



January 27, 2022

Ref: 269215

Dear Chief Administrative Officers and Corporate Officers:

At the outset, I want to acknowledge the challenges the current COVID-19 wave is posing for everyone and recognize the difficulties that may be faced by local government operations as we move through this next phase of the pandemic. I appreciate and thank local governments for the continued dedication and support in keeping their communities healthy and safe. Recognizing the volume of information around the pandemic, I wanted to highlight some recent changes for you.

COVID-19 Safety Plans

On January 7, 2022, the Provincial Health Officer announced an order requiring employers to reactivate their COVID-19 Safety Plans to reduce the spread of the highly transmissible Omicron variant of the COVID-19 virus.

The new [Workplace Safety Order](#) requires employers to re-activate their COVID-19 Safety Plans within the communicable disease plans that are already have in place. WorkSafeBC has provided guidance on reactivation or development of these plans and further information can be found [here](#).

On January 18, 2022, the PHO announced that gyms, fitness centres, and other indoor exercise and fitness facilities are permitted to open effective January 20, 2022, provided they follow additional measures. Further information can be found [here](#).

Meetings

Where possible, local governments are encouraged to shift to electronic meetings for their members if it is authorized in their procedure bylaw. Amendments to the electronic meeting rules that came into force on September 29, 2021, provide local governments with the flexibility to have members attend regular and committee meetings electronically (in addition to special meetings). If you have not already done so, you may wish to review and amend your procedure bylaw to ensure that your council or board has the flexibility to hold meetings electronically so that all council or board members may attend virtually, if necessary. Further guidance can be found [here](#).

In terms of restricting the public to virtual attendance, the rules require that a place be available for the public to attend to hear, or watch, regular and special meetings held electronically to support accessibility and transparency and that a municipal officer be in attendance. The place may be in the

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regular council, a board meeting space, or another space with the appropriate with health and safety measures in place.

Some local governments have asked whether the Minister can restrict public attendance at meetings or override the requirement to provide a place for the public for electronic meetings. Previous orders issued earlier in the pandemic that limited in-person public attendance at open meetings or required local governments to make “best efforts” to have the public in attendance were exceptional orders under the *Emergency Program Act* during a Provincial State of Emergency.

Presently, no legislative authority exists to allow the Minister to issue a Ministerial Order (or any other legislative tool) to override public presence at open meetings (including providing a place for the public when electronic meetings are held). Our understanding from the Provincial Health Officer is that there is no intention for any additional restrictions for local government meetings, including restricting in-person attendance at open meetings.

I would encourage all local governments to consider enhanced safety measures where in-person attendance is required to support the health and safety of staff and the public. These measures could include plexiglass, limiting capacity, ensuring physical distancing, and encouraging members of the public to attend virtually as much as possible.

Public Hearings

Public hearings may be held fully electronically and are not required to have a place for the public. Further information is available [here](#).

Proof of Vaccination

As noted in my previous communication, the PHO has indicated that that the proof of vaccination requirement **does not apply** to formal local government business, including by-elections, council/board meetings and public hearings for both council/board members as well as the public attending these events. The reasoning for this is to ensure that access to local government business, including meetings, is not restricted. The local government COVID-19 Safety Plan and health and safety measures put in place can help support safe meeting spaces.

The Ministry’s understanding is that various local governments have taken different approaches to vaccination policies (typically for employees). If local governments are considering adoption of vaccination policies that apply to the public and elected officials, you will want to seek legal advice on the implications of implementing those policies. For example, if there were a vaccination policy for elected officials would the requirements of the local government legislation continue to be met (e.g., attendance at meetings).

We encourage you to keep watching [BC’s Response to COVID-19](#) website for updates. Questions about COVID-19 safety in specific settings may also be directed to WorkSafeBC’s Prevention Information Line at 604.276.3100 in the Lower Mainland (toll-free within B.C. at 1 888 621 SAFE).

Other COVID related information impacting local governments can be found here:

<https://www2.gov.bc.ca/gov/content/governments/local-governments/governance-powers/covid-19>

If you have questions regarding council or board meetings or timelines for the various pieces of information above, I encourage you to contact our Governance and Structure Branch. You can reach the Governance and Structure Branch by phone at 250-387-4020 or email at LGGovernance@gov.bc.ca. For questions about public hearings please contact the Planning and Land Use Management Branch by phone at 250 387-3394 or by email at PLUM@gov.bc.ca.

Sincerely,

A handwritten signature in black ink, appearing to read 'T Faganello', written in a cursive style.

Tara Faganello
Assistant Deputy Minister

pc: Honourable Josie Osborne, Minister of Municipal Affairs
Laurey-Anne Roodenburg, President, UBCM
Gary MacIsaac, Executive Director, UBCM
Candace Witkowskyj, Executive Director, LGMA
Todd Pugh, Executive Director, CivicInfo