



# REPORT TO COUNCIL

To: **Mayor and Councillors**

Subject: Conducting Electronic Public Hearings Under  
Ministerial Order M139

File #: 7130.03

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From: Kelly Kenney  
Corporate Officer

Date: May 15, 2020

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## RECOMMENDATION:

THAT public hearings be held electronically as required as authorized under Ministerial Order M139 and in accordance with Section 465(3) of *The Local Government Act*.

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## PURPOSE:

The purpose of the report is to propose new procedures that allow public hearings to be conducted electronically, as required, in accordance with Ministerial Order M139.

## POLICY:

Public hearing procedures are legislated under Section 465 of the Local Government Act.

Ministerial Order M139 allows for public hearings to be conducted by electronic means until such time as the provincial state of emergency is lifted (Attachment 1).

## COMMENTS/ANALYSIS:

On March 18, 2020, the Provincial Government declared a Provincial State of Emergency to support the province-wide response to the novel coronavirus (COVID-19) pandemic. The declaration was made based on a recommendation from B.C.'s health and emergency management officials, after Dr. Bonnie Henry, B.C.'s Provincial Health Officer, declared a Public Health Emergency on March 17, 2020. Under the Public Health Emergency, B.C.'s Provincial Health Officer issued *Class Order (mass gatherings) re: COV/D-19*, the City is prohibited from permitting the

gathering of people in excess of 50 people at a place owned, occupied or operated by the City. In addition to the limitations on mass gatherings set under the Class Order, the BC Centre for Disease Control released guidelines for "physical distancing" to reduce the spread of COVID-19. Physical distancing means limiting close contact with others by keeping two meters (six feet) away from one another. Due to the size and configuration of the City's Council Chambers, to meet the two meters requirement would mean severely limiting the number of people that could be in attendance in the Council Chambers at any one time.

Accordingly, upon the release of the Class Order (mass gatherings) and as permitted under Ministerial Order M038, Council meetings have been conducted by way of video-conferencing in the absence of the public. The City has not been scheduling public hearings as electronic participation in public hearings was not authorized under Ministerial Order M083.

On May 1, 2020, Ministerial Order M083 was repealed and replaced by Ministerial Order M139. Ministerial Order M139 includes new authorities in regard to the holding of public hearings, enabling local governments to conduct public hearings by means of electronic or other communication facilities.

Accordingly, the following process is being proposed to allow for electronic participation by the public at electronic/virtual Public hearings.

The public may participate in the electronic/virtual public hearing via Zoom Webinar software. Access instructions will be provided in all advertising including: notices mailed to stakeholders within 100m of the property that is subject to the public hearing, notices hand delivered to rental buildings within 100m of the property subject to the Public hearing, newspaper, social media, and the City's webpage. Through the Zoom Webinar platform, the public will be able to provide oral comments to Council live during the electronic/virtual public hearing.

The public may still provide written comments via email or regular mail. This existing procedure will not change as a result of holding electronic/virtual public hearings.

#### **BUDGET IMPLICATIONS:**

Zoom Video Conferencing one year subscription - \$5,000  
Zoom Webinar monthly subscription for 100 users - \$80

#### **ALTERNATIVES:**


1. THAT Council direct staff to develop a modified process to facilitate on-site Public hearings with in-person participation by Council and the public while the Provincial Health Officer's Class Order on mass gatherings remains in effect.

This alternative is not recommended at this time; however, as part of planning for the re-opening of City Hall at a future date, consideration is being given to how a modified on-site public hearing process could be facilitated to comply with Provincial Health Officer orders and WorkSafe BC requirements.

2. THAT Council direct staff to postpone the holding of public hearings until such time as the Provincial Health Officer's Class Order on mass gatherings is lifted.

This alternative is not recommended as it would hinder efforts to create new and much-needed economic activity in the City during the pandemic.

Respectfully Submitted,



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Kelly Kenney  
Corporate Officer

Concurrence:



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Darrin Leite  
Director of Corporate Services

Attachment:

1. Ministerial Order M139

**CHIEF ADMINISTRATIVE OFFICER'S COMMENTS:**

I support the recommendation.



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Francis Cheung, P. Eng.  
Chief Administrative Officer