

PROVINCE OF BRITISH COLUMBIA

ORDER OF THE MINISTER OF PUBLIC SAFETY AND SOLICITOR GENERAL

Emergency Program Act

Ministerial Order No. M139

WHEREAS a declaration of a state of emergency throughout the whole of the Province of British Columbia was declared on March 18, 2020;

AND WHEREAS local governments, including the City of Vancouver, and related bodies must be able to conduct their business in accordance with public health advisories to reduce the threat of COVID-19 to the health and safety of members and employees of local government and related bodies and members of the public;

AND WHEREAS it is recognized that public participation in local governance is an essential part of a free and democratic society and is important to local governments' purpose of providing good government to communities;

AND WHEREAS the threat of COVID-19 to the health and safety of people has resulted in the requirement that local governments and related bodies implement necessary limitations on this public participation;

AND WHEREAS section 10 (1) of the *Emergency Program Act* provides that I may do all acts and implement all procedures that I consider necessary to prevent, respond to or alleviate the effects of any emergency or disaster;

I, Mike Farnworth, Minister of Public Safety and Solicitor General, order that

- (a) the Local Government Meetings and Bylaw Process (COVID-19) Order made by MO 83/2020 is repealed, and
- (b) the attached Local Government Meetings and Bylaw Process (COVID-19) Order No. 2 is made.

May 01, 2020

Date


Minister of Public Safety and Solicitor General

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section: *Emergency Program Act*, R.S.B.C. 1996, c. 111, s. 10

Other: MO 73/2020; MO 83/2020; OIC 207/2020

LOCAL GOVERNMENT MEETINGS AND BYLAW PROCESS (COVID-19) ORDER NO. 2

Division 1 – General

Definitions

1 In this order:

“**board**” has the same meaning as in the Schedule of the *Local Government Act*;

“**council**” has the same meaning as in the Schedule of the *Community Charter*;

“**improvement district**” has the same meaning as in the Schedule of the *Local Government Act*;

“**local trust committee**” has the same meaning as in section 1 of the *Islands Trust Act*;

“**municipality**” has the same meaning as in the Schedule of the *Community Charter*;

“**municipality procedure bylaw**” has the same meaning as “procedure bylaw” in the Schedule of the *Community Charter*;

“**regional district**” has the same meaning as in the Schedule of the *Local Government Act*;

“**regional district procedure bylaw**” means a procedure bylaw under section 225 of the *Local Government Act*;

“**trust body**” means

- (a) the trust council,
 - (b) the executive committee,
 - (c) a local trust committee, or
 - (d) the Islands Trust Conservancy,
- as defined in the *Islands Trust Act*;

“**Vancouver council**” has the same meaning as “Council” in section 2 of the *Vancouver Charter*;

“**Vancouver procedure bylaw**” means a bylaw under section 165 [*by-laws respecting Council proceedings and other administrative matters*] of the *Vancouver Charter*.

Application

- 2 (1) This order only applies during the period that the declaration of a state of emergency made March 18, 2020 under section 9 (1) of the *Emergency Program Act* and any extension of the duration of that declaration is in effect.
- (2) This order replaces the Local Government Meetings and Bylaw Process (COVID-19) Order made by MO 83/2020.

Division 2 – Open Meetings

Open meetings – municipalities

- 3** (1) A council, or a body referred to in section 93 [*application of rule to other bodies*] of the *Community Charter*, is not required to allow members of the public to attend an open meeting of the council or body.
- (2) For the purposes of Division 3 [*Open Meetings*] of Part 4 [*Public Participation and Council Accountability*] of the *Community Charter*, if a council or a body does not allow members of the public to attend an open meeting under subsection (1) of this section, the open meeting is not to be considered closed to the public.
- (3) This section applies despite
- (a) Division 3 [*Open Meetings*] of Part 4 [*Public Participation and Council Accountability*] of the *Community Charter*, and
 - (b) any applicable requirements in a municipality procedure bylaw of a council.

Open meetings – regional districts

- 4** (1) A board, a board committee established under section 218 [*appointment of select and standing committees*] of the *Local Government Act*, or a body referred to in section 93 [*application of rule to other bodies*] of the *Community Charter* as that section applies under section 226 [*board proceedings: application of Community Charter*] of the *Local Government Act*, is not required to allow members of the public to attend an open meeting of the board, committee or body.
- (2) For the purposes of Division 3 [*Open Meetings*] of Part 4 [*Public Participation and Council Accountability*] of the *Community Charter* as that Division applies to a regional district under section 226 of the *Local Government Act*, if a board, a board committee or a body does not allow members of the public to attend an open meeting under subsection (1) of this section, the open meeting is not to be considered closed to the public.
- (3) This section applies despite
- (a) Division 3 [*Open Meetings*] of Part 4 [*Public Participation and Council Accountability*] of the *Community Charter*,
 - (b) section 226 [*board proceedings: application of Community Charter*] of the *Local Government Act*, and
 - (c) any applicable requirements in a regional district procedure bylaw of a board.

