

# Staff Report to Council

Administrative Services

FILE: 01-0550-01/20

REPORT DATE: June 30, 2020                      MEETING DATE: July 07, 2020  
TO: Mayor and Council  
FROM: Kate Barchard, Corporate Officer  
SUBJECT: Ministerial Order M192: Use of Live Streaming During COVID-19  
Pandemic

CHIEF ADMINISTRATIVE OFFICER REVIEW/APPROVAL:



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RECOMMENDATION(S): THAT Council:

- A. Regarding Regular Council Meetings:
  - A.1 Continue to hold regular Council meetings via electronic means until September 2020, when in-person council meetings will be resumed, assuming renovations to the Council Chamber are completed to allow for physical distancing, and a second wave of COVID-19 infection rates has not been announced; AND
  - A.2 Affirm that all regular Council meetings will be live streamed to ensure openness and transparency; AND
  - A.3 Affirm the continued use of alternate means for Question & Comment period until Council resumes in-person meetings, including email submissions and live phone call-in, to provide for continued public engagement; AND
- B. Regarding City Committee Meetings:
  - B.1 Direct Staff to live stream City committee meetings that are held electronically, until such time as in-person committee meetings are resumed; AND

- C. Regarding Pre-Closed Council Meetings:
- C.1 WHEREAS pre-closed meetings are currently held via electronic means as a result of the COVID-19 pandemic; AND
  - C.2 WHEREAS pre-closed meetings are held for the sole purpose of passing a resolution to close a Council meeting; AND
  - C.3 WHEREAS pre-closed meetings last for 45-60 seconds; AND
  - C.4 WHEREAS there is no Question & Comment period included on the pre-closed agenda and thus the exclusion of the public does not reduce public engagement; AND
  - C.5 WHEREAS no members of the public have chosen to attend a pre-closed meeting in more than three years; AND
  - C.6 WHEREAS pre-closed agendas are posted on the City website for easy public access and to ensure openness and accountability;
  - C.7 THEREFORE Council affirms that pre-closed Council meetings will not be live streamed; OR
- D. Other.

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## **PURPOSE**

The purpose of this report is to: inform Council about Ministerial Order M192; seek Council's re-affirmation that Council meetings will continue via electronic meetings until September; affirm Council's wishes to live stream City Committee meetings until in-person meetings are resumed; and seek Council's approval to not live stream pre-closed meetings of Council.

☐ Information Report

☒ Decision Report

☐ Direction Report

## **DISCUSSION**

### **Background:**

In response to the COVID-19 Pandemic, the government of British Columbia issued two orders to allow municipalities to conduct fully electronic meetings:

- Ministerial Order No. M083 (March 26, 2020), permitting municipalities to conduct regular, special, and closed meetings using electronic means (phone and/or videoconference); and

- Ministerial Order No. M139 (May 1, 2020), repealing M083, and adding public hearings to the list of types of meetings that a council can hold electronically.

On June 17, 2020, the Province issued Ministerial Order No. M192 (Attachment A). This order:

- repeals M139;
- requires local governments to undertake “best efforts” to meet the legislative requirements for open meetings to ensure openness, transparency, accessibility and accountability;
- requires local governments to adopt a resolution if:
  - they are holding in-person open meetings but are not allowing members of the public to attend, or
  - they are holding electronic open meetings but are not live streaming them or creating opportunity for members of the public to hear, or watch and hear, the meeting, stating the basis for their decision and the means by which the council is ensuring openness, transparency, accessibility and accountability;
- continues to allow fully electronic public hearings without the need to use “best efforts” to allow in-person attendance at the hearing.

#### **Relevant Policy, Bylaw or Legislation:**

- Ministerial Order M192 [*Local Government Meetings and Bylaw Process (COVID-19) Order No. 3*] (Attachment A)
- Division 3 of The Community Charter [*Open Meetings*] speaks to the rules and expectations around open meetings of Council, including the extension of these expectations to advisory bodies of Council (e.g. City Committees) (Attachment B)

#### **Analysis:**

##### **1. Regular Council Meetings**

On June 2, 2020, Staff presented a phased approach to the Council Meeting Restart Plan, with the goal of transitioning back to in-person Council meetings in the Fall. This would allow time for Staff to modify the Council Chamber to allow for physical distancing amongst Council, as well as develop a plan for in-person public attendance in a way that is safe and adheres to public health orders and recommendations. Until then, Council will continue to meet electronically through the Zoom Webinar platform, with the following procedures in place to enhance openness and transparency:

- All regular meetings will be live streamed, with a link available each week on the City website at [pittmeadows.ca/councilmeetings](http://pittmeadows.ca/councilmeetings); and
- Question & Comment Period has been modified to allow for email submissions as well as live phone calls during the meeting to ask questions of Council in person.

