

Electronic Meetings and Public Hearings: Considerations for Local Governments in British Columbia



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DISCLAIMER

The information contained in this guidance material 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 or legal advice.

This document is a collaboration between the Ministry of Municipal Affairs and the Local Government Management Association.



INTRODUCTION

This document is a collaboration between the Ministry of Municipal Affairs and the Local Government Management Association. It provides municipal councils, regional district boards, Islands Trust local trust committees (“elected officials”), and local government staff with considerations for local government electronic meetings and electronic public hearings.

Local government meetings are gatherings where elected officials make decisions or discuss matters in a way that moves the decision-making process forward. Most meetings are open to the public to facilitate transparency and accountability of the council or the board.

Public hearings allow affected citizens to provide their views to elected officials on planning and land use bylaws.

Amendments to the *Community Charter, Local Government Act* and the *Vancouver Charter* enabling local governments to hold electronic public hearings and electronic meetings (regular, committee and special meetings) came into force on September 29, 2021. Local governments that choose to hold meetings electronically must authorize it in the local government procedure bylaw.

Further amendments to the *Local Government Act* removed the default requirement for local governments to hold public hearings for zoning bylaw amendments that are consistent with an Official Community Plan (OCP) and came into force on November 25, 2021.

MEETINGS

[Section 128 to s.128.3 of the Community Charter \(Charter\)](#) and [s.221 of the Local Government Act \(LGA\)](#) provide that local governments may hold meetings electronically and allow elected officials

to attend meetings by means of electronic communication if it is authorized in the local government procedure bylaw.

The legislation includes specific transparency requirements to ensure public accessibility to electronic meetings. A physical space must be provided for the public to attend to hear, or watch and hear, regular or special meetings that are held electronically. A physical space is not required for committee meetings held electronically.

The legislation also provides that except for any part of the meeting that is closed to the public, the technology used must enable the public to hear, or watch and hear, electronic meetings.

Advance public notice of regular, special and committee meetings must be provided in accordance with the legislation and the local government procedure bylaw. If the meeting is held electronically the notice must include the way in which the meeting is to be conducted. In the case of regular and special meetings held electronically the notice must also include the place where the public can attend to hear, or watch and hear the meeting.

PUBLIC HEARINGS

Requirements for public hearings (hearings) about planning and land use bylaws are provided under [Division 3 of Part 14 of the LGA](#). The legislation allows local governments to choose to hold hearings in-person, electronically, or a combination of both.

If a hearing is held, the last publication of the notice is to appear not less than three days and not more than 10 days before the hearing. If the hearing is not held for a proposed zoning bylaw amendment consistent with an OCP, the last publication of the notice is to appear not less than three days and not more than 10 days before the first reading of the bylaw. The legislation sets out the required content for

public notices (e.g., time and date; place, if applicable; the way in which the hearing is to be conducted).

The legislation provides that, for local governments that choose to hold electronic public hearings, the technology used must enable the public to hear, or watch and hear, the hearing.

For more information about public hearing requirements please visit the following webpage: [Local government public hearings - Province of British Columbia](#).

PROCEDURE BYLAWS

Procedure bylaws are one tool used to set shared expectations for process, procedure, and conduct at council and board meetings.

Local governments may find it helpful to update their procedure bylaw and code of conduct (if applicable) to reflect circumstances where elected officials and the public are able to attend meetings electronically.

For best practices and considerations related to procedure bylaws, please see the [Procedure Bylaw Guide: For B.C.'s Local Governments](#) (PDF).

For more information on responsible conduct, please see [Forging the Path to Responsible Conduct in Your Local Government](#).

Local governments are not required to authorize hearing procedures in a procedure bylaw. Additionally, local governments do not need to amend their procedure bylaw to use the new electronic hearing authorities. However, those local governments that have included hearing procedures in their procedure bylaw are encouraged to review and update it as necessary to accommodate the new legislative framework.

MEETING AND PUBLIC HEARING CONSIDERATIONS

Getting Started: Planning the Meeting or Public Hearing

Principles of openness, accountability, accessibility and transparency guide local governments when planning for meetings and hearings held in-person, via electronic means, or a combination of both (sometimes called a “hybrid” meeting or hearing).

Developing policies and procedures will support local government to ensure fair and equitable treatment for members of the public wanting to attend in-person or online. For instance, electronic meetings/hearings may improve accessibility for many people and equity-seeking groups who face difficulties in attending in-person, including the many British Columbians without access to personal vehicles, with conflicting work schedules, for whom child-care is a challenge, or that have mobility limitations.

