



Guidance for Improvement Districts Conducting Electronic Meetings During COVID-19

Introduction

B.C is currently in Phase 3 of the safe restart plan. [B.C.'s Restart Plan](#) sets out a careful, four-phase approach to restarting the province. Working in concert with public health monitoring from the Provincial Health Officer (PHO), the plan gradually allows for more social and economic activity. The physical reopening of improvement districts, local governments, businesses and other organizations must comply with public health and safety guidance from the PHO and WorkSafeBC.

This document provides guidance to improvement districts regarding announcing and conducting electronic meetings during the COVID-19 pandemic. Improvement districts can use the information provided, in conjunction with the *Local Government Act* (LGA), their letters patent and meeting procedure bylaw, to establish clear processes and procedures for these events that support the recommended [PHO](#) health and safety measures (including physical distancing) and those set out by [WorkSafeBC](#).

Electronic Meetings

The *COVID-19 Related Measures Act* and [Ministerial Order M192](#) gives improvement districts the temporary authority to hold electronic meetings (excluding the Annual General Meeting). If improvement districts wish to have the authority to hold electronic meetings beyond the COVID-19 Provincial State of Emergency and to allow for electronic annual general meetings (AGMs), they may amend their meeting procedure bylaw.

If, after best efforts, improvement districts are unable to provide facilities where the public can hear or watch and hear a meeting held electronically and comply with PHO requirements, they may wish to let the public know the reasons why they are unable to do so.

Improvement districts may also wish to describe how they are ensuring openness, transparency, accessibility and accountability with respect to meetings. For example, they could post the agenda and minutes on their website and/or email the minutes to landowners, and they could also record the meetings for landowners to view remotely.

Improvement districts may wish to clearly outline under what circumstances and how electronic meetings will be conducted in an “electronic meetings policy”. Such a policy would also set out how trustees who are unable to be physically present would be allowed to participate in a meeting they would otherwise miss.

Electronic Meeting Policy

An electronic meeting policy may help increase transparency, openness, accountability and consistency. When developing an electronic meeting policy, improvement districts may wish to consider:

Legislative and Meeting Procedure Bylaw Requirements

Improvement district boards of trustees may only enact their decisions by bylaw or resolution at a legally convened meeting. When meeting electronically, improvement districts must continue to meet the requirements set out in the LGA, their letters patent and in their meeting procedure bylaw, including:

- calling meetings;
- having quorum of trustees;
- the presence of a Chair or acting Chair;
- taking of meeting minutes; and
- adhering to the *Freedom of Information and Protection of Privacy Act*.

Communication

- Provide notice that informs the public that the meeting will be held electronically and where the agenda and minutes can be viewed (for example, the improvement district website or emailed to landowners).
- If available, provide information about how the public can participate or observe (for example, email questions in advance, listen on a conference call or watch a video of the meeting).
- Offer alternative means by which the public can provide input on agenda topics before or during a meeting to increase accessibility (for example, via email, online submission form, phone or written letter).
- Anticipate technology issues and consider allowing additional time on the agenda to resolve technical issues, including the possible lag when live-streaming.

Electronic Meeting Participation

Elements of an electronic meeting policy may address the following:

- Identify a process for trustees and landowners to follow to notify the administrator and/or Chair if they wish to attend electronically.
- Include how agendas will be provided.
- Provide a process for accurate minutes and attendance, which requires that a trustee attending electronically inform the Chair when they join and leave the meeting.
- Ask that trustees and staff to identify others who are in the room with them if attending electronically (for example, attending the electronic meeting from home).
- Regarding a closed electronic meeting, require that trustees and staff attending such a meeting ensure that no other person is in the same room as the member during the meeting and that no other person can observe or hear the meeting (for example, attending the electronic meeting from home).
- Consider how documents will be kept secure.
- Suggest that participants join the meeting five to 15 minutes early to allow for time to address technical difficulties if they are to arise.
- When there is participation via video or telephone conference, all microphones are to be muted unless a participant is speaking.
- Ensure trustees are responsible for no background noise at their location that would interfere with the meeting.

- Ensure a trustee’s video is appropriate and not distracting (some applications offer the option to blur the background or choose simple backgrounds).
- Allow trustees or staff participating via video conference to indicate they would like to speak by physically raising their hand and keeping it raised until the Chair acknowledges their request.
- Ensure trustees or staff participating via telephone shall be called upon by the Chair to speak after all members participating in-person or via video conference have spoken.
- If members of the public are participating electronically, ensure the audience is muted or a reminder is given at the beginning of the meeting for all participants to take the time to mute their devices and to only speak when called upon.

Voting

- All trustees participating via video conference will vote by a show of hands.
- All trustees participating via telephone will be asked by the Chair to vote verbally.

