

Procedure Bylaw Guide: For B.C.'s Local Governments

DISCLAIMER

The *Procedure Bylaw Guide: For B.C.'s Local Governments* is a tool created to support the efforts of the *Working Group on Responsible Conduct*. The guide is a product of collaboration between the Ministry of Municipal Affairs and an advisory group from the Local Government Management Association.

The *Working Group on Responsible Conduct* (Group) is a joint initiative between the Union of BC Municipalities, the Local Government Management Association, and the Ministry of Municipal Affairs. The Group was formed to undertake collaborative research and policy work around issues of responsible conduct of local government elected officials.

The information contained in the *Procedure Bylaw Guide: For B.C.'s Local Governments* is provided as general reference and while all attempts have been made to ensure the accuracy of the material – the guide is not a substitute for provincial legislation.

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PART 1 - INTRODUCTION

What is the Purpose of This Guide?

The intent of this guide is to help local governments proactively consider and amend their procedure bylaw if necessary, so clear processes are in place to help address challenging situations and support positive interactions.

This guide provides information that local government staff, council and board members and the public can use to better understand the purpose and importance of a local government's procedure bylaw. Local government staff can use this guide to foster collaborative council and board discussions to customize the procedure bylaw to meet the needs of their community.

The information in this guide is based on the *Local Government Act* and the *Community Charter*.

Some of the same information will apply to the City of Vancouver and the Islands Trust, however there are differences in the applicable legislation.

This guide highlights the legislative requirements for procedure bylaws, best practices, and other resources to facilitate council or board procedure bylaw conversations. The applicability of the best practices in this guide may vary by local government depending on the needs of the council or board and staff.

What is a Procedure Bylaw?

Municipal councils and regional district boards are legislatively required to have an adopted procedure bylaw that establishes procedures for council or board meetings.

Procedure bylaws are one tool used to set shared expectations for process, procedure and conduct at council and board meetings. Procedure bylaws apply to meetings of a council or board and select or standing committees of a council or board.

Local government legislation defines "council committee" or "board committee" as:

- A select committee of a council or board,
- A standing committee of a council or board, or
- Any other body established by a council or board that is composed solely of council or board members.

Procedure bylaws include rules for how meetings are conducted, how decisions are made and recorded, how participants (including the public) are involved in meetings, and how other meeting matters, such as meeting schedules and notice requirements are handled. When used effectively, a procedure bylaw provides for efficient local government meetings and transparent decision-making.

Some elements of procedure bylaws are legislatively required, while others are a council or board choice and based on best or common practice provided in rules of procedure.

Why is a Procedure Bylaw Important?

Local government meetings are gatherings where council and board members collectively move towards or make decisions. Most meetings of councils or boards are open to the public to facilitate public transparency and accountability. In order to be effective as collective decision-makers, each council or board member must understand and follow a shared set of rules.

Robust procedure bylaws may help councils and boards set a positive tone for meetings. Clear procedure bylaws allow councils or boards and staff to encourage a collaborative approach that fosters respectful conduct and open debate at meetings. Understanding meeting processes and procedural rules enables council members and regional district directors to know what is expected of them and to act accordingly.

Procedure bylaws support the governance process so that the public, council, board members and local government staff understand how decisions are made and what to expect at meetings. The way in which meetings are conducted may also reflect how residents perceive local government operations.

Considerations When Developing a Procedure Bylaw

Procedure bylaws set the stage for how council and board members, staff and the public interact with each other at meetings. Within procedure bylaws there is an opportunity to incorporate the four foundational principles of responsible conduct developed by the Working Group on Responsible Conduct to help guide council and board interactions and decision-making. The foundational principles are:

- Integrity;
- Accountability;
- Respect; and,
- Leadership and Collaboration.

Integrating these principles throughout a procedure bylaw helps set clear expectations of engagement and process. Many of the best practices provided in this guide incorporate the foundational principles of responsible conduct.

A council or board may also have a range of policies that support good governance that they may choose to cross-reference or connect to in the procedure bylaw such as a code of conduct, bullying and harassment policy, social media policy, meeting technology policy, administrative corrections, or correspondence policy.

What is Responsible Conduct?

Responsible conduct is how locally elected officials conduct themselves in their relationships with elected colleagues, local government staff and the public – and is directly connected to how a community is governed. An elected officials' relationships with their colleagues, local government staff and the public play a significant role in helping carry out their responsibilities.

The Working Group on Responsible Conduct is a joint initiative of the Union of BC Municipalities, the Local Government Management Association of BC and the Ministry of Municipal Affairs.

Resources from the Working Group on Responsible Conduct include:

- [Foundational Principles of Responsible Conduct \(PDF\)](#)
- [Model Code of Conduct \(PDF\)](#)
- [Getting Started on a Code of Conduct for your Council/Board \(PDF\)](#)
- [Forging the Path to Responsible Conduct in your Local Government \(PDF\)](#)

A council or regional district board must now decide whether to establish a code of conduct or, if one already exists, whether to update it within six months of the first regular council or board meeting following general elections. Refer to [Part 4, Division 8](#) of the *Community Charter* for more information about this requirement.

PART 2 – TAKING OWNERSHIP OF THE PROCEDURE BYLAW

Councils and boards may review and amend their procedure bylaw on an ongoing basis to ensure it addresses local government and community needs. Councils and boards that proactively set behavioural expectations by incorporating the foundational principles of responsible conduct increase the likelihood of effective meetings. Part two of this guide provides information on the legislative requirements to have in mind when amending procedure bylaws and things to consider before making changes to the bylaw.

Understanding the Procedure Bylaw

It is important that local government staff, councils and boards, and the public are aware of and understand the procedure bylaw and related policies before changes are made. After council or board members have attended several meetings using the procedure bylaw, they will be in a better position to determine if changes to the bylaw are needed to better suit local circumstances. Local government staff may also identify sections that need to be updated as they use the procedure bylaw.

To foster understanding of a procedure bylaw, consider the following:

- an annotated (provides commentary on why a particular section may be important) version of the procedure bylaw may be useful for training council and board members, local government staff and for reference purposes;
- prior to a general local election or by-election, include a copy of the procedure bylaw in the nomination package;
- after an election, introduce council or board members to the procedure bylaw through one or more orientation sessions;
- have staff, contractor, or solicitor support elected officials (especially the presiding official) on how to conduct meetings in accordance with the procedure bylaw; and,
- provide time for the council or board to become familiar with and use meeting procedures before changes are made.

Roles and Responsibilities

Staff and elected officials have different roles throughout the process of using and making changes to a procedure bylaw.

Typically, staff present recommendations to improve a procedure bylaw and the elected officials make collaborative decisions about incorporating changes.

Thinking of Changing the Procedure Bylaw?

Local government staff and elected officials both have a role in considering changes to the procedure bylaw. Staff or elected officials may bring forward sections of the procedure bylaw for review – for example if new technology is introduced for preparing minutes or agendas.

Generally, it is best practice to proactively make changes to the procedure bylaw; however, in some cases staff or elected officials may determine that a section of the procedure bylaw needs to be updated based on an issue that has arisen (for example, how to conduct electronic meetings). The procedure bylaw can be regarded as a living document that will need to be amended from time-to-time.

When thinking of changing the procedure bylaw consider the following:

- when new meeting technologies are introduced, consider whether changes need to be made in the procedure bylaw (for example, electronic meeting agendas);
- consider an appropriate time when a council or board may work together to discuss ways to improve the procedure bylaw (for example, at a workshop or strategic planning session); and,

- provide on-going training through regular review of specific sections of the procedure bylaw to help council or board members stay current, better understand, and determine if each section is still effective. Set a timeline for an in-depth review of sections, (for example, quarterly).

Questions to Consider:

- Do council or board members and staff understand the purpose of the procedure bylaw?
- Why is amending the procedure bylaw necessary?
- What are the key objectives in amending the procedure bylaw?
- What process does the council or board want to undertake to consider and decide on amendments?
- What will be the regular process for reviewing the bylaw going forward (for example, annually)?

Process for Amending the Procedure Bylaw

Before the procedure bylaw is amended, provide the public with the required public notice. Include information about the proposed changes to the procedure bylaw and the impact, if any, on public participation (for example, how delegations are heard at meetings and how items may be added to the agenda). A council or the board may also want to provide general information on the local government’s website about procedure bylaws to educate the public around the purpose and importance of a procedure bylaw.

Legislative Requirements

- Before amending or repealing and substituting the procedure bylaw, a council or a board must publish notice in accordance with section 94 of the *Community Charter* describing the proposed changes.

