



Staff Report

DATE: October 8, 2021

FILE: H-G

TO: Chair and Directors
Regional Hospital District Board

FROM: Russell Dyson
Chief Administrative Officer

Supported by Russell Dyson
Chief Administrative Officer

J. WARREN for R. Dyson

RE: Procedure Bylaw Updates for Electronic Meetings and Participation

Purpose

To propose an amendment to Bylaw No. 248 being the “Comox-Strathcona Regional Hospital District Board Procedure Bylaw No. 248, 2008” to include provisions for the conduct of electronic meetings and participation, and to propose other minor administrative updates.

Recommendation from the Chief Administrative Officer

THAT the Board consider Bylaw No. 297 being “Comox-Strathcona Regional Hospital District Board Procedure Bylaw No. 297, 2021, Amendment No. 2” for first, second, third readings and final adoption.

Executive Summary

- In the wake of the COVID-19 pandemic Ministerial Order M192 was issued to implement limitations on in-person public participation in all local government meetings to ensure the health and safety of members and employees of local governments and the public. In July 2020, the Ministerial Order became part of the *COVID Related Measures Act*, which set the expiration date for the Ministerial Order as 90 days after the Provincial COVID-19 State of Emergency ended. The Ministerial Order expired on September 28, 2021.
- Bill 10, a permanent replacement for the temporary authority of Ministerial Order M192 to hold meetings and public hearings by electronic means, came into force on September 29, 2021. Local governments wishing to continue to hold electronic meetings are required to amend their procedure bylaws to permit them to do so.
- To date, the Comox Strathcona Regional Hospital (CSRHD) Board has not held what would strictly be considered to be “electronic meetings” but rather conducted a hybrid meeting format that include a physical location with some limited in-person attendance and electronic attendance. This hybrid model is likely to remain as the desired model going forward as it has proven to be a safe, effective, efficient and convenient option for directors, staff and the public.
- While the CSRHD is administered under the *Hospital District Act*, the provisions respecting the calling and conduct of meetings provide a direct linkage to the *Local Government Act* provisions and regulations regarding electronic meetings and participation.
- The proposed amendments to Bylaw No. 248 broadly provide the CSRHD with a range of options going forward, from full electronic meetings to continued electronic attendance in order to respond to the changing landscape of public health advisories and the needs and desires of directors and the public.

- In addition to the electronic meeting provisions, staff have also identified a number of minor amendments for inclusion, including:
 - updating legislative references;
 - updating the language respecting quorum to align with the *Interpretation Act* and to include consideration of electronic participation; and
 - set a limit of three delegations at regular meetings of the Board except under extraordinary circumstances approved by the Board or Committee chair.

Prepared by:

Concurrence:

L. DENNIS

J. MARTENS

Lisa Dennis
Manager of Legislative Services

Jake Martens
General Manager of Corporate
Services

Government Partners and Stakeholder Distribution

N/A	
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Attachments: Redline version of Comox-Strathcona Regional Hospital District Board Procedure Bylaw No. 248, 2008



Regional Hospital
District Procedure
Bylaw

The following is a consolidated copy of the regional hospital district procedure bylaw and includes the following bylaws:

Bylaw No.	Bylaw Name	Adopted	Purpose
248	Comox-Strathcona Regional Hospital District Board Procedure Bylaw No. 248, 2008	October 1, 2008	A bylaw to regulate the proceedings of the board of the Comox-Strathcona Regional Hospital District
254	Comox-Strathcona Regional Hospital District Board Procedure Bylaw No. 248, 2008, Amendment No. 1	January 14, 2010	A bylaw to amend the board procedure bylaw to authorize board meetings to be held within the hospital district boundaries and to authorize the chair to confirm meeting locations
297	Comox-Strathcona Regional Hospital District Board Procedure Bylaw No. 248, 2008, Amendment No. 2		To include provisions regarding electronic meetings and participation and other administrative updates

This bylaw may not be complete due to pending updates or revisions and therefore is provided for reference purposes only. THIS BYLAW SHOULD NOT BE USED FOR ANY LEGAL PURPOSES. Please contact the corporate legislative officer at the Comox Valley Regional District to view the complete bylaw when required.