MEETING OR PUBLIC HEARING FORMAT

Local governments may host a meeting where some members of the public and elected officials are present in-person, and others are online (e.g., “hybrid” meeting). For regular and special meetings, a physical space must be provided for the public to attend to hear, or watch and hear, the meetings that are held electronically.

On the other hand, for hearings that are held electronically, local governments are not required to provide a physical space for the public to attend. Local governments may choose to hold hearings in-person, electronically, or a combination of both (a “hybrid” hearing).

For controversial topics at meetings or hearings where there is greater public interest for in-person attendance, local governments may want to provide more than one location for the public to attend. Some members of the public could

attend in-person at the location where meetings and hearings are regularly held (e.g., the council chambers), and some could attend at an additional location (large meeting room with viewing screen) organized by the local government where they can hear, or watch and hear, the meeting or hearing electronically. The location(s) selected should be best suited to local circumstances in order to enable greater participation by dispersed communities.

Elected officials may attend in-person, participate electronically, or a combination of both. As a best practice for meetings or hearings that include electronic participation, consider having the Chair attend the meeting or hearing in-person in the same room as the Chief Administrative Officer and/or Corporate Officer.

Choosing the Technology

There are many technology platforms available that provide different degrees of interactivity for elected officials, staff, and the public attending meetings or hearings electronically.

- Choose the technology best suited to the local circumstances to enable electronic participation of elected officials, staff and members of the public.
- Evaluate the types of tools and functions needed within a specific platform to meet existing and future needs.
- Consider immediate and long-term costs of different platforms.
- Consider reaching out to neighbouring local governments to share experiences with different platforms or to share costs and operation of a platform.

When choosing technology, options include:

- Web-based platforms that offer videoconference technology with real-time staff presentations, which could be combined with an audio-only or call-in option for those attending.
- Audioconferences with audio-only access and a call-in option.

Also consider the various available features. For example, some platforms offer features to mute speakers until it is their turn to speak and allow speakers to indicate when they would like to speak.

TIPS: ACCESSIBILITY

1. Consider choosing a technology that is as accessible as possible to staff, elected officials and members of the public and does not require extensive training.
2. Realistically evaluate the technical capacity of staff and elected officials who will need to be present to support or participate in the proceedings. Consider whether the required training and learning period is reasonable when choosing a technology.
3. If possible, try to use similar platforms in the region (e.g., regional district and municipalities), so that participants do not have to familiarize themselves with too many different types of technology.
4. Consider the capacity of staff to manage the production of the proceedings, which could be made more complex through the introduction or use of multiple platforms.
5. Accessibility can also be considered in the context of staff, elected official and public access to physical technology, such as laptops, tablets, or telephones, and access to a stable internet or telephone connection.
6. In addition to videoconferencing, provide for audioconference calls for those who do not have access to videoconferencing technology.
7. Assess needs regarding technical capability and electronic capability. Some may consider audioconferencing platforms as opposed to videoconferencing, depending on technical capability.
8. Ensure that appropriate software is installed on each elected official's device prior to the proceedings.

TIPS: PRIVACY AND SECURITY, USING THIRD-PARTY TOOLS AND APPLICATIONS, AND COLLECTING AND STORING INFORMATION

The collection, use and disclosure of personal information is governed by the [Freedom of Information and Protection of Privacy Act \(FOIPPA\)](#). A member of the public's name, address and email address are examples of personal information.

1. Choose a technology with strong privacy and security features.
2. Consider how the technology service provider responds to privacy breaches and security incidents and choose a reliable provider who proactively engages their customers to address privacy and security issues.
3. Consider the service provider's encryption standards. They should be encrypting data while it is in transit and stored.
4. Consider a web-based platform that provides the option to blur the attendee's background or use a virtual background.
5. Consider seeking advice from a local government's privacy and security consultant, legal advisors, or the Office of the Information and Privacy Commissioner before using any technology or agreeing to any terms and conditions when selecting a specific software product.

For more information about privacy, personal information resources, data collection and storage, please visit the following webpages:

- [Office of the Information and Privacy Commissioner](#)
- [Province of BC – Privacy & Personal Information Resources](#)

Using the Technology

When using the technology, get prepared ahead of time and anticipate technical difficulties.