Municipalities
Community Charter
Section 124 Procedure bylaws

Best Practices

- Provide written notice of proposed amendment(s) to each council or board member before the meeting where the amendment(s) is to be introduced; and,
- Provide notice through as many means as possible to reach a wider audience and to help educate the public on the importance of a procedure bylaw.

Regional Districts
Local Government Act
Section 225 Procedure bylaws

PART 3 – SECTIONS OF A PROCEDURE BYLAW

Part 3 of this guide outlines the legislative requirements (if applicable) that must be included in a procedure bylaw and best practices that may be included in procedure bylaws. Part 3 of this guide covers the topics typically included in procedure bylaws, starting with a list of the legislative requirements, and then describing those requirements and best practices in more detail.

Most of the legislative requirements for procedure bylaws apply to both regional districts and municipalities; however, in some sections that follow in the guide, municipalities and regional districts have been separated when there are differences in the legislative requirements that only apply to one and not the other.

While there are fewer legislative requirements for regional districts in terms of what must be set out their procedure bylaws, regional districts are still subject to the principles of accountability, transparency, and good governance. Most regional districts tend to include similar content to that of a municipal procedure bylaw in their bylaws.

Legislative Requirements for Procedure Bylaws

Municipalities

- Establish rules for council meetings and council committee meetings, including how bylaws are adopted and how resolutions are passed;
- Provide for the taking and certifying of minutes at council meetings and council committee meetings;
- Provide for advance public notice of the date, time and, if applicable, the place of council committee meetings;
- Identify places as the public notice posting places;
- Establish the procedure for designating a council member as the acting mayor when the mayor is absent;
- Establish the method for the members present to choose the presiding member if the mayor and designate are absent;
- Set the first council meeting date after a general election; and,
- Hold regular meetings in accordance with the procedure bylaw.

Municipalities

Community Charter

- Section 124 Procedure bylaws
- Section 125(1) and (3)(a) Council meetings
- Section 135 Requirements for passing bylaws
- Section 130 Designation of member to act in place of mayor

Regional Districts

- Establish rules for board meetings and board committee meetings, including how bylaws are adopted and how resolutions are passed;
- Provide for advance public notice of the date, time and place of board and board committee meetings; and,
- Identify places as the public notice posting places.

Regional Districts

Local Government Act

- Section 225 Procedure bylaws

Role of Council or Board in Conduct and Debate

The local government legislation sets out the roles of council members and regional district directors including, the:

- accountability of councils and boards through meetings and procedures;
- public engagement processes; and,
- rules to guide the deliberations of elected officials.

Municipalities

Community Charter

- Section 114 Council as governing body
- Section 115 Responsibilities of council members
- Section 116 Responsibilities of mayor
- Section 132 Authority of presiding member
- Section 133 Expulsion from meetings

The mayor of a municipality or the chair of a regional district board (the presiding member) typically preside at meetings, which means they are responsible for conducting the meeting and maintaining order.

The responsibilities of the presiding member include leading deliberations and the collective decision-making process. The role of the presiding member includes chairing the meeting, maintaining the order and conduct of debate, ensuring meeting rules are followed and that differing viewpoints are heard. The presiding member may vote and make motions at meetings.

Clear rules of conduct and debate fosters respectful and collaborative meeting process.

Legislative Requirements

- The presiding member must preserve order and decide on points of order;
- If a council or board member appeals the decision of the presiding member, the question of whether the presiding members' decision will stand must be asked by the presiding member and voted on without debate and without the presiding member voting. In this situation, if votes are tied the motion passes (details in Tie Votes box, page 23);
- If the presiding member refuses to ask the question appealing the presiding members' decision the council or board must appoint another member to act as presiding member temporarily;
- If the presiding member considers another person to be acting improperly, they may order that person be expelled from the meeting – that could include a member of the public or another council or board member; and,
- If the expelled person does not leave, a peace officer may enforce the order.

Regional Districts

Local Government Act

- Section 215 Chair and vice chair of board
- Section 216 Responsibilities of chair
- Sections 226(1)(b) and 226(3) Board proceedings: application of *Community Charter*

Best Practices

- Discuss and decide what “acting improperly” means for the council or board, staff and public and how it will be captured in the procedure bylaw;
- Provide expectations for council or board member behavior in the conduct and debate section of the procedure bylaw, for example:
 - respectful language and conduct;
 - a reasonable length of time a council or board member can speak on a given matter;
 - use of electronic devices in meetings; and,
 - restrict debate to the motion on the floor;
- Connect existing policies that are related to the responsibilities of council or board members, such as social media policies and codes of conduct into the procedure bylaw;
- Make provision for a member who has been expelled to apologize and, by resolution of council or board members, provide for them to retake their seat at the meeting; and,
- Outline how the conduct and debate section applies to public delegations and invited presenters.

Designating a Member to Act in Place of the Mayor

The role of mayor requires additional responsibilities that the legislation only contemplates one person being responsible for at one time (for example, to preside at council meetings when in attendance).

The procedure bylaw can outline the process for who can act in place of the mayor when they are absent. The process for designating a councillor to act in place of the mayor may be different for a short-term leave (for example, a vacation) and a long-term leave (for example, an extended illness).

Legislative Requirements

- Establish the procedure for designating a council member as the acting mayor; and,
- Establish the method for the members present to choose the presiding member if the mayor and designate are absent.

Best Practices

- Adopt a resolution at the inaugural council meeting or annually to designate council member(s) as the acting mayor;
 - for a short-term leave of absence designate the position of acting mayor on a rotating basis or for a set time period until the next general local election when the mayor is absent or otherwise unable to act; and,
 - for a long-term leave of absence, designate the position of acting mayor through election by the members of council;
- Outline the process to elect the acting mayor, which may include:
 - how nominations are made;
 - how a nomination can be made if the candidate is not present at the meeting;
 - a process to conduct the vote by secret ballot using a ballot box;
 - whether time (and how much) is provided for candidates to address council;
 - a procedure for ballot counting; and,
 - a process for breaking a tie.
- Connect or cross reference to the municipality's elected official leave of absence policy if there is one;
- Provide that the acting mayor will fulfill the responsibilities of mayor during their absence;
- Provide that the councillor designated as the acting mayor has the same powers and duties as the mayor in relation to the applicable matter;
- Provide that the next council member in the rotation will act as presiding member at the meeting if both the mayor and acting mayor are absent from the council meeting or provide that if after a set period of time both the mayor and acting mayor are absent the councillors present will choose a member to chair the meeting; and,
- Provide that where possible the mayor notifies the corporate officer if the acting mayor will be requested to act as chair due (for example, an absence or conflict of interest).

Municipalities

Community Charter

- Section 124(2)(f) Procedure Bylaws;
- Section 130 Designation of the member to act in place of the Mayor

Election of Chair and Vice Chair of the Regional District Board

Legislative Requirements

- At the first meeting held after November 1 each year, the board must elect a chair and vice chair;
- The same rules and powers apply to the vice chair in the absence of the chair;
- If the chair and vice chair are not present the directors present must elect an acting chair; and,
- Each director present at the meeting has one vote in each election for an office.

Regional Districts

Local Government Act

- Section 215 – Chair and vice chair of board

Best Practices

- Outline the process to elect the chair and vice chair in the procedure bylaw, which may include:
 - how nominations are made;
 - how a nomination can be made if the candidate is not present at the meeting;
 - a process to conduct the vote by secret ballot using a ballot box;
 - whether time (and how much) is provided for candidates to address the board;
 - a procedure for ballot counting; and,
 - a process for breaking a tie.

Application of Procedural Rules

Procedure bylaws typically defer to a more comprehensive resource, such as Robert’s Rules of Order, to guide situations that arise less frequently or are not explicitly set out in the procedure bylaw itself. For example,

Robert’s Rules of Order may be needed when a point of order (a question whether correct procedure is being followed) is raised and it is not covered in the procedure bylaw.

Procedural Rules

In this guide “Procedural Rules” means the use of a standard resource that will guide decisions for things that arise at meetings that are not covered in the procedure

Procedural rules differ from the meeting procedure requirements in the procedure bylaw because these rules are not legislated, but rather generally accepted rules and customs for deliberation and debate. Using these rules encourages all council and board members to use the same language and participate in deliberation and debate in the same manner, which helps to keep orderly, consistent, and efficient meetings.

Best Practices

- Determine which resource will be used to address cases not provided for under the procedure bylaw, for example:
 - [Robert’s Rules of Order](#);
 - [The Rules of Parliamentary Procedure of the Canadian House of Commons](#);
 - [The Standing Orders of the Legislative Assembly of British Columbia \(PDF\)](#); or,
 - *Bourinot’s Rules of Order*.