COMOX-STRATHCONA REGIONAL HOSPITAL DISTRICT**BYLAW NO. 248****A bylaw to regulate the proceedings of the
board of the Comox-Strathcona Regional Hospital District**

WHEREAS the board of the Comox-Strathcona Regional Hospital District must establish the general procedures to be followed by the board and by board committees in conducting their business, provide for advance public notice of board and board committee meetings, and identify public notice posting places;

NOW THEREFORE the board of the Comox-Strathcona Regional Hospital District in open meeting assembled enacts as follows:

Definitions

1. In this bylaw, unless the context otherwise requires, the following definitions shall apply:

Board means the governing and executive body of the Comox-Strathcona Regional Hospital District constituted as provided in the *Hospital District Act* and letters patent;

Chair means the elected chair of the board pursuant to this bylaw;

Director means an elected or appointed official of the Comox-Strathcona Regional Hospital District Board of Directors;

Corporate officer means the officer assigned the responsibilities of corporate administration pursuant to section 198-the provisions of the *Local Government Act*;

Member means a duly appointed or elected representative of the board or a board committee;

Resolution means a formal motion placed before a meeting in order that it may be debated to a conclusion;

Presiding member means the person responsible for the conduct and control of a meeting. In the case of board meetings, the chair of the board is the presiding member (unless otherwise delegated due to the absence of the chair of the board). In the case of committee meetings, the chair of the committee is the presiding member unless otherwise indicated in this bylaw or unless otherwise delegated due to the absence of the chair of the committee;

Public notice posting place means the notice board located at the offices of the regional district providing administrative services to the board and that regional district's website; and

Website means the information resource found at an Internet address provided by the regional district providing administrative services to the board.

Notice of regular board meetings

2. (1) At least 72 hours before a regular meeting of the board, the corporate officer must give public notice of the time, place and date of the meeting by way of a notice posted at the public notice posting place.
(2) At least 24 hours before a regular meeting of the board, the corporate officer must give further public notice of the meeting by posting a copy of the draft agenda at the public notice posting place thereby making the draft agenda available to each director of the board and members of the public.

Notice of special meetings

3. Notice of special board meetings is to be provided for in accordance with section 793-the provisions of the *Local Government Act*.

Notice of committee meetings

4. At least 24 hours before a meeting of a committee, the corporate officer must give notice of the meeting by posting a copy of the draft agenda at the public notice posting place thereby making the draft agenda available to each committee member and members of the public.

Inaugural meeting

5. (1) Pursuant to the provisions of the *Hospital District Act*, the board shall meet in an inaugural meeting at such time as shall be appointed by the corporate officer in writing.
- (2) The presiding member of the inaugural meeting shall be the corporate officer until such time as the chair and vice-chair have been elected. The corporate officer shall only act as the presiding member for the purpose of conducting the election of chair and vice-chair.
- (3) The corporate officer shall announce the results of the election of the chair and vice-chair, following which the chair of the board shall assume the role of presiding member.

Election of the chair and vice-chair

6. (1) The board shall elect a chair from among its members at the inaugural meeting. The chair shall fulfill those obligations placed upon this position by legislation and by approved board policy.
- (2) The corporate officer shall call for nominations for the position of chair of the board and will do so three (3) times. At the close of nominations, if more than one candidate has been nominated, those candidates or their representatives will be allowed a maximum of three (3) minutes to outline why he/she should be chosen for the position.
- (3) In the event that there are more than two candidates in any such election and no candidate receives a clear majority of votes (i.e. 50% plus one vote) on the first ballot, the candidate receiving the least number of votes shall be deleted and a second ballot shall be taken. Further ballots shall be taken as necessary, repeating the procedure of deleting the candidate that in each preceding ballot received the least number of votes, until a candidate with a clear majority emerges.
- (4) Only those ballots that indicate an officially nominated candidate will be counted towards the election and be used to determine a clear majority.
- (5) In the event of two tie votes the board shall pass a resolution to either determine the election of chair by the drawing of lots or start the election process over.
- (6) An election of vice-chair shall then be conducted pursuant to subsections (1) through (5) above, but the candidates will be permitted a maximum of two (2) minutes to outline why he/she should be chosen for the position.

