officer and Corporate Officer. If the Mayor or Acting Mayor is absent or unable to act, or for any reason neither have arranged within twenty-four (24) hours after receiving a request under this section then two (2) or more members of Council may themselves call for a Special Meeting to be held within the next seven (7) days.

7. Notice of Regular Council Meetings

- a) In accordance with section 127 of the *Community Charter*, Council must prepare annually on or before January 1 each year, a schedule of the dates, times and places of Regular Council meetings and must make the schedule available to the public by posting it at the Public Notice Posting Places.
- b) In accordance with section 127 of the *Community Charter*, Council must give notice annually on or before January 1 of the time and duration that the schedule of Regular Council meetings will be available beginning on that date in accordance with section 94 of the *Community Charter*.
- c) If revisions are necessary to the annual schedule of the Regular Council meetings, the Corporate Officer must, as soon as possible, post a notice at the Public Notice Posting Places and publish in the newspaper to indicate any revisions to the date, time, duration and place of, or cancellation of, a Regular Council Meeting.

8. Notice of Special Meetings

- a) Except where notice of a special meeting is waived by unanimous vote of all council members under section 127(4) of the *Community Charter*, a notice of the date, hour, and place of a Special Council meeting must be given at least twenty-four (24) hours before the time of meeting, by:
 - i) posting a copy of the notice at the Public Notice Posting Places, and
 - ii) providing the notice and the agenda electronically by email as well as providing a copy of both for each Council member in the Council member's mailbox at the Village Office as requested.
- b) The notice under section 7 (a) must describe in general terms the purpose of the meeting and be signed by the Mayor or the Corporate Officer.

- c) Notice of any Meeting called under Section 5 (e) (ii) will be signed by the Members calling the Meeting, or by the Corporate Officer in place of the Mayor.

9. Confidential Matters

- a) As stated in the *Community Charter*, matters deemed to be of a confidential nature in accordance with the provisions of section 90 may be considered in a meeting closed to the public (In Camera).

10. Electronic Participation at Meetings

- a) Provided that all of the conditions set out in section 128 (2) of the *Community Charter* are met, and subject to section 9 (b), a member of council or of a council committee or commission, other than the presiding member, who is unable to attend at any council, committee, commission or special meeting, as applicable, may participate in the meeting by means of electronic or other communications facilities.
- b) As a limit on section 9 (a), no more than two (2) members of Council, committee or commission may participate at any one meeting by way of electronic or other communications facilities.
- c) In instances where the Mayor will participate in a meeting electronically, the Council member designated to act in place of the Mayor shall preside.
- d) In absence of the Mayor and the Council member designated to act in the place of the Mayor the member present shall elect from among themselves a presiding member for that meeting;
- e) Where a meetings is held under this section the facilities must enable the public to hear, or see and hear, the participation of the member or members participating electronically unless the meeting is closed pursuant to section 90 of the *Community Charter*;
- f) Members of Council who are participating in a meeting under this section are deemed to be present at the meeting;
- g) Council members may not attend by electronic means more than a maximum of four (4) meetings as identified in this section per calendar year.

PART 3 - DESIGNATION OF MEMBER TO ACT IN PLACE OF MAYOR

11. Appointment of Acting Mayor

- a) Annually in December, Council must from amongst its members designate Councillors to serve on a rotating basis as the member responsible for acting in the place of the Mayor when the Mayor is

absent or otherwise unable to act or when the office of the Mayor is vacant for the subsequent year.

- b) Each Councillor designated under section 10 (a) must fulfill the responsibilities of the Mayor in his or her absence.
- c) If both the Mayor and the member designated under section 10 (a) are absent from the Council meeting, the Council members present must choose a Councillor to preside at the Council meeting pursuant to section 14 (b).
- d) The member designated under section 10 (a) or chosen under section 10 (c) has the same powers and duties as the Mayor in relation to the applicable matter.

PART 4 – COUNCIL MEETING PROCEEDINGS

12. Attendance of Public at Meetings

- a) Except where the provisions of section 90 of the *Community Charter* [*meetings that may or must be closed to the public*] apply, all Council meetings must be open to the public.
- b) Before closing a Council meeting or part of a Council meeting to the public, Council must pass a resolution in a public meeting in accordance with section 92 of the *Community Charter* [*requirements before Council meeting is closed*].
- c) This section applies to all meetings of the bodies referred to in section 93 of the *Community Charter*, including without limitation:
 - i) Committee of the Whole
 - ii) Standing and Select Committees,
 - iii) Parcel Tax Review Panel,
 - iv) Board of Variance,
 - v) Advisory bodies as established by Council.
- d) Despite section 11(a), the Mayor or the Councillor designated as the member responsible for acting in the place of the Mayor under section 10 may expel or exclude from a Council meeting a person in accordance with section 24 (h).

13. Minutes of Meetings to Be Maintained and Available to Public

- a) Minutes of the proceedings of Council and its Committees and Commissions must be:

- i) legibly recorded,
 - ii) certified as correct by the Corporate Officer or designate, and
 - iii) signed by the Mayor or other member presiding after adoption of the minutes.
- b) Minutes of the proceedings of Council and its committees and commissions shall record:
 - i) The place, date and time of meeting;
 - ii) The names of the Presiding Member or members and record of the attendance of members;
 - iii) Motions of the meeting without note or comment.
- c) With exception to the Mayor and Councillor reports only the motions and actions of Council (action minutes) will be recorded.
- d) Subject to section 12 (e), and in accordance with section 97(1) (b) of the *Community Charter*, minutes of the proceedings of Council must be open for public inspection at the Village Office during its regular office hours.
- e) Section 12 (d) does not apply to minutes of a Council meeting or that part of a Council meeting from which persons were excluded under section 90 of the *Community Charter*.

14. Release of In Camera (Closed) Meeting Items

- a) At the first Regular Meeting of Council after a Closed Meeting, the Mayor shall announce the decisions made in the Closed Meeting that Council has determined by resolution are no longer confidential matters, and that this include which Councillors declared conflict in a closed matter when brought forward to the public.
- b) Biannually, the Corporate Officer shall bring to the attention of the Council those items that were dealt with in a Closed Meeting and have not been released for public information, and Council shall then determine by resolution which items are no longer confidential matters and announce the decisions at the next Regular Meeting of Council.

