

**REPORT TO ELECTORAL AREAS COMMITTEE
MEETING OF WEDNESDAY, SEPTEMBER 09, 2020**

SUBJECT Annual General Meetings & Nomination Procedures for Commissions

ISSUE SUMMARY

COVID-19 and the potential for a second wave make in-person annual general meetings (AGMs), including the nomination and polling of attendees for commission appointment difficult. Finding locations with sufficient space to permit attendance with physical distancing and the reluctance of the public to attend large gatherings (limited to 50 people by the public health officer) have resulted in the need to find alternate ways to conduct the business generally covered at the AGMs.

BACKGROUND

On July 8, 2020, the CRD Board gave the following direction as part of governance implications as a result of COVID-19, which included the following resolution:

Permit local area services and protective services to hold 2020 Annual General Meetings electronically when available meeting space cannot physically accommodate all area ratepayers, and conduct their election process for new committee members by way of mail-in ballot.

Following that direction, a mail ballot process – beginning with a call for nominations – has been initiated in the following local service areas:

- Lyall Harbour – Boot Cove Water Local Service Committee
- Magic Lake Estates Water and Sewer Committee
- Skana Water Service Committee
- Surfside Park Estates Water Local Service Committee
- Sticks Allison Water Local Service Committee
- Wilderness Mountain Water Service Commission

The remaining committees and commissions listed below have a requirement to hold AGMs in their governing bylaws but have not yet initiated any processes for nominations and polling of owners:

Bylaw #	Commission/Committee Name
Bylaw 3281	<ul style="list-style-type: none"> • Port Renfrew Utility Services Committee
Bylaw 3654	<ul style="list-style-type: none"> • Otter Point Fire Protection and Emergency Response Service Commission • East Sooke Fire Protection and Emergency Response Service Commission • North Galiano Fire Protection and Emergency Response Service Commission • Port Renfrew Fire Protection and Emergency Response Service Commission • Shirley Fire Protection and Emergency Response Service Commission • Willis Point Fire Protection and Recreation Facilities Commission
Bylaw 3693	<ul style="list-style-type: none"> • SSI – Beddis Water Service Commission • SSI – Cedar Lane Water Service Commission • SSI – Cedars of Tuam Water Service Commission

	<ul style="list-style-type: none">• SSI – Fernwood Water Local Service Commission• SSI – Fulford Water Service Commission• SSI – Ganges Sewer Local Services Commission• SSI – Highland Water and Sewer Services Commission• SSI – Salt Spring Island Liquid Waste Disposal Local Service Commission
--	--

ALTERNATIVES

Alternative 1

The Electoral Areas Committee recommends to the Capital Regional District Board:

That for the balance of 2020, new appointments for local service area committee and commissions shall be done by the Board based on Electoral Area Director recommendation and not through the Annual General Meeting process, except for those committees and commissions that currently have a mail-in ballot process underway.

Alternative 2

That this report be referred back to staff for additional information.

IMPLICATIONS

Bylaws for some local service commissions and committees require an annual general meeting, at which nominations are taken and attendees polled to forward names onto the CRD Board for appointment. Nominations made through the AGM process are not binding and formal appointment is done by the CRD Board. In accordance with previous Board direction, mail ballot processes are already underway for some water and wastewater services in the CRD. Mail ballots for these services can be included as part of utility billing which assists in easy administration of the mail ballot process. However, for other committees and commission, particularly those that do not have utility billing, mail ballot processes have not yet been initiated. Concerns over cost, response rate and amount of work for staff have resulted in EA Directors requesting committees and commissions with no current process underway consider an alternative.

Current appointment processes for those CRD commissions that do not have a requirement to hold an AGM involve advertising upcoming vacancies locally, then the commission reviews and shortlists applications and makes a recommendation for appointment to the EA Director. The EA Director then forwards the selected nominee(s) to the Board for appointment.

It is proposed that committees and commissions with AGMs and no mail ballot process underway follow a similar appointment process as outlined above.