Municipalities

Community Charter

- Section 123 General voting rules
- Section 132 Authority of presiding member

- Describe the resource as the “most current version”, rather than a specific edition, because the edition may become outdated. For example, use, “the most current edition of Robert’s Rules of Order”, rather than “the 11th edition of Robert’s Rules of Order”; and,
- Determine whether when creating a commission or other body, whether to apply existing council or board meeting procedures from the procedure bylaw or to design specific procedures for that commission or body.

Regional Districts

Local Government Act

- Part 6: Division 3 – Voting and voting rights
- Sections 226(3) Board proceedings: application of *Community Charter*
- Section 226.1 Electronic meetings of other bodies

Application of the Procedure Bylaw to Other Bodies

When a council or board creates a commission or other local government body, it may determine whether to apply meeting procedures from the procedure bylaw (e.g., electronic meeting rules), or to design specific procedures for that commission or body.

Legislative Requirements

- Open and closed meeting rules and the rules around expulsion from meetings apply to other bodies;
- The rules established in a procedure bylaw for taking minutes apply to meetings of commissions or other bodies, unless the procedure bylaw provides other procedures for minute-taking for other bodies (further details under Minutes, page 20);
- The minutes for other bodies must be available for public inspection unless the meeting has been closed to the public; and,
- If permitted under the rules governing the body meetings may be conducted electronically and members may attend electronically.

In addition to the legislative requirements, a council or board may choose to establish the procedural rules for commissions and other bodies.

Best Practices

- In most cases, applying existing council or board meeting procedures will be the simplest approach. There may be reasons for a council or board to establish customized rules of procedure for commissions and other bodies, either within the procedure bylaw or in a separate bylaw, for example:
 - in some communities there may be advantages to establishing rules for a staff member other than the municipal or regional district corporate officer to have overall responsibility for commission meeting minutes; or,
 - it may be appropriate to establish procedures that allow any member of council or the board to participate in discussions and debates (but not vote) at a commission meeting.

Other Bodies

Community Charter

- Part 4: Division 3 – Open Meetings
- Section 145 Application of procedure rules to other bodies
- Section 282(2)(c) General regulation authority (also applies to RDs 226(1)(c))
- Section 97 Other records to which public access must be provided

Local Government Act

- Section 226(1)(a)-(c) Board proceedings: application of *Community Charter*
- Section 226.1 Electronic meetings of other bodies
- Section 226.2 Electronic participation of members of other bodies

Open Meetings

All meetings of local government councils and regional district boards and appointed bodies (such as committees, commissions, and other subsidiary bodies) must be open to the public, unless the subject matter

Municipalities

Community Charter

- Section 89 General rule that meetings must be open to the public
- Section 93 Application of rules to other bodies
- Section 134.1(2) Meetings and hearings outside municipality

falls under the closed meetings provisions in the *Community Charter* and/or *Local Government Act*. The requirements around open meetings are intended to be applied broadly, in keeping with the principle of openness, transparency and accountability.

If a council or board chooses to allow for electronic meetings in their procedure bylaw they must also be open to the public and meet transparency requirements set out in the legislation.

All discussion and decisions made by a council or board must occur in properly called meetings, where the public can review the agenda and

listen to the debate. Open meetings allow residents to understand how and why a council or board made a decision or approved or adopted a resolution or bylaw.

Legislative Requirements

- Meetings must be open to the public unless the subject matter relates to one of the items listed in the closed meetings section of the legislation;
- Bylaws must only be read and voted on in open meetings;
- A resolution to close a meeting must be passed in the open part of a meeting and include the basis for that closure; and,
- Councils and boards may by bylaw allow for meetings or other proceedings to be held outside of their boundaries.

Regional Districts

Local Government Act

- Section 226(1)(a) Board proceedings: application of *Community Charter*
- Section 224 Meetings and hearings outside regional district

The Ombudsperson's Guide: [Open Meetings: Best Practices Guide for Local Governments](#) provides best practices for open meetings.

Closed Meetings

There are certain circumstances where a council or board meeting or part of a meeting must or may be closed to the public. Meetings may only be closed for one of the purposes specified in the legislation and must be done so by a resolution or council or the board in the open part of the meeting. Procedure bylaw requirements, codes of conduct and rules of procedure continue to apply to councils or boards during closed meetings.

Closed Meetings

Meetings that must be closed to the public include:

- *Community Charter* section 90(2):
- request under FOIPPA;
- negotiation between federal or provincial government;
- matter being investigated by the Ombudsperson;
- matter under another act where the public must be excluded.

Municipalities

Community Charter

- Section 90 Meetings that may or must be closed to the public
- Section 91 Other persons attending closed meetings
- Section 92 Requirements before meeting is closed
- Section 117(1)(b) Duty to respect confidentiality

Prior to adjourning a closed meeting, it is best practice to determine if any of the decisions made during the meeting could be made public by agreeing to “rise and report” at the next regular (open) council or board meeting. Providing a regular report about decisions made in closed meetings provides council an opportunity to regularly consider whether a decision can be made public, subject to the legislation or privacy rules.

Provide education to council or board members about closed meeting processes and rules at an orientation and consider providing refresher sessions throughout the term of office to assist with understanding the closed meetings processes.

At the start of a closed meeting, the corporate officer may remind members about the specific subject matter that is authorized for discussion during the closed meeting and explain the legislative reason for closing the meeting.

Legislative Requirements

- A resolution to close a meeting must be passed in an open meeting;
- The resolution must outline the applicable subsection of section 90 the *Community Charter* for which the meeting is to be closed;
- Minutes of closed meetings must include the names of all attendees (councils and boards have some limited discretion as to who may attend a closed meeting);
- Bylaws must not be read or voted on in closed meetings; and,
- Council and board members must keep information from closed meetings confidential until such a time the council or board decides the information can be released publically or discussed at an open meeting.

Regional Districts

Local Government Act

- Section 226(1)(a) Board proceedings: application of *Community Charter*
- Section 205(1)(d) Regional District Directors: application of *Community Charter*

Best Practices

- Provide that when an item arises during a closed meeting, which in the opinion of a council or board, does not meet the criteria to be held in a closed meeting, it be referred to an open meeting for discussion;
- Provide public notice of closed meetings;
- Include in the agenda the applicable subsection of the *Community Charter* under which the meeting or part of the meeting is being closed and a general description of the item to be discussed without compromising the reason for closing the meeting; and,
- State that the conduct expectations set out in the procedure bylaw for council or board members continue to apply during closed meetings.

Notice

Notice requirements in the *Community Charter* and *Local Government Act* for regular council or board meetings are part of public engagement and facilitate local government openness, transparency, and accountability.

The notice section of a procedure bylaw provides consistency around when and where meeting information is posted – providing the date, time and place of council and board meetings. This provides adequate time for elected officials and local government staff to understand and prepare for the issues to be discussed. Public notice also informs the public of opportunities to participate in local government decision-making and share views.

Council and boards may wish to consider public notice options beyond the minimum notice requirements set out in legislation. This may include providing meeting information on the local government website, in recreation facilities, on social media and providing an option for the public to subscribe to an email service to receive automatic notice of meetings, minutes and/or agendas.

The public notice framework provides flexibility for councils and boards to use the default publication requirements of publishing in a newspaper once each week for two consecutive weeks; or adopt a bylaw to provide for alternative methods of publication (i.e., a public notice bylaw). For further information: [Public Notice Guidance Materials: For B.C. Local Governments](#).

Regular and Committee Meeting Notice

Procedure bylaws must establish public notice requirements for regular or committee meetings of council or the board.

Municipalities Notice of Regular and Council Committee Meetings

Legislative Requirements

- Identify places to be public notice posting places;
- Make publicly available the schedule of the date, time, and place of regular council meetings;
- Provide public notice of the availability of the schedule for regular council meetings at least once a year in accordance with section 94 of the *Community Charter*;
- Provide advance public notice of the date, time and place of regular council meetings and council committee meetings including the way in which the meeting is to be conducted (if applicable) and establish the procedure for giving that notice in the procedure bylaw.

Municipalities

Community Charter

- Section 94-94.2 Requirements for public notice
- Section 124(d)-(e) Procedure bylaws
- Section 127 Notice of council meetings
- Section 128(2)(b) Electronic regular council meetings
- Section 128.2(2)(b) Electronic council committee meetings

Regional Districts Notice of Regular and Board Committee Meetings

Legislative Requirements

- Identify locations to be public notice posting places;
- Provide advance public notice of the date, time and place of regular board meetings and board committee meetings including the way in which the meeting is to be conducted (if applicable) and establish the procedure for giving that notice in the procedure bylaw.

