

Department:	<u>Council</u>	Policy No.:	<u>COU-011</u>
Sub-department:	<u>Corporate</u>	Created By:	<u>Sheena Fraser</u>
Approved By:	<u>Council</u>	Amended By:	<u>Gwendolyn Kennedy</u>
Approved Date:	<u>26 May 2020</u>	Amendment:	<u>1</u>
Meeting No.:	<u>1515</u>	Meeting No.:	<u>December 7, 2021</u>

## **POLICY PURPOSE**

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The Video Recording and Broadcasting of Open Meetings Policy establishes guidelines for the broadcasting and management of video recordings of open meetings.

## **REFERENCES**

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Records Management Bylaw  
Records Retention Schedule  
Council Procedure Bylaw No. 788, 2015  
Council Procedure Bylaw No. 788, 2015, Amendment (Electronic Meetings) Bylaw No. 909, 2021  
Advisory Planning Commission Bylaw No. 626, 2009, Amendment (Electronic Meetings) Bylaw No. 911, 2021  
Board of Variance Bylaw No. 893, 2021, Amendment (Electronic Meetings) Bylaw No. 910, 2021  
*Bill 10, Municipal Affairs Statutes Amendments Act*

## **DEFINITIONS**

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In this policy, a reference to an enactment is a reference to that enactment as amended or replaced from time to time.

*Chair* means the Mayor or Chair of the meeting.

*Chief Administrative Officer* means the Chief Administrative Officer as appointed by Council, or their designate

*Council* includes the Council of the Village of Pemberton and the Committee of the Whole.

*Committee* includes any committees, commissions, or boards established by Council.

*Open meeting* means any meeting of Council, a committee, or a commission open to the public in accordance with section 89 of the *Community Charter*, or a public hearing.

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*Village* means the Village of Pemberton.

*Village website* means the website administered and controlled by the Village of Pemberton which may include other social media platforms controlled by the *Village*.

## **POLICY**

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*Open meetings* may be held by fully electronic means, in person, or in a hybrid format with some participants attending in person and some attending from a remote location by electronic means. *Open meetings* of any format may be broadcast, video recorded, and posted on the *Village website* to enhance transparency and accessibility and to encourage public participation.

Any council meeting or portion of a council meeting closed to the public in accordance with section 90 of the *Community Charter* will not be broadcast or recorded.

## **PROCEDURE**

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The *Village* may use an acceptable video conferencing platform to facilitate electronic meetings and electronic participation at in-person meetings.

The meeting organizer will assign to council and committee members the role of panelist or presenter, and to members of the public the role of attendee. Panelists (or presenters) will appear in the video feed, may speak at any time, and may share their screens; attendees have more limited permissions. An attendee making a presentation to council, to a committee, or to a board will be upgraded to the role of panelist or presenter for their presentation and returned to the attendee role following the presentation.

During Open Question Period, members of the public who wish to ask a question in accordance with Open Question Period Policy COU-002 will be unmuted by Staff to present their question to Council. Once the individual's opportunity for questions has ended, their microphone will be returned to mute. A member of the public participating in Open Question Period remains an attendee and does not appear in the video feed.

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Staff will be responsible for setting up the electronic meeting, issuing the meeting invitations, testing meeting links, providing information on how to join a meeting, and fulfilling the hosting duties of the meeting or webinar.

## **MEETING RECORDINGS**

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The official record of an *open meeting* shall be the written minutes. The keeping of a video recording of an *open meeting* shall not undermine the position of the approved minutes as the official record of *Council* and *committee* decisions.

The *Village* will make every reasonable effort to ensure that broadcasting and video recordings are available to the public. However, on occasion due to technical difficulties, broadcasting and video recording may be unavailable or delayed. An *open meeting* will not be cancelled, postponed, or delayed due to technical issues with broadcasting or recording of the meeting.

The *Chair* of an *open meeting* will make a statement at the beginning of the meeting informing all present that the meeting is being broadcast and recorded and that recordings will be made available over the internet.

Recordings will be accessible to the public on the *Village website* within five (5) days of the meeting and will remain on the website for a period of three (3) years from the date of the meeting. By participating in an *open meeting*, attendees, panelists, and presenters consent to the utilization, storage and availability of recordings as set out in this Policy.

Original unmodified recordings will be classified, stored, and retained in accordance with the *Village's* Records Management Bylaw.

## **RISK MITIGATION**

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*Open meetings* are a public forum of statements, questions, and answers. Opinions expressed and statements made during an open meeting are those of the individual making them and not those of *Council* or the *committee*. Unless set out in a resolution, *Council* or a *committee* does not endorse or support the views, opinions, statements, or information expressed by an individual at an open meeting.

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Statements which may be regarded as offensive, defamatory, incorrect, or contrary to law, and which may be the subject of potential liability, may be made at meetings. As the broadcasting and publishing of recordings of meetings increases the potential audience, risks increase. Accordingly, the *Chair* has the discretion and authority to direct the termination or interruption of the broadcasting and recording of an open meeting if they consider it prudent or advisable to do so. Such direction will only be given in exceptional circumstances.

The *Chair* may:

- a) Direct the *Chief Administrative Officer* to direct Staff to terminate or interrupt the recording of a meeting if they consider it advisable to do so due to conduct that is deemed inappropriate.

*Council* or a *committee* may by a majority vote:

- a) Direct the *Chief Administrative Officer* to direct Staff to remove recordings or portions of recordings from the *Village website* where they consider it advisable to do so due to the presence of content they deem inappropriate for publication.

Material considered to be inappropriate includes, but is not limited to, material that may:

- Be false or misleading communication which damages the reputation of another individual or organization.
- Infringe on copyright.
- Breach the privacy of an individual or unauthorized disclosure of the personal information of an individual.
- Be offensive.
- Constitute discrimination.
- Constitute hatred of a person or group of people and is likely to offend, insult, humiliate or intimidate.
- Disclose confidential or privileged information.

## **LICENCE AND USE**

Unless otherwise indicated, copyright of the recordings of meetings made available on the *Village website* is owned by the *Village*. Permission is granted to produce or reproduce the recordings posted on the website, or any substantial part of such recordings, for personal, non-commercial, educational, and new reporting purposes only, provided that

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the copied material is not modified or altered, and ownership of the material is attributed to the *Village*.

For certainty, no person may use the recordings for commercial activity.

Unless expressly authorized herein, no part of the recorded materials posted on the *Village website* may be reproduced except in accordance with the provisions of the *Copyright Act*, or with the express written permission of the *Village*.

## **RESPONSIBILITIES**

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*Council* is responsible for approving this Policy and any amendments.

The *Chief Administrative Officer* is responsible for implementing, monitoring, and evaluating this Policy.