Electronic meetings of local government bodies during the COVID-19 pandemic

May 21, 2020

On March 18, 2020, B.C.'s Minister of Public Safety and Solicitor General (the Minister) declared a state of emergency in effect across British Columbia in response to COVID-19. To facilitate the safe administration of local government business during this state of emergency, on May 1, 2020, the Minister issued Ministerial Order No. M139 (the Order). The Order temporarily modifies the legislative requirements that govern, among other things, electronic meetings of local government bodies.

Summary of the legislative modifications

The provisions in the Order that specifically address electronic meetings of local government bodies essentially provide that:

- A local government body (*e.g.* a municipal council or a regional district board) may conduct all or part of its meetings (including its special meetings) electronically, whether or not this is expressly permitted by the local government's procedural bylaw;
- A member of a local government body who participates in an electronic meeting is deemed to be present at the meeting; and
- The technology used to conduct an electronic meeting must enable the meeting's *participants* to hear, or watch and hear, each other. However, the technology is not required to enable the *public* to hear, or watch and hear, the meeting's participants (the Order also temporarily permits a local government body to exclude members of the public from its open meetings).

Optimizing electronic governance during the COVID-19 pandemic

While the Order remains in effect, local governments should be mindful of a number of issues that take on increased importance when conducting local government meetings electronically.

- **Compatibility & Access** – When conducting meetings electronically, local governments should ensure they use an electronic meeting platform that is

accessible to meeting participants and that does not require extensive training. However, it may be wise for local governments to offer meeting participants ongoing technology training and troubleshooting services.

- **Security** – When conducting meetings electronically, local governments should ensure they use an electronic meeting platform that is secure. Local governments should also educate meeting participants on: (a) how to protect official information on their personal devices and (b) how to protect themselves from malicious actors using the electronic meeting platform in question.
- **Meeting Management** – The chair of an electronic meeting should be considerate of agenda items and meeting management. For example, the chair could arrange for the agenda to be "streamed" so that all meeting participants are able to follow along.
- **Meeting Etiquette** – When conducting meetings electronically, local governments should consider providing meeting participants with best practices regarding electronic meeting etiquette. Best practices could cover such matters as the optics of an on-screen area during a video-conferencing meeting and the use of the mute button during a meeting.
- **Participation & Voting** – When conducting meetings electronically, local governments should ensure they use an electronic meeting platform that minimizes meeting disruptions (*e.g.* a platform with infrequent technical glitches) and facilitates electronic voting by meeting participants.

Electronic meetings post-emergency

The provisions of the Order will only remain in effect for the duration of B.C.'s state of emergency.[1] Once the state of emergency expires, the pre-pandemic legislative requirements that govern meetings of local government bodies will take effect once again. At that time, local governments who wish to continue conducting business via electronic meetings should consider updating their procedural bylaws and policies (as necessary) to facilitate this.

[1] As of May 21, 2020, B.C's state of emergency has been extended through the end of the day on May 26, 2020.

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