Regional Districts

Local Government Act

- Section 225(1)(b) and (c) Procedure bylaws
- *Regional District Electronic Meetings Regulation B.C. Reg. 271/2005*

Best Practices for Municipalities and Regional Districts

- Provide public notice in accordance with section 94 of the *Community Charter* of the availability of the schedule of regular meetings at least once a year (required of Municipalities), this includes posting in the public notice posting places;
- Outline a process to give notice of postponed/cancelled meetings or revised meeting schedules;
- Identify whose role (e.g., corporate officer) it is to post notice to the public notice posting places;
- Provide enough notice time for the public to be aware of committee meetings;
- Provide written notice of committee meetings to each committee member;
- Post regularly scheduled committee meeting dates, times and locations in the public notice posting places; and,
- Provide how the public may access the meeting remotely, if available.

Special Meeting Notice

A special meeting is a council or board meeting other than a regular or statutory meeting. Special meetings are held to address specific items outside of the regular meeting schedule, for example review of the proposed financial plan or to debate a major project or event. Local government legislation has specific notice requirements for special council and special board meetings.

If there is an emergency, the legislation provides flexibility for a council or board to waive notice of a special meeting by unanimous vote of all council or board members. Best practice is for councils and boards to use this authority thoughtfully and sparingly for example – illness of the majority of members or some other sudden event, such as a natural disaster or pandemic, that requires immediate decision to be made.

Municipalities

Community Charter

- Section 20 Emergency powers

Regional Districts

Local Government Act

- Section 295 Emergency powers

Municipalities

Legislative Requirements

- The mayor may call a special council meeting at their discretion;
- Two or more council members may, in writing, request that the mayor call a special meeting;
- Two or more council members may themselves call a special council meeting, if:
 - within 24 hours after receiving a request the mayor has not arranged a special council meeting to be held in the next seven days; or,
 - both the mayor and the person designed to act in place of the mayor are absent or otherwise unable to act.
- Provide notice at least 24 hours before the special meeting by posting a copy of the notice in the regular council meeting place and the public notice posting places, and leave one copy for each council member at the place to which the member has directed notices be sent;
- Notice must include the date, time, and place of the meeting, describe the purpose of the meeting, and be signed by the mayor or the corporate officer;
- Notice of a special council meeting may be waived by unanimous vote of all council members; and,

Municipalities

Community Charter

- Section 126 Calling of special council meetings
- Sections 127(2)-(4) Notice of council meetings
- Section 128.1(2)(b) Electronic special council meetings

- Notice of meetings held electronically must include the way in which, the meeting is to be conducted and for regular and special meetings the place where the public may attend to hear, the proceedings that are open to the public.

Best Practices

- Provide more than the minimum 24 hours' notice to council members and the public;
- Document the reasons why notice requirements were waived (if applicable) in the minutes and try to provide as much advance notice to council members and the public as possible; and,
- Provide notice of postponed special meetings on the website and social media.

Regional Districts

Legislative Requirements

- Upon request of the chair or two directors, the corporate officer must call a special meeting;
- Provide notice at least 24 hours before the special meeting by posting a copy of the notice at the regular board meeting place, the public notice posting place, and leave one copy for each board member at the place to which the member has directed notices be sent;
- Notice must state the general purpose, date, time, and place of the meeting, describe the purpose of the meeting and be signed by the chair or corporate officer;
- Notice of a special meeting may be waived by a unanimous vote of all directors; and,
- Notice of meetings held electronically must include the way in which, the meeting is to be conducted and for regular and special meetings the place where the public may attend to hear, the proceedings that are open to the public.

Regional Districts

Local Government Act

- Section 220 Calling of special board meetings
- Section 222 Regulations establishing special rules for dealing with urgent issues
- *Regional District Special Voting Regulation B.C. Reg 41/91*
- *Regional District Electronic Meetings Regulation B.C. Reg. 271/2005*

Best Practices

- Outline the process to provide public notice of special meetings; and,
- Document the reasons why notice requirements were waived (if applicable) in the minutes and try to provide as much advance notice to board members and the public as possible.

Committee of the Whole Meeting Notice

If a council or board holds Committee of the Whole (COTW) meetings then a procedure to provide advance public notice must be established (details under Committee of the Whole Meetings, page 30).

Legislative Requirements

- Provide advance notice of the date, time, and (if applicable) place of COTW meetings and establish the procedures to give notice.

Municipalities

Community Charter

- Section 124(2)(d) Procedure bylaws
- Section 128.2(2)(b) Electronic council committee meetings

Best Practices

- Provide that the notice of the annual schedule of regular COTW meetings, revised or cancelled COTW meetings be posted at the public notice posting place and by other methods (e.g. website and social media);
- Provide enough notice time for the public to be aware of COTW meetings; and,
- In the notice of an upcoming COTW meeting, include information about the topics to be discussed so the public can understand the purpose of the meeting.

Regional Districts

Local Government Act

- Section 225(1)(b) Procedure bylaws
- *Regional District Electronic Meetings Regulation B.C. Reg. 271/2005*

Technology

The use of technology in preparation for meetings and during meetings may be considered in the procedure bylaw and as new technologies are introduced and used for meetings (for example, electronic agendas or electronic meetings). A balance between transparency and privacy needs to be carefully considered when technology is being used at meetings. The use of technology must adhere to the requirements under the *Freedom of Information and Protection of Privacy Act*.

Councils and boards may choose to establish a technology policy that considers the use of technology for meetings. Such a policy would address how to deal with issues that may arise when technology is used for meetings (for example, if meetings are recorded or livestreamed).

Technology Policy

A technology policy may also include:

- the authority for the CAO or Corporate Officer to interrupt the recording or remove the recording from the website due to content that may or must be discussed in a closed meeting;
- procedures to ensure the public are made aware that the meeting may be recorded including for example, signage and verbal notification at the start of the meeting;
- storage, retention, copyright and distribution of meeting video recordings;
- how long the recordings will be publicly available and retained;
- a process to follow if there is a technology failure during a meeting; and,
- the use of cell phones during meetings.

Best Practices

- Provide that the presiding member may require video recording devices (for example, for media) be placed in a designated location;
- For regional districts where the [Special Voting Regulation](#) applies outline how voting will be conducted at meetings if electronic voting is available (details in Tie Votes box, page 23); and,
- Include what to do in the event of a loss of quorum due to technical difficulties. For example, adjourn the meeting and reconvene as soon possible once quorum can be achieved and public notice requirements met or at the next meeting.

Agendas

The legislation does not set out requirements for meeting agendas; however, procedural rules (for example, Robert's Rules of Order) provide guidance for managing meeting agendas. Including the process for accepting agenda items in the procedure bylaw assists elected officials and local government staff to clearly understand how to add items and manage the agenda.

The public may also bring items forward to be added to the agenda for council or board consideration (details under Addressing Council or the Board at Meetings, page 28).

Local governments with extensive agendas may have a process for putting items on a "consent agenda" for efficiency. Consent agenda items usually include non-controversial items where no further debate is required. A consent agenda is not a separate agenda, but rather a separate item on the meeting agenda. Items may be separated out from the consent agenda at the meeting if there are objections from a council or board member.

Councils and boards may wish to develop an internal policy for closed meeting agendas to ensure they are kept confidential until a decision to disclose the information has been made. For example, only provide agendas in hard copy on coloured paper, distribute the agenda at the start of the closed meeting and collect all agendas at the end of the closed meeting. The policy may also consider how to deal with agendas for closed meetings that may be held electronically.

Best Practices

- Include a standard order of business for meetings;
- Provide a time frame and method for acceptance of agenda items and whether/how late items may be added to the agenda;
- Provide a reasonable time frame for how far in advance agendas are provided to the council or board, staff, and the public;
- Indicate whether members will receive a hardcopy or electronic versions of the agenda (for example, only provide hard copies of closed meeting agendas at the start of the meeting);
- Outline where regularly scheduled meeting agendas are available to the public (for example, public notice posting places, or on the municipal or regional district website);
- Provide a procedure for how a council or board member can bring forward an item of business that is not on the agenda and how it is dealt with – commonly referred to as a "notice of motion" (details in Understanding Motion and Notice of Motion). Procedures for notice of motion may include:
 - if the notice of motion needs to be made in writing to the corporate officer;
 - whether the motion needs to be seconded by another member of the council or board;
 - whether the motion needs to be provided to the corporate officer in advance of the meeting within a certain timeline;
 - if the notice of motion is made during a meeting it is added to the agenda of the next regular board meeting, or to the agenda of a special board meeting for that purpose;
 - inclusion of background materials; and,
 - whether consideration of the notice of motion is postponed if the member who introduced it is not present at the meeting and it is on the agenda, unless they have provided written consent.
- Provide that the council or board can proceed with a notice of motion on the agenda if the member adding the item is not present and the majority of the council or board resolves to proceed.

