



## Guidance for Open Meetings and Electronic Meetings under Current PHO Orders and Ministerial Order 192

### Introduction

The December 2, 2020 Provincial Health Officer (PHO) Order on [Gatherings and Events](#) requires local governments to make some changes to how meetings and public hearings are currently conducted. The public is now restricted from attending all local government meetings and public hearings in person.

The [COVID-19 Related Measures Act](#) (CRMA) and [Ministerial Order M192](#) (Order M192) provide flexibility for local governments to shift how they are conducting meetings and hearings based on the current PHO recommendations and local circumstances. Order M192 provides that 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*.

#### Current PHO requirements under the Order on Gatherings and Events:

- Prevents public attendance at any meetings or public hearings.
- All meeting participants (including council and board members and staff) are strongly encouraged to attend electronically.

#### Under CRMA and MO192:

- Local governments must continue to make “best efforts” based on local circumstances to inform the public of meetings and provide alternative ways for the public to provide comment on agenda topics (e.g. email, letter, phone) or participate electronically (if available).
- Local government elected officials are encouraged to meet electronically.
- Local governments are encouraged to hold electronic public hearings.
- Local governments must review or develop a resolution with respect to open and electronic meetings, and state how they will continue to meet the principles of openness, transparency and accountability in the current circumstances.
- All other rules such as prescribed in legislation or local government procedure bylaws continue to apply such as: notice requirements, voting rules, and recording of meeting minutes.

Local government by-elections are exempt from the PHO Order on Gatherings and Events.

The Ministry of Municipal Affairs (Ministry) encourages local governments to monitor the most recent orders from the PHO and contact their local medical health officer for further questions about specific circumstances in their region.

The guidance below provides practical advice to local governments while operating under Order M192 and measures that will help ensure compliance with PHO orders, support PHO recommendations and uphold the principles of local government openness, accountability, accessibility and transparency.

### **Open Meetings**

Order M192 requires local governments to undertake “best efforts” to meet the legislative requirements for open meetings so the public can continue to participate and understand local government decision-making in a way that is meaningful for them.

The current Provincial Health Officer (PHO) Order on [Gatherings and Events](#) prevents in-person public attendance at council or board meetings. The Office of the Provincial Health Officer strongly encourages electronic meetings, however local government staff and elected officials may continue to hold in-person council and board meetings as necessary.

Local governments that hold electronic meetings where members of the public are not able to hear, or watch and hear, parts of the meeting that are open to the public, must pass a resolution to provide a rationale for the change and describe what measures are being taken to meet the principles of openness, transparency and accessibility. These measures will vary depending on local circumstances. Local governments with questions about the safety of meetings in their region may wish to reach out to their local medical health officer.

The Ministry recommends revisiting the resolution periodically, based on the current PHO recommendations and local circumstances to determine whether changes are needed. Local governments with questions about the safety of meetings in their region may wish to reach out to their local medical health officer.

#### **Best efforts from local governments may include:**

- Communicate to local government staff, elected officials and the public about how the local government is meeting the current PHO requirements and recommendations for meetings.
- Provide public notice for meetings including how the public can provide input on agenda topics.
- Offer alternative means by which the public can provide input on agenda topics before or during a meeting to increase accessibility (e.g. email, online submission form, phone or written letter).
- Consider technology for enabling the public to be present by electronic means (if available) (e.g. videoconference or real-time question and answer).
- Adjust the agenda and meeting schedules so that matters that are likely to be controversial or attract high public interest are the subject of a separate meeting.
- Provide draft agendas, minutes and archived video of meetings (if available) to the public to facilitate public understanding of local government decision making.
- Communicate any changes to meeting approaches to the public.
- Document and be able to provide information to the public about what efforts have been made to be open, transparent and accountable to the public.

#### **Additional tips:**

- Actively promote other means for the public to participate in council or board meetings.
- Explore options for expanded on-line public engagement opportunities for specific projects and issues (particularly those that may be potentially controversial).
- Consider ways in which questions not answered at the meeting may be made public.

- Provide alternative methods for delegations to present (e.g., written; electronic; drop-box; pre-recorded video or real-time video presentation).
- Post draft minutes of open meetings on the local government website and at the public notice posting place or other designated places after the meeting.
- If council or board members or local government staff attend electronically, reflect disconnections and connections in the meeting minutes.

For more information about legislative open meeting requirements please see:

<https://www2.gov.bc.ca/gov/content/governments/local-governments/governance-powers/councils-boards/meetings/rules>

## **Electronic Meetings**

Order M192 provides the flexibility for local governments to hold electronic meetings and to make “best efforts” to include the public in electronic meetings.

### **Best efforts from local governments may include:**

- Electronic meetings that resemble what one would expect in an in-person public meeting as much as possible, adhering to rules of procedural fairness. This means making best efforts to follow existing procedures and to allow members of the public to be heard.
- Communicate any changes to meeting approaches to the public.
- Explore available technology that will enable the public to hear, or watch and hear, the meeting (e.g. livestream, record and provide an archived copy on the local government website).
- Provide information to the public on how they can review agendas and minutes of meetings during this time.
- Anticipate technology issues and consider allowing additional time on the agenda to resolve technical issues, including the possible lag when live-streaming.

### **Additional tips:**

- If some members of council or board choose to attend by means of electronic communication, ensure that if quorum is lost there is a procedure in place to either suspend proceedings until quorum is achieved or cancel or postpone the meeting.
- Facilitate local government staff or delegations presenting on agenda topics to present remotely or call-in to the meeting.
- Ensure council or board members can hear members attending by electronic means.
- In the procedure bylaw, develop guidelines to assist with electronic meeting process including how the presiding member will take a vote on a motion or bylaw adoption.
- Outline the process for how members attending electronically can participate in the debate.
- Provide easy to understand information on the local government website, public notice posting place and in other community spaces so the public knows how to attend electronically (if available) including:
  - how to call in and listen if this option is available;
  - where to view a livestream or archived version of the meeting; and,
  - how to ask questions during question period if this is an option.
- Ensure the chair advises participants that the meeting is being recorded and include a statement to this effect in the agenda.

- Make archived versions of recorded meetings and meeting minutes available to the public as soon as possible after the meeting.
- Ensure publication and retention of documents and recordings of meetings comply with the *Freedom of Information and Protection of Privacy Act*.

For more information about electronic meetings please see:

<https://www2.gov.bc.ca/gov/content/governments/local-governments/governance-powers/councils-boards/meetings/electronic>

## **Additional Resources:**

### **Provincial Health Officer**

- [Gatherings and Events \(Dec 2, 2020\)](#)

### **WorkSafeBC**

- [Municipalities and COVID-19 safety](#)
- [WorkSafeBC Safety Plan Template](#)
- [WorkSafeBC Signs and Templates](#)

### **BC Centre for Disease Control**

- [General COVID-19 Information](#)

### **BC Municipal Safety Association**

- [Pandemic Exposure Control COVID-19](#)

### **Government of Canada**

- [Risk assessment for mass gatherings](#)

### **World Health Organization**

- [Planning recommendations for mass gatherings](#)
- [Getting workplace ready for COVID-19](#)

### **Office of the Ombudsperson**

- [Open Meetings: Best Practices Guide for Local Governments](#)

### **AMTCO**

- [Electronic Council Meetings](#)
- [Electronic Participation Procedure](#)

### **Procedure for Electronic Participation in City Council Meetings:**

- <https://amcto.com/Resources-Publications/Resources/Electronic-Council-Meetings/Procedures for City Council Participation in Elect.aspx>