



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

LATE AGENDA ITEMS COUNCIL

Monday 7th December, 2020 @ 7:00 pm
Esquimalt Council Chambers

- (1) **PERTAINING** to Item No. 6 (3)(a): **PUBLIC HEARING** – Rezoning Application - 874 Fleming Street, Staff Report No. DEV-20-083
- Email from Owners of 867 Fleming Street, dated December 4, 2020, Re: Rezoning Application for 874 Fleming Street
 - Email from James Nadeau, dated December 7, 2020, Re: 874 Fleming St
 - Message from Michelle Grant, dated December 7, 2020, Re: 874 Fleming Street Development
 - Email from Louise Owen, dated December 7, 2020, Re: 874 Fleming Street
 - Email from Ryan Jabs, President, Community Builder, Lapis Homes, dated December 7, 2020, Re: Support for 874 Fleming
 - Email from Tina Neale and David Renardson, dated December 7, 2020, Re: Input to 874 Fleming Street Rezoning Application
- (2) **PERTAINING** to Item No. 9 (5): **STAFF REPORTS** – Update on Pilot Project on Lowering Speed Limit - Residential Roads, Staff Report No. EPW-20-025
- Email from Ryan Jabs, President, Community Builder, Lapis Homes, dated December 7, 2020, Re: Support for Reduced Speed Limit Pilot
(Same email as above in Item No.1)
- (3) **PERTAINING** to Item No. 9 (8): **STAFF REPORTS** – Temporary Use Permit Application – 856 & 858 Esquimalt Road, Staff Report No. DEV-20-082
- Email from Linda Simons, dated December 4, 2020, Re: Temporary Use Permit Notice – 856 and 858 Esquimalt Road
- (4) **ADD** as Item No. 11 (8): **COMMUNICATIONS:**
- Email from Tara Faganello, Assistant Deputy Minister - Local Government Division, Ministry of Municipal Affairs and Inspector of Municipalities, dated December 4, 2020, Re: COVID-19 Open Meeting Guidance

And re-number the agenda accordingly.

Township of Esquimalt
Developmental Services

December 4, 2020

Attn: Rachel Dumas, Corporate Officer

Re: Rezoning Application for 874 Fleming Street

Dear Ms. Dumas,

CORPORATION OF THE TOWNSHIP OF ESQUIMALT
For Information:

CAO Mayor/Council

Rachel

RECEIVED: DEC 04 2020

Referred: *Bill*

For Action For Response COTW
 For Report Council Agenda IC

The value of our homes, on the street will depreciating in value because of this deveopment.

This new development doesn't allow for enough parking - result - parking on the street. Presently an issue, with the existing building. Where would the trades people park, our street is full.

The new building is too close to Fleming Pathway. The pathway would become more of an alley. Unsafe to walk to bus stop, etc. The walker would be completing blocked in if attacked.

I don't feel our street can accommodate such a large development.

Solution: the developer buy the vacant property off Craigflower Rd. Access would be off Craigflower Rd. and would allow for proper parking.

Owners of

867 Fleming Street

Kim Maddin

From: Rachel Dumas on behalf of Corporate Services
Sent: December-04-20 11:30 AM
To: Kim Maddin
Subject: FW: NOTICE OF PUBLIC HEARING Rezoning 874 Fleming Street
Attachments: Township of Esquimalt.docx

Mail log Please.

Corporate Services General Delivery Email

For the latest on the Township's response to COVID-19, please visit
esquimalt.ca/covid19

From: Kim Heffler
Sent: December-04-20 10:48 AM
To: Corporate Services <Corporate.Services@esquimalt.ca>
Subject: NOTICE OF PUBLIC HEARING Rezoning 874 Fleming Street

Attached is a letter of concern from a resident in this neighbourhood.

Sent from [Mail](#) for Windows 10

Corporate Services

From: James nadeau
Sent: December-07-20 09:02
To: Corporate Services
Subject: For council meeting Re 874 Fleming st

My name is James Nadeau and I am a home owner on fleing st. My concern is around the 6 story height of the building and the way the project opens up the adjacent lot number 880 to development. I understand the urgent need for affordable housing and would support the height of the development in the case of social housing. The concern is that if we allow for a six-story building then that will become the norm in the neighbourhood and we will soon find ourselves surrounded by them. I ask that if this variance is permitted it will be an exception to the rule not the norm.