Understanding Motion and Notice of Motion

A motion is a proposal made by a member of the council or board to bring forward an idea and specific course of action. Typically, council may debate and vote on a motion only if it is made by one member and seconded by another. A motion may be made during a regular meeting and added to the agenda, but typically with the permission of the council or board. If a motion is not decided upon, it may be referred to a committee meeting.

The notice of motion is the written motion provided by the member to the corporate officer to be added to the agenda. Procedure bylaws typically include a procedure outlining details for how a notice of motion is made and the item put on the agenda of a meeting. The procedure bylaw also provides procedures for consideration of the notice of motion at a meeting. Prior notice of a motion is important, particularly if there is likely to be disagreement.

Minutes

Providing council or board members and the public with meeting minutes supports local government transparency and accountability. Clear processes around minutes in procedure bylaws provides guidance and expectations to council or board members, local government staff and the public.

The requirement to take minutes applies to all meetings. The corporate officer must ensure that minutes are accurate, including minutes of closed meetings. Minutes of closed meetings must record the names of all persons in attendance. The legislation permits the council or board to allow one or more municipal officers and employees to attend or exclude them from a closed meeting. Elected officials may want to limit the circumstances in which the corporate officer or another staff person able to take minutes is excluded from closed meetings.

Allow adequate time between meetings to publicly post the draft minutes so elected officials and the public have an opportunity to review and provide feedback to the corporate officer before they are considered for adoption by council or the board. This may lead to fewer last-minute changes or challenges to the record of minutes. Mark draft minutes as “DRAFT” and include a statement outlining how they become official.

Municipalities

Legislative Requirements

- Municipal procedure bylaws must provide for the taking of minutes of municipal council and committee meetings, including certification of those minutes;
- Rules for taking minutes at council committee meetings applies to meetings of other bodies, unless the procedure bylaw provides for other procedures for taking of minutes by a body established by council; and,
- Copies of council minutes must be made available to the public.

Regional Districts

Legislative Requirements

- Regional district board meeting minutes must be legibly recorded, certified as correct by the designated regional district officer and

Municipalities

Community Charter

- Section 124(2)(c) Procedure bylaws
- Section 145 Application of procedure rules to other bodies
- Section 91(1)(3) Other persons attending closed meetings
- Section 97(1)(b) Other records to which public access must be provided

signed by the chair or acting chair at the meeting or at the next meeting at which they are adopted; and,

- Copies of board minutes must be made available to the public.

Best Practices for Municipalities and Regional Districts

- Outline where the minutes of all open meetings are posted for the public (for example, public notice posting places and municipal or regional district website);
- Provide a reasonable time frame or refer to a policy for when the draft minutes are available to council or the board, staff, and the public before the next regular meeting;
- Provide a reasonable time frame for provision of the certified minutes to council or the board and the public;
- If appropriate establish alternate procedures for minute taking for commissions and other bodies. For example, allow for less formal methods of record-keeping that may be more suitable; and,
- Refer to the applicable policy for administrative fixes that allow the corporate officer to make minor corrections to the certified minutes, such as minor typos or numbering errors.

Regional Districts

Local Government Act

- Section 223 Minutes of board meetings and committee meetings
- Section 226 (1)(a) Board proceedings: application of *Community Charter*
- Section 268 Other public access requirements: application of *Community Charter*

Bylaws and Resolutions

Councils and boards may only make decisions by bylaw or resolution. In some cases, provincial legislation requires that a local government power be exercised by bylaw only – for example, regulating services. If the legislation does not specify that a bylaw is required, local governments have the choice to either pass a bylaw or a resolution when making decisions.

Bylaws may be used for a variety of purposes – to establish meeting procedures, regulate services, for long-term borrowing, to prohibit an activity, or require certain actions. Local governments may also exercise certain statutory authority through resolution, which is a formal record of a decision by a council or board.

Local government legislation provides the general requirements for councils or boards to adopt, amend or repeal bylaws. The procedure bylaw may outline additional process requirements established by the council or board that are specific to that local government.

Legislative Requirements

- Before a bylaw is adopted, it must be given three readings;
- A bylaw may be given up to three readings at one meeting;
- There must be at least one full day between the third reading and the adoption of a bylaw (some exceptions apply);
- Bylaws that require the approval of Cabinet, a Minister, the Inspector of Municipalities, or the electors must receive Provincial approval between third reading and adoption;

Municipalities

Community Charter

- Section 122 Exercise of powers by bylaw or resolution
- Section 124 Procedure bylaws

- If a public hearing is required for a land use bylaw (for example, official community plan amendments) the hearing must be held after first reading and before third reading; and,
- Once the bylaw is adopted, the chair of the meeting where the bylaw was adopted, and the corporate officer must sign the bylaw.

Exceptions

- Municipal and regional district official community plan and zoning bylaws may be adopted at the same meeting where third reading was given – provided the bylaw does not require Provincial approval; and,
- Regional district bylaws that do not require approval, consent, or assent before they are adopted may be adopted at the same meeting where third reading was given. The motion for adoption must have an affirmative vote of at least 2/3 of the votes in order for it to pass.

Best Practices

- Outline how a resolution or bylaw may be introduced at a meeting;
- Provide the corporate officer with a written copy of a notice of motion bringing forward a bylaw or resolution before a meeting;
- Provide a copy of the proposed bylaw or resolution being introduced to each member at least 24 hours before the meeting;
- Provide that a motion to waive the 24 hours requirement may be passed by unanimous vote of all council or board members;
- Allow for the corporate officer to consolidate one or more of the municipal or regional district bylaws for official use;
- Refer to an administrative fix policy (if applicable) to allow the corporate officer to make minor corrections to bylaws at third reading and adopted bylaws, such as spelling mistakes and numbering errors; and,
- Provide that an adopted and signed copy of a bylaw be kept on record.

Regional Districts

Local Government Act

- Section 207 General rules: voting on resolutions and bylaws
- Section 225 Procedure bylaws
- Section 226 Board proceedings: application of the Community Charter
- Section 227 Bylaw procedures: application of *Community Charter*
- Section 228 Bylaw adoption at same meeting as third reading
- Section 465 Public hearing procedures

Tie Votes

In the case of a tie vote at a council meeting or regional district board meeting, the motion is defeated.

Municipal Voting

Each council member, including the mayor, has one vote on any question and decisions are made by a majority of the council members present at the meeting. All council members present at the time of the vote, must vote on the matter (unless they declare a conflict of interest) and if they do not indicate how they have voted, the council member is deemed to have voted in the affirmative.

Regional District Voting

Voting on regional district boards can be complex because regional districts are made up of jurisdictions of different size populations that may participate in different services. The general rules on voting on resolutions and bylaws still apply. Voting on resolutions and bylaws is decided by a majority of the votes cast, and in accordance with Division 3 of the *Local Government Act* – Voting and Voting Rights. All board members present at the time of the vote, must vote on the matter (unless they declare a conflict of interest) and if they do not indicate how they have voted, the member is deemed to have vote in the affirmative.

Regional districts have three different voting mechanisms – unweighted corporate vote, weighted corporate vote and weighted stakeholder vote. These voting rules take into account participation in regional district services, corporate structure of regional districts, and the population of jurisdictions in the regional district. As a best practice many regional districts include the type of vote (stakeholder, corporate, weighted, unweighted) with the agenda item so there is a shared understanding of voting prior to the meeting.

For some regional districts, the [Regional District Special Voting Regulation B.C. Reg. 17/98](#) provides that where the chairperson and one other director consider that the issue to be voted on is urgent and that calling a regular or special meeting to conduct the voting is impractical that for some issues electronic or telephone voting may be conducted. This kind of vote may not be conducted for annual budget bylaws, zoning bylaws, bylaws adopting official community plans or rural land use bylaws. Note: Only those regional districts listed in the schedule to this regulation may use the special voting regulation.

