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Re: Municipal Affairs Statutes Amendment Act, 2021

This circular provides an overview of the proposed [Bill 10](#) legislative amendments introduced on May 13, 2021 and the implications for local government operations. The circular also provides information on the continuation and expiry of the various authorities under [Ministerial Order 192](#) (M192) related to Local Government Meetings and Bylaw Process (COVID-19) Order No.3.

The legislative amendments are intended to help support communities through the COVID-19 pandemic and provide greater flexibility for local governments and the Province to respond to future extraordinary circumstances. The changes will also provide transition and continuity for local government matters which are currently covered under various Ministerial Orders that are part of the *COVID-19 Related Measures Act*.

The main changes involve amendments to the *Community Charter*, the *Local Government Act*, the *Municipalities Enabling and Validating Act (No.4)* and the *Vancouver Charter*, which will:

- Allow local governments to conduct meetings and public hearings electronically;
- Expand eligibility for mail ballot voting by bylaw for local government elections; and
- Create new Ministerial authorities for emergency related borrowing and elections administration matters, allowing the Province to be more responsive in future extraordinary events.

***For the foreseeable future, local governments can continue to hold electronic meetings and electronic public hearings under the authorities and requirements set out under M192 (without having to immediately adjust to any new rules or processes).***

The Ministry of Municipal Affairs (Ministry) encourages local governments to monitor the most recent orders from the PHO with respect to public presence at meetings. Local governments must continue to ensure openness, transparency, accessibility and accountability in respect of the meetings.

### **Electronic Meetings**

Once brought into force at a later date, the amendments to the *Community Charter* will provide municipal councils with expanded authority to be able to hold their regular and council committee meetings electronically. Councils will have the flexibility to choose whether to allow electronic meetings in their community by authorizing electronic meetings in their procedure bylaw. Amendments to the procedure bylaw may only be adopted once the legislation is in force. Local Governments will be notified in advance and further guidance material will be provided to help with the understanding of the



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new electronic meeting authority before it is brought into force. For more information about meetings under M192 please see: [Guidance for Local Governments Operating under Ministerial Order M192](#).

The amendments contain transparency requirements, which include providing public notice to ensure that people know how to participate in meetings conducted electronically and that participants are able to hear, or watch and hear, each other.

It is anticipated that electronic meeting rules for all local government bodies and local governments (including the City of Vancouver, Regional Districts and the Islands Trust) will be aligned. Further work will be done to update regulations and align rules to ensure that the new, broader electronic meeting authorities for all local governments are implemented in a coordinated fashion. ***In the interim, all local governments should continue to conduct electronic meetings under the authorities and requirements set out under M192.***

### Public Hearings

Once brought into force at a later date, the legislative amendments will provide local governments with the authority and flexibility to conduct public hearings electronically. ***In the interim, all local governments should continue to conduct electronic public hearings under the authorities and requirements set out under M192.***

Further guidance will be provided to help with the understanding of the new permanent electronic hearing authority before it is brought into force. For more information about electronic public hearings under M192, please see: [Guidance for the Conduct of Public Hearings Under Ministerial Order M192](#).

Local governments will be able to obtain public input on land use decisions while deciding which format of public hearing is best suited to their circumstances (i.e. electronic, in-person, or a combination of both). It will be up to each local government to determine if electronic hearings will be held on a permanent or an as-needed basis.

The amendments contain transparency requirements, which include providing public notice to ensure that people know how to participate in public hearings conducted electronically and that participants are able to hear, or watch and hear, each other.

Conducting public hearings electronically improves accessibility for many people and equity-seeking groups who face difficulties attending in-person hearings, including the many British Columbians without access to personal vehicles, or who have health concerns, child-care challenges, or mobility limitations.



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### Bylaw Passage

The authority under [M192](#) [Division 4 (*Bylaw Timing Requirements*)] to adopt certain municipal financial bylaws in a single meeting will expire on July 10, 2021. After this date, municipal councils will be required to adopt bylaws over two meetings in accordance with section 135 of the *Community Charter*.

### Mail Ballot Voting

The amendments will remove the existing legislated limitations for mail ballot voting in the *Local Government Act* and enable local governments to expand eligibility to all electors. Presently, the only electors who are eligible for mail ballot voting are those who are absent or have an illness, injury or disability (or who reside in a specified remote area of a regional district).

The intention is for mail ballot voting to continue to be an option for local governments, and it will still be required to be permitted by bylaw. For pending by-elections and assent votes that will take place during the COVID-19 pandemic, local governments are encouraged to contact Ministry staff for support and to discuss the application of the new Ministerial regulation authority (see Ministerial Regulation Authority) to their circumstance.

The changes related to mail ballot voting will come into effect once Bill 10 is passed to immediately begin supporting local governments who will be conducting by-elections or assent votes during the ongoing pandemic.

### Ministerial Regulation Authority – Local elections

A new tool will be available to allow the Minister to more effectively respond to election processes that may be conducted during special circumstances, such as a pandemic. Ministerial regulation authority will allow the Minister to provide exceptions or modifications to Part 3 or 4 of the *Local Government Act* in relation to the administration of local elections, by-elections, or assent votes. The changes related to elections administration will come into effect once Bill 10 is passed.

### Local Government Financial Measures

The legislation also ensures extraordinary financial measures and corresponding repayment obligations currently under COVID [Ministerial Order 159](#) and set to expire on July 10, 2021, will continue to have legal effect after this date. Please note that the Province is not extending or renewing the financial provisions beyond the timelines in the initial orders under the *COVID-19 Related Measures Act*. We are carrying the existing language from the current orders that will expire in July (for instance, the five-year



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repayment of reserve fund borrowing) into a more permanent legislative framework. Further information will be made available in a local government finance circular in the coming months.

### **Conclusion**

We appreciate that local governments in B.C. continue to support one another as we move through this unprecedented time. The Province will continue to work collaboratively with local governments to ensure the needs of elected officials, local government staff and the public are balanced.

If you should have any questions regarding this circular, the orders or the legislative amendments, I encourage you to contact our Governance and Structure Branch by phone or email at: 250 387-4020 or [LGovernance@gov.bc.ca](mailto:LGGovernance@gov.bc.ca).