These measures address the requirements laid out in Ministerial Order M192 for making 'best efforts' to involve the public in electronic Council meetings.

Staff's recommendation at this time for regular Council meetings is to affirm Council's current protocol for electronic meetings until such time as in-person meetings are resumed. Assuming that all modifications to Council Chamber are in place, and a second wave of COVID-19 does not result in a public health order to tighten measures again, we are hopeful to resume in-person Council meetings in September.

## 2. City Committee Meetings

City Committee meetings are being held on an 'as needed' basis at this time, using Zoom Video Conferencing. This electronic format has worked well for committees, and will continue to be used until such time as in-person meetings are resumed. A Restart Plan for City Committees will be presented to Council in September.

In order to meet the 'best efforts' expectations laid out in Ministerial Order M192 for allowing the public to attend the meetings of Council's advisory bodies, it is recommended that all committee meetings be live streamed until such time as in-person meetings are resumed. If approved by Council, the links to those live streams will be made available to the public on the various committees' web pages ([pittmeadows.ca/committees](http://pittmeadows.ca/committees)).

## 3. Pre-Closed Meetings

Section 92 of the Community Charter [*requirements before meeting is closed*] states:

- 92** *Before holding a meeting or part of a meeting that is to be closed to the public, a council must state, by resolution passed in a public meeting,*
- (a) the fact that the meeting or part is to be closed, and*
  - (b) the basis under the applicable subsection of section 90 on which the meeting or part is to be closed.*

In order to meet this legislated requirement, Council holds a special (pre-closed) meeting directly before a closed meeting to pass the necessary resolution to

close the meeting. Notice of all pre-closed meetings is given online at [pittmeadows.ca/councilmeetings](http://pittmeadows.ca/councilmeetings), including a copy of the agenda which outlines the purpose of the closed meeting and the basis under s. 90 of the Community Charter on which the meeting has been closed.

Pre-closed meetings last for less than one minute, have no other agenda items other than passing a resolution to close the following meeting, and, although notice is given for these meetings in the same format as any other open meeting, members of the public have not historically chosen to attend these meetings.

Due to the nature of these meetings, their short duration, and the fact that there is no public engagement component, staff are not recommending that these meetings be livestreamed. Openness and transparency is achieved by posting the pre-closed agendas for each of the meetings on the City's website, for public review.

#### **COUNCIL STRATEGIC PLAN ALIGNMENT**

- ☒ Principled Governance   ☐ Balanced Economic Prosperity   ☒ Corporate Excellence  
☐ Community Spirit & Wellbeing   ☐ Transportation & Infrastructure Initiatives
- 

#### **FINANCIAL IMPLICATIONS**

- ☐ None   ☐ Budget Previously Approved   ☐ Referral to Business Planning  
☒ Other

The City has purchased a Zoom Webinar license to allow for public engagement at electronic Council meetings, Engagement & Priorities Committee meetings, and public hearings. The cost for this online service has been absorbed within the current approved budget.

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#### **PUBLIC PARTICIPATION**

- ☒ Inform   ☐ Consult   ☐ Involve   ☐ Collaborate   ☐ Empower

#### **KATZIE FIRST NATION CONSIDERATIONS**

- Referral   ☐ Yes   ☒ No
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## SIGN-OFFS

Written by:

Kate Barchard, Corporate Officer

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## ATTACHMENT(S):

- A. Ministerial Order M192
- B. Division 3 of The Community Charter [*Open Meetings*]

**PROVINCE OF BRITISH COLUMBIA**

**ORDER OF THE MINISTER OF PUBLIC SAFETY AND  
SOLICITOR GENERAL**

*Emergency Program Act*

**Ministerial Order No. M192**

WHEREAS a declaration of a state of emergency throughout the whole of the Province of British Columbia was declared on March 18, 2020;

AND WHEREAS local governments, including the City of Vancouver, and related bodies must be able to conduct their business in accordance with public health advisories to reduce the threat of COVID-19 to the health and safety of members and employees of local government and related bodies and members of the public;