Reconsideration of a Council or Board Decision

Occasionally, a council or board may wish to bring back a decision for reconsideration due to new information that has been brought forward following a motion or resolution being defeated. Local government legislation provides the authority for the mayor or chair to bring a matter back for reconsideration and have council or the board vote on it again – subject to specific legislative restrictions. Reconsideration of council or board decisions is a complex issue that may require consideration of case law in addition to any procedures provided for in the procedure bylaw.

Council or board members may also bring back a decision for reconsideration following the procedural rules referenced in the procedure bylaw (for example, Robert’s Rules of Order). The procedural rules for reconsideration may differ for committee or other meetings outside of regular council or board meetings.

Municipalities

Legislative Requirements

- A mayor may require the council to reconsider and vote again on a matter that was the subject of a vote;
- Reconsideration is restricted to the same council meeting as the vote took place or within 30 days following that meeting;
- A matter may not be reconsidered if it has received the approval or assent of the electors and subsequently been adopted, or it has previously been reconsidered by council;
- The matter under reconsideration must be dealt with as soon as convenient, and council has the same authority it had in its original consideration of the matter; and,
- If the original decision to adopt a bylaw or resolution is rejected upon reconsideration, the bylaw or resolution is of no effect and is deemed to be repealed.

Municipalities

Community Charter

- Section 131 Mayor may require council reconsideration of a matter

Regional Districts

Legislative Requirements

- A chair may require the board to reconsider and vote again on a matter that was the subject of a vote;
- A matter may not be reconsidered if it has received the approval or assent of the electors and subsequently been adopted, or it has previously been reconsidered by the board;
- The matter under reconsideration must be dealt with as soon as convenient, and the board has the same authority it had in its original consideration of the matter;
- If the original decision to adopt a bylaw or resolution is rejected on reconsideration, the bylaw or resolution is of no effect and is deemed to be repealed; and,
- The chair may return the matter for reconsideration at the meeting of the board following the original vote, whether or not this is within the 30-day period.

Regional Districts

Local Government Act

- Section 217 Chair may require board reconsideration of a matter

Best Practices for Municipalities and Regional Districts

- Indicate the procedural rules to follow (for example, Robert's Rules of Order) for reconsideration where a council member or director must have voted with the majority for or against a motion. Note: this rule may differ for council or board committee meetings;
- Include the process and circumstances under which reconsideration would be permitted by other council or board members, similar to those required of the mayor or chair (using the procedural rules resource referenced in the procedure bylaw as a guide);
- Provide a specific time frame for when a motion could be reconsidered, typically at the same meeting as the vote took place (restricted to 30 days for municipalities);
- Provide that a notice of motion be required and seconded by another member;
- Indicate the number of times the item can be reconsidered within a specific time period, typically once; and,
- State that matters may not be reconsidered if they have been acted on irreversibly by an officer, employee or agent of the municipality or regional district (for example, if a contract is signed).

Electronic Meetings

A council or board may wish to allow for electronic meetings in the procedure bylaw in case of an emergency such as a natural disaster or a pandemic. If a council or board chooses to have the option to hold regular, special or committee meetings electronically, the procedure bylaw must authorize it and include information on the electronic meeting process and electronic participation by members.

The choice of when to use the electronic meetings authority in the legislation (for example, how often and in what circumstances) and other rules for electronic meetings is up to each council or board. Electronic meetings can be a useful tool for councils and boards; however, they are not a substitute for in-person meetings. See Appendix 1 for questions to consider before authorizing electronic meetings.

Before the authority to conduct meetings electronically is included in the procedure bylaw, a council or board needs to consider whether it has adequate technology and policies in place to support electronic meetings. Councils and boards may decide to include further electronic meeting rules and procedures to guide council and board members, staff, and the public in an electronic meetings policy. Local government staff may also want to provide additional training to council or board members on the associated electronic meeting policies and how to chair electronic meetings. See Appendix 2 for details about electronic meeting and corporate policies.

Council or boards may authorize electronic meetings for local government bodies (e.g. commissions). If a council or board chooses to have the option to hold local government body meetings electronically, the council or board can set electronic meeting rules for the body. As a best practice, councils and boards may want to apply the electronic meeting rules in the procedure bylaw to local government bodies or set rules for electronic meetings in the rules governing the body. If electronic meetings are held the technology must enable the meetings participants and the public to hear, or watch and hear the meeting.

Electronic Meetings vs Electronic Participation

Electronic meetings, if authorized by bylaw, are meetings where all members of a council or board may participate electronically (e.g., videoconference, audioconference or telephone).

Electronic participation, if authorized by bylaw, allows for a hybrid meeting where some members of a council or a board attend in person, and other members attend by electronic means.

Electronic Regular Meetings

Legislative Requirements

- Must be authorized in the procedure bylaw and the following requirements must be met, the;
 - meeting must be conducted in accordance with the procedure bylaw;
 - procedure bylaw must provide for advance public notice of the meeting including, the:
 - way in which the meeting is to be conducted;

Municipalities

Community Charter

- Section 128 Electronic regular council meetings
- Section 128.1 Electronic special council meetings
- Section 128.2 Electronic council committee meetings
- Section 145.1 Electronic meetings of other bodies

Regional Districts

Local Government Act

- Section 221 Electronic meetings and participation by members
- *Regional District Electronic Meetings Regulation B.C. Reg. 271/2005*
- Section 226.1 Electronic meetings of other bodies

- place where the public can attend to hear, or watch and hear the open parts of the meeting;
 - procedure bylaw must include procedures for giving public notice;
- The technology must enable, the:
 - meeting's participants to hear, or watch and hear, each other;
 - public to hear, or watch and hear, the open parts of the meeting;
- A designated municipal officer must attend the place of the meeting; and,
- Members who are participating electronically are deemed to be present.

Electronic Special Meetings

Legislative Requirements

- Must be authorized in the procedure bylaw and the following requirements must be met, the;
 - meeting must be conducted in accordance with the procedure bylaw;
 - notice must include the way in which the meeting is to be conducted and the place where the public may attend to hear, or watch and hear the open parts of the meeting;
- The technology must enable, the:
 - meeting's participants to hear, or watch and hear, each other;
 - public to hear, or watch and hear, the open parts of the meeting;
- A designated officer must attend the place of the meeting; and,
- Members who are participating electronically are deemed to be present.

Electronic Committee Meetings

Legislative Requirements

- Must be authorized in the procedure bylaw and the following requirements must be met, the;
 - meeting must be conducted in accordance with the procedure bylaw;
 - procedure bylaw must provide for advance public notice of the way in which the meeting is to be conducted and establish the procedure for giving that public notice;
- The technology must enable, the:
 - meeting's participants to hear, or watch and hear, each other;
 - public to hear, or watch and hear, the open parts of the meeting;
- Members who are participating electronically are deemed to be present.

Best Practices for Municipalities and Regional Districts

- Allow for electronic regular, special, and/or committee meetings in the event that meeting in person is not possible (for example, due to an emergency scenario);
- Describe the circumstances when electronic meetings are permitted (e.g., regular, special, committee, open/closed);
- Develop guidelines either in the procedure bylaw or an electronic meeting policy to assist with the electronic meeting process, for example:
 - the method the presiding member will use to take and verify votes in the electronic context (for example, each member must state their name and indicate 'yea' or 'nay' on any vote);
 - the method for a council or board member to make a motion or point of order during the meeting; and,
 - how council or board members may add items to the agenda in an electronic meeting;
- Provide as much notice as possible if a meeting will be held electronically;

- Provide adequate instructions in the notice so the public knows how to access or participate in the meeting electronically (for example, provide a teleconference number or a link to the local government website for information on how to watch an audio or video conference);
- Outline the process for delegations and the public to participate in electronic meetings and how to deal with members of the public that have not been invited to speak;
- Publish the agenda well in advance of meeting date (if possible);
- Outline procedures to determine quorum (and procedures to follow if quorum is lost due to technical difficulties);
- Include procedures for how to shift from an open to a closed meeting during electronic meetings;
- Consider how to deal with declarations of conflict of interest in an electronic setting; and,
- Avoid referring to a specific technology to use for electronic meetings in case the technology changes.

Electronic Participation

Electronic participation by a council or board member at an in-person meeting may occur if such participation is authorized in the procedure bylaw. Electronic participation at meetings enables elected officials to participate under circumstances where they are unable to be physically present.

A potential challenge local governments may wish to consider is the implications if a presiding member were to attend electronically. For example, a presiding member may have difficulty observing and deciding on points of order that may arise during the meeting if they are attending electronically. It is important for local governments to carefully consider the practical challenges that may arise as they establish electronic meeting procedures.