Technology

- Consider technological capacity and connectivity when determining the platform for conducting electronic meetings. The method of electronic participation may be telephone conference call or video conference.
- Consider privacy and security of the platform being used.
- Use technology that allows for the debate to be heard, or seen and heard, and for trustees to indicate their vote on a motion, resolution or bylaw so there is an opportunity for trustees and landowners to understand how everyone is voting and a record is made in the minutes.
- Ensure accessibility considerations have been made for people with hearing or visual impairments.
- Establish a practice whereby it is each staff and Trustee’s duty to ensure their equipment and technology are ready in advance of the meeting.

Technical Difficulties

- Consider offering remote technology training or a meeting rehearsal in advance of the meeting.
- Create a plan for when technical difficulties arise, including the process if a technical failure does not allow for the meeting to continue.
- Have a staff member on standby who is the contact for participants with technical issues.
- If technological issues impact the proceedings of a meeting, the meeting may be recessed at the direction of the Chair to allow for the issue to be resolved prior to proceeding further with the agenda.
- Establish a practice whereby if a trustee becomes disconnected, five minutes will be allotted to reconnecting, after which time the meeting shall resume and no further efforts shall be taken to reconnect, unless quorum is lost
- Establish a process for if quorum is lost if one or more trustees become disconnected (for example, the meeting will be rescheduled).

Public Participation

Improvement districts are not subject to the open meeting provisions in the *Community Charter* and the LGA – at the same time, the open meeting provisions provide a useful guide for improvement districts to conduct meetings that are open and transparent.

If the meeting will be open to the public, improvement districts may provide electronic video conferencing links or conference call numbers to the public via email or posted on a webpage with security considerations kept in mind.

Trustees may wish to allocate time for the public to ask questions. As well, improvement districts may wish to record their meetings and post them on-line.

Electronic and In-Person Meeting Participation

There may be a situation where a trustee requests to participate electronically when the meeting is to be held in-person. If this is the case, the electronic meeting policy may have provisions in place to address this request. Please note that if the in-person meeting is open for public attendance, PHO health and safety requirements come into effect.

Under [Order of the Provincial Health Officer: Gatherings and Events](#) (Order) issued on August 7, 2020, no more than 50 individuals may attend an event such as an open meeting in-person. In addition, improvement districts must provide for physical distancing, hand washing or sanitization, and collect the first and last names and telephone number, or email address, of every person who attends a meeting in-person. For more details on holding safe in-person meetings, please see the [Guidance for Improvement Districts Holding Annual General Meetings and Elections during COVID-19](#) for suggestions and requirement for in-person meetings.

Improvement districts must retain the contact information required by the PHO for 30 days in case there is a need for contact tracing on the part of the medical health officer, in which case the improvement district must provide that information to the medical health officer.

Freedom of Information and Protection of Privacy Act

The Freedom of Information and Protection of Privacy Act (FOIPPA) applies to local public bodies – this includes improvement districts. The FOIPPA establishes the right of the public to access records held by improvement districts, the process for accessing those records and prevents the unauthorized collection, use or disclosure of personal information by improvement districts. The contact information collected under the PHO Order is subject to FOIPPA as well as any internal document retention policies and practices an improvement district may have in place.

Meeting Procedure Bylaw

Improvement district meeting procedure bylaws must establish the procedures for calling meetings of the board and for the conduct of its business, including how resolutions and bylaws may be passed. The improvement district may establish different procedures for electronic meetings, including an electronic meeting policy, in their meeting procedure bylaw.

Improvement districts may wish to carefully consider practical challenges that may arise as they establish electronic meeting procedures. A potential challenge improvement districts may wish to consider is how the chair will fulfill their duties if they attend electronically. For example, a chair may have difficulty observing and deciding on points of order that may arise during the meeting if they are attending electronically.

If a meeting procedure bylaw is amended to include an electronic meeting policy, it must be registered with the Inspector of Municipalities.

Meeting Participation

Elements of an electronic meeting policy may address the following if a Trustee participates in an in-person meeting electronically:

- Identify a process for trustees and landowners to follow to notify the administrator and/or Chair if they wish to attend electronically.
- Limit Trustee electronic participation (i.e. two trustees attending remotely at a time).
- Limit the number of consecutive meetings a Trustee can attend electronically.
- Identify a maximum number of times per year a Trustee may attend electronically.
- Include how agendas will be provided.
- Consider the practicalities of the presiding member attending electronically. If some trustees and staff attend the meeting in-person, consider having one of the trustees that is physically present preside.
- Ask that trustees and staff identify others who are in the room with them if attending electronically (for example, attending the electronic meeting from home).
- Regarding a closed meeting, require that trustees and staff attending such a meeting electronically ensure that no other person is in the same room during the meeting and that no other person can observe or hear the meeting (for example, attending the electronic meeting from home).
- Allow for electronic attendance at other kinds of meetings (for example, special or committee meetings).
- Allow for all trustees and staff to attend electronically during emergency situations, like a pandemic or natural disaster, regardless of how many meetings they have attended electronically in the previous year.