Open meetings – Vancouver

- 5** (1) The Vancouver council, or a body referred to in section 165.7 [*application to other city bodies*] of the *Vancouver Charter*, is not required to allow members of the public to attend an open meeting of the council or body.
- (2) For the purposes of section 165.1 [*general rule that meetings must be open to the public*] of the *Vancouver Charter*, if the Vancouver council or a body does not allow members of the public to attend an open meeting under subsection (1) of this section, the open meeting is not to be considered closed to the public.
- (3) This section applies despite

- (a) section 165.1 of the *Vancouver Charter*, and
- (b) any applicable provision in the Vancouver procedure bylaw.

Open meetings – trust bodies

- 6 (1) A trust body, or a board of variance established by a local trust committee under section 29 (1) [*land use and subdivision regulation*] of the *Islands Trust Act*, is not required to allow members of the public to attend an open meeting of the trust body or board of variance.
- (2) For the purposes of section 11 [*procedures to be followed by local trust committees*] of the *Islands Trust Act*, if a trust body or board of variance does not allow members of the public to attend an open meeting under subsection (1) of this section, the open meeting is not to be considered closed to the public.
- (3) This section applies despite
 - (a) section 11 [*application of Community Charter and Local Government Act to trust bodies*] of the *Islands Trust Regulation*, B.C. Reg. 119/90, and
 - (b) any applicable requirements in a procedure bylaw of a trust body.

Division 3 – Electronic Meetings

Electronic meetings – municipalities

- 7 (1) A council, or a body referred to in section 93 [*application of rule to other bodies*] of the *Community Charter*, may conduct all or part of a meeting of the council or body by means of electronic or other communication facilities.
- (2) A member of a council or body who participates in a meeting by means of electronic or other communication facilities under this section is deemed to be present at the meeting.
- (3) Section 128 (2) (c) and (d) [*electronic meetings and participation by members*] of the *Community Charter* does not apply in respect of a meeting conducted by means of electronic or other communication facilities under this section.
- (4) This section applies despite
 - (a) section 128 of the *Community Charter*, and
 - (b) any applicable requirements in a municipality procedure bylaw of a council.

Electronic meetings – regional districts

- 8 (1) A board, a board committee established under section 218 [*appointment of select and standing committees*] of the *Local Government Act*, or a body referred to in section 93 [*application of rule to other bodies*] of the *Community Charter* as that section applies under section 226 [*board proceedings: application of Community Charter*] of the *Local Government Act*, may conduct all or part of a meeting of the board or committee by means of electronic or other communication facilities.
- (2) A member of a board, board committee or body who participates in a meeting by means of electronic or other communication facilities under this section is deemed to be present at the meeting.
- (3) Section 2 (2) (d) and (e) [*electronic meetings authorized*] of the *Regional District Electronic Meetings Regulation*, B.C. Reg. 271/2005, does not apply in respect

of a meeting conducted by means of electronic or other communication facilities under this section.

- (4) This section applies despite
 - (a) section 221 [*electronic meetings and participation by members*] of the *Local Government Act*,
 - (b) the Regional District Electronic Meetings Regulation, B.C. Reg. 271/2005, and
 - (c) any applicable requirements in a regional district procedure bylaw of a board.

Electronic meetings – Vancouver

- 9
 - (1) The Vancouver council, or a body referred to in section 165.7 [*application to other city bodies*] of the *Vancouver Charter*, may conduct all or part of a meeting of the council or body by means of electronic or other communication facilities.
 - (2) A member of the Vancouver council or other body who participates in a meeting by means of electronic or other communication facilities under this section is deemed to be present at the meeting.
 - (3) Section 2 (2) (c) and (d) [*electronic meetings authorized*] of the City of Vancouver Council Electronic Meetings Regulation does not apply in respect of a meeting conducted by means of electronic or other communication facilities under this section.
 - (4) This section applies despite
 - (a) section 164.1 [*meeting procedures*] of the *Vancouver Charter*,
 - (b) the City of Vancouver Council Electronic Meetings Regulation, B.C. Reg. 42/2012, and
 - (c) any applicable provision in the Vancouver procedure bylaw.

Electronic meetings – improvement districts

- 10
 - (1) An improvement district board, or a committee of an improvement district board appointed or established under section 689 [*appointment of select and standing committees*] of the *Local Government Act*, may conduct all or part of a meeting of the improvement district board or committee, other than an annual general meeting, by means of electronic or other communication facilities.
 - (2) A member of an improvement district board or committee of an improvement district board who participates in a meeting by means of electronic or other communication facilities under this section is deemed to be present at the meeting.
 - (3) This section applies despite
 - (a) section 686 [*meeting procedure – improvement district board*] of the *Local Government Act*, and
 - (b) any applicable requirements in a procedure bylaw of an improvement district board.