While the legislation does not preclude the presiding member from attending electronically, this situation could pose challenges for council or board members attending the meeting and may make it difficult for the presiding member to fulfill their duties.

Council or boards may choose to authorize electronic participation of members for local government bodies (e.g. commissions, advisory committees). If a council or board chooses to allow electronic participation - the meeting members and the public must be able to hear, or watch and hear the member attending electronically.

Legislative Requirements

- If electronic meetings are authorized in the procedure bylaw a member who is unable to attend a council or board meeting in-person may participate electronically;
- Council and board members participating electronically are deemed to be present at the meeting;
- Council and board members must be able to hear the member(s) participating electronically; and,
- Except for closed parts of the meeting, the public must be able to hear the member(s) participating electronically.

Municipalities

Community Charter

- Section 128.3 Electronic participation by members in council and council committee meetings
- Section 132(1) Authority of presiding member
- Section 145.2 Electronic participation of members

Regional Districts

Local Government Act

- Section 221(2) Electronic meetings and participation by members
- Section 226.2 Electronic participation of other bodies
- *Regional District Electronic Meetings Regulation B.C. Reg. 271/2005*

Best Practices for Municipalities and Regional Districts

- Develop guidelines for electronic attendance at meetings so consistent practices are clear to all members:
 - identify a process for council or board members to follow to notify the corporate officer, mayor, or chair that they wish to attend electronically;
 - include a maximum number of members that may attend the same meeting electronically and provide that in the event of an emergency maximums do not apply;
 - set out a process for the corporate officer to follow if more than the maximum number of members request to attend electronically;
 - include how agendas will be provided to those attending electronically;
 - identify maximum number of consecutive meetings which a member may attend electronically and provide that in the event of an emergency maximums do not apply;
 - identify maximum number of times per year or how often a member may attend electronically and provide that in the event of an emergency maximums do not apply;
 - ask that members identify others who are in the room with them if attending electronically;
 - ask that members eliminate background noise as much as possible if attending electronically;
 - include that members attending a closed meeting electronically must ensure that no other person is in the same room as the member during the meeting and that no other person can observe or hear the meeting; and,
 - outline the process for how members attending electronically can vote on a motion or participate in the debate.
- Require that a member attending electronically inform the presiding member when they join and leave the meeting to support accurate minutes and attendance; and,
- Provide that electronic attendance is permitted at other kinds of meetings (for example, special or committee meetings).

Addressing Council or the Board at Meetings

Councils and boards may establish rules in their procedure bylaw to allow speakers and/or delegations to present on a topic and allow for requests from the public (also known as public delegations) to appear at meetings. Councils and boards that authorize electronic meetings may also establish how the public may participate in electronic meetings in their procedure bylaw or in an electronic meetings policy.

Local government legislation does not include specific requirements for public delegations to appear at council or board meetings. A clear process for the public to speak before council or the board supports the principles of respect, accountability, and collaboration. Established rules provide consistency and assist with meeting management.

Local Government Act

- Section 465(2) Public hearing procedures

The rules for the public to be heard at public hearings are different from council or board meetings. All people who believe their interest in property is affected by the proposed bylaw must be given a reasonable opportunity to be heard or present a written submission on the information provided in the bylaw that is the subject of the hearing.

There are other circumstances where the public has a right to be heard by a council or board as a result of a decision made by council or board. For example, refusal of business licenses or a person required to take remedial actions on their property.

A council or board may wish to include in their meeting notice alternate ways for the public to provide input about local government issues in the event they are unable to be present at a meeting or in the event of an emergency. To help the public understand how to address the council or board, the local government may choose to provide an outline of the process on its website.

Best Practices

- Outline in the procedure bylaw how the conduct provisions of the procedure bylaw apply to public delegations and presentations;
- Establish the section of a meeting when the public will be permitted to address council or the board;
- Communicate a process to the public for how to address the council or board at meetings and include:
 - the process for a member of the public to request to speak at a meeting;
 - information required from the public in advance of the meeting (if any);
 - the time frame for submissions for inclusion on the agenda;
 - limits on the frequency and length of presentations by delegations;
 - how requests to address the council or board are handled by the corporate officer;
 - how many presentations or delegations may be heard per meeting and whether or not more may be added by resolution during the meeting;
 - whether someone may replace the person or delegation who requested to speak;
 - how the speaking order of presentations or delegations is determined. For example, formal delegations speaking on a particular issue may be given priority;
 - expectations around respectful conduct; and,
 - how disrespectful conduct will be managed.
- Outline what the public may speak to and restrictions on certain topics at meetings (details in the Restrictions box, below);
- Refer topics that might affect the financial or operational plan allow to staff for a report before it is considered by the council or board;
- Provide an option for presenters with new requests to address the council or board at a meeting, if approved by the unanimous vote of the members present;
- Provide an option for written submissions for those who are unable or do not want to speak at a meeting;
- Ask delegations to specify what they are seeking from the council or board;
- State that items of a time sensitive nature may be heard first by a council or board; and,
- Provide alternate ways for the public to provide input on agenda topics. Alternate ways may include by: email; phone; online submission form; or, virtual real-time question and answer period.

Public Participation

Local governments provide other opportunities for the public to provide comment and participate. For example, through:

- Questionnaires or surveys;
- Public consultation or open houses;
- Public hearings;
- Public approval opportunities for bylaws or loans; and,
- Public participation on committees or commissions.

Restrictions

Restrictions of delegation topics may include:

- Subjects that do not fall within the jurisdiction of council or the board;
- Bylaws where a public hearing is to be held;
- Matters subject to legal proceedings where a judgement has not been given;
- Publicly tendered contracts or proposal calls that have not yet been awarded;
- Staffing or labour relations matters;
- Applications, permits or licenses not yet considered by council or the board;
- Information considered in closed meetings – unless the information has been released; and,
- Promotion of businesses.

Committee of the Whole Meetings

Committee of the Whole (COTW) meetings are a non-binding committee made up of all council or board members that meets regularly throughout the year. COTW meetings are generally held to discuss or debate a topic less formally, develop common understanding, help reach consensus and develop recommendations to report back to the council or board. COTW meeting procedures are the same as regular meetings unless specific procedures are outlined in the procedure bylaw.

It is best practice to refer regular meeting topics that need further discussion to a COTW meeting. Once the COTW has reviewed all matters on the agenda a motion may be made to refer recommendations of the COTW to the council or board for consideration.

Legislative Requirements

- If a local government chooses to have COTW meetings they must establish rules of procedure for those meetings in its procedure bylaw.

Municipalities

Community Charter

- Section 124(2)(b)-(d)
Procedure bylaws

Best Practices for Municipalities and Regional Districts

- Establish whether the procedure bylaw applies to COTW or set out separate COTW meeting procedures, including how many members are needed for quorum;
- Provide public notice of COTW meetings;
- Post schedules of COTW meetings at the public notice posting places and on the local government website;
- Rotate the chair to provide opportunity for skill development and succession planning;
- Refer COTW agenda items back to the full council or board for approval; and,
- Prepare terms of reference for COTW.

Regional Districts

Local Government Act

- Section 227 Bylaw
procedures: application of
Community Charter

Delegation allows the delegated person or body to conduct detailed and focused consideration of the operation or administration of a service or function and to make decisions to the extent authorized.

Reconsideration of Decision Made by Delegate

Local government legislation allows for a council or board to delegate its powers to a committee, an officer or employee of the municipality or regional district, or another body established by the council or board. For example, a council or board may delegate authority to the Chief Administrative Officer or Corporate Officer to enter into contracts up to a maximum amount.

Procedures for the delegated authority are generally in a separate “delegation bylaw”; however, a procedure bylaw may include the process to appeal a decision (reconsider) where a council or board has delegated authority to an officer or employee, or another body established by the council or board.

Municipalities

Legislative Requirements

- A council may by bylaw establish the right to have decisions made by a delegated authority reconsidered by council. (Note: There are some powers a council may not delegate, for example, the power to adopt a bylaw);
- There are also some matters where the legislation establishes a right of reconsideration by council (for example, for refusal of a business license or required remedial actions);
- If a council delegates its decision-making power it must, by bylaw, establish procedures for reconsideration, including how an application for reconsideration can be made;
- In undertaking a reconsideration, council has the same authority as conferred upon the delegate; and,
- If there is a right to seek reconsideration, the person subject to the decision must be advised of this right.

