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## REPORT TO GOVERNANCE COMMITTEE MEETING OF WEDNESDAY, JULY 10, 2024

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**SUBJECT**     **Electronic Meetings and Participation by Members**

### **ISSUE SUMMARY**

To consider an update to the CRD Board Procedure Bylaw (Bylaw No. 3828) to more broadly permit full electronic meetings and define parameters for the electronic participation of members at board, committee and commission meetings.

### **BACKGROUND**

In 2014, the Board amended the CRD Board Procedures Bylaw (“Procedures Bylaw”) to allow for electronic meetings for local area commissions, with certain restrictions, including that only one member can participate electronically at a time, that the member must provide 24-hour notice to the Corporate Officer, and that the Chair of the meeting must be physically present in the meeting place. The restrictions imposed in the bylaw were designed to restrict the use of electronic meetings to preserve procedural safeguards and transparency of in-person meetings.

In 2020, the Procedures Bylaw was amended by adding a new section 29.2 on electronic participation in case of emergency or special circumstance (Appendix A). The new clause permitted electronic participation in a meeting in the case of “*an emergency, special circumstance, or public health event that prevents or restricts members from being able to physically meet in one location.*” During this time local governments were operating under various Ministerial Orders which allowed for meetings and public hearings to be conducted electronically during the COVID-19 pandemic.

In 2021, the *Local Government Act (LGA)* was amended to provide permanent authority for local governments to permit electronic meetings and participation by members (Appendix B). The *Regional District Electronic Meetings Regulation (B.C. Reg. 271/2005)* was amended on September 29, 2021 prescribing the conditions, limits and requirements respecting electronic meetings and the participation of members (Appendix C).

Electronic meetings, if authorized by bylaw, are meetings where all members of a board may participate electronically.

Electronic participation, if authorized by bylaw, allows for a hybrid meeting where some members attend in person, and other members attend by electronic means.

The purpose of this report is to present the Governance Committee with options for electronic meetings and participation and seek direction prior to drafting an amendment to the Procedures Bylaw.

## **ALTERNATIVES**

### *Alternative 1*

The Governance Committee recommends to the Capital Regional District Board: That staff be directed to report back to the Governance Committee with bylaw amendments to update the provisions for electronic meetings and electronic participation of members of CRD committees, commissions and boards.

### *Alternative 2*

That this report be referred to staff for additional information and that staff report back to the Governance Committee.

## **IMPLICATIONS**

### *Electronic Participation*

Section 29.1 of the Procedures Bylaw already provides for electronic participation, with limitations, at a commission meeting. Only one person at a time may participate electronically and that the person presiding must be physically present at the meeting location. An exception is provided allowing full electronic participation for meetings of a commission that includes the entire Southern Gulf Islands (SGI) Electoral Area as the service area.

A bylaw may prescribe conditions that must be met to allow a member to participate electronically during an in-person meeting and may include any of the following:

- limit on number of members participating electronically;
- requirement for Chair (presiding member) to be in-person;
- limited to circumstances of illness, injury or approved leave;
- when travelling outside the regional district and potential to limit to specific geographic areas (i.e. Canada and USA); and
- with notification to and/or approval from Chair and Corporate Officer.

On April 13, 2022, the CRD Board approved the CRD Best Practices Guide for Meetings. The design of the guide was refreshed in May 2024, with minor housekeeping amendments, and is attached as Appendix D. Section 8 of the guide provides guidance for Directors on participation by electronic means on issues of attendance, use of video, electronic chat function, and conflict of interest on a specific agenda item.

The Procedures Bylaw currently permits electronic participation but does not allow for fully electronic meetings as the Chair, or presiding member, is required to be present at the location publicized in the meeting notice, along with CRD staff. Even if full electronic meetings were enabled in the Procedures Bylaw, CRD must still provide a physical public viewing location for the meeting where staff are present.

### *Electronic Meetings*

Electronic meetings give flexibility to regional district boards to conduct business using telephone and video conferencing facilities without compromising the rights of the public to access the decision-making process.