15. Calling Meeting to Order

- a) As soon after the time specified for a Council meeting as there is a quorum present, the Mayor, if present, must take the Chair and call the Council meeting to order, however, where the Mayor is absent, the Councillor designated as the member responsible for acting in

the place of the Mayor in accordance with section 10 must take the Chair and call such meeting to order.

- b) If a quorum of Council is present but the Mayor or the Councillor designated as the member responsible for acting in the place of the Mayor under section 10 do not attend within twenty (20) minutes of the scheduled time for a Council meeting:
 - i) the Corporate Officer must call to order the members present, and
 - ii) the members present must choose a member to preside at the meeting.

16. Adjourning Meeting Where No Quorum

- a) If there is no quorum of Council present within twenty (20) minutes of the scheduled time for a Council meeting, the Corporate Officer or designate must:
 - i) record the names of the members present, and those absent, and
 - ii) adjourn the meeting until the next scheduled meeting.

17. Agenda

- a) Prior to each Regular Council meeting, the Corporate Officer must prepare an Agenda setting out all the items for consideration at that meeting.
- b) The Corporate Officer must make the agenda available to the members of Council on the Friday afternoon prior to the meeting.
- c) The Corporate Officer must make the agenda available to the members of the public no later than the Friday afternoon prior to the meeting.
- d) Council must not consider any matters not listed on the Agenda unless a new matter for consideration is properly introduced and approved as a late item of business pursuant to section 18.
- e) Materials relating to late items of business presented at a Regular Council meeting shall be distributed to the Corporate Officer, Chief Administrative Officer, Recording Secretary and all senior staff in attendance.

18. Order of Proceedings and Business

- a) The agenda for all regular Council meetings contains the following matters in the order in which they are listed below:
 - i) Call to Order
 - ii) Approval of Agenda
 - iii) Rise with Report from In Camera (Closed) [*If applicable*]
 - iv) Adoption of Minutes
 - v) Business Arising from the Minutes
 - (1) Regular Meeting
 - (2) Committee of the Whole
 - vi) Committee Minutes – for Information
 - vii) Delegations – requests to address Council
 - viii) Reports
 - (1) Staff
 - (2) Mayor
 - (3) Councillor
 - ix) Bylaws
 - (1) First and second Reading
 - (2) First, Second and Third Reading
 - (3) Third Reading
 - (4) Adoption
 - x) Correspondence
 - (1) For action
 - (2) For information
 - xi) Decision on Late Business
 - xii) Late Business
 - xiii) Notice of Motion
 - xiv) Question Period
 - xv) Adjournment

- b) Particular business at a Council meeting must in all cases be taken up in the order in which it is listed on the agenda unless otherwise resolved by Council.

19. Late Business

- a) An item of business not included on the Agenda must not be considered at a Council meeting unless introduction of the late business is approved by Council at the time allocated on the Agenda for such matters.
- b) If the Council makes a resolution under section 18 (a) to deal with a matter at the same meeting it is introduced, information pertaining to the late business must be distributed to the members.

20. Notice of Motion

- a) Any Council member may give a "Notice of Motion" respecting an item which he or she intends to present by giving a copy of such motion to the Corporate Officer during a meeting of Council.
- b) Upon the member being acknowledged by the Chair and the Notice of Motion being read to the meeting, such motion shall appear in the minutes of that meeting as a Notice of Motion and must be placed on the agenda of the next Regular Council Meeting or other future meeting designated by the member bringing forward the Notice of Motion for consideration.

21. Petitions and Correspondence

- a) Petitions and correspondence, presented to Council must be legibly written or printed, signed and contain a return address and telephone number.
- b) Unsigned email correspondence will be accepted if it contains the name of the author, return mailing and civic address, and telephone number. All communication presented to Council will be subject to *Freedom of Information and Protection of Privacy Act*.
- c) Every petition or correspondence for a Council meeting must be delivered to the Corporate Officer by 12 noon on the Wednesday prior to a regular meeting.

22. Voting at Meetings

- a) The following procedures apply to voting at Council meetings:
 - i) when debate on a matter is closed the presiding member must put the matter to a vote of Council members;

- ii) when the Council is ready to vote, the presiding member must put the matter to a vote by stating:
 - "Those in favour raise your hands." and then "Those opposed raise your hands."
- iii) when the presiding member is putting the matter to a vote under section 21 (a) (i) and (ii) a member must not:
 - (1) leave the room;
 - (2) make a noise or other disturbance; or
 - (3) interrupt the voting procedure under section 21 (a) (ii) unless the interrupting member is raising a point of order.
- iv) after the presiding member finally puts the question to a vote under section 21 (a) (ii), a member must not speak to the question or make a motion concerning it;
- v) the presiding member's decision about whether a question has been finally put is conclusive;
- vi) whenever a vote of Council on a matter is taken, each member present shall signify their vote by raising their hand;
- vii) Should any member refrain from voting when any question is put, the member shall be regarded as having voted in the affirmative and the members vote shall be counted accordingly;
- viii) if a vote is not unanimously in favour the presiding member must ask the opposing member if they wish their vote and name to be recorded in opposition and the recording secretary will be so instructed;
- ix) the presiding member must declare the result of the voting by stating that the question is decided in either the affirmative or the negative.

23. Delegations

- a) Persons or groups of persons wishing to appear as a delegation before Council shall advise the Corporate Officer in writing by noon on the seventh (7) day prior to the date of the meeting.
- b) Requests to appear as a delegation before Council must include the name, address and telephone number of the person who wishes to speak on behalf of the delegation and the purpose of the

presentation that will form part of the presentation must be provided at the time of the application.

- c) Each address must be limited to ten (10) minutes with a question period of five (5) minutes for a total of fifteen (15) minutes unless a longer period is agreed to by unanimous vote of those members present.
- d) Where written application has not been received by the Corporate Officer as prescribed in section 22 (a), an individual or delegation may address the meeting if approved by the majority vote of the members present.
- e) Council must not permit a delegation to address a meeting of the Council regarding a bylaw in respect of which a public hearing has been held, where the public hearing is required under an enactment as a pre-requisite to the adoption of the bylaw.
- f) The Corporate Officer may schedule a maximum of two (2) delegations to any Council meeting. Delegations shall be placed on the agenda on a first come basis.
- g) The Corporate Officer may schedule delegations to another Council meeting, a committee or advisory body or ask staff to address the delegate's issue as deemed appropriate according to the subject matter of the delegation.
- h) The Corporate Officer may decline to place a delegation on the agenda if the issue is not considered to fall within the jurisdiction of Council. If the delegation wishes to appeal the Corporate Officer's decision, the information must be distributed under separate cover to Council for their consideration.
- i) Council shall not act on a request from a delegation until the next regular meeting, unless consent by two-thirds vote of Council present is given to consider the matter following the delegation presentation.
- j) A delegate may not speak on an issue that is the subject of a staff report not yet presented to a Council meeting.