CONCLUSION

Due to COVID-19, and where mail ballot processes are not currently underway, local service committees and commissions may forgo nominations and polling at AGMs and instead appointments for upcoming vacancies will be advertised locally, applicants will be shortlisted by the committees and commissions, and recommendations will come directly to the CRD Board at the recommendation of the EA Director.

RECOMMENDATION

The Electoral Areas Committee recommends to the Capital Regional District Board:

That for the balance of 2020, new appointments for local service area committee and commissions shall be done by the Board based on Electoral Area Director recommendation and not through the Annual General Meeting process, except for those committees and commissions that currently have a mail-in ballot process underway.

Submitted by:	Kristen Morley, J.D., General Manager, Corporate Services & Corporate Officer
Concurrence:	Robert Lapham, MCIP, RPP, Chief Administrative Officer

ATTACHMENT(S)

Appendix A: Staff Report July 8, 2020

**REPORT TO CAPITAL REGIONAL DISTRICT BOARD
MEETING OF WEDNESDAY, JULY 08, 2020**

SUBJECT COVID Meeting Procedures

ISSUE SUMMARY

The global COVID-19 has resulted in a change of business for local government public meetings, most recently with the introduction of Ministerial Order No. 192. While the CRD Board, committees and commissions continue to meet using a combination of in-person and electronic methods, best efforts must be made to physically include the public in meetings for transparency and accountability, and some accommodation of meeting procedures is required in order to meet physical distancing and public health officer orders.

BACKGROUND

Since late March 2020, the CRD Board has been meeting at least partially electronically in response to COVID-19 and the public health emergency. As the Province enters phases 2 and 3 of the response, the approach to public meetings is also undergoing further evolutions. Should the public health emergency conclude, the ability to meet electronically will no longer be possible under the CRD Board Procedures Bylaw.

On June 17, 2020, the Province of British Columbia issued the Order of the Minister of Public Safety and Solicitor General, Ministerial Order No. 192 under the *Emergency Program Act*. The order replaces the previous Ministerial Order No. 139. The new order provides new direction to local governments for open meetings, electronic meetings and timing requirements for bylaw passage.

Ministerial Order No. 192 applies to the meetings that are scheduled following June 17, 2020. Specifically, the order requires a regional district to ensure best efforts are met for the public to be physically present at open meetings. Under the new order, if a situation arises in which we are not able to safely accommodate all members of the public that wish to physically attend an open meeting, the Board must adopt a resolution which provides the rationale for the continued need to meet without the public present and that demonstrates how the Board will ensure continued transparency and accountability.

At this time, the Order of the Provincial Health Officer on Mass Gathering Events is in effect which does not allow for gatherings of more than 50 people, and physical distancing of 2 metres is still recommended. Based on the current assessment, the CRD boardroom can safely accommodate 35 people and still respect physical distancing requirements. For meetings of the 3 CRD Boards, given the number of Directors (24) and staff (6 Executive, 3 support staff and up to 2 staff speaking to staff reports) required to run the meetings, there is limited space to permit delegations or members of the public to attend in person. Standing Committees meetings in the CRD boardroom will have somewhat more capacity for members of the public to attend, based on fewer Committee members.

The following summarizes how the CRD Boards and Standing Committees will make 'best efforts' to be transparent, accountable and accessible when it is necessary to proceed with open

meetings without the public present:

- Meetings are all webcast through the CRD website;
- Meeting schedules are published monthly on the CRD website and weekly in the Times Colonist;
- Meeting notices and agendas are posted on the CRD website in the timeframe required under the CRD Board Procedures Bylaw (generally on Friday for the following Wednesday's meetings);
- Minutes for all meetings are posted on the CRD website once adopted;
- Presentations/delegations are able to address the CRD Board and standing committees via written submission or electronic participation (since June 10th) and the following messaging has been posted on the CRD website:
 - *Please note that during the COVID-19 situation, as we work to meeting physical distancing requirements, delegations may speak to the CRD Board via a modified process. Please sign up according to the requirements below, and staff will provide details on how to participate. We also strongly encourage submissions via written form (see instructions above).*

Ministerial Order No. 192 also applies to the 60 or more CRD committees and commissions. The new requirements have been communicated with support staff and committee/commission Chairs, with a template resolution provided as per Appendix B. All commissions have been encouraged to meet in person if possible and to make all efforts to welcome the public in whatever way can be done while still complying with the orders of the public health officer.

