June 18, 2020

Dear CAOs:

On June 17, 2020, MO139 was replaced with Order M192 to assist local governments as they move through the restart process towards a “new normal”. The primary changes under Order M192 are in relation to public presence at local government meetings and timing requirements for bylaw adoption. All other previous provisions under MO139 such as conducting public hearings electronically, allowing for Council, Boards and the Islands Trust to meet electronically and deferring improvement district annual general meetings, remain in effect under Order M192. Other rules such as provided for in legislation or procedure bylaws such as: notice requirements, voting rules, minutes also continue to apply.

As you are aware, the previous order made it possible for local governments to meet without the public physically present – a significant departure from the standard rules that apply to council and board meetings. Order M192 continues to provide local governments flexibility in their meeting procedures while moving towards increased public presence at local government meetings where appropriate, for both “in person” and electronic meetings. The Order also transitions local governments to more standard rules in relation to bylaw adoption, limiting the previous order’s broad authority to read and adopt bylaws all at the same meeting to now only apply to the types of bylaws specified in Order M192.

Many local governments are already taking an incremental approach to again holding meetings in person and inviting their communities to be physically present at meetings, while complying with public health and safety direction. To encourage this transition, Order M192 requires local governments and the Islands Trust to make best efforts to accommodate the public to be present at in person or electronic meetings while continuing to meet public health orders and recommendations.

Local governments that have made best efforts and continue to face challenges having the public present at meetings due to things like facility size or technological limitations will continue to be able to limit in person attendance at electronic and physical meetings under the Order. In that case, under Order M192 local governments will need to pass a resolution to provide a rationale of the reasons why the public cannot be present, as well as a description of the means by which the local government is meeting openness, transparency and accountability principles.

The following link provides additional guidance material to local governments that may be operating under the new Order M192:

https://www2.gov.bc.ca/assets/download/A5B73B9507D64C4BBF79843F06043042
Link to Order M192: [http://www.bclaws.ca/civix/document/id/mo/mo/2020_m192]

Any additional questions can be directed to: lggovernance@gov.bc.ca. We thank you for your continued hard work to conduct local government operations as you restart during the time of the pandemic.

Kaye Krishna
Deputy Minister
Ministry of Municipal Affairs and Housing