

**DATE:** June 19, 2020

**TO:** MAYOR AND COUNCIL

**NAME AND TITLE:** Walter Babicz, General Manager of Administrative Services

**SUBJECT:** Council Meeting Procedures under Ministerial Order No. M192

**ATTACHMENTS:** None

**RECOMMENDATION:**

THAT Council ENDORSES allowing the public to attend open meetings of Council and other bodies referred to in section 93 of the *Community Charter*, in a manner that is consistent with any requirements under Ministerial Order No. M192, as set out in the report dated June 19, 2020 from the General Manager of Administrative Services titled “Council Meeting Procedures under Ministerial Order No. M192.”

**PURPOSE:**

For Council’s endorsement to allow public attendance at open council and council committee meetings, as required under Ministerial Order No. M192 (“Order No. M192”).

**BACKGROUND:**

In May, the Province of BC announced BC’s Restart Plan in response to COVID-19, and the start of Phase 2 beginning on May 29, 2020, allowing restrictions to be lifted in a phased approach with the close monitoring of the Public Health Officer.

At the June 15, 2020 regular Council meeting, Council considered Ministerial Order No. M139 and approved certain Council meeting procedural changes, including public hearing processes. On June 17, 2020, the Province replaced Ministerial Order No. M139 with Order No. M192, moving local government open meetings towards normal operations in support of the restart process.

The primary changes under Order No. M192 are in relation to open meetings, electronic meetings and the timing requirements for adopting bylaws. All other previous provisions under Ministerial Order No. M139 such as authority to conduct public hearings electronically and allowing councils to meet electronically, remain in effect. Other rules, as provided for in legislation or procedure bylaws such as notice requirements and voting rules also continue to apply.

The sections below outline the changes as they relate to local governments under Order No. M192, effective June 17, 2020. These changes do not require amendments to the Council Procedures Bylaw and would continue to supplement the other council meeting procedural changes previously approved by Council.

**Public Attendance at Open Council Meetings**

Order No. M192 requires that municipal councils use best efforts to allow members of the public to attend open meetings of the council, in a manner that is consistent with any applicable requirements or recommendations made under the *Public Health Act*. If councils do not allow members of the public to attend open meetings, they must adopt a resolution to provide a rationale for the continued need to meet without the public present and to describe what local measures are being taken to meet the principles of openness, transparency, accessibility and accountability in respect of the meeting. In our circumstances, with the physical distancing arrangements and sanitizing protocols currently in place for public attendance at those council meetings that include public hearings, staff does not foresee a situation where an open meeting of Council would need to be closed to the public. As mentioned in previous reports, the City's Council Chambers and adjacent conference room should provide adequate space for members of the public to attend the meeting for observation or to provide representations to Council. Measures that support orders and guidelines of the Provincial Public Health Officer will remain. For example, staff will monitor physical distancing for compliance, explain safety measures, and continue with enhanced sanitizing of common surfaces.

For clarity, as previously approved by Council, staff will maintain discontinuing informal hearings, and recommend that formal public hearings be waived for rezoning applications that: (a) are consistent with the Official Community Plan; (b) have a staff recommendation of support; and (c) are not expected to generate significant public input.

### **Electronic Meetings**

Consistent with the previous Ministerial Order, Order No. M192 authorizes all local governments to conduct council meetings by means of electronic or other communication facilities even if their procedures bylaw does not permit it. A new provision is that when conducting an electronic meeting, Councils must now demonstrate best efforts to use electronic or other communication facilities that allow members of the public to hear, or watch and hear, meetings that are open to the public. Again, if Councils are unable to meet those requirements for openness and transparency, Council must pass a resolution stating the basis for not using electronic or other communication facilities and other measures to ensure procedural fairness and promote openness and transparency.

In our circumstances, the City has maintained openness and transparency by continuing to record and live-stream all open council meetings, and in the short term will also be instituting telephone conferencing participation for members of the public during public hearings. Accordingly, no further action is required in connection with this requirement.

### **Timing Requirement for Adopting Bylaws**

Under the former Ministerial Order No. M083, municipal councils were permitted to adopt most bylaws at the same meeting that they were given first three readings. Order No. M192 now limits that authority to certain financial bylaws.

Specifically, under Order M192 only the following financial bylaws remain able to be given three readings and adoption on the same day: financial plan, revenue anticipation borrowing, municipal fees, annual property tax, parcel tax, permissive exemptions, revitalization tax exemptions, alternative municipal tax collection scheme, and tax sales.

**SUMMARY AND CONCLUSION:**

This report summarizes Order No. M192 and requests Council's endorsement to permit public attendance at open Council meetings.

**RESPECTFULLY SUBMITTED:**

Walter Babicz, General Manager of Administrative Services

**PREPARED BY:** Maureen Connelly, Manager of Legislative Services

**APPROVED:**

Ian Wells, Acting City Manager

Meeting Date: 2020/06/29