On May 27, 2020, the CRD Board passed the following resolution related to Annual General Meetings:

1. That the Skana Water Service Committee and Surfside Park Estates Water Service Committee AGMs are hereby deferred for the period of the Provincial State of Emergency;
2. That the financial reports usually presented at the AGM be posted online and rate payers notified; and
3. That the terms of local service committee members set to expire on June 30, 2020 are hereby extended a maximum of six months.

That motion addressed those meetings that were set to occur prior to the end of May. Many CRD local water/wastewater and fire/protective services have annual general meetings (AGM) for ratepayers. These AGMs are scheduled throughout the year, generally in the Spring and Fall. While the content shared with ratepayers at those meetings can be done electronically or be shared via the CRD website, the AGM also is the opportunity to make nominations and elections for new commission members. Given physical meeting space limitations, travel and local community restrictions on visitors, the potential for another round of COVID, as well as the level of interaction required to conduct an in-person AGM election, staff are recommending that for 2020 the CRD Board permit these committees to hold their AGMs with the option of electronic participation and have their usual election process conducted by mail ballot.

ALTERNATIVES

Alternative 1

That the CRD Board:

1. Make all efforts to meet in-person and encourage all other committees and commissions to do so also, provided the meetings can be done in keeping with public health officer

orders,

2. Authorize open meetings of the Regional Board, Hospital District Board and Housing Corporation Board as well as Standing, Select and Advisory Committees to be held without the public physically present provided that: agendas are posted with proper notice; agendas and minutes are available on the website; meetings are live webcasted and can be viewed electronically; and, that the public is able to provide comment as a delegation via written or electronic submission; and
3. Permit local area services and protective services to hold 2020 Annual General Meetings electronically when available meeting space cannot physically accommodate all area ratepayers, and conduct their election process for new committee members by way of mail-in ballot.

Alternative 2

That this report be referred back to staff for additional information.

CONCLUSION

The global COVID-19 has resulted in a change of business for local government public meetings, most recently with the introduction of Ministerial Order No. 192. While the CRD Board, committees and commissions continue to meet using a combination of in-person and electronic methods, best efforts must be made to include the public in meetings for transparency and accountability. In addition, local service AGMs may need to be held electronically for 2020 and have elections via a mail-in ballot process.

RECOMMENDATION

That the CRD Board:

1. Make all efforts to meet in-person and encourage all other committees and commissions to do so also, provided the meetings can be done in keeping with public health officer orders,
2. Authorize open meetings of the Regional Board, Hospital District Board and Housing Corporation Board as well as Standing, Select and Advisory Committees to be held without the public physically present provided that: agendas are posted with proper notice; agendas and minutes are available on the website; meetings are live webcasted and can be viewed electronically; and, that the public is able to provide comment as a delegation via written or electronic submission; and
3. Permit local area services and protective services to hold 2020 Annual General Meetings electronically when available meeting space cannot physically accommodate all area ratepayers, and conduct their election process for new committee members by way of mail-in ballot.

Submitted by:	Emilie Gorman, MPA, Manager, Legislative Services & Deputy Corporate Officer
Concurrence:	Kristen Morley, J.D., General Manager, Corporate Services & Corporate Officer
Concurrence:	Kevin Lorette, P. Eng., MBA, Acting Chief Administrative Officer

ATTACHMENTS

Appendix A: Ministerial Order No. M192

Appendix B: Draft Committee & Commission Resolution

PROVINCE OF BRITISH COLUMBIA

ORDER OF THE MINISTER OF PUBLIC SAFETY AND
SOLICITOR GENERAL

Emergency Program Act

Ministerial Order No. M192

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 No. 2 made by MO 139/2020 is repealed, and
- (b) the attached Local Government Meetings and Bylaw Process (COVID-19) Order No. 3 is made.