24. Points of Order

- a) Without limiting the presiding member's duty under section 132(1) of the *Community Charter*, the presiding member must apply the correct procedure to a motion:
 - i) if the motion is contrary to the rules of procedure in this bylaw, and

- ii) whether or not another Council member has raised a point of order in connection with the motion.
- b) When the presiding member is required to decide a point of order:
 - i) the presiding member must cite the applicable rule or authority if requested by another Council member,
 - ii) another member must not question or comment on the rule or authority cited by the presiding member under section 23 (b) (i), and
 - iii) the presiding member may reserve the decision until the next Council meeting.

25. Conduct and Debate

- a) A Council member may speak to a question or motion at a Council meeting only if that member first addresses the presiding member.
- b) Members must address the presiding member by that person's title of Mayor, Acting Mayor or Councillor.
- c) Members must address other non-presiding members by the title Councillor.
- d) No member must interrupt a member who is speaking except to raise a point of order.
- e) If more than one member speaks the presiding member must call on the member who, in the presiding member's opinion, first spoke.
- f) Members who are called to order by the presiding member:
 - i) must immediately stop speaking,
 - ii) may explain their position on the point of order, and
 - iii) may appeal to Council for its decision on the point of order in accordance with section 132 of the *Community Charter*.
- g) Members speaking at a Council meeting:
 - i) must use respectful language,
 - ii) must not use offensive gestures or signs,
 - iii) must speak only in connection with the matter being debated,
 - iv) may speak about a vote of Council only for the purpose of making a motion that the vote be rescinded, and

- v) must adhere to the rules of procedure established under this Bylaw and to the decisions of the presiding member and Council in connection with the rules and points of order.
- h) If a member does not adhere to section 24 (g), the presiding member may order the member to leave the member's seat, and
 - i) if the member refuses to leave, the presiding member may cause the member to be removed by a peace officer from the member's seat, and
 - ii) if the member apologizes to the Council, Council may, by resolution, allow the member to retake the member's seat.
- i) A member may require the question being debated at a Council meeting to be read at any time during the debate if that does not interrupt another member who is speaking.
- j) The following rules apply to limit speech on matters being considered at a Council meeting:
 - i) a member may speak more than once in connection with the same question only:
 - (1) with the permission of Council, or
 - (2) if the member is explaining a material part of a previous speech without introducing a new matter;
 - ii) a member who has made a substantive motion to the Council may reply to the debate;
 - iii) a member may speak to a question, or may speak in reply, for longer than a total time of ten (10) minutes only with the permission of Council.

26. Motions Generally

- a) Council may debate and vote on a motion only if it is first made by one Council member and then seconded by another.
- b) A Council member may make only the following motions, when the Council is considering a question:
 - i) to refer to committee;
 - ii) to amend;
 - iii) to lay on the table;

- iv) to postpone indefinitely;
 - v) to postpone to a certain time;
 - vi) to move the previous question, or the question;
 - vii) to adjourn.
- c) A motion made under section 25 (b) (iii) to (vii) is not amendable or debatable.
- d) Council must vote separately on each distinct part of a question that is under consideration at a Council meeting if requested by a Council member.

27. Motion to Commit

- a) Until it is decided, a motion made at a Council meeting to refer to a committee precludes an amendment of the main question.

28. Motion for the Main Question

- a) In this section, "main question", in relation to a matter, means the motion that first brings the matter before the Council.
- b) At a Council meeting, the following rules apply to a motion for the main question, or for the main question as amended:
- i) if a member of Council moves to put the main question, or the main question as amended, to a vote, that motion must be dealt with before any other amendments are made to the motion on the main question; and
 - ii) if the motion for the main question, or for the main question as amended, is decided in the negative, the Council may again debate the question, or proceed to other business.

29. Amendments Generally

- a) Council member may, without notice, move to amend a motion that is being considered at a Council meeting.
- b) An amendment may propose removing, substituting for, or adding to the words of an original motion.
- c) A proposed amendment must be reproduced in writing by the mover if requested by the presiding member.
- d) A proposed amendment must be decided or withdrawn before the motion being considered is put to a vote unless there is a call for the main question.

- e) An amendment may be amended once only.
- f) An amendment that has been negatived by a vote of Council cannot be proposed again.
- g) A Council member may propose an amendment to an adopted amendment.
- h) The presiding member must put the main question and its amendments in the following order for the vote of Council:
 - i) a motion to amend a motion amending the main question;
 - ii) a motion to amend the main question, or an amended motion amending the main question if the vote under section 28 (h) (i) is positive;
 - iii) the main question.

30. Reconsideration by Mayor

- a) In accordance with section 131 of the *Community Charter*, the Mayor may at the same council meeting as the vote took place or at any time within thirty (30) days after the adoption or rejection of any bylaw, resolution or proceeding, return same for consideration by Council subject to the following:
 - i) it has not had the approval or assent of the electors and been adopted,
 - ii) it has not already been reconsidered by Council; and
 - iii) it has not been acted upon by any Officer, employee or Agent of the Village.
- b) In returning matters for council's reconsideration the Mayor may state the reasons or objections, which will be recorded in the minutes. Council shall as soon thereafter as convenient, consider the reasons or objections and either;
 - i) reaffirm the Bylaw, resolution or proceedings; or
 - ii) reject the bylaw, resolution or proceedings.
- c) Bylaws and resolutions that are rejected after reconsideration are deemed to be absolutely vetoed, rescinded and repealed, and are of no force or effect whatsoever, and shall not be reintroduced for a period of six (6) months except with the unanimous consent of Council.