Agenda

7. (1) The corporate officer shall prepare an agenda for each meeting of the board.
- (2) The chair of the board shall review and approve the agenda for each meeting of the board prior to its publication.
- (3) At any meeting the board may consider
 - (a) Addendum items; or
 - (b) Any item added to the agenda by the chair of the board or any director;providing that such items receive a majority vote of the directors present to have such items considered at the meeting.
- (4) The order of business at all regular meetings of the board shall be as per the policy of the board, which may be amended from time to time by the board.

- (5) The order of business at all committee meetings shall be as per board policy, which may be amended from time to time by the board.
- (6) Any committee of the board shall file the minutes of its meetings with the corporate officer immediately following a meeting of the committee (i.e. as soon as the secretary to the committee produces the minutes).

Attendance of the public at meetings

8. (1) Except where the provisions of section 90 of the *Community Charter* apply, all board meetings must be open to the public.
- (2) Before closing a board meeting or part of a board meeting to the public, the board must pass a resolution in a public meeting in accordance with section 92 of the *Community Charter*.
- (3) This section applies to meetings select and standing committees of the board.
- (4) Despite subsection (1) the presiding member may expel or exclude from a meeting a person in accordance with section 133 of the *Community Charter*.

Regular delegations

9. (1) A delegation wishing to appear before the board shall advise the corporate officer no later than eleven (11) calendar days before the scheduled board meeting. The request must be in writing and stipulate the subject matter upon which the delegation wishes to speak.
- (2) The delegation appearance and the subject of the delegation will be included on the meeting agenda.
- (3) Each delegation may be afforded ten (10) minutes in which to make a presentation or a time as determined by consent of the members.
- (4) The corporate officer shall notify a representative of the delegation in advance of the date, time and place of the meeting.
- (5) Where the subject matter of the delegation is within the terms of reference of a board committee, the delegation will be requested to appear first before the applicable committee before the board will hear the matter. Unless the subject matter is deemed to be emergent, the issue will not be resolved by the board unless it first receives the report/minutes on the matter by the applicable committee.
- (5)(6) The number of delegations at any board or committee meeting will be limited to three except under extraordinary circumstances approved by the board or committee chair prior to the meeting.

Late delegations

10. (1) Any person or organization who has not appeared before an appropriate board committee and who, because of circumstances, could not have been expected to appear before a board committee or give earlier notice, may request to appear as a delegation before the board by advising the corporate officer prior to the board meeting.
- (2) The request must stipulate the subject matter upon which the delegation wishes to speak.
- (3) The corporate officer shall advise the presiding member and members of the board of the request.
- (4) The board shall, by resolution, determine if the delegation will be heard at the board meeting.
- (5) Unless the subject matter is deemed to be emergent, the issue will not be resolved by the board unless it first receives the report/minutes on the matter by the applicable committee.

Quorum

11. (1) A quorum for a meeting of the board or committee shall be at least half-majority of its members attending either in-person or by -electronic means.
- (2) At the appointed time for the commencement of the meeting, the chair or in the absence of the chair, the vice-chair, shall ascertain that a quorum is present before proceeding to the business of the meeting. If neither the chair nor the vice-chair is present within fifteen (15) minutes after the time appointed for the meeting, the corporate officer or most senior staff member present shall call the meeting to order, ascertain that a quorum is present and if so, the board shall appoint an acting chair who shall preside during the meeting or until the arrival of the chair or vice-chair. Such person appointed, as acting chair, shall have all the powers and be subject to the same rules as the chair.
- (3) Should there be no quorum present within one-half hour after the time appointed for the meeting, the corporate officer or most senior staff member present shall record the names of the members then present and the board shall stand adjourned until the next meeting which shall be called as soon as is practical.

Regular meetings

12. (1) Regular meetings of the regional hospital district board of directors must take place within the boundaries of the Comox Strathcona Regional Hospital District unless the location is changed by resolution of the board.
- (2) Prior to January 15 of each year the chair of the board shall establish a schedule of board and standing committees for the year including the date, time and location for each meeting.
- (3) A schedule of board meetings shall be established prior to January 30th.