TIPS: BEFORE THE PROCEEDINGS

1. Be familiar with and comply with the technology service provider's customer use and responsibility policy.
2. Allow public participants to register in advance to speak. In the event of technical difficulties, staff can call them back when it is their time to speak.
3. Use email or encrypted messaging apps to send invitations to public participants and elected officials. Do not share links or access credentials over public websites or social media.
4. Use different passwords and credentials than the ones used for staff work accounts.
5. Update access credentials periodically to reduce the risk of uninvited guests at future meetings.
6. Review settings for screen sharing, annotation or private messaging, or chat. Limiting or disabling these channels will help avoid unauthorized content and other distractions.
7. Set up training for all elected officials prior to using any new technology. Arrange for elected officials who may not have a strong internet connection at home or are unsure about the technology to attend in-person so that staff can provide the necessary support.
8. Consider offering a rehearsal to elected officials, which could help solidify roles and minimize technical issues during the proceedings.
9. Provide tips for staff and elected officials about being on video, such as tips to reduce movement on camera and background clutter, which can be a distraction. Consider providing tips for clothing and lighting as well.
10. Test the system prior to the start of the proceedings.
11. Have elected officials and staff sign in 15 minutes before the start time to ensure the technology is operational.

TIPS: TECHNOLOGY DURING THE PROCEEDINGS

1. Once the technology is confirmed to be operational, have elected officials and public participants mute their microphones and disable video (unless the platform enables staff to do this for them). This can be used to prevent any pre-meeting discussions or interruptions during the proceedings.
2. Consider having public participants wait in “virtual lobbies” before they join.
3. Notify public participants in advance if the proceedings will be recorded or transcribed.
4. Consider restricting access by requiring participants to enter a password to join.
5. Consider allowing only authenticated users, registered or domain-verified users (e.g., people whose email addresses include approved domains).
6. Know how to eject disruptive participants quickly and prevent them from re-joining.
7. Consider having a staff member dedicated to providing support and managing technology issues, content, and public participants.
8. Manage recordings in accordance with local government retention policies.

TIPS: ANTICIPATE TECHNICAL DIFFICULTIES

1. Appoint a staff member to assist and to act as the technical point of contact for elected officials, public and staff. Provide a phone number for that staff member on the local government website for the public to call and receive assistance with technical issues.
2. If there are persistent connectivity issues, consider disabling the video feature for the entire proceeding to help improve connectivity. Consider dedicating additional time on the agenda to provide technical advice and resolve technical issues. Determine if the Chair will call for a

pause or recess until the issue is resolved and then resume the session.

3. The local government website may have troubleshooting tips in case the public has difficulties connecting to the proceedings.
4. If a member of the public is calling in to make comments during the proceedings, staff could provide instructions on how to protect the quality of the connection for the phone call.
5. If a connection with a member of the public is lost, staff could call them back at the number provided at time of registration or when they call in.
6. Always allow for an alternative to electronic participation (e.g., telephone, emailed comments, or in-person).
7. Develop a contingency plan if the electronic meeting cannot proceed due to technical issues or loss of quorum. Note: it's not necessary for all elected officials to attend the public hearing.

TIPS: ADJOURNING

Have another date available in the event the electronic meeting/hearing needs to be adjourned due to technical difficulties.

1. For hearings, no further notice is required if the Chair announces the time and date, place of the resumption of the hearing (if the place of the hearing is applicable to in-person participation), and/or the way in which it is to be conducted by means of electronic or other communication facilities (if applicable).
2. For regular meetings, adjourn the meeting until the next regular meeting or schedule a special meeting if agenda topics are time sensitive; and,
3. For special meetings, 24 hours written notice is required for municipalities and five days written notice is required for regional districts unless waived by unanimous vote of the council or board.

ELECTRONIC PARTICIPATION

Comments, votes and motions

It is a statutory requirement to provide the public with the opportunity to be heard or to present written submissions on the proposed planning and land use bylaw at a hearing. While there are no similar statutory requirements for meetings, local governments typically outline how the public can appear before the council or board and how correspondence is handled in their procedure bylaw.