- d) A bylaw, resolution, or proceeding that is reaffirmed under section 131 of the *Community Charter* is as valid and has the same effect as it had before reconsideration

31. Reconsideration by Council Member

- a) Subject to section 30 (e), a Council member may, at the next Council meeting,
 - i) move to reconsider a matter on which a vote, other than to postpone indefinitely, has been taken, and
 - ii) move to reconsider an adopted bylaw after an interval of at least twenty-four (24) hours following its adoption.
- b) A Council member who voted affirmatively for a resolution adopted by Council may at any time move to rescind that resolution.
- c) Council must not discuss the main matter referred to in section 30 (a) unless a motion to reconsider that matter is adopted in the affirmative.
- d) A vote to reconsider must not be reconsidered.
- e) Council may only reconsider a matter that has not:
 - i) had the approval or assent of the electors and been adopted,
 - ii) been reconsidered under section 30 (a) or section 131 of the *Community Charter*,
 - iii) been acted on by an officer, employee, or agent of the Village.
- f) A bylaw or resolution that is rejected after reconsideration under section 30 (a) is deemed to be absolutely vetoed, rescinded and repealed, and is of no force or effect whatsoever, and shall not be reintroduced for a period of six (6) months except with the unanimous consent of Council.
- g) A bylaw, resolution, or proceeding that is reaffirmed under section 30 (a) is deemed as valid and has the same effect as it had before reconsideration.

32. Adjournment

- a) Council may continue a council meeting after three (3) hours only by an affirmative vote.

PART 5 – BYLAWS

33. Copies of Proposed Bylaws to Council Members

- a) A proposed bylaw may be introduced at a Council meeting only if a copy of it has been delivered to each Council member at least twelve (12) hours before the Council meeting, or all Council members unanimously agree to waive this requirement.

34. Form of Bylaws

- a) A bylaw introduced at a council meeting must:
 - i) be printed;
 - ii) have a distinguishing name;
 - iii) have a distinguishing number;
 - iv) contain an introductory state of purpose;
 - v) be divided into sections.

35. Reading and Adopting Bylaws

- a) The presiding member of a Council meeting may:
 - i) have the Corporate Officer read a synopsis of each proposed bylaw, and then;
 - ii) request a motion that the proposed bylaw be read.
- b) The readings of the bylaw may be given by stating its title and object.
- c) A proposed bylaw may be debated and amended at any time during the first three readings unless prohibited by the *Community Charter*.
- d) Subject to section 882 of the *Local Government Act [OCP Adoption Procedures]*, each reading of a proposed bylaw must receive the affirmative vote of a majority of the Council members present.
- e) In accordance with section 135 of the *Community Charter [Requirements for passing bylaws]*, Council may give two or three readings to a proposed bylaw at the same Council meeting.
- f) Despite section 135 (3) of the *Community Charter*, and in accordance with section 890(9) of the *Local Government Act [Public Hearings]*, Council may adopt a proposed official community plan or zoning bylaw at the same meeting at which the plan or bylaw passed third reading.

36. Bylaws Must Be Signed

- a) After a bylaw is adopted, and signed by the Corporate Officer and the presiding member of the Council, the Corporate Officer must have it placed in the Village's records for safekeeping and endorse upon it:
 - i) the Village's Corporate Seal;
 - ii) the dates of its readings and adoption; and
 - iii) the date of Ministerial Approval or Approval of the Electorate as applicable.

PART 6 – RESOLUTIONS

37. Copies of Resolutions to Council Members

- a) A resolution may be introduced at a Council meeting only if a copy of it has been delivered to each Council member at least twelve (12) hours before the Council meeting, or all Council members unanimously agree to waive this requirement.

PART 7 – COMMITTEE OF THE WHOLE (COTW)

38. Notice for COTW Meetings

- a) A notice of the day, hour and place of a COTW meeting must be given at least twenty-four (24) hours before the time of the meeting by:
 - i) posting a copy of the notice at the Public Notice Posting Places; and
 - ii) providing the notice and agenda electronically by email as well as providing a copy of both for each Council Member in the Council member's mailbox at the Village Office as requested.

39. Minutes of COTW Meetings to Be Maintained and Available to Public

- a) Minutes of the proceedings of COTW must be:
 - i) legibly recorded,
 - ii) certified by the Corporate Officer,
 - iii) signed by the member presiding at the meeting, and
 - iv) open for public inspection in accordance with section 97(1)(c) of the *Community Charter*.

40. Presiding Members at COTW Meetings and Quorum

- a) The Mayor shall preside the COTW if present, however, where the Mayor is absent the Councillor designated as the member responsible for acting in the place of the Mayor in accordance with section 10 must take the Chair and call the meeting to order. The quorum of COTW is the majority of Council members.

41. Points of Order at Meetings

- a) The presiding member must preserve order at a COTW meeting and, subject to an appeal to other members present, decide points of order that may arise.

42. Conduct and Debate

- a) The rules of procedure of the Council shall be observed in the COTW, so far as may be applicable, except that:
 - i) a member may speak any number of times on the same question; and
 - ii) no member shall speak continuously for more than five (5) minutes to a question.

43. Voting at Meetings

- a) Votes at a COTW meeting must be taken by a show of hands if requested by a member.
 - i) the presiding member must declare the results of voting.

44. Adjournment

- a) When all matters referred to COTW have been considered a motion to terminate and report to Council shall be adopted.

PART 8 -- COMMITTEES

45. Duties of Standing Committees

- a) Standing committees must consider, inquire into, report, and make recommendations to Council about all of the following matters:
 - i) matters that are related to the general subject indicated by the name of the committee;
 - ii) matters that are assigned by Council;

- iii) matters that are assigned by the Mayor.
- b) Standing committees report and make recommendations to Council through their minutes.

46. Duties of Select Committees

- a) Select committees must consider, inquire into, report, and make recommendations to Council about the matters referred to the committee by the Council.
- b) Select committees report and make recommendations to Council through their minutes.

47. Ratification of Committee Resolutions by Council

- a) All resolutions adopted by a Committee must be presented to Council for ratification except for the following:
 - i) Resolutions referring items to staff;
 - ii) Resolutions deferring an item;
 - iii) Resolutions receiving a report or information; and
 - iv) Defeated resolutions.

48. Notice of Committee Meetings

- a) Notice and Agenda of committee meetings, including the times, dates and places of the meetings must be given by:
 - i) posting a notice of the meeting at the Public Notice Posting Places; and
 - ii) providing a copy of the notice and agenda electronically by email to each member of the committee at least twenty-four (24) hours prior to the meeting.

49. Minutes of Committee Meetings to Be Maintained and Available to Public

- a) Minutes of the proceedings of a committee must be:
 - i) legibly recorded,
 - ii) certified by the Corporate Officer or his/her designate and the presiding member, and
 - iii) open for public inspection in accordance with section 97(1)(c) of the *Community Charter*.

50. Quorum

- a) The quorum for a committee is a majority of all of its members.

