



Guidance for Adapting to the New Electronic Meetings Framework

Introduction

This document provides municipal councils, regional district boards, Islands Trust local trust committees and local government staff with information about the new electronic meetings rules and best practices to consider when amending a procedure bylaw to allow for electronic meetings.

Since June 17, 2020, local governments have been operating under Ministerial Order [M192](#), which allows all meetings and public hearings to be conducted electronically during the COVID-19 pandemic. M192 became part of the [COVID Related Measures Act](#) (CRMA) on July 8, 2020.

COMMON QUESTIONS: 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.

On June 1, 2021, [Bill 10 Municipal Affairs Statutes Amendments Act](#) was passed. Bill 10 includes change to the Community Charter to provide permanent authority for municipalities to choose, by bylaw, whether to conduct regular and committee meetings electronically (in addition to special meetings already authorized under the Charter). These new rules will come into force by regulation on September 29, 2021 after the authority to hold electronic meetings under the CRMA and M192 expires on September 28, 2021.

Amended Sections of the Community Charter

- Section 128, 128.1, 128.2, 128.3

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Further work will be done to update regulations and align meeting rules to ensure that the new, broader electronic meeting authorities apply to all local governments, including the City of Vancouver, regional districts and the Islands Trust. The intention is that the updated regulations will be brought into force at the same time as the amendments to the Charter and coincide with the expiration of M192 under CMRA. This will allow time for local governments to consider the new authorities and whether to amend their procedure bylaw.

Under the permanent new rules, local governments are not required to adopt electronic meeting provisions in their procedure bylaw if there is no intention to hold electronic meetings. However, local governments are encouraged to proactively consider whether there are circumstances where electronic meetings may be beneficial for the community. The Ministry has heard many local governments express the advantages and enhanced transparency and accessibility that electronic meetings offer their residents. The decision whether to authorize electronic meetings in a procedure bylaw will depend on local circumstances such as:

- Population size;
- Available technology; and
- The needs of the council or board, staff and the public, for example improved accessibility or flexibility.

COMMON QUESTIONS: When can local governments amend their procedure bylaw to allow for electronic regular and committee meetings?

- The new authorities for electronic regular and committee meetings in the Community Charter will be brought into force by regulation on September 29, 2021 once Ministerial Order [M192](#) and the [COVID Related Measures Act](#) (CRMA) have expired, 90 days after the end of the provincial state of emergency (September 28, 2021).
- Local governments are encouraged to initiate a review of their current procedure bylaw and consider whether any amendments are required to prepare for when the authority to hold electronic meetings under M192 ends.
 - **Local governments must not amend their procedure bylaws until the provincial amendments are brought into force on September 29, 2021.**
 - Local governments can continue to hold electronic meetings and electronic public hearings under the authority of M192.
- Once the amendments are brought into force, local governments can then provide public notice, communicate changes to the public, and begin to do readings of an amended procedure bylaw.

Electronic Meetings

All local government meetings must be open to the public unless the subject matter falls under the closed meetings provisions in the legislation. The requirement for open meetings is intended to ensure openness, transparency and accountability.

Electronic meetings may be a useful tool for councils and boards in certain circumstances; however, as a best practice, they should not be a substitute for all in-person meetings. Local government electronic meetings should attempt to resemble in-person meetings as much as possible, adhering to rules of procedural fairness and the local government's procedure bylaw.

When brought into force, the new electronic meeting rules will give authority to councils and boards to conduct regular and committee meetings electronically, if authorized in their procedure bylaw. Councils and boards may want to consider under what circumstances to allow electronic meetings in their community, for example, emergency circumstances only or to increase accessibility and create more flexibility.

The legislation continues to provide councils and boards the option to hold special meetings electronically, by bylaw, and to allow some electronic participation of members at meetings (regular, special or committee). Best practices for electronic special meetings and electronic participation can be found in the [Procedure Bylaw Guide: For B.C.'s Local Governments](#).

If a council or board authorizes electronic meetings in the procedure bylaw they should consider additional rules or policies for the conduct of electronic meetings. Some of these rules may be included in the procedure bylaw and others may be more appropriately placed in an electronic meetings policy, technology policy, code of conduct, or public participation policy.

It is at the discretion of local governments to determine procedural rules for other kinds of advisory committees and bodies barring any legislated rules. Although there is no requirement to put procedures

Regular council and board meetings are regularly scheduled meetings of a council or board as required by the local government legislation

A special meeting is a council or board meeting other than a regular or statutory meeting.

A council or board committee may be:

- a select or standing committee that includes council or board members and members of the public appointed to the committee
- any other body established by a council or a board that is composed solely of council or board members.

for electronic meetings for other advisory bodies in the procedure bylaw, as a best practice, local governments are encouraged to align meeting rules to ensure accessibility, openness and transparency for the public also exists for these other types of meetings (e.g., community commissions).

If a council or board wants to allow for electronic regular and committee meetings in emergency situations only, ensure that consideration is given to defining what constitutes an emergency, such as a provincial or local state of emergency. Depending on how the council or board chooses to word the bylaw, the local government may wish to seek legal advice to be certain that there is a common understanding of when the bylaw would allow for electronic regular and committee meetings to be held.

COMMON QUESTIONS: Electronic public hearings and the procedure bylaw

Amendments to the *Local Government Act* will also enable local governments – at their discretion - to hold electronic public hearings. These amendments will also be brought into force at the same time as the amendments for electronic meetings, once M192 is no longer in force.

Procedures for public hearings are not required in a local government procedure bylaw; however, those local governments that have included public hearing procedures in their procedure bylaw are encouraged to review their public hearing procedures and update as necessary to accommodate the new authorities.