Municipalities

Community Charter

- Section 154 Delegation of council authority
- Section 155 Special rules respecting delegation of hearings and other proceedings
- Section 156 Reconsideration of delegate’s decision

Regional Districts

Legislative Requirements

- A board may delegate a power, duty or function only by bylaw adopted by an affirmative vote of at least 2/3 of the votes cast;
- If a board delegates its decision-making power and in relation to that delegation, an enactment establishes a right to have a delegated decision reconsidered by the board; the board must, by bylaw, establish procedures for reconsideration, including how an application for reconsideration can be made;
- In undertaking a reconsideration, the board has the same authority as conferred upon the delegate; and,
- If there is a right to seek reconsideration, the person subject to the decision must be advised of this right.

Regional Districts

Local Government Act

- Section 230 Bylaw required for delegation
- Section 232 Reconsideration of delegate’s decision

Best Practices for Municipalities and Regional Districts

- Include how a council or board may reconsider a delegate’s decision in the delegation bylaw and include a cross reference to it in the procedure bylaw; and,
- Outline the process if a person wants to appeal a delegated decision, for example:
 - a person may appear before a council or board at the meeting which the appeal is taking place in order to present their position, but must submit a written request, that includes the reasons why the person wishes to have the decision reconsidered, to the corporate officer prior to the meeting where the appeal is to take place.

Quorum

Quorum is the minimum number of members that must be present to make the considerations at a meeting valid. Quorum is required at council and board meetings to ensure agenda items are considered by the majority of elected council or board members.

Council or board members participating electronically are deemed to be present if electronic participation and/or electronic meetings are authorized in the procedure bylaw. Procedure bylaws may include what steps can be taken in the event there is not quorum or a loss of quorum at an electronic meeting. This ensures a process is in place to adjourn the meeting in the event there is no quorum.

Best Practices

- Provide a specific time period to wait for council or board members to arrive (for example, 15 minutes);
- Require that the Corporate officer records the names of those members present;
- Include a procedure for adjourning the meeting until the next meeting date or until another meeting is held if quorum is not met for the current meeting or if quorum is lost due to means of electronic communication or technology issues; and,
- Include a clause in the procedure bylaw that sets out the quorum requirements for committees.

Municipalities

Community Charter

- Section 118 Size of council
- Section 129 Quorum for conducting business
- Section 128 Electronic meetings and participation by members

Regional Districts

Interpretation Act

- Section 18 Majority and quorum

Correspondence

Local governments may have a policy in place that outlines how correspondence that is addressed to a council or board is managed. The procedure bylaw may refer to the policy or further set out the procedures for how correspondence that is addressed to a council or board is handled.

Best Practices

- Outline what kind of correspondence is accepted and how it is received;
- Provide a process for how a council or board is provided with correspondence (for example, on a secure website) and how it may be added to the agenda of an appropriate council or board meeting; and,
- Outline the process for the corporate officer to take if correspondence does not meet the criteria for which correspondence is accepted.

Personal Information and Privacy

Refer to *the Freedom of Information and Protection of Privacy Act (FOIPPA)* for consideration in how to manage and protect the collection of personal information in-person and online.

If the correspondence is placed on a public agenda, ensure personal information is protected.

APPENDIX 1 – ELECTRONIC MEETINGS/PARTICIPATION CONSIDERATIONS

Questions to consider before authorizing fully electronic meetings or electronic participation:

- Do electronic meetings increase accessibility for elected officials and the public?
- Does the council or board want to authorize electronic regular and committee meetings? If yes, under what circumstances?
- Can the legislative requirements for electronic meetings be met (for example, meeting participants are able to hear, or watch and hear, each other; members of the public may attend a specified place to hear, or watch and hear, the proceedings)?
- Does the procedure bylaw currently authorize electronic special meetings and electronic participation?
- Are there limits on the number of times or consecutive number of meetings a council or board member can participate electronically? Do these limits apply in emergency scenarios?
- Are there electronic meetings procedures (for example, procedure bylaw, electronic meetings policy or technology policy) for the chair and staff to follow for electronic meetings?
- Can council or board members participate in both open and closed meetings electronically?
- If closed meetings are authorized to be held electronically, how is confidentiality being maintained by the participating council or board members?
- Is the available technology reliable?
- How secure is the Wi-Fi used for remote access?
- Are there plans for new or additional technology to support electronic meetings?
- Does the technology support elected officials and the public to participate in electronic meetings (and allow everyone to hear, or watch and hear, the meeting)?
- Does the code of conduct (if applicable) support electronic meetings?
- Is there a public facing document for the public to understand how to participate in electronic meetings?
- Are electronic meetings accessible to persons with disabilities (for example, closed captioning)?
- Is there staff capacity to support electronic meetings?

APPENDIX 2 – ELECTRONIC MEETINGS AND CORPORATE POLICIES

Local governments may decide to include further electronic meeting rules and procedures to guide council and board members, staff, and the public in an electronic meetings policy. Local government staff may also want to provide additional training to council or boards about how to chair electronic meetings and the associated electronic meeting policies.

Local governments may have other supporting policies and procedures to review and amend to align with procedure bylaw amendments for electronic meetings (for example, record retention or respectful workplace policy). Electronic meeting policies can contain more details about electronic meeting processes and the technology used than the procedure bylaw itself. Having these details set out in policy may in turn help increase transparency, openness, accountability, and consistency around electronic meetings.

Best practices to consider for electronic meeting policies:

- Initiate a roll call in alphabetical order at the start of each meeting to ensure those attending/watching know who is present;
- Develop and provide scripts for the chair to ensure that the rules of voting procedures are stated at the beginning of each meeting so all attendees aware of procedure;
- Determine whether the chair or acting chair must be physically present with the staff in council chambers to determine next steps in the event of a technology failure;
- Outline how to deal with connectivity issues or interruptions to video/audio (for example, loss of quorum or during voting);
- Discuss where members may attend electronic meetings from (for example, must be in B.C. or Canada due to FOI concerns);
- Provide clear expectations to members to remain connected throughout the entire meeting and set parameters around when members must be on or off camera or muted;
- Provide information to members about etiquette (for example, lighting, privacy, use of virtual backgrounds).
- Develop a process the Corporate Officer will use to temporarily remove someone from a meeting due to a declared conflict of interest (for example, person must disconnect or be placed in waiting room);
- Determine how quorum will be monitored and how it will be determined and recorded that a member is present, has left or returned to the meeting;
- Detail information about how voting will be handled in electronic meetings and how concerns about accuracy of the vote will be dealt with:
 - how to handle connectivity issues and potential legalities (e.g., when quorum might have been lost or when votes are recorded inaccurately)
 - how to ensure the public has clear information and managed expectations
- Provide a contact person for the public to contact with technical difficulties (e.g., email or telephone number on local government website and/or in the public notice);
- Outline how staff will assist the chair to recognize council or board members or the public who may want to speak;
- Outline how personal privacy will be protected under the *Freedom of Information and Protection of Privacy Act*;

- Determine whether to have a staff member outside of the meeting check and confirm that the livestream is working; and,
- Describe what will be used for backup technology if it fails during a meeting (e.g., regular phone conference line).

APPENDIX 3 – ADDITIONAL RESOURCES

See below for examples of procedure bylaws that may be useful if a council or board is amending a procedure bylaw. These examples are not an exhaustive list and are provided as a starting place. Any questions about the content of the bylaw, the process in developing it or whether it has been subject to legal review should be directed to the local government.

Examples of Procedure Bylaws

- [Capital Regional District \(PDF\)](#)
- [Cariboo Regional District \(PDF\)](#)
- [City of North Vancouver \(PDF\)](#)
- [District of Sparwood \(PDF\)](#)
- [Village of Lumby](#)

Code of Conduct Resources

- [Forging the Path to Responsible Conduct in your Local Government \(PDF\)](#)
- [Conduct of Locally Elected Officials webpages](#)
- [Foundational Principles of Responsible Conduct \(PDF\)](#)
- [Companion Guide: Getting Started on a Code of Conduct for your Council/Board \(PDF\)](#)
- Model Code of Conduct: [Getting Started on a Code of Conduct for your Council/Board \(PDF\)](#)

Delegation Resources

- [Municipal Delegation of Powers or Duties](#)
- [Regional District Delegation of Powers or Duties](#)
- [A Guide to Regional District Board Delegation to Committees and Commissions \(PDF\)](#)

Local Government Meetings

- [“Other Procedures” Section for Regional District Boards](#)
- [Ombudsperson Guide - Open Meetings: Best Practices for Local Governments \(PDF\)](#)
- [Regional District Voting](#)
- [UBCM Fact Sheet – Regional Districts \(PDF\)](#)



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