51. Conduct and Debate

- a) The rules of the Council procedure must be observed during committee meetings, so far as is possible and unless as otherwise provided in this Bylaw.
- b) Council members attending a meeting of a committee, of which they are not a member, may participate in the discussion only with the permission of a majority of the committee members present.

52. Voting at Meetings

- a) Council members attending a meeting of a committee of which they are not a member must not vote on a question.
- b) The Mayor is an ex officio member of all Committees and therefore is entitled to vote on any matter before the Committee.

PART 9 - COMMISSIONS

53. Commission Meeting Conduct

- a) The procedures for governing conduct of Commissions shall be set out within the Commissions establishing bylaw and shall reflect the Council Meeting Proceedings as noted in Part 4 of this Bylaw as amended from time to time.

PART 10 – GENERAL

54. Validity of the Bylaw

- a) If any section, subsection or clause of this bylaw is for any reason held to be invalid by the decision of a court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this bylaw.
- b) This bylaw may not be amended or repealed and substituted unless Council first gives notice in accordance with section 94 of the *Community Charter*.

55. Repeal

- a) Village of Pemberton Council Procedure Bylaw No. 656, 2011 and its amendments, Bylaw No. 687, 2012 and Bylaw No.737, 2013, are hereby repealed.

NOTICE OF INTENTION TO CONSIDER Council Procedures Bylaw No. 788,
2015 **WAS PUBLISHED IN THE** Pique Newsmagazine **on June 4th and June**
11th.

READ A FIRST TIME this 16th day of June, 2015

READ A SECOND TIME this 16th day of June, 2015

READ A THIRD TIME this 16th day of June, 2015

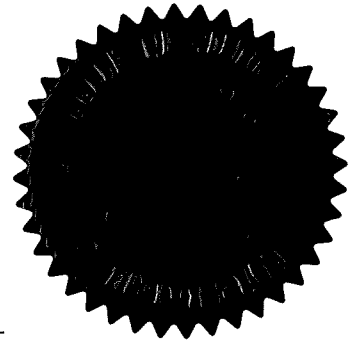
ADOPTED this 7th day of July, 2015



Mike Richman
Mayor



Sheena Fraser
Corporate Officer



Questions?
We're
Listening.



604.894.6135



admin@
pemberton.ca



www.pemberton.ca

Notice to Amend Council Procedure Bylaw No. 788, 2015

In accordance with section 123 (3) of the *Community Charter* notice is hereby given that the Council of the Village of Pemberton intends to amend Council Procedure Bylaw No. 778, 2015 at the **Special Council Meeting to be held on Tuesday, March 31st, 2020 at 12:00 p.m.**

In particular, *Section 10 Electronic Participation at Meetings* will be amended to add the following clause:

Despite (b) and (c) above, in the event of a health, environmental or safety emergency, where it is not possible to have a quorum or the Mayor or Acting Mayor physically present for a meeting, all or any portion of the members may participate in a Council meeting by means of electronic or other communication facilities, so long as they comply with the remaining requirements of this Section.

The proposed amendment will provide the opportunity for all members of Council to attend electronically in the event of a health, environmental or safety emergency in which it is not possible for quorum to be achieved through the physical presence of the Mayor some or all Council Members.

A copy of the proposed Council Procedure Amendment (Electronic Participation) Bylaw No. 875, 2020 is available on the Village of Pemberton website.

Questions and comments can be directed to Sheena Fraser, Manager of Corporate & Legislative Services, at 604-894-6135 ext 228 or sfraser@pemberton.ca.

Village of Pemberton

Regular Council Meeting No. 1511

Tuesday, March 31, 2020

35 of 51



Date: March 31, 2020

To: Nikki Gilmore, Chief Administrative Officer

From: Wendy Olsson, Executive Assistant/HR Coordinator

Subject: Parks and Public Spaces Use Amendment (Powers of the Manager) Bylaw No. 876, 2020

PURPOSE

The purpose of this report is to introduce Parks and Public Spaces Use Amendment (Powers of the Manager) Bylaw No. 876, 2020 for First, Second, Third and Fourth Readings.

BACKGROUND

The original Village of Pemberton Parks Use Bylaw No. 650 was passed in 2010 to regulate and govern the use of parks. Since its inception the Bylaw has received two amendments, each made to address the changing needs of governance of parks and public spaces use. In 2016 in order to consolidate the previous noted amendments and to incorporate further amendments a new Parks and Public Spaces Use Bylaw No. 797, 2016 was introduced and adopted.

As a result of the COVID-19 outbreak, the Federal and Provincial governments as well as local Health Authorities have instructed individuals to practice physical distancing to slow the transmission of the virus. Regulations to support physical distancing, such as the Provincially mandated closure of provincial parks and the Village initiative to close its playgrounds, have been put in place.

Under Section 22 - Powers of the Manager of the current Bylaw, the Manager (defined as Chief Administrative Officer or designate) has the authority to temporarily close public spaces in the case of emergency or for health and safety reasons, but does not have the power to provide for rules of behaviour within such spaces should such action be required.

The proposed Parks and Public Spaces Use Amendment (Powers of the Manager) Bylaw No. 876, 2020 (**Appendix A**) includes an addition to Section 22 which allows the Manager to provide for rules of behaviour as may be considered necessary to address public health and safety concerns or to respond to public health emergencies.

Under Section 26 - Offences of the current Bylaw, offences can only be subject to penalties under the Municipal Ticket Information (MTI) Bylaw, not under the Bylaw Notice Enforcement Bylaw (BNEB) adopted in 2019. As such, Bylaw No. 876 deletes and replaces Section 26.1 to allow for penalties under both the MTI and the BNEB.

DISCUSSION & COMMENTS

In response to the unprecedented health and safety concerns posed by the COVID-19 outbreak and the related direction received by the Province, the Village has undertaken several preventative measures including the closure of the Skate Park and all playgrounds within its jurisdiction.

Despite ongoing communication and education efforts on the part of the Village, individuals continue to engage in behaviours that put themselves and others in the community at further risk of contracting the virus. Bylaw No. 876 grants the Village authority to provide for rules of behaviour, such as physical distancing and if necessary, to issue penalties to individuals who are in non-compliance.

Staff notes that penalties would only be issued as a last resort, should no other avenue to promote compliance have been effective.

Staff will also be presenting at this meeting an amendment to the Municipal Ticketing Information Utilization (MTI) Bylaw to incorporate the Parks and Open Spaces Bylaw into the list of Bylaws in which offences against can be fined as this bylaw is currently not included in the MTI but has been incorporated into the Bylaw Notice Enforcement Bylaw passed earlier this month.