AND WHEREAS it is recognized that public participation in local governance is an essential part of a free and democratic society and is important to local governments' purpose of providing good government to communities;

AND WHEREAS the threat of COVID-19 to the health and safety of people has resulted in the requirement that local governments and related bodies implement necessary limitations on this public participation;

AND WHEREAS section 10 (1) of the *Emergency Program Act* provides that I may do all acts and implement all procedures that I consider necessary to prevent, respond to or alleviate the effects of any emergency or disaster;

I, Mike Farnworth, Minister of Public Safety and Solicitor General, order that

- (a) the Local Government Meetings and Bylaw Process (COVID-19) Order No. 2 made by MO 139/2020 is repealed, and
- (b) the attached Local Government Meetings and Bylaw Process (COVID-19) Order No. 3 is made.

Date

17/06/2020

Minister of Public Safety and Solicitor General

*(This part is for administrative purposes only and is not part of the Order.)*

**Authority under which Order is made:**

Act and section: *Emergency Program Act*, R.S.B.C. 1996, c. 111, s. 10

Other: MO 73/2020; MO 139/2020; OIC 310/2020

## LOCAL GOVERNMENT MEETINGS AND BYLAW PROCESS (COVID-19) ORDER NO. 3

### Division 1 – General

#### Definitions

1 In this order:

“**board**” has the same meaning as in the Schedule of the *Local Government Act*;

“**council**” has the same meaning as in the Schedule of the *Community Charter*;

“**improvement district**” has the same meaning as in the Schedule of the *Local Government Act*;

“**local trust committee**” has the same meaning as in section 1 of the *Islands Trust Act*;

“**municipality**” has the same meaning as in the Schedule of the *Community Charter*;

“**municipality procedure bylaw**” has the same meaning as “procedure bylaw” in the Schedule of the *Community Charter*;

“**regional district**” has the same meaning as in the Schedule of the *Local Government Act*;

“**regional district procedure bylaw**” means a procedure bylaw under section 225 of the *Local Government Act*;

“**trust body**” means

- (a) the trust council,
  - (b) the executive committee,
  - (c) a local trust committee, or
  - (d) the Islands Trust Conservancy,
- as defined in the *Islands Trust Act*;

“**Vancouver council**” has the same meaning as “Council” in section 2 of the *Vancouver Charter*;

“**Vancouver procedure bylaw**” means a bylaw under section 165 [*by-laws respecting Council proceedings and other administrative matters*] of the *Vancouver Charter*.

#### Application

- 2
- (1) This order only applies during the period that the declaration of a state of emergency made March 18, 2020 under section 9 (1) of the *Emergency Program Act* and any extension of the duration of that declaration is in effect.
  - (2) This order replaces the Local Government Meetings and Bylaw Process (COVID-19) Order No. 2 made by MO 139/2020.

## Division 2 – Open Meetings

### Open meetings – municipalities

- 3 (1) A council, or a body referred to in section 93 [*application of rule to other bodies*] of the *Community Charter*, must use best efforts to allow members of the public to attend an open meeting of the council or body in a manner that is consistent with any applicable requirements or recommendations made under the *Public Health Act*.
- (2) A council or body is not required to allow members of the public to attend a meeting if, despite the best efforts of the council or body, the attendance of members of the public cannot be accommodated at a meeting that would otherwise be held in accordance with the applicable requirements or recommendations under the *Public Health Act*.
- (3) If a council or body does not allow members of the public to attend a meeting, as contemplated in subsection (2) of this section,
- (a) the council or body must state the following, by resolution:
    - (i) the basis for holding the meeting without members of the public in attendance;
    - (ii) the means by which the council or body is ensuring openness, transparency, accessibility and accountability in respect of the meeting, and
  - (b) for the purposes of Division 3 [*Open Meetings*] of Part 4 [*Public Participation and Council Accountability*] of the *Community Charter*, the meeting is not to be considered closed to the public.
- (4) The council or body may pass a resolution under subsection (3) (a) in reference to a specific meeting or, if the same circumstances apply, more than one meeting.
- (5) This section applies despite
- (a) Division 3 [*Open Meetings*] of Part 4 [*Public Participation and Council Accountability*] of the *Community Charter*, and
  - (b) any applicable requirements in a municipality procedure bylaw of a council.

