
March 26, 2020

BULLETIN

RELAXATION OF MEETING RULES DURING COVID-19 PANDEMIC

Today the Minister of Public Safety and Solicitor General made three orders under section 10 of the *Emergency Program Act* that affect local governments, including Ministerial Order M083 respecting local government meetings (http://www.bclaws.ca/civix/document/id/mo/mo/2020_m083). This Order will greatly facilitate the safe and efficient conduct of municipal and regional district business during the COVID-19 pandemic.

As a result of the Order:

- Council and regional board open meetings may be held without public attendance. The Order does not include any live-streaming or other transparency requirements, leaving it to each local government to determine if and how it wishes to provide open meeting transparency.
- Council and regional board meetings may be held electronically (or using other communication facilities). This is permitted for any meeting, not simply special meetings or where a member is unable to attend. In accordance with the normal electronic meeting requirements, the communication facilities for the meeting must enable meeting participants to hear, or watch and hear, each other, however, the Order removes the requirement that the facilities enable the public to watch or hear the meeting. Not surprisingly, there is no requirement for a public viewing gathering place or for procedure bylaw authorization.
- A council or regional board may adopt a bylaw on the same day as 3rd reading. For regional districts, this relaxation: (a) is limited to the adoption of a bylaw that does not require approval, consent or assent under an Act before it is adopted, and (b) reduces the normal 2/3 adoption vote requirement for 'same day adoption' of such a bylaw, under section 228 of the *Local Government Act*, to a simple majority of votes cast.
- The relaxations in the first two bullets above also apply to bodies under section 93 of the *Community Charter* (including council committees and boards of variance) and to regional board select and standing committees under section 218 of the *Local Government Act*. Otherwise, the Order only applies to municipalities and regional districts, and not to other local government bodies such as improvement districts and the Islands Trust.

These special powers apply despite the normal rules under the *Community Charter, Local Government Act* and Regional District Electronic Meeting Regulation, and despite the requirements of a local government's procedure bylaw. The powers only apply during the period of the Province's declaration of the COVID-19 provincial emergency (including extensions).

Importantly, the Order does not address challenges with holding public hearings and in-person representations.

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