COMMUNICATIONS

Should the Parks and Public Spaces Use Amendment (Powers of the Manager) Bylaw No. 876, 2020 be adopted, a consolidated version of the Bylaw and its amendment will be posted on the Village's website. Reminder notifications respecting the Provincial Order to practice required physical distancing and that the Village play spaces are closed will be done through the Village's Facebook page and eNEWS

LEGAL CONSIDERATIONS

The Bylaw amendment has received legal review.

Staff notes that on Thursday, March 26, 2020, the Province of British Columbia announced that Bylaw Enforcement Officers will be asked to aid in the enforcement of restrictions put in place through the Provincial State of Emergency specifically related to physical distancing, monitoring of facilities and areas closed to the public and public gatherings.

IMPACT ON BUDGET & STAFFING

There are no impacts to the budget or staff hours for consideration. Patrol of public spaces and issuing of Bylaw Offence tickets is a regular responsibility of the Bylaw Enforcement Officer.

INTERDEPARTMENTAL IMPACT & APPROVAL

There are no interdepartmental impacts at this time.

IMPACT ON THE REGION OR NEIGHBOURING JURISDICTIONS

This initiative has no impact on other jurisdictions.

ALTERNATIVE OPTIONS

There are no alternative options for consideration.

POTENTIAL GOVERNANCE CONSIDERATIONS

Good Governance

The Village is committed to citizen engagement, being an open, honest and accountable government and fiscal responsibility.

Social Responsibility

The Village strives to create a strong and vibrant community recognizing the importance and benefits of both healthy and engaged citizens as well as an accessible and well managed natural environment.

RECOMMENDATIONS

WHEREAS Ministerial Order MO83, issued March 26, 2020, enables municipalities during the Provincial State of Emergency, issued on March 18, 2020, to adopt bylaw on the same day it receives Third Reading;

AND WHEREAS the Village of Pemberton is presenting an amending Bylaw for Council's consideration;

THEREFORE BE IT RESOLVED THAT the Parks and Public Spaces Use Amendment (Powers of the Manager) Bylaw No. 876, 2020 be given First, Second, Third and Fourth Readings.

Attachments:

Appendix A: Parks and Public Spaces Use Amendment (Powers of the Manager) Bylaw No. 876, 2020.

Submitted by:	Wendy Olsson, Executive Assistant/HR Coordinator
CAO Approval by:	Nikki Gilmore, Chief Administrative Officer

**VILLAGE OF PEMBERTON
BYLAW No. 876, 2020**

**A bylaw to amend the use of Parks and Public Spaces Use
Bylaw No. 797, 2016.**

WHEREAS the *Community Charter* Section 8 (3) authorizes Council to regulate public spaces by Bylaw;

AND WHEREAS the Council may amend its bylaws from time to time when deemed appropriate.

NOW THEREFORE the Council of the Village of Pemberton, in open meeting assembled, **ENACTS AS FOLLOWS:**

1. Citation

This Bylaw may be cited for all purposes as “Parks and Public Spaces Use Amendment (Powers of Manager) Bylaw No. 876, 2020”.

2. Application

Village of Pemberton Parks and Public Spaces Use Bylaw No. 797, 2016 be amended as follows:

Section 22 Powers of Manager be amended by adding section (t) as follows:

- (t) make rules temporarily closing or restricting access to parks or recreational facilities, or providing for rules of behaviour within such parks or recreational facilities as may be considered advisable or necessary to address public health and safety concerns or to respond to public health emergencies, where rights of public access and gathering must temporarily be limited or restricted.

Section 26.1 under Section 26 Offence be deleted and replaced with the following:

- 26.1 Every person who offends against any provision of the Bylaw, or who suffers or permits any act or thing to be done in contravention or violation of any provision of this Bylaw, or who does any act or thing which violates this Bylaw, shall be deemed to be guilty of an offence against this Bylaw and shall be liable for any reasonable costs for reparation and to the penalties imposed under the Municipal Ticket Information Bylaw and the Bylaw Notice Enforcement Bylaw, amendments and replacements thereof.

READ A FIRST TIME this ____ day of March, 2020.

READ A SECOND TIME this _____ day of March, 2020.

READ A THIRD TIME this _____ day of March, 2020.

ADOPTED this _____ day of March, 2020.

Mike Richman
Mayor

Sheena Fraser
Corporate Officer

**VILLAGE OF PEMBERTON
BYLAW No. 876, 2020**

**A bylaw to amend the use of Parks and Public Spaces Use
Bylaw No. 797, 2016.**

WHEREAS the *Community Charter* Section 8 (3) authorizes Council to regulate public spaces by Bylaw;

AND WHEREAS the Council may amend its bylaws from time to time when deemed appropriate.

NOW THEREFORE the Council of the Village of Pemberton, in open meeting assembled, **ENACTS AS FOLLOWS:**

1. Citation

This Bylaw may be cited for all purposes as “Parks and Public Spaces Use Amendment (Powers of Manager) Bylaw No. 876, 2020”.

2. Application

Village of Pemberton Parks and Public Spaces Use Bylaw No. 797, 2016 be amended as follows:

Section 22 Powers of Manager be amended by adding section (t) as follows:

- (t) make rules temporarily closing or restricting access to parks or recreational facilities, or providing for rules of behaviour within such parks or recreational facilities as may be considered advisable or necessary to address public health and safety concerns or to respond to public health emergencies, where rights of public access and gathering must temporarily be limited or restricted.

Section 26.1 under Section 26 Offence be deleted and replaced with the following:

- 26.1 Every person who offends against any provision of the Bylaw, or who suffers or permits any act or thing to be done in contravention or violation of any provision of this Bylaw, or who does any act or thing which violates this Bylaw, shall be deemed to be guilty of an offence against this Bylaw and shall be liable for any reasonable costs for reparation and to the penalties imposed under the Municipal Ticket Information Bylaw and the Bylaw Notice Enforcement Bylaw, amendments and replacements thereof.

READ A FIRST TIME this ____ day of March, 2020.

READ A SECOND TIME this _____ day of March, 2020.

READ A THIRD TIME this _____ day of March, 2020.

ADOPTED this _____ day of March, 2020.