### Open meetings – regional districts

- 4 (1) A board, a board committee established under section 218 [*appointment of select and standing committees*] of the *Local Government Act*, or a body referred to in section 93 [*application of rule to other bodies*] of the *Community Charter* as that section applies under section 226 [*board proceedings: application of Community Charter*] of the *Local Government Act*, must use best efforts to allow members of the public to attend an open meeting of the board, board committee or body in a manner that is consistent with any applicable requirements or recommendations made under the *Public Health Act*.
- (2) A board, board committee or body is not required to allow members of the public to attend a meeting if, despite the best efforts of the board, board committee or body, the attendance of members of the public cannot be accommodated at a meeting that would otherwise be held in accordance with the applicable requirements or recommendations under the *Public Health Act*.

- (3) If a board, board committee or body does not allow members of the public to attend a meeting, as contemplated in subsection (2) of this section,
  - (a) the board, board committee or body must state the following, by resolution:
    - (i) the basis for holding the meeting without members of the public in attendance;
    - (ii) the means by which the board, board committee or body is ensuring openness, transparency, accessibility and accountability in respect of the meeting, and
  - (b) for the purposes of Division 3 [*Open Meetings*] of Part 4 [*Public Participation and Council Accountability*] of the *Community Charter* as that Division applies to a regional district under section 226 of the *Local Government Act*, the meeting is not to be considered closed to the public.
- (4) The board, board committee or body may pass a resolution under subsection (3) (a) in reference to a specific meeting or, if the same circumstances apply, more than one meeting.
- (5) This section applies despite
  - (a) Division 3 [*Open Meetings*] of Part 4 [*Public Participation and Council Accountability*] of the *Community Charter*,
  - (b) section 226 [*board proceedings: application of Community Charter*] of the *Local Government Act*, and
  - (c) any applicable requirements in a regional district procedure bylaw of a board.

#### **Open meetings – Vancouver**

- 5 (1) The Vancouver council, or a body referred to in section 165.7 [*application to other city bodies*] of the *Vancouver Charter*, must use best efforts to allow members of the public to attend an open meeting of the Vancouver council or the body in a manner that is consistent with any applicable requirements or recommendations made under the *Public Health Act*.
- (2) The Vancouver council or a body is not required to allow members of the public to attend a meeting if, despite the best efforts of the Vancouver council or the body, the attendance of members of the public cannot be accommodated at a meeting that would otherwise be held in accordance with the applicable requirements or recommendations under the *Public Health Act*.
- (3) If the Vancouver council or a body does not allow members of the public to attend a meeting, as contemplated in subsection (2) of this section,
  - (a) the Vancouver council or the body must state the following, by resolution:
    - (i) the basis for holding the meeting without members of the public in attendance;
    - (ii) the means by which the Vancouver council or the body is ensuring openness, transparency, accessibility and accountability in respect of the meeting, and
  - (b) for the purposes of section 165.1 [*general rule that meetings must be open to the public*] of the *Vancouver Charter*, the meeting is not to be considered closed to the public.

- (4) The Vancouver council or a body may pass a resolution under subsection (3) (a) in reference to a specific meeting or, if the same circumstances apply, more than one meeting.
- (5) This section applies despite
  - (a) section 165.1 of the *Vancouver Charter*, and
  - (b) any applicable provision in the Vancouver procedure bylaw.

#### **Open meetings – trust bodies**

- 6 (1) A trust body, or a board of variance established by a local trust committee under section 29 (1) [*land use and subdivision regulation*] of the *Islands Trust Act*, must use best efforts to allow members of the public to attend an open meeting of the trust body or board of variance in a manner that is consistent with any applicable requirements or recommendations made under the *Public Health Act*.
- (2) A trust body or board of variance is not required to allow members of the public to attend a meeting if, despite the best efforts of the trust body or board of variance, the attendance of members of the public cannot be accommodated at a meeting that would otherwise be held in accordance with the applicable requirements or recommendations under the *Public Health Act*.
- (3) If a trust body or board of variance does not allow members of the public to attend a meeting, as contemplated in subsection (2) of this section,
  - (a) the trust body or board of variance must state the following, by resolution:
    - (i) the basis for holding the meeting without members of the public in attendance;
    - (ii) the means by which the trust body or board of variance is ensuring openness, transparency, accessibility and accountability in respect of the meeting, and
  - (b) For the purposes of section 11 [*procedures to be followed by local trust committees*] of the *Islands Trust Act*, the meeting is not to be considered closed to the public.
- (4) A trust body or board of variance may pass a resolution under subsection (3) (a) in reference to a specific meeting or, if the same circumstances apply, more than one meeting.
- (5) This section applies despite
  - (a) section 11 [*application of Community Charter and Local Government Act to trust bodies*] of the *Islands Trust Regulation*, B.C. Reg. 119/90, and
  - (b) any applicable requirements in a procedure bylaw of a trust body.