TIPS: SUBMITTING WRITTEN COMMENTS

1. Instructions about how to provide written comments could indicate whether there is a time limit or deadline prior to the electronic meeting/hearing. Consider how comments will be handled if received after the deadline or after the electronic meeting/hearing is called to order.
2. Consider whether the written comments will be provided to the elected officials (e.g., as part of the agenda package) and/or read aloud and read into the record.
3. Consider how comments will be provided. Written comments are often provided by email and some are provided by mail. Allowing comments to be submitted online or on social media may increase accessibility; however, it may also pose issues for security (e.g., are comments from a robot or a fake identity?).
4. Some technology platforms may have a live chat function. Find out if this can be disabled and/or create clear rules around the live chat function to avoid procedural fairness issues (e.g., how are comments in live chat considered by the Chair? how are defamatory comments handled?). Consider providing the option to briefly indicate support or non-support during the proceedings.

TIPS: MOTIONS AND VOTING AT ELECTRONIC MEETINGS

1. Ask elected officials to announce their name each time they begin speaking to an item. This will assist the minute-taker make note of the speaker and their comment and the public who are listening to understand who is speaking, in particular where video is not available.
2. When voting, ask those who are opposed to state their name. For larger groups, consider using a roll call for voting.

The following may assist local governments in thinking about guidelines: [Capital Regional District – Electronic Meeting Participation: Guidelines for CRD Board Meetings.](#)

While rules of procedure for hearings are not required in the local government procedure bylaw, procedural rules for electronic hearings are worth considering because they are commonly agreed upon rules and customs for deliberation and debate. The following are some best practices local governments may consider in the conduct of electronic hearings. For more best practices and considerations related to procedural rules, please see the [Procedure Bylaw Guide: For B.C.'s Local Governments \(PDF\)](#).

TIPS: BEFORE THE ELECTRONIC HEARING

While hearings don't need to be held for zoning bylaws consistent with an OCP, consider how the hearing will be structured if the hearing is held.

1. If a hearing is held, consider the options for how many planning and land use bylaws will be considered at a hearing, based on the length of time it could take to hold the hearing. Will a single hearing be held for multiple proposed bylaws, or a separate hearing for a particular bylaw? Will the planning and land use bylaws be considered back-to-back or with separate start times?

TIPS: NOTICES FOR ELECTRONIC HEARINGS

While there are minimum requirements for public notices, local governments can consider how notice is best provided to the public.

1. While the last publication of the notice is to appear not less than three days and not more than 10 days before first reading, an additional notice could be issued earlier than 10 days before the public hearing.
2. Consider whether speakers will be encouraged to register in advance.
3. Consider including in the notice any FOIPPA considerations the local government is required to communicate before the hearing.
4. Consider including a link to the local government's website with additional instructions for participation.
5. Instructions on the website could include how to make submissions prior to the hearing and how submissions will be handled at the hearing. Instructions could also include how to upload a pre-recorded video/audio or provide comments over the phone.
6. Instructions could clarify how to watch, hear and participate, including how to use the technology at the hearing and how to hear the presentations of other speakers.
7. Consider posting slides or visual aids used by staff members for presentation at the hearing ahead of time so that the public can move through the slides in advance and better understand the topic.

For an example of public notice:
[City of Burnaby – Virtual Public Hearing Ad](#)

TIPS: PREPARING FOR THE ELECTRONIC HEARING

The public must be provided the opportunity to be heard and/or to present written submissions about planning and land use bylaws at a hearing. However, it is also important to consider procedural rules, as they may help elected

officials proactively set a positive tone for the hearing and be prepared to maintain respectful language and conduct.

1. Assign a staff member to review the procedural rules with the Chair to help manage the hearing effectively and consider whether new rules are needed for a hearing that is held electronically.
2. Establish the agenda (e.g., Chair's opening remarks, proposed bylaw(s), when the public will be heard).
3. Consider preparing a script for the Chair to read at each hearing to ensure consistent information is provided each time. The Corporate Officer may also have a prepared script to read from.
4. Determine how speakers will be identified when the Chair calls for comments from the public.
5. Consider how to enable people to hear the other responses about the proposed planning and land use bylaw and speak again based on what they heard.
6. When the hearing is called to order, the Chair can read the script to state the procedural rules, rules of etiquette for the conduct of the hearing, and technical advice or guidelines for an electronic environment.
7. Consider having the Chair take the time to set the tone for respectful engagement, which could include allowing only one elected official or member of the public to speak at a time.
8. Quorum is not required for a hearing but consider asking elected officials attending electronically to notify the Chair if they are leaving or arriving.
9. To accommodate any time lags with technology, ensure the Chair pauses for a significant amount of time before the electronic hearing is closed to allow for anyone else who may wish to speak to do so. Once it is closed, additional information cannot be received by elected officials.



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