Mike Richman
Mayor

Sheena Fraser
Corporate Officer

Date: March 31, 2020
To: Nikki Gilmore, Chief Administrative Officer
From: Sheena Fraser, Manager of Corporate & Legislative Services
Subject: Municipal Ticket Information Utilization Bylaw No. 877, 2020

PURPOSE

To introduce the Village of Pemberton Municipal Ticket Information Utilization Bylaw Amendment (Parks and Public Spaces) No. 877, 2020, (**Appendix A**) and request consideration for First, Second, Third and Fourth Readings to be given.

BACKGROUND

In 2004, pursuant to Section 264 of the *Community Charter*, the Village implemented a Municipal Ticket Information Utilization Bylaw (MTIU) as a means to enable the Bylaw Enforcement Officer or other members of the Village Staff as well as the RCMP, as appropriate, the ability to issue tickets for bylaw infractions or offences for certain bylaws. The MTIU Bylaw contains offences and fines for the Village's bylaws which are listed in the Schedules of the Bylaw.

Amid the ongoing COVID-19 pandemic and pursuant to orders from Provincial Health Authorities, the Village has proposed a Parks and Public Spaces Use Amendment Bylaw No. 876, 2020, which authorizes closure or restricted access to parks and public spaces, as outlined in the previous report to Council.

DISCUSSION & COMMENTS

As the Parks and Public Spaces Use Bylaw was not previously included in the MTIU Bylaw, and in light of the newly proposed amendments to the Parks and Public Spaces Use Bylaw, an amendment to the MTIU Bylaw is recommended at this time.

The proposed changes, listed below, will give authorization for tickets to be issued under the MTIU Bylaw for infractions contrary to the Parks and Public Spaces Use Bylaw, including those individuals in violation of the closures and restrictions within the Village's parks and public spaces. It should be noted that Parks and Public Spaces infractions are also included in the newly adopted Bylaw Notice Enforcement Bylaw No. 874, 2020.

Although issuing fines for violation of the Parks and Public Spaces Use Bylaw is not preferred, it may be necessary during this public health emergency to issue such fines in the interests of protecting public safety.

Schedule 1 Amendment

Schedule 1 has been updated to list Parks and Public Spaces Use Bylaw No. 797, 2016, and lists the designated persons who may issue fines for this Bylaw.

Schedule 15

Parks and Public Spaces Use Bylaw No. 797, 2016, (and its amendments) has been added as Schedule 15 to the MTIU Bylaw. Fines for all infractions under the Parks and Public Spaces Use Bylaw have been listed and there is a reduced fine option for fines paid within thirty (30) days. These fines align with those listed in Bylaw Notice Enforcement Bylaw No. 874, 2020.

COMMUNICATIONS

The bylaw amendments contained herein will be consolidated into the Municipal Ticket Information Utilization Bylaw No. 845, 2018, which is available on the Village website.

LEGAL CONSIDERATIONS

The establishment of a Municipal Tickets Information Utilization Bylaw meets with Section 264 of the *Community Charter*. Further, Ministerial Order M083 issued March 26, 2020, enables municipalities during the Provincial State of Emergency to adopt a bylaw on the same day it receives Third Reading.

IMPACT ON BUDGET & STAFFING

Preparation of this bylaw amendment was incorporated into the daily workload of Corporate & Legislative Services. It is anticipated that in an effort to protect public health and safety, enforcement and issuance of fines may be incurred by the Bylaw Enforcement Officer or other Village official as necessary.

INTERDEPARTMENTAL IMPACT & APPROVAL

There are no interdepartmental impacts or approvals required.

IMPACT ON THE REGION OR NEIGHBOURING JURISDICTIONS

The consideration of this bylaw has no impact on neighbouring jurisdictions as the bylaws may only be enforced within the Village boundaries.

ALTERNATIVE OPTIONS

There are no alternative options for consideration.

POTENTIAL GOVERNANCE CONSIDERATIONS

Updating the Municipal Ticketing Information Utilization Bylaw meets with Strategic Theme Two: Good Governance by providing a fiscally responsible way to handle bylaw infractions without having to go through the court process and with Strategic Theme Three: Excellence in Service by listing which bylaws tickets can be issued.

RECOMMENDATIONS

WHEREAS Ministerial Order MO83, issued March 26, 2020, enables municipalities during the Provincial State of Emergency, issued on March 18, 2020, to adopt a bylaw on the same day it receives Third Reading;

AND WHEREAS the Village of Pemberton is presenting an amending Bylaw for Council's consideration;

THEREFORE BE IT RESOLVED THAT the Village of Pemberton Municipal Ticket Information Utilization Bylaw No. 845, Amendment (Parks and Open Spaces) Bylaw No. 877, 2020, be given First, Second, Third and Fourth Readings.

Attachments:

Appendix A: Municipal Ticket Information Amendment Bylaw No. 877, 2020

Prepared by:	Elysia Harvey, Legislative Assistant
Manager Approval by:	Sheena Fraser, Manager Corporate & Legislative Services
CAO Approval by:	Nikki Gilmore, Chief Administrative Officer

APPENDIX A

VILLAGE OF PEMBERTON

**MUNICIPAL TICKET INFORMATION UTILIZATION AMENDMENT
BYLAW No. 877, 2020**

**A Bylaw to amend Village of Pemberton Municipal Ticket Information
Utilization Bylaw No. 845, 2018**

WHEREAS Section 137 of the *Community Charter* authorizes the Council to, by bylaw, amend or repeal a bylaw.

NOW, THEREFORE, the Council of the Village of Pemberton in open meeting assembled, **AMENDS AS FOLLOWS:**

1. CITATION

This Bylaw may be cited as “Village of Pemberton Municipal Ticket Information Utilization Bylaw No. 845, Amendment (Parks and Public Spaces) Bylaw No. 877, 2020”.

2. APPLICATION

2.1 Village of Pemberton Municipal Ticket Information Utilization Bylaw No. 845, 2018 be amended as follows:

2.1.1 By deleting Schedule 1 and replacing it with an amended Schedule 1 referencing Parks and Public Spaces Bylaw No. 797, 2016.

2.1.2 By adding Schedule 15 referencing Parks and Public Spaces Bylaw No. 797, 2016.

READ A FIRST TIME this ____ day of March 2020.

READ A SECOND TIME this ____ day of March 2020.

READ A THIRD TIME this ____ day of March 2020.

RECONSIDERED AND ADOPTED this ____ day of March 2020.

Mike Richman
Mayor

Sheena Fraser
Corporate Officer

SCHEDULE 1

In Column 2 of this Schedule, "Bylaw Enforcement Officer" means an officer appointed by the Chief Administrative Officer; other positions have the same meaning as defined in the corresponding designated bylaw identified in Column 1.