### **Division 3 – Electronic Meetings**

#### **Electronic meetings – municipalities**

- 7 (1) A council, or a body referred to in section 93 [*application of rule to other bodies*] of the *Community Charter*, may conduct all or part of a meeting of the council or body by means of electronic or other communication facilities.

- (2) A member of a council or body who participates in a meeting by means of electronic or other communication facilities under this section is deemed to be present at the meeting.
- (3) When conducting a meeting under subsection (1), a council or body must use best efforts to use electronic or other communication facilities that allow members of the public to hear, or watch and hear, the part of the meeting that is open to the public.
- (4) If a council or body does not use electronic or other communication facilities as described in subsection (3), the council or body must state the following, by resolution:
  - (a) the basis for not using electronic or other communication facilities that allow members of the public to hear, or watch and hear, the part of the meeting that is open to the public;
  - (b) the means by which the council or body is ensuring openness, transparency, accessibility and accountability in respect of the meeting.
- (5) A council or body may pass a resolution under subsection (4) in reference to a specific meeting or, if the same circumstances apply, more than one meeting.
- (6) Section 128 (2) (c) and (d) [*electronic meetings and participation by members*] of the *Community Charter* does not apply in respect of a meeting conducted by means of electronic or other communication facilities under this section unless a council or body proceeds as described in subsection (3) of this section, in which case those paragraphs apply.
- (7) This section applies despite
  - (a) section 128 of the *Community Charter*, and
  - (b) any applicable requirements in a municipality procedure bylaw of a council.

#### **Electronic meetings – regional districts**

- 8 (1) A board, a board committee established under section 218 [*appointment of select and standing committees*] of the *Local Government Act*, or a body referred to in section 93 [*application of rule to other bodies*] of the *Community Charter* as that section applies under section 226 [*board proceedings: application of Community Charter*] of the *Local Government Act*, may conduct all or part of a meeting of the board, board committee or body by means of electronic or other communication facilities.
- (2) A member of a board, board committee or body who participates in a meeting by means of electronic or other communication facilities under this section is deemed to be present at the meeting.
- (3) When conducting a meeting under subsection (1), a board, board committee or body must use best efforts to use electronic or other communication facilities that allow members of the public to hear, or watch and hear, the part of the meeting that is open to the public.
- (4) If a board, board committee or body does not use electronic or other communication facilities as described in subsection (3), the board, board committee or body must state the following, by resolution:

- (a) the basis for not using electronic or other communication facilities that allow members of the public to hear, or watch and hear, the part of the meeting that is open to the public;
  - (b) the means by which the board, board committee or body is ensuring openness, transparency, accessibility and accountability in respect of the meeting.
- (5) A board, board committee or body may pass a resolution under subsection (4) in reference to a specific meeting or, if the same circumstances apply, more than one meeting.
- (6) Section 2 (2) (d) and (e) [*electronic meetings authorized*] of the Regional District Electronic Meetings Regulation, B.C. Reg. 271/2005, does not apply in respect of a meeting conducted by means of electronic or other communication facilities under this section unless a board, board committee or body proceeds by using electronic or other communication facilities as described in subsection (3) of this section, in which case those paragraphs apply.
- (7) This section applies despite
- (a) section 221 [*electronic meetings and participation by members*] of the *Local Government Act*,
  - (b) the Regional District Electronic Meetings Regulation, and
  - (c) any applicable requirements in a regional district procedure bylaw of a board.

#### **Electronic meetings – Vancouver**

- 9 (1) The Vancouver council, or a body referred to in section 165.7 [*application to other city bodies*] of the *Vancouver Charter*, may conduct all or part of a meeting of the Vancouver council or the body by means of electronic or other communication facilities.
- (2) A member of the Vancouver council or of a body who participates in a meeting by means of electronic or other communication facilities under this section is deemed to be present at the meeting.
- (3) When conducting a meeting under subsection (1), the Vancouver council or a body must use best efforts to use electronic or other communication facilities that allow members of the public to hear, or watch and hear, the part of the meeting that is open to the public.
- (4) If the Vancouver council or a body does not use electronic or other communication facilities as described in subsection (3), the Vancouver council or the body must state the following, by resolution:
- (a) the basis for not using electronic or other communication facilities that allow members of the public to hear, or watch and hear, the part of the meeting that is open to the public;
  - (b) the means by which the Vancouver council or the body is ensuring openness, transparency, accessibility and accountability in respect of the meeting.
- (5) The Vancouver council or a body may pass a resolution under subsection (4) in reference to a specific meeting or, if the same circumstances apply, more than one meeting.

