



COUNCIL REPORT

To: Paul Gipps, CAO

Date: August 24, 2021

From: Brad Savoury, Director of Legal Services

Subject: **Electronic Meetings Framework**

RECOMMENDATION

THAT Council consider and resolve to amend section 1.2 of the Public Hearing Process Policy to allow for public hearings to be held electronically with an effective date of September 29, 2021.

BACKGROUND

Since June 17, 2020 local governments have been operating under Ministerial Order M192 which authorized council and committee meetings as well as public hearings to be conducted electronically during the Covid-19 pandemic. On June 1, 2021 Bill 10 *Municipal Affairs Statute Amendments Act* was passed to include, among other things, permanent authority for municipalities to choose, by bylaw, whether to conduct regular and committee meetings electronically (in addition to special meetings which were previously authorized under the *Community Charter*). These new rules will come into force by regulation on September 29, 2021 after M192 expires on September 28, 2021. The City can continue to use the M192 order until that date, however there will be a gap whereby the City will *not* be authorized to conduct certain meetings electronically until such time as Council amends its Procedure Bylaw No. 0258 as outlined in more detail below.

Regular and Committee Meetings

The new regulations will amend section 128 of the *Community Charter* to allow the City, through amending Procedure Bylaw No. 0258, to conduct regular and committee meetings electronically, as well as allowing electronic participation (i.e. a hybrid meeting where some members of Council attend in person while others attend electronically). The amendments cannot be adopted until M192 expires on September 28, 2021 and will also require the requisite public notice in accordance with Section 94 of the *Charter* (publication in a newspaper for two consecutive weeks). Therefore, until such time as a potential amendment is adopted, regular and committee meetings must be held in person, and all participants (i.e. applicants, presenters, delegates) will also be required to appear in person.

Council Procedure Bylaw No. 258

Prior to the M192 order, the only meetings that were authorized to be conducted electronically were special meetings in accordance with s. 128 of the *Community Charter*. Section 9 of Council Procedure Bylaw No. 0258 sets out the manner in which a special meeting can be conducted electronically. If Council would like the option to conduct regular or committee meetings electronically following the expiration of the M192 order, Bylaw No. 0258 must be amended to include those options. The first scheduled meeting following the expiration will be October 12, 2021.

Public Hearings and Public Hearing Process Policy

The process for holding public hearings on planning and land use bylaws is set out in Division 3 of the *Local Government Act*. Unlike regular, committee, or special meetings, there is **no** requirement for the adoption of a bylaw to establish general procedures for conducting public hearings. Instead, the City has a Public Hearing Process Policy (“PHPP”) which outlines the process for such hearings. The new amendments to the *LGA* will authorize municipalities to conduct public hearings electronically *without* having to amend Bylaw No. 0258 and will be effective September 29, 2021. However, because the PHPP currently does not reference the ability to conduct a public hearing electronically, the City should amend the PHPP prior to conducting public hearings electronically after M192 expires. Section 1.2 currently provides:

- 1.2 Public Hearings are to be held in the City of West Kelowna Council Chambers except when the location and scope of the application may warrant holding the Public Hearing at a larger location.

A simple amendment to section 1.2 could be as follows:

- 1.2 Public Hearings are to be held in the City of West Kelowna Council Chambers except when the location and scope of the application may warrant holding the Public Hearing electronically and/or at a larger location.

Amendments to the PHPP will *not* require public notice pursuant to section 94 of the *Charter* and can take effect immediately or at a future defined date, following a resolution from Council.

DISCUSSION

The Province made the decision to permanently authorize local governments to conduct meetings and public hearings electronically as a result of recognizing the many advantages and enhanced transparency and accessibility that electronic meetings offer their respective residents. Further, the current health measures that were implemented for Central Okanagan as of July 28, 2021 are a clear example of how regional areas can be impacted by ministerial orders without the benefit of a provincial wide exemption such as M192. Allowing local governments the option to conduct electronic meetings in such

circumstances through their own bylaws will provide relief from the negative impacts of potential localized orders in the future.

Direction from Council

If directed by Council, staff will prepare a report for the October 12, 2021 with proposed amendments to the Procedure Bylaw No. 0258 to allow for regular and committee meetings to be conducted electronically for Council's consideration.

REVIEWED BY

Brad Savoury, Director of Legal Services

Shelley Schnitzler, Legislative Services Manager/Corporate Officer

APPROVED FOR THE AGENDA BY

Paul Gipps, CAO

Powerpoint: Yes No

Attachments: Public Hearing Process Policy dated September 29, 2021
Excerpt from Council Procedure Bylaw No. 258, Section 9 (Electronic Meetings)