Date

17/06/2020

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 139/2020; OIC 310/2020

LOCAL GOVERNMENT MEETINGS AND BYLAW PROCESS (COVID-19) ORDER NO. 3

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 No. 2 made by MO 139/2020.

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*, must use best efforts to allow members of the public to attend an open meeting of the council or body in a manner that is consistent with any applicable requirements or recommendations made under the *Public Health Act*.
- (2) A council or body is not required to allow members of the public to attend a meeting if, despite the best efforts of the council or body, the attendance of members of the public cannot be accommodated at a meeting that would otherwise be held in accordance with the applicable requirements or recommendations under the *Public Health Act*.
- (3) If a council or body does not allow members of the public to attend a meeting, as contemplated in subsection (2) of this section,
- (a) the council or body must state the following, by resolution:
 - (i) the basis for holding the meeting without members of the public in attendance;
 - (ii) the means by which the council or body is ensuring openness, transparency, accessibility and accountability in respect of the meeting, and
 - (b) for the purposes of Division 3 *[Open Meetings]* of Part 4 *[Public Participation and Council Accountability]* of the *Community Charter*, the meeting is not to be considered closed to the public.
- (4) The council or body may pass a resolution under subsection (3) (a) in reference to a specific meeting or, if the same circumstances apply, more than one meeting.
- (5) 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*, must use best efforts to allow members of the public to attend an open meeting of the board, board committee or body in a manner that is consistent with any applicable requirements or recommendations made under the *Public Health Act*.
- (2) A board, board committee or body is not required to allow members of the public to attend a meeting if, despite the best efforts of the board, board committee or body, the attendance of members of the public cannot be accommodated at a meeting that would otherwise be held in accordance with the applicable requirements or recommendations under the *Public Health Act*.

- (3) If a board, board committee or body does not allow members of the public to attend a meeting, as contemplated in subsection (2) of this section,
 - (a) the board, board committee or body must state the following, by resolution:
 - (i) the basis for holding the meeting without members of the public in attendance;
 - (ii) the means by which the board, board committee or body is ensuring openness, transparency, accessibility and accountability in respect of the meeting, and
 - (b) 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*, the meeting is not to be considered closed to the public.
- (4) The board, board committee or body may pass a resolution under subsection (3) (a) in reference to a specific meeting or, if the same circumstances apply, more than one meeting.
- (5) 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*, must use best efforts to allow members of the public to attend an open meeting of the Vancouver council or the body in a manner that is consistent with any applicable requirements or recommendations made under the *Public Health Act*.
- (2) The Vancouver council or a body is not required to allow members of the public to attend a meeting if, despite the best efforts of the Vancouver council or the body, the attendance of members of the public cannot be accommodated at a meeting that would otherwise be held in accordance with the applicable requirements or recommendations under the *Public Health Act*.
- (3) If the Vancouver council or a body does not allow members of the public to attend a meeting, as contemplated in subsection (2) of this section,
 - (a) the Vancouver council or the body must state the following, by resolution:
 - (i) the basis for holding the meeting without members of the public in attendance;
 - (ii) the means by which the Vancouver council or the body is ensuring openness, transparency, accessibility and accountability in respect of the meeting, and
 - (b) for the purposes of section 165.1 [*general rule that meetings must be open to the public*] of the *Vancouver Charter*, the meeting is not to be considered closed to the public.

