
September 22, 2021

BULLETIN

TIMELINE FOR UPCOMING CHANGES TO ELECTRONIC MEETINGS

Next week, two important dates will come up for local governments in relation to the holding of meetings through electronic means. On September 28, 2021, the authority to hold meetings and public hearings electronically under Ministerial Order [M192](#) will expire. On September 29, 2021, the *Municipal Affairs Statutes Amendments Act*, [Bill 10](#), comes into force. The effect of Bill 10 is discussed in more detail below.

Ministerial Order M192 was issued on June 17, 2020, and authorized all local government meetings and public hearings to be held by electronic means. On July 8, 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.

Bill 10 was passed on June 1, 2021, and is set to come into force on September 29, 2021. Bill 10 amends a number of provisions in the *Community Charter* and the *Local Government Act*, and is a partial replacement for the broad temporary authority under Ministerial Order M192 to hold meetings and public hearings by electronic means. With respect to public hearings and board of variance meetings, Bill 10 provides the direct statutory authority to hold public hearings and board of variance meetings by electronic means. Therefore, it is not necessary to adopt a bylaw authorizing the holding of public hearings or board of variance meetings by electronic means. With respect to council and committee meetings, Bill 10 expands the current limited authority under the *Community Charter* to permit, by procedure bylaw, special meetings to be held by electronic means, to also permit, by procedure bylaw, regular meetings and committee meetings to be held by electronic means. Notably, Bill 10 does not provide any authority for the other local government bodies that are subject to the open meeting rule (e.g., local government commissions and advisory bodies) to hold meetings electronically.

As the Province ended the Provincial COVID-19 State of Emergency at 11:59 pm on June 30, 2021, the Ministerial Order, including the broad authority to hold meetings by electronic means, will be repealed in its entirety on September 28, 2021. Divisions 4 and 6 of the Ministerial Order, which did not pertain to the broad authority to hold meetings by electronic means, were already repealed as of July 5, 2021.

For those local governments wishing to continue to hold meetings by electronic means there will be a period of time after September 28, 2021, in which such meetings may not be held by electronic means (other than special meetings, where such meetings are already permitted by the procedure bylaw to be held by such means). This gap is a result of the timing of the expiry of

the Ministerial Order on September 28, 2021, the coming into force of Bill 10 on September 29, 2021, and the requirement that a procedure bylaw provide for the holding of regular and special meetings and committee meetings by electronic means.

Local governments wishing to continue to hold meetings by electronic means after September 28, 2021, will have to amend their procedure bylaw to permit them to do so. However, those local governments cannot begin that process until September 29, 2021, when Bill 10 comes into force. The required amendments to the procedure bylaw may not be made before their enabling authority comes into force.

Given the timing of the required amendments to a procedure bylaw to authorize the holding of meetings by electronic means, local governments wishing to continue to hold meetings by electronic means after September 28, 2021, will have to amend their procedure bylaw at in-person meetings or, if their procedure bylaw currently permits it, at special meetings to be held by electronic means. In addition, while those local governments are processing the amendment to their procedure bylaws, all their meetings will be required to be held in-person, unless the meeting is a special meeting and their procedure bylaw currently permits special meetings to be held by electronic means.

With thorough preparation and planning, the duration in which meetings must be held in-person can be minimized.

Local governments wishing to continue to hold meetings by electronic means after September 28, 2021, should immediately prepare bylaws to amend their procedure bylaws to permit regular meetings and committee meeting to be held electronically (and special meetings, if their current procedure bylaw does not already do so), and prepare the required notices in relation to the proposed amendment to the procedure bylaw (see: [section 124\(3\)](#) of the *Community Charter*, which requires that notice of the proposed amendment be published at least once a week for two consecutive weeks in accordance with [s. 94](#)). By doing so, initial notice of the proposed amendment can be published on September 29, 2021, or soon thereafter and a special meeting can be scheduled for the procedure bylaw amendment to be given three readings. The second notice can then be published the next week, and the amendment can be adopted at a meeting after the publication of that notice. These meetings will have to be conducted in-person, unless the current procedure bylaw permits special meetings to be held by electronic means; in which case, these meetings can be scheduled as special meetings held by electronic means. Local governments utilizing special meetings to be held by electronic means to adopt the procedure bylaw amendment must be mindful that the notice of the special meeting must set out the place where the public may attend to hear the proceedings and a designated officer must be in attendance at that place.

While the above process is not a complete replacement for the broad authority under the Ministerial Order to hold meetings using electronic means, for those local governments wishing

to limit in-person meetings after September 28, 2021, this process goes a long way towards achieving that goal.

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