Electronic meetings and participation

13. (1) Meetings of the board or one of its committees may be conducted by electronic means, in accordance with the *Local Government Act*. The meeting must be conducted in such a manner that enables the public to hear, or watch and hear the proceedings.
- (2) Directors and members may participate in meetings of the board or one of its committees by means of electronic or other communications facilities provided prior arrangements have been made through communication with the Corporate Officer.
- (3) Notice of the electronic meeting must include notice of the manner in which the meeting is to be conducted and the place where the public may attend to hear, or watch and hear, the proceedings that are open to the public
- (4) Although every effort will be made to accommodate electronic participation in meetings, nothing in this bylaw shall be construed to guarantee any director or member electronic access to a meeting. Electronic participation will be restricted by equipment and facility capability. Equipment failure or other occurrence that prevents or limits electronic participation will not result in meeting adjournment unless the failure results in loss of quorum.

Debate

13. (1) Debate on any matter shall be strictly relevant to the agenda topic and/or proposed resolution currently before the meeting and the presiding member shall warn speakers who violate this rule and if necessary, rule them out of order.
- (2) No director shall speak until recognized by the presiding member.
- (3) Every director desiring to speak shall address the presiding member.
- (4) No director shall interrupt a person speaking except to raise a point of order.

- (5) A point of order may be raised if the procedural rules appear to have been broken.
- (6) Where a point of order is raised:
 - (a) the chair shall suspend debate on the matter currently before the meeting;
 - (b) the person raising the point of order shall define the procedural matter under which the point of order has been raised;
 - (c) the chair shall determine whether the point of order is sustained or overruled;
 - (d) if the point of order is ruled overruled, the debate resumes on the matter previously suspended;
 - (e) if the point of order is sustained, the chair directs the appropriate corrective action;
- (7) Any director may appeal any decision of the chair (this is commonly referred to as challenging the decision of the chair) and where this happens:
 - (a) The chair shall suspend debate on the matter currently before the meeting and ask the director appealing the decision to clarify the reasons for the appeal;
 - (b) The chair shall explain his or her reasons for the initial decision;
 - (c) The chair then allows for a brief discussion regarding the appealed decision;
 - (d) The chair then puts the appeal to a vote and following the vote announces the result;
 - (e) A majority vote against the chair's decision is required to reverse it. This means that a tie vote sustains the chair's decision.
- (8) The presiding member shall have the discretion to call the question on completion of debate and the presiding member shall advise that the debate is closed. Following closure of debate no members shall speak further on the question.
- (9) The presiding member is afforded the courtesy of briefly speaking to each and any resolution before the board in a summary fashion. If the comments by the presiding member initiates further discussion, and the presiding member desires to take part in the debate, the vice-chair shall be asked by the presiding member to chair the portion of the meeting until the debate is concluded and should the vice-chair fail to do so, the presiding member shall appoint one of the members to preside until the debate is concluded.
- (10) The presiding member shall at all times conduct the manner and order of speaking so that all sides of a question may be as fully presented as the circumstances warrant and shall ensure that each director is allowed an opportunity to speak. When two or more members desire to speak, the presiding member shall name the member who shall be first heard.
- (11) Any director may discuss or debate a matter pertaining to the policy governing a service even where the electoral area or municipality that the director represents is not a participating area in that service.

Motions

14. (1) Motions shall be phrased in a clear and concise manner so as to express an opinion or achieve a result and when a motion has been moved and seconded, the board may debate, amend and resolve the question in the affirmative or negative as the board may desire.
- (2) The presiding member may divide a motion containing more than one subject if the presiding member feels this would produce a fairer or clearer result and the same shall be voted on in the form in which it is divided.
- (3) A motion to terminate the meeting or to terminate the debate shall always be in order but should the resolution fail the same member may not present it again during that meeting.