DESIGNATED BYLAW	DESIGNATED BYLAW ENFORCEMENT OFFICERS
Unsightly Premises Bylaw No. 476, 2002	Authorized Person Bylaw Enforcement Officer
Wildlife Attractant Bylaw No. 684, 2011	Bylaw Enforcement Officer RCMP Conservation Officer
Noise Regulation Bylaw No. 699, 2012	Authorized Person Bylaw Enforcement Officer RCMP
Boulevard Maintenance Bylaw No. 713, 2012	Village Official Bylaw Enforcement Officer
Blasting Bylaw No. 714, 2012	Building Official Bylaw Enforcement Officer
Fire Prevention Bylaw No. 744, 2013	Fire Chief Inspector Bylaw Enforcement Officer RCMP
Outdoor Water Use Regulation Bylaw No. 792, 2015	Village Official Bylaw Enforcement Officer
<i>Parks and Public Spaces Use Bylaw No. 797, 2016</i>	<i>Bylaw Enforcement Officer RCMP Village Official</i>
Public Nuisance Abatement Bylaw No. 838, 2018	Bylaw Enforcement Officer RCMP
Animal Control Bylaw No. 839, 2018	Bylaw Enforcement Officer RCMP Conservation Officer
Parking and Traffic Control Bylaw No. 840, 2018	Manager Bylaw Enforcement Officer

	Fire Chief RCMP
Business Licence Bylaw No. 855, 2019	Licence Inspector Bylaw Enforcement Officer
Smoking Regulations Bylaw No.848, 2018	Bylaw Enforcement Officer RCMP
Cross Connection Control Bylaw No. 844, 2018	Bylaw Enforcement Officer Village Official Manager Water Operator Building Official

SCHEDULE 15

PARKS AND PUBLIC SPACES BYLAW NO. 797, 2016

OFFENCE	SECTION	FINE	REDUCED FINE – if paid within 30 days
Cutting, breaking, removing, destroying or damaging a tree, shrub, plant, turf or flower	4	\$250	\$200
Damaging or defacing or placing graffiti on a building, structure, fence, sign, seat, bench or ornament	5	\$250	\$200
Climbing, walking, sitting, cycling or skating upon a wall, fence or other structure not intended for that use.	6	\$250	\$200
Fouling or polluting an area of water or land	7.1	\$300	\$250
Accessing or trampling the riparian edge of a stream, pond or lake that is not designated as an access point	7.2	\$300	\$250
Depositing or dumping garbage, glass, crockery, paper, rubbish, litter, wood, waste or other material, liquid or solid, in or on a public space, except in receptacles provided there for such a purpose	7.3	\$300	\$250
Disposing of waste generated outside a public space by depositing the waste in a waste receptacle or anywhere else inside or on a public space	7.4	\$200	\$150
Crossing, travelling on, using or walking upon a grassed plot or land where signs have been posted prohibiting such use	8	\$100	\$75
Teasing, molesting, or injuring an animal, bird or fish or throwing a substance at or near such a creature in such a way as to cause it alarm or possible injury, except when permitted under provincial or federal fishing or wildlife regulations	9	\$200	\$150
Obstructing the free use and enjoyment of a public space by another person	10.1	\$150	\$125
Fishing or playing ball or any game, or throwing any object or thing so as to molest or interfere with or become a nuisance to the general public	10.2	\$25	\$20

Hindering, deterring or interrupting any person in the exercise of any of his or her duties in charge of any organized recreation or maintenance authorized by the Village.	10.3	\$150	\$100
Bringing in or riding any horses or livestock, except where horseback riding is permitted in areas specifically designed for that purpose	11	\$300	\$250
Throwing or disposing of any lighted match, cigar, cigarette or similar thin or any burning substance without first extinguishing it	12.1	\$450	\$400
Making a fire without a valid Village of Pemberton Fire Permit	12.2	\$450	\$400
Leaving a fire unattended	12.3	\$450	\$400
Making a fire that exceeds the maximum size of fire prescribed by the Provincial Government	12.4	\$200	\$150
Undertaking any of the listed activities, except in such areas and at such times specifically allotted or designated for that purpose	13	\$200	\$150
Posting, painting or affixing any advertisement, bill, poster, picture, matter or thing on a tree, pole, post, building, structure or thing except on a kiosk or notice board specifically designed for that purpose	14.1	\$50	\$25
Engaging in the distribution or delivery of commercial advertising materials without a Village of Pemberton Park and Public Space Use Permit that includes this permission	14.2	\$150	\$100
Riding, driving, leading an animal, or propelling a cycle or motor vehicle in such a manner as to disturb the enjoyment of any person or to cause injury or damage to any person, animal or property	15.1	\$300	\$250
Operating a motor vehicle except on a roadway	15.2	\$300	\$250
Parking or stopping a motor vehicle except in an area designated for vehicle parking	15.3	\$100	\$75
Bringing or having a dog, other than a certified service dog, at	16.1 (a)	\$100	\$75

the main sand beach area of One Mile Lake Park between the 1 st of May and the 30 th of September each year			
Bringing or having a dog, other than a certified service dog, at waterfowl nesting sites or streams	16.1 (b)	\$100	\$75
Bringing or having a dog, other than a certified service dog, inside a building, washroom or concession	16.1 (c)	\$100	\$75
Conducting private instruction or holding a tournament, competition, exhibition, demonstration or series of games with a participant number in excess of 10, or for commercial purposes, without a Park and Public Space Use Permit that includes those permissions	17	\$50	\$25
Erecting a tent, building, shelter or other structure or works or taking up any temporary abode without a Parks and Public Space Use Permit that includes those permissions	18	\$150	\$100
Operating or using any amplifying system or loudspeaker without a Park and Public Space Use Permit that includes that permission	19	\$150	\$100
Operating a commercial business or utilizing a public space for a portion of business except as a community event or as authorized by the Village	20	\$300	\$250
Using any court, green, ground, lawn or facility without having first obtained a Park and Public Space Use Permit and paid all applicable fees and charges, where required by bylaw	21	\$100	\$50
Violation of any provision of the bylaw or any parks rule, regulation or notice of the Village or the Manager	23	\$200	\$150
Obstructing or causing to be obstructed any official employee, agent or contractor of the Village in the exercise of any of his lawful duties	24	\$500	Not Applicable