- (4) The Vancouver council or a body may pass a resolution under subsection (3) (a) in reference to a specific meeting or, if the same circumstances apply, more than one meeting.
- (5) 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*, must use best efforts to allow members of the public to attend an open meeting of the trust body or board of variance in a manner that is consistent with any applicable requirements or recommendations made under the *Public Health Act*.
- (2) A trust body or board of variance is not required to allow members of the public to attend a meeting if, despite the best efforts of the trust body or board of variance, the attendance of members of the public cannot be accommodated at a meeting that would otherwise be held in accordance with the applicable requirements or recommendations under the *Public Health Act*.
- (3) If a trust body or board of variance does not allow members of the public to attend a meeting, as contemplated in subsection (2) of this section,
 - (a) the trust body or board of variance must state the following, by resolution:
 - (i) the basis for holding the meeting without members of the public in attendance;
 - (ii) the means by which the trust body or board of variance is ensuring openness, transparency, accessibility and accountability in respect of the meeting, and
 - (b) For the purposes of section 11 [*procedures to be followed by local trust committees*] of the *Islands Trust Act*, the meeting is not to be considered closed to the public.
- (4) A trust body or board of variance may pass a resolution under subsection (3) (a) in reference to a specific meeting or, if the same circumstances apply, more than one meeting.
- (5) 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) When conducting a meeting under subsection (1), a council or body must use best efforts to use electronic or other communication facilities that allow members of the public to hear, or watch and hear, the part of the meeting that is open to the public.
- (4) If a council or body does not use electronic or other communication facilities as described in subsection (3), the council or body must state the following, by resolution:
 - (a) the basis for not using electronic or other communication facilities that allow members of the public to hear, or watch and hear, the part of the meeting that is open to the public;
 - (b) the means by which the council or body is ensuring openness, transparency, accessibility and accountability in respect of the meeting.
- (5) A council or body may pass a resolution under subsection (4) in reference to a specific meeting or, if the same circumstances apply, more than one meeting.
- (6) 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 unless a council or body proceeds as described in subsection (3) of this section, in which case those paragraphs apply.
- (7) 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, board committee or body 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) When conducting a meeting under subsection (1), a board, board committee or body must use best efforts to use electronic or other communication facilities that allow members of the public to hear, or watch and hear, the part of the meeting that is open to the public.
- (4) If a board, board committee or body does not use electronic or other communication facilities as described in subsection (3), the board, board committee or body must state the following, by resolution:

- (a) the basis for not using electronic or other communication facilities that allow members of the public to hear, or watch and hear, the part of the meeting that is open to the public;
 - (b) the means by which the board, board committee or body is ensuring openness, transparency, accessibility and accountability in respect of the meeting.
- (5) A board, board committee or body may pass a resolution under subsection (4) in reference to a specific meeting or, if the same circumstances apply, more than one meeting.
- (6) 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 unless a board, board committee or body proceeds by using electronic or other communication facilities as described in subsection (3) of this section, in which case those paragraphs apply.
- (7) 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, 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 Vancouver council or the body by means of electronic or other communication facilities.
- (2) A member of the Vancouver council or of a 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) When conducting a meeting under subsection (1), the Vancouver council or a body must use best efforts to use electronic or other communication facilities that allow members of the public to hear, or watch and hear, the part of the meeting that is open to the public.
- (4) If the Vancouver council or a body does not use electronic or other communication facilities as described in subsection (3), the Vancouver council or the body must state the following, by resolution:
- (a) the basis for not using electronic or other communication facilities that allow members of the public to hear, or watch and hear, the part of the meeting that is open to the public;
 - (b) the means by which the Vancouver council or the body is ensuring openness, transparency, accessibility and accountability in respect of the meeting.
- (5) The Vancouver council or a body may pass a resolution under subsection (4) in reference to a specific meeting or, if the same circumstances apply, more than one meeting.