Boards that choose to hold electronic meetings can decide how to allow for public participation. The public must be able to hear, or watch and hear, meetings held electronically. A place must also be provided for regular and special meetings held electronically to ensure transparency and accessibility to members of the public.

Electronic meeting requirements must provide the following:

- the process for electronic meetings in the procedure bylaw;
- notice that a meeting will be held fully by electronic means;
- the appropriate technology to give the public the opportunity to hear, or watch and hear, and participate if needed, in board meetings held electronically; and
- a place for the public to attend to hear the proceedings of regular and special meetings held electronically.

Parameters for how often and in what circumstances the CRD Board uses electronic meetings should be included in the bylaw. The Board may wish to allow for regular and special meetings to be held electronically in case of an emergency such as a natural disaster, a communicable disease event, or at the discretion of the Chair and Corporate Officer. While electronic meetings can be a useful tool for the Board, it is not a substitute for in-person meetings.

#### *Jurisdictional Review*

A jurisdictional review of procedure bylaws of CRD municipal councils and select regional district boards was completed and is attached as Appendix E.

The bylaw may provide for different procedure for electronic meetings and electronic participation based on the body and meeting type as follows:

- Boards (CRD/CRHD & CRHC) – regular vs. special
- Committees – regular vs. special
- Commissions – regular vs. special
- Public hearings under Division 3 of Part 14 of the LGA

The key findings from the jurisdictional review of procedure bylaws include:

- Electronic participation is permitted in all cases except where facilities do not allow.
- Electronic participation may depend on the following conditions:
  - no more than one person at a time;
  - majority attending in person;
  - no more than 3 consecutive meetings;
  - special meetings only;
  - in cases of illness, injury or leave; and
  - notice prior to the meeting must be given.
- Full electronic meetings may be permitted in some instances where others have conditions such as:
  - in emergency situations;
  - to ensure quorum;
  - for special meetings only; and
  - at the discretion of the Chair and Corporate Officer.

- Chair or presiding member may be required to attend in-person for hybrid meetings, and may be permitted to participate electronically for full electronic meetings.

*Operational and Financial Implications*

The technology for the holding of electronic meeting must enable the meeting’s participants and the public to hear, or watch and hear, each other (except for closed parts of the meeting where the public are excluded).

The logistics and associated costs of electronic meetings are an important consideration as access to technology may impact the ability to allow members and the public to participate electronically or hold electronic meetings. Consideration must also be given to the costs associated with electronic participation or electronic meetings (for example, the cost of new technology to support electronic meetings and additional staff to support it during a meeting). One must also consider what back-up plans to put in place if technology fails and results in a loss of quorum.

**CONCLUSION**

The Procedures Bylaw requires updating with respect to the provisions on electronic meetings and electronic participation. Currently, the bylaw does not permit full electronic meetings and does not contain any parameters on when members may attend electronically. CRD staff will report back to the Governance Committee with updated bylaw provisions to permit full electronic meetings in specific circumstances and clarify the parameters for electronic participation by members.

**RECOMMENDATION**

The Governance Committee recommends to the Capital Regional District Board:  
That staff be directed to report back to the Governance Committee with bylaw amendments to update the provisions for electronic meetings and electronic participation of members of CRD committees, commissions and boards.

Submitted by:	Marlene Lagoa, MPA, Manager, Legislative Services & Deputy Corporate Officer
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Concurrence:	Ted Robbins, B. Sc., C. Tech., Chief Administrative Officer

**ATTACHMENT(S)**

- Appendix A: Bylaw No. 3828 – Electronic Participation (Excerpts)
- Appendix B: Local Government Act – Electronic Meetings and Participation (Excerpts)
- Appendix C: B.C. Reg. 271/2005 – Regional District Electronic Meetings Regulation
- Appendix D: CRD Best Practices Guide for Meetings
- Appendix E: Jurisdictional Review of Electronic Meetings & Electronic Participation