



July 24, 2020

To: All local government clerks and corporate officers

Re: Ministerial Order 192

As you are aware on June 17, 2020 Ministerial Order 192 (Order) on local government meetings and bylaw process was signed, repealing and replacing MO139.

The purpose of this circular is to provide an overview of the Order and the implications for local government operations. We recognize the changes brought about by the Order may require extra effort from local government staff, in particular clerks and corporate officers as local governments transition to restart and appreciate and thank you for the work you have done during this unprecedented time.

The Order transitions local governments back to operating under the normal legislative rules and requirements, while balancing the health and safety recommendations of the Public Health Officer (PHO). The Order recognizes that local governments continue to need flexibility with respect to the rules depending on their local circumstances. The Order and guidance materials also support the principles of openness, transparency, accountability and accessibility which are fundamental principles of the local government system.

The main changes in the Order relate to public attendance at open meetings, electronic meetings, and timing requirements for bylaw passage. We understand that the capacity, technology and space available to local governments differs across the Province and have therefore intended the Order to provide flexibility to local governments to decide what will work best for their community as they reopen.

We encourage local governments to consider what steps they can take to accommodate in-person attendance at open meetings or provide a space where the public can hear the meeting to understand the local government decision-making process.

Public Hearings

Public hearings are separate from council and board meetings and are addressed accordingly under Division 5 of the Order. Under the Order, a council, board or local trust committee of the Islands Trust may conduct a public hearing by electronic or other communication facilities. These provisions provide local governments another tool to hold public hearings while complying with the public health orders on mass gatherings and recommendations on physical distancing.

It is up to each local government to decide which format of public hearing is best suited to its circumstances, whether it be electronic, in-person or a combination of both. For more information about public hearings under the Order please see “Guidance for the conduct of public hearings under Ministerial Order M192” available at on the Ministry’s website: <https://www2.gov.bc.ca/gov/content/governments/local-governments/governance-powers/covid-19>.

Public Attendance at Open Meetings

Under the Order, local governments may decide when they are ready to safely provide in-person public attendance at open meetings. We encourage local governments to consider a phased approach to making “best efforts” to provide public access to open meetings if needed. A phased approach may include providing limited public access initially to open meetings, exploring other meeting venues, and working toward providing added options (e.g. teleconferences or live streaming) for the public to participate in meetings if in-person attendance can’t be accommodated.

If, after developing a plan for meetings, a local government is unable to accommodate in-person public attendance, the Order requires the local government to pass a resolution to provide a rationale for the continued need to meet without the public present. The local government must also describe what measures are being taken to meet the principles of openness, transparency, and accessibility. The resolution may apply to one meeting or to multiple meetings if the same circumstances apply.

Electronic Meetings

The Order continues to make it easier for elected officials to meet through electronic mediums while allowing local governments to conduct their day-to-day business as they follow physical distancing guidelines. If a local government meeting is held electronically, we encourage local governments to explore whether they can provide facilities that enable the public to listen to or watch and listen to the meeting. This may include exploring another space at the municipal or board office or another facility where the public could attend to listen to, or watch and listen to, the meeting using available technology.

We recognize that not all local governments have access to the space or technology to accommodate the public to listen to or watch and listen to a meeting. The Order provides flexibility so that local governments can pass a resolution providing the reasons for being unable to provide a facility that enables the public to listen to or watch and listen to the meeting if this is the case. The local government must also describe what measures are being taken to meet the principles of openness, transparency, and accessibility in respect of the meeting.

Timing Requirements for Bylaw Passage

The Order repeals the authority for expedited bylaw passage which authorized bylaw adoption in the same day as third reading for regional districts and the Islands Trust and narrows the eligibility for expedited single-day bylaw adoption to certain financial bylaws for municipalities.

Municipalities can continue to pass certain bylaws, described in the Order, in a single day to ensure that they are resilient and flexible in a time of economic disruption and fiscal uncertainty. The changes ensure that council and boards are operating under the principles of good governance, public process, transparency and accountability.

Conclusion

We appreciate that local governments in B.C. are addressing many competing issues as we move through this unprecedented time. The Province will continue to work collaboratively with local governments to ensure the needs of elected officials, local government staff and the public are balanced.

As COVID-19 is an evolving issue, the Province will continue to monitor the effects of these measures, consider other measures that may be required and provide updates of actions taken to support local governments.

Shortly, the ministry will be reaching out to local governments with a survey to understand their experiences working under the Minister Orders. The information shared back will assist the ministry in understanding measures needed moving forward. The focus of the survey will be on:

- How council and board meetings are operating during the pandemic;
- What technology and resources are being utilized for meetings;
- Whether there are procedural issues arising from working under the Order; and
- How they plan to move forward.

If you should have any questions regarding this circular or the Order, I encourage you to contact our Governance and Structure Branch. You can reach the Governance and Structure Branch by phone or email at: 250 387-4020 or LGGovernance@gov.bc.ca.

We sincerely thank local governments for their support and cooperation throughout this process

Sincerely,

A handwritten signature in black ink, appearing to read "T. Faganello". The signature is written in a cursive, flowing style with a large initial 'T' and a long, sweeping underline.

Tara Faganello
Assistant Deputy Minister and Inspector of Municipalities
Local Government Division
Ministry of Municipal Affairs and Housing