- (6) Section 2 (2) (c) and (d) [*electronic meetings authorized*] of the City of Vancouver Council Electronic Meetings Regulation, B.C. Reg. 42/2012, does not apply in respect of a meeting conducted by means of electronic or other communication facilities under this section unless the Vancouver council or a body proceeds by using electronic or other communication facilities as described in subsection (3) of this section, in which case those paragraphs apply.
- (7) This section applies despite
 - (a) section 164.1 [*meeting procedures*] of the *Vancouver Charter*,
 - (b) the City of Vancouver Council Electronic Meetings Regulation, 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 of an improvement district board, 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) When conducting a meeting under subsection (1), an improvement district board or committee of an improvement district board must use best efforts to use electronic or other communication facilities that allow members of the public to hear, or watch and hear, the part of the meeting that is open to the public.
- (4) If an improvement district board or committee of an improvement district board does not use electronic or other communication facilities as described in subsection (3), the improvement district board or committee of an improvement district board must state the following, by resolution:
 - (a) the basis for not using electronic or other communication facilities that allow members of the public to hear, or watch and hear, the part of the meeting that is open to the public;
 - (b) the means by which the improvement district board or committee of an improvement district board is ensuring openness, transparency, accessibility and accountability in respect of the meeting.
- (5) An improvement district board or committee of an improvement district board may pass a resolution under subsection (4) in reference to a specific meeting or, if the same circumstances apply, more than one meeting.
- (6) 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 the 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) When conducting a meeting under subsection (1), a trust body or board of variance must use best efforts to use electronic or other communication facilities that allow members of the public to hear, or watch and hear, the part of the meeting that is open to the public.
 - (4) If a trust body or board of variance does not use electronic or other communication facilities as described in subsection (3), the trust body or board of variance must state the following, by resolution:
 - (a) the basis for not using electronic or other communication facilities that allow members of the public to hear, or watch and hear, the part of the meeting that is open to the public;
 - (b) the means by which the trust body or board of variance is ensuring openness, transparency, accessibility and accountability in respect of the meeting.
 - (5) A trust body or board of variance may pass a resolution under subsection (4) in reference to a specific meeting or, if the same circumstances apply, more than one meeting.
 - (6) 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 if the bylaw is made in relation to
- (a) the following sections of the *Community Charter*:
 - (i) section 165 [*financial plan*];
 - (ii) section 177 [*revenue anticipation borrowing*];
 - (iii) section 194 [*municipal fees*];
 - (iv) section 197 [*annual property tax bylaw*];
 - (v) section 200 [*parcel tax bylaw*];
 - (vi) section 202 [*parcel tax roll for purpose of imposing tax*];
 - (vii) section 224 [*general authority for permissive exemptions*];

- (viii) section 226 [*revitalization tax exemptions*];
- (ix) section 235 [*alternative municipal tax collection scheme*], and
- (b) tax sales, as referred to in Divisions 4 [*Annual Tax Sales*] and 5 [*Tax Sale Redemption Periods*] of the Local Government Finance (COVID-19) Order made by MO 159/2020, or otherwise under Division 7 [*Annual Municipal Tax Sale*] of Part 16 [*Municipal Provisions*] of the *Local Government Act*.

Division 5 – Public Hearings

Public hearings – Local Government Act

- 13** (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

- 14** (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

- 15**
- (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.

Appendix B: Draft Committee & Commission Resolution

1. That this resolution applies to the (insert commission name) for the meetings being held (insert date of next three months of regular meetings), and
2. That the attendance of the public at the place of the meeting cannot be accommodated in accordance with the applicable requirements or recommendations under the *Public Health Act*, despite the best efforts of the (committee/commission), because:
 - a. The available meeting facilities cannot accommodate more than (x) people in person, including members of the (committee/commission) and staff, **and**
 - b. There are no other facilities presently available that will allow physical attendance of the (committee/commission) and the public in sufficient numbers; and
3. That the (committee/commission) is ensuring openness, transparency, accessibility and accountability in respect of the open meeting by the following means (CHOOSE THOSE THAT APPLY):
 - a. By allowing the public to hear (and/or) participate via electronic meeting software,
 - b. By allowing the public to see and hear the live webcasting of the meeting on the CRD website,
 - c. By providing notice of the meeting in newspaper or local notice Board, including the methods for providing written or electronic submissions,
 - d. By providing newspaper notice of the meeting and means of seeing, hearing and participating in the meeting in accordance with the requirements on the *Local Government Act*,
 - e. By providing additional notice of the meeting by (insert detail here),
 - f. By making the meeting agenda, as well as the other relevant documents, available on the CRD website, and directing interested persons to the website by means of the notices provided in respect of the meeting,
 - g. By strongly encouraging the provision of, and subsequently receiving and distributing to members, written correspondence from the public in advance of the meeting, and
 - h. By making the minutes of the meeting available on the CRD website following the meeting