Amending the Procedure Bylaw to Enable Electronic Meetings

For detailed information about amending a local government procedure bylaw please see [Procedure Bylaw Guide: For B.C.'s Local Governments \(PDF\)](#). **The procedure bylaw must not be amended until the new electronic meeting rules are in force.**

Local governments will want to proactively consider whether electronic regular and committee meetings are appropriate for their community before making changes to the procedure bylaw. If amendments are planned, local governments are encouraged to consider an opportunity for the public to provide comment and questions on electronic meetings.

Councils and boards may want to use the existing authorities for special electronic meetings and electronic participation (if permitted in the local government procedure bylaw) to assist with the process of amending the procedure bylaw. This may include holding a special electronic meeting to do the readings of the amended procedure bylaw (with some council or board members participating electronically).

COMMON QUESTIONS: What to consider before authorizing electronic meetings

- 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 (e.g. 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 (e.g. 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, how is confidentiality being maintained by the participating council or board members?
- Is the technology available reliable? How secure is the wifi 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 (e.g. closed captioning)?
- Is there staff capacity to support electronic meetings?

New Legislative Requirements for Electronic Meetings - Municipalities

Electronic Regular Council Meetings

Under the Charter, electronic regular council meetings must:

- Be authorized in the procedure bylaw;
- Be conducted in accordance with the procedure bylaw;
- Establish procedures for giving advance notice of regular meetings to be held electronically;
- Provide notice of the way in which the regular meeting is to be conducted and the place where the public can attend to hear, or watch and hear, the regular meeting;
- Provide a location for the public to attend to hear, or watch and hear the meeting;
- Use technology that enables the meeting participants and the public to hear, or watch and hear, each other (members participating in electronic regular council meetings are deemed to be present at the meeting); and,
- Have a designated municipal officer at the place where the public can attend.

Municipalities

Community Charter

- Section 128 Electronic regular council meetings

The term “facilities” in the legislation is used to refer to the technology used for conducting electronic meetings.

The term “municipal officer” refers to those officer positions established by bylaw. The term “municipal officer” also applies to the officer’s deputy and any person designated by the council to act in the officer’s place.

Electronic Council Committee Meetings

Electronic council committee meetings must:

- Be authorized in the procedure bylaw;
- Be conducted in accordance with the procedure bylaw;
- Provide advance public notice and establish procedures for giving notice including the way in which the committee meeting is to be conducted;
- Use technology that enables the meeting participants and the public to hear, or watch and hear, the meeting (members participating in electronic council committee meetings are deemed to be present at the meeting).

Municipalities

Community Charter

- Section 128.2 Electronic council committee meetings

Adapting to the New Requirements for Electronic Meeting

Procedure Bylaw Best Practices for Electronic Meetings

The choice of when to use the electronic meetings authority (e.g., how often and in what circumstances) and other rules for electronic meetings is up to each local government.

In addition to the legislative requirements, there are some best practices local governments may wish to consider including in their procedure bylaw to support elected officials, staff and the public navigate electronic meetings.

- Describe the circumstances when electronic meetings are permitted (e.g., regular, special, committee, open/closed);
- 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 (e.g. provide a teleconference number or a link to the local government website for information on how to watch an audio or video conference);
- Include procedures for shifting from an open to a closed meeting during electronic meetings;
- Outline procedures to determine quorum (and procedures to follow if quorum is lost due to technical difficulties);
- Avoid referring to a specific technology to use for electronic meetings in case it changes;
- Outline the methods for members to make a motion or point of order during the meeting (either in the procedure bylaw or an electronic meeting policy);
- Select and outline the method of taking and verifying votes in the electronic context (e.g. amending bylaws; secret ballot for election of board chair);
- Determine how conflict of interest is dealt with for electronic meetings;
- Provide 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;
- Outline how council or board members may add items to the agenda in an electronic meeting; and,
- Publish the agenda well in advance of meeting date (if possible).

Electronic Meeting 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 on how to chair electronic meetings and the associated electronic meeting policies. Ideas to consider could include:

- Initiate a roll call in alphabetical order at beginning of each meeting to ensure those attending/ watching know who is present;

- Develop and provide scripts for Chairs 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 (e.g. loss of quorum or during voting);
- Discuss where members may attend electronic meetings from (e.g. 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 on etiquette (e.g. 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 (e.g. 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 on 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 info 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);
- How staff will assist the chair to recognize council or board members or the public who may want to speak;
- If livestreaming ensure a staff member outside of the meeting checks and confirms 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)

Aligning Corporate Policies and Procedures

Local governments may have supporting policies and procedures to review and amend to align with procedure bylaw amendments for electronic meetings. 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.

Such policies may include:

- Electronic meetings policy (e.g. procedures for public question period; etiquette guidelines or tip sheet for electronic meetings; how personal privacy will be protected under Freedom of Information and Protection of Privacy Act)
- Records retention policy (e.g. recording and retention of electronic meetings);
- Technology policy (e.g. technology used to access meetings and closed meetings);
- Code of Conduct (e.g. include conduct for electronic meetings);
- Respectful workplace policy (e.g. inclusion of electronic meetings);
- Procedures for public participation in meetings (including delegations and public question period); and,
- Remuneration policy (e.g. for electronic attendance at meetings).

RESOURCES

Note: Once the legislation is in force, the procedure bylaw guidance about electronic regular and committee meetings will be incorporated into the Procedure Bylaw Guide: For B.C.'s Local Governments.

[Procedure Bylaw Guide: For B.C.'s Local Governments](#)

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

[Electronic Meetings & Public Hearings Considerations for Local Governments](#)

[Bill 10 – Municipal Affairs Statutes Amendments Act](#)

[Ministerial Order 192 Local Government Meetings and Bylaw Process Order No. 3](#)