- (6) Section 2 (2) (c) and (d) [*electronic meetings authorized*] of the City of Vancouver Council Electronic Meetings Regulation, B.C. Reg. 42/2012, does not apply in respect of a meeting conducted by means of electronic or other communication facilities under this section unless the Vancouver council or a body proceeds by using electronic or other communication facilities as described in subsection (3) of this section, in which case those paragraphs apply.
- (7) This section applies despite
  - (a) section 164.1 [*meeting procedures*] of the *Vancouver Charter*,
  - (b) the City of Vancouver Council Electronic Meetings Regulation, and
  - (c) any applicable provision in the Vancouver procedure bylaw.

#### **Electronic meetings – improvement districts**

- 10 (1) An improvement district board, or a committee of an improvement district board appointed or established under section 689 [*appointment of select and standing committees*] of the *Local Government Act*, may conduct all or part of a meeting of the improvement district board or committee of an improvement district board, other than an annual general meeting, by means of electronic or other communication facilities.
- (2) A member of an improvement district board or committee of an improvement district board who participates in a meeting by means of electronic or other communication facilities under this section is deemed to be present at the meeting.
- (3) When conducting a meeting under subsection (1), an improvement district board or committee of an improvement district board must use best efforts to use electronic or other communication facilities that allow members of the public to hear, or watch and hear, the part of the meeting that is open to the public.
- (4) If an improvement district board or committee of an improvement district board does not use electronic or other communication facilities as described in subsection (3), the improvement district board or committee of an improvement district board must state the following, by resolution:
  - (a) the basis for not using electronic or other communication facilities that allow members of the public to hear, or watch and hear, the part of the meeting that is open to the public;
  - (b) the means by which the improvement district board or committee of an improvement district board is ensuring openness, transparency, accessibility and accountability in respect of the meeting.
- (5) An improvement district board or committee of an improvement district board may pass a resolution under subsection (4) in reference to a specific meeting or, if the same circumstances apply, more than one meeting.
- (6) This section applies despite
  - (a) section 686 [*meeting procedure – improvement district board*] of the *Local Government Act*, and
  - (b) any applicable requirements in a procedure bylaw of an improvement district board.

### Electronic meetings – trust bodies

- 11
- (1) A trust body, or a board of variance established by a local trust committee under section 29 (1) [*land use and subdivision regulation*] of the *Islands Trust Act*, may conduct all or part of a meeting of the trust body or board of variance by means of electronic or other communication facilities.
  - (2) A member of a trust body or board of variance who participates in a meeting by means of electronic or other communication facilities under this section is deemed to be present at the meeting.
  - (3) When conducting a meeting under subsection (1), a trust body or board of variance must use best efforts to use electronic or other communication facilities that allow members of the public to hear, or watch and hear, the part of the meeting that is open to the public.
  - (4) If a trust body or board of variance does not use electronic or other communication facilities as described in subsection (3), the trust body or board of variance must state the following, by resolution:
    - (a) the basis for not using electronic or other communication facilities that allow members of the public to hear, or watch and hear, the part of the meeting that is open to the public;
    - (b) the means by which the trust body or board of variance is ensuring openness, transparency, accessibility and accountability in respect of the meeting.
  - (5) A trust body or board of variance may pass a resolution under subsection (4) in reference to a specific meeting or, if the same circumstances apply, more than one meeting.
  - (6) This section applies despite
    - (a) section 2 [*electronic meetings authorized*] of the *Islands Trust Electronic Meetings Regulation*, B.C. Reg. 283/2009, and
    - (b) any applicable requirements in a procedure bylaw of a trust body or applicable to a board of variance.