Electronic meetings – trust bodies

- 11** (1) A trust body, or a board of variance established by a local trust committee under section 29 (1) [*land use and subdivision regulation*] of the *Islands Trust Act*, may conduct all or part of a meeting of trust body or board of variance by means of electronic or other communication facilities.
- (2) A member of a trust body or board of variance who participates in a meeting by means of electronic or other communication facilities under this section is deemed to be present at the meeting.
- (3) This section applies despite
- (a) section 2 [*electronic meetings authorized*] of the Islands Trust Electronic Meetings Regulation, B.C. Reg. 283/2009, and
 - (b) any applicable requirements in a procedure bylaw of a trust body or applicable to a board of variance.

Division 4 – Timing Requirements

Timing requirement for bylaw passage – municipalities

- 12** Despite section 135 (3) [*requirements for passing bylaws*] of the *Community Charter*, a council may adopt a bylaw on the same day that a bylaw has been given third reading.

Timing requirement for bylaw passage – regional districts

- 13** Despite section 228 [*bylaw adoption at same meeting as third reading*] of the *Local Government Act*, a board may adopt a bylaw described in that section at the same meeting at which the bylaw passes third reading if the motion for adoption receives the majority of the votes cast.

Timing requirement for bylaw passage – trust bodies

- 14** Despite section 11 [*application of Community Charter and Local Government Act to trust bodies*] of the Islands Trust Regulation, B.C. Reg. 119/90, a trust body may adopt a bylaw on the same day that a bylaw has been given third reading.

Division 5 – Public Hearings

Public hearings – Local Government Act

- 15** (1) A public hearing under Part 14 [*Planning and Land Use Management*] or 15 [*Heritage Conservation*] of the *Local Government Act*, including a public hearing under section 29 (1) (b) [*land use and subdivision regulation*] of the *Islands Trust Act*, may be conducted by means of electronic or other communication facilities.
- (2) For the purposes of providing notice of a public hearing to be conducted under subsection (1),
- (a) any notice of the public hearing must include instructions for how to participate in the public hearing by means of electronic or other communication facilities,
 - (b) any material that is to be made available for public inspection for the purposes of the public hearing may be made available online or otherwise by means of electronic or other communication facilities, and

(c) a reference to the place of a public hearing includes a public hearing that is conducted by means of electronic or other communication facilities.

- (3) This section applies to delegated public hearings.
- (4) This section applies despite the following provisions:
 - (a) section 124 [*procedure bylaws*] of the *Community Charter*;
 - (b) section 225 [*procedure bylaws*] of the *Local Government Act*;
 - (c) section 11 [*application of Community Charter and Local Government Act to trust bodies*] of the Islands Trust Regulation, B.C. Reg. 119/90;
 - (d) section 2 [*electronic meetings authorized*] of the Islands Trust Electronic Meetings Regulation, B.C. Reg. 283/2009;
 - (e) any applicable requirements in a procedure bylaw made under the *Community Charter*, the *Local Government Act* or the *Islands Trust Act*.

Public hearings – Vancouver Charter

- 16**
- (1) A public hearing under Division 2 [*Planning and Development*] of Part 27 [*Planning and Development*] of the *Vancouver Charter* may be conducted by means of electronic or other communication facilities.
 - (2) For the purposes of providing notice of a public hearing to be conducted under subsection (1),
 - (a) any notice of the public hearing must include instructions for how to participate in the public hearing by means of electronic or other communication facilities,
 - (b) any material that is to be made available for public inspection for the purposes of the public hearing may be made available online or otherwise by means of electronic or other communication facilities, and
 - (c) a reference to the place of a public hearing includes a public hearing that is conducted by means of electronic or other communication facilities.
 - (3) This section applies despite
 - (a) section 566 [*amendment or repeal of zoning by-law*] of the *Vancouver Charter*, and
 - (b) any applicable provision in the Vancouver procedure bylaw.

Division 6 – Deferral of Annual Requirements

Annual general meeting and requirements – improvement districts

- 17**
- (1) An improvement district may defer an annual general meeting that is required under section 690 [*annual general meeting – improvement districts*] of the *Local Government Act* to a date not later than December 31, 2020.
 - (2) An improvement district may defer the preparation of financial statements required under section 691 [*annual financial statements*] of the *Local Government Act* to a date not later than December 31, 2020.
 - (3) Despite the date referred to in section 691 (5) of the *Local Government Act*, an improvement district may submit to the inspector the audited financial statements of the improvement district for the preceding year and any other financial

information required by the inspector at the time of the annual general meeting of the improvement district.

- (4) If an annual general meeting of an improvement district is deferred under subsection (1) of this section and the term of an improvement district trustee would be expiring and the vacancy filled at that meeting, the term of the improvement district trustee is extended until the annual general meeting is held.
- (5) This section applies despite
 - (a) Division 3 [*Governance and Organization*] of Part 17 [*Improvement Districts*] of the *Local Government Act*, and
 - (b) any applicable provisions in a letters patent for an improvement district.