

PROVINCE OF BRITISH COLUMBIA

ORDER OF THE MINISTER OF PUBLIC SAFETY AND
SOLICITOR GENERAL*Emergency Program Act*

Ministerial Order No. M083

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;

I HEREBY make the attached Local Government Meetings and Bylaw Process (COVID-19) Order.

March 26, 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

LOCAL GOVERNMENT MEETINGS AND BYLAW PROCESS (COVID-19) ORDER

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 to the *Community Charter*;
 - “**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*;
 - “**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 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.

Open meetings - municipalities

- 3 (1) 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, 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 do 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.

Open meetings – regional districts

- 4 (1) 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,

a board or a board committee established under section 218 [*appointment of select and standing committees*] of the *Local Government Act* is not required to allow members of the public to attend an open meeting of the board or committee.

- (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 or a board committee do 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.

Open meetings - Vancouver

5 (1) Despite

(a) section 165.1 [*general rule that meetings must be open to the public*] of the *Vancouver Charter*, and

(b) any applicable provision in the Vancouver procedure bylaw, 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 of the *Vancouver Charter* if the Vancouver council or a body do 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.

Electronic meetings – municipalities

6 (1) Despite

(a) section 128 [*electronic meetings and participation by members*] of the *Community Charter*, and

(b) any applicable requirements in a municipality procedure bylaw of a council, 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.

Electronic meetings – regional districts

7 (1) 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,

a board or a board committee established under section 218 [*appointment of select and standing committees*] 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 or board committee 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 does not apply in respect of a meeting conducted by means of electronic or other communication facilities under this section.

Electronic meetings - Vancouver

8 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,

(b) any applicable provision in the Vancouver procedure bylaw,

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.

Timing requirement for bylaw passage – municipalities

9 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

10 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.