- (4) Written motions may or may not be provided in advance to the members.
- (5) Any motion shall be addressed to the subject matter currently before the board.
- (6) With the consent of the board, the motion may be withdrawn at any time before decision or amendment.
- (7) When the presiding member is of the opinion that a motion offered to the members is contrary to this bylaw or relates to matters beyond the powers of the members, the presiding member may inform the members immediately, giving reasons for that opinion, and the presiding member may request the support of his/her decision by the members by resolution.
- (8) A motion to refer the subject matter to a committee, until it is decided, shall preclude all amendment of the main question.
- (9) The first person entitled to speak in any debate is the member who proposed the motion.
- (10) Except when a motion to terminate or adjourn has been made, a member may make a motion to table but shall not debate the content of the motion that is the subject of the tabling motion, however, the tabling motion itself is debatable. A motion to table can only be made when some other emergent matter must be considered prior to the motion being considered and must have the matter brought back before the board during the same meeting at which the motion to table is made.
- (11) Other than in respect of a motion to postpone to a time within the same meeting, members may debate a motion to postpone.
- (12) A motion to refer or postpone a matter must state the time and date at which the referred or postponed matter is to be further considered.

Amendments

15. (1) No members shall move any motion to amend that negates the purpose of the main motion.
- (2) Members shall withdraw or decide any amendment to a motion before the main motion is put to a vote.
- (3) Only one amendment shall be allowed at one time to an amendment and an amendment once negated by the board cannot be proposed a second time. Amendments must be strictly relevant to the main motion and not alter in a material way or be contrary to the principal embodied in the main motion. An amendment to a motion does not require notice.
- (4) If the amendment to a motion is:
 - (a) Carried, the previous motion is then voted on as amended; or
 - (b) Defeated, the previous motion is again before the members.
- (5) Amendments shall be put in the reverse order to that in which they were made, that is to say, the last amendment shall be voted on first.

Bylaws

16. (1) Unless the board otherwise resolves:
 - (a) Before the board considers any proposed bylaw, the corporate officer shall provide each member with a copy of the proposed bylaw; and
 - (b) The board may not consider a proposed bylaw unless it is on the agenda.
- (2) The board adopts a bylaw when all approvals and procedures required by statute prior to adoption have been followed and the board has given the following readings to the bylaw:
 - (a) First and second readings;
 - (b) Third reading; and

- (c) Adoption.

Resolutions

17. Any member may make a resolution on the topic currently under discussion providing that he or she has been so recognized by the chair.

Minutes

18. (1) Minutes of board meetings must be kept in accordance with ~~section 236~~the provisions of the *Local Government Act*. ~~For purposes of section 236(b) of the *Local Government Act* the designated officer is the corporate officer.~~
- (2) Minutes of committee meetings must be kept in accordance with ~~section 237~~the provisions of the *Local Government Act*.
- (3) The results of each vote on a motion shall be recorded in the minutes and if requested the nature of a member's vote shall be recorded.
- (4) The following shall be contained in the minutes of board and committee meetings:
- (a) The committee or board name, date and location of the meeting;
 - (b) The time the meeting is called to order and the time the meeting terminates;
 - (c) A list of the directors and staff members in attendance; and
 - (d) Resolutions that are debated upon and the results of the vote for each resolution.

Committees

19. (1) Prior to January 15 of each year the chair of the board may:
- (a) Establish standing committees for the coming year; and
 - (b) Appoint directors to those committees.
- (2) The general duties of standing committees shall be as per the terms of reference approved from time to time by the board.
- (3) In the event the chair of the board has not established standing committees for the year, the standing committees of the previous year shall continue to exist until otherwise directed by the chair of the board.
- (4) Select committees shall be established by resolution of the board pursuant to ~~section 795~~the provisions of the *Local Government Act* and in accordance with board policy.
- (5) Directors who are not members of a committee may attend a meeting of that committee and may take part in any discussion or debate by permission of a majority of the committee members but may not vote.

Committee procedures

20. All committees of the board shall be governed by committee terms of reference that shall outline the operating principles and guidelines for all committee. The terms of reference is in addition to any requirements under this bylaw.

Rules of order

21. Where a procedural matter is not covered by this bylaw, nor resolved by the chair by referring to Roberts' Rules of Order, the matter shall be placed before the board as a resolution drafted by the corporate officer, with the prior approval of the chair and vice-chair to present the resolution to the board to resolve the procedural matter.

Severability

22. If any provision of this bylaw is found to be invalid by any Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this bylaw.

Citation

23. This Bylaw No. 248 may be cited as “Comox-Strathcona Regional Hospital District Board Procedure Bylaw No. 248, 2008”.