### Division 4 – Timing Requirements

#### Timing requirement for bylaw passage – municipalities

- 12
- Despite section 135 (3) [*requirements for passing bylaws*] of the *Community Charter*, a council may adopt a bylaw on the same day that a bylaw has been given third reading if the bylaw is made in relation to
- (a) the following sections of the *Community Charter*:
    - (i) section 165 [*financial plan*];
    - (ii) section 177 [*revenue anticipation borrowing*];
    - (iii) section 194 [*municipal fees*];
    - (iv) section 197 [*annual property tax bylaw*];
    - (v) section 200 [*parcel tax bylaw*];
    - (vi) section 202 [*parcel tax roll for purpose of imposing tax*];
    - (vii) section 224 [*general authority for permissive exemptions*];

- (viii) section 226 [*revitalization tax exemptions*];
- (ix) section 235 [*alternative municipal tax collection scheme*], and
- (b) tax sales, as referred to in Divisions 4 [*Annual Tax Sales*] and 5 [*Tax Sale Redemption Periods*] of the Local Government Finance (COVID-19) Order made by MO 159/2020, or otherwise under Division 7 [*Annual Municipal Tax Sale*] of Part 16 [*Municipal Provisions*] of the *Local Government Act*.

## **Division 5 – Public Hearings**

### **Public hearings – Local Government Act**

- 13** (1) A public hearing under Part 14 [*Planning and Land Use Management*] or 15 [*Heritage Conservation*] of the *Local Government Act*, including a public hearing under section 29 (1) (b) [*land use and subdivision regulation*] of the *Islands Trust Act*, may be conducted by means of electronic or other communication facilities.
- (2) For the purposes of providing notice of a public hearing to be conducted under subsection (1),
- (a) any notice of the public hearing must include instructions for how to participate in the public hearing by means of electronic or other communication facilities,
  - (b) any material that is to be made available for public inspection for the purposes of the public hearing may be made available online or otherwise by means of electronic or other communication facilities, and
  - (c) a reference to the place of a public hearing includes a public hearing that is conducted by means of electronic or other communication facilities.
- (3) This section applies to delegated public hearings.
- (4) This section applies despite the following provisions:
- (a) section 124 [*procedure bylaws*] of the *Community Charter*;
  - (b) section 225 [*procedure bylaws*] of the *Local Government Act*;
  - (c) section 11 [*application of Community Charter and Local Government Act to trust bodies*] of the *Islands Trust Regulation*, B.C. Reg. 119/90;
  - (d) section 2 [*electronic meetings authorized*] of the *Islands Trust Electronic Meetings Regulation*, B.C. Reg. 283/2009;
  - (e) any applicable requirements in a procedure bylaw made under the *Community Charter*, the *Local Government Act* or the *Islands Trust Act*.

### **Public hearings – Vancouver Charter**

- 14** (1) A public hearing under Division 2 [*Planning and Development*] of Part 27 [*Planning and Development*] of the *Vancouver Charter* may be conducted by means of electronic or other communication facilities.
- (2) For the purposes of providing notice of a public hearing to be conducted under subsection (1),
- (a) any notice of the public hearing must include instructions for how to participate in the public hearing by means of electronic or other communication facilities,

- (b) any material that is to be made available for public inspection for the purposes of the public hearing may be made available online or otherwise by means of electronic or other communication facilities, and
  - (c) a reference to the place of a public hearing includes a public hearing that is conducted by means of electronic or other communication facilities.
- (3) This section applies despite
- (a) section 566 [*amendment or repeal of zoning by-law*] of the *Vancouver Charter*, and
  - (b) any applicable provision in the Vancouver procedure bylaw.

## **Division 6 – Deferral of Annual Requirements**

### **Annual general meeting and requirements – improvement districts**

- 15**
- (1) An improvement district may defer an annual general meeting that is required under section 690 [*annual general meeting – improvement districts*] of the *Local Government Act* to a date not later than December 31, 2020.
  - (2) An improvement district may defer the preparation of financial statements required under section 691 [*annual financial statements*] of the *Local Government Act* to a date not later than December 31, 2020.
  - (3) Despite the date referred to in section 691 (5) of the *Local Government Act*, an improvement district may submit to the inspector the audited financial statements of the improvement district for the preceding year and any other financial information required by the inspector at the time of the annual general meeting of the improvement district.
  - (4) If an annual general meeting of an improvement district is deferred under subsection (1) of this section and the term of an improvement district trustee would be expiring and the vacancy filled at that meeting, the term of the improvement district trustee is extended until the annual general meeting is held.
  - (5) This section applies despite
    - (a) Division 3 [*Governance and Organization*] of Part 17 [*Improvement Districts*] of the *Local Government Act*, and
    - (b) any applicable provisions in a letters patent for an improvement district.

## Division 3 — Open Meetings

### General rule that meetings must be open to the public

- 89** (1) A meeting of a council must be open to the public, except as provided in this Division.
- (2) A council must not vote on the reading or adoption of a bylaw when its meeting is closed to the public.

### Meetings that may or must be closed to the public

- 90** (1) A part of a council meeting may be closed to the public if the subject matter being considered relates to or is one or more of the following:
- (a) personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality;
  - (b) personal information about an identifiable individual who is being considered for a municipal award or honour, or who has offered to provide a gift to the municipality on condition of anonymity;
  - (c) labour relations or other employee relations;
  - (d) the security of the property of the municipality;
  - (e) the acquisition, disposition or expropriation of land or improvements, if the council considers that disclosure could reasonably be expected to harm the interests of the municipality;
  - (f) law enforcement, if the council considers that disclosure could reasonably be expected to harm the conduct of an investigation under or enforcement of an enactment;
  - (g) litigation or potential litigation affecting the municipality;
  - (h) an administrative tribunal hearing or potential administrative tribunal hearing affecting the municipality, other than a hearing to be conducted by the council or a delegate of council;
  - (i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
  - (j) information that is prohibited, or information that if it were presented in a document would be prohibited, from disclosure under section 21 of the Freedom of Information and Protection of Privacy Act;

- (k) negotiations and related discussions respecting the proposed provision of a municipal service that are at their preliminary stages and that, in the view of the council, could reasonably be expected to harm the interests of the municipality if they were held in public;
  - (l) discussions with municipal officers and employees respecting municipal objectives, measures and progress reports for the purposes of preparing an annual report under section 98 [annual municipal report];
  - (m) a matter that, under another enactment, is such that the public may be excluded from the meeting;
  - (n) the consideration of whether a council meeting should be closed under a provision of this subsection or subsection (2);
  - (o) the consideration of whether the authority under section 91 [other persons attending closed meetings] should be exercised in relation to a council meeting.
- (2) A part of a council meeting must be closed to the public if the subject matter being considered relates to one or more of the following:
- (a) a request under the Freedom of Information and Protection of Privacy Act, if the council is designated as head of the local public body for the purposes of that Act in relation to the matter;
  - (b) the consideration of information received and held in confidence relating to negotiations between the municipality and a provincial government or the federal government or both, or between a provincial government or the federal government or both and a third party;
  - (c) a matter that is being investigated under the Ombudsperson Act of which the municipality has been notified under section 14 [Ombudsperson to notify authority] of that Act;
  - (d) a matter that, under another enactment, is such that the public must be excluded from the meeting;
  - (e) a review of a proposed final performance audit report for the purpose of providing comments to the auditor general on the proposed report under section 23 (2) of the Auditor General for Local Government Act.
- (3) If the only subject matter being considered at a council meeting is one or more matters referred to in subsection (1) or (2), the applicable subsection applies to the entire meeting.

### **Other persons attending closed meetings**

- 91** (1) If all or part of a meeting is closed to the public, the council may allow one or more municipal officers and employees to attend or exclude them from attending, as it considers appropriate.
- (2) If all or part of a meeting is closed to the public, the council may allow a person other than municipal officers and employees to attend,
- (a) in the case of a meeting that must be closed under section 90 (2), if the council considers this necessary and the person
    - (i) already has knowledge of the confidential information, or
    - (ii) is a lawyer attending to provide legal advice in relation to the matter, and
  - (b) in other cases, if the council considers this necessary.
- (3) The minutes of a meeting or part of a meeting that is closed to the public must record the names of all persons in attendance.

### **Requirements before meeting is closed**

- 92** Before holding a meeting or part of a meeting that is to be closed to the public, a council must state, by resolution passed in a public meeting,
- (a) the fact that the meeting or part is to be closed, and
  - (b) the basis under the applicable subsection of section 90 on which the meeting or part is to be closed.

### **Application of rules to other bodies**

- 93** In addition to its application to council meetings, this Division and section 133 [*expulsion from meetings*] also applies to meetings of the following:
- (a) council committees;
  - (b) a municipal commission established under section 143;
  - (c) a parcel tax roll review panel established under section 204;
  - (d) a board of variance established under Division 15 of Part 14 of the Local Government Act;
  - (e) an advisory body established by a council;
  - (f) a body that under this or another Act may exercise the powers of a municipality or council;
  - (g) a body prescribed by regulation.