CORPORATION OF THE TOWNSHIP OF ESQUIMALT

For Information:

CAO Mayor/Council

RECEIVED: DEC 07 2020

Referred: *Rachel*

For Action For Response COTW

For Report Council Agenda IC

Text received to the Public Hearing Phone December 7th, 2020 @ 10:03 PM:

Hello.

My name is Michelle Grant and I'm the owner of 927 Craigflower Road. Victoria BC V9a2x7 I'm texting with regards to the 874 Fleming St development. I would like it to be known that the dwelling that is currently there was there when we bought our home (almost) 20 years ago.

We lived with the forest behind our house and we've made due with the apartment by adding more trees to have some more privacy. My concern is that if we have an apartment with six storeys we will loose our natural sunlight that shines into our house windows every morning as well as the privacy issue. As well as the sunlight that our gardens need to survive.

I believed while we were in our home, we wouldn't have any issues within our neighborhood.

My husband, Douglas and I like the idea of a new building in the community and a place for new families to thrive.

We are not however, in favour of the the height of the apartment building.

The sunlight that shines into our house is so good and something that overall is what makes us healthy. And our house our home. Thank you for listening and understanding our situation.

Michelle

CORPORATION OF THE TOWNSHIP OF ESQUIMALT		
For Information:		
<input type="checkbox"/> CAO	<input type="checkbox"/> Mayor/Council	
<input type="checkbox"/>	_____	
RECEIVED: DEC 07 2020		
Referred: <u>Rachel</u>		
<input type="checkbox"/> For Action	<input type="checkbox"/> For Response	<input type="checkbox"/> COTW
<input type="checkbox"/> For Report	<input checked="" type="checkbox"/> Council Agenda	<input type="checkbox"/> IC

Corporate Services

From: Louise Owen
Sent: December-07-20 10:19
To: Corporate Services
Subject: Fwd: 874 Fleming Street

CORPORATION OF THE TOWNSHIP OF ESQUIMALT		
For Information:		
<input type="checkbox"/> CAO	<input type="checkbox"/> Mayor/Council	
RECEIVED: DEC 07 2020		
Referred: Rachel		
<input type="checkbox"/> For Action	<input type="checkbox"/> For Response	<input type="checkbox"/> COTW
<input type="checkbox"/> For Report	<input checked="" type="checkbox"/> Council Agenda	<input type="checkbox"/> IC

----- Forwarded Message -----

From: Louise Owen
To: corporate services <corporate.services@esquimaly.ca>
Cc: Louise Owen : Guuduniia
Sent: Mon, 07 Dec 2020 10:42:15 -0700 (MST)
Subject: 874 Fleming Street

```
height: 100.0%;
color: rgb(0,0,0);
font-size: 10.0pt;
font-family: arial , helvetica , sans-serif;
}
```

/*]]>*/
To whom It may Concern

I am writing today as a house owner at 850 Fleming Street to let you know that I am very concerned about the reconstruction of 874 Fleming for two reasons. Many neighbors share my concern.

1) parking on Fleming is at capacity most of the evenings and at times during that day. We are aware that some of the residents park on Fleming and on Coleville. Adding all the family units to 874 Fleming with so few additional parking spaces is unwise and will impact the neighborhood. In addition, this new unit has a number of family dwellings and families need vehicles to get around in. Please consider the plans and demand that each unit has a parking space within the building. The builder did give me numbers last year and it was not adequate for the number of people and families who will be living in the building 000000.

2) The second concern is the height of the building. We do not have tall buildings in the vicinity and I believe that the height should be restricted to 4 floors so it fits in with the neighborhood.

Please consider these concerns seriously. We fully understand that affordable housing is an issue and only ask that you take into considerations the parking and height issues so that the neighbours are not frustrated.

Please also let me know what I need to do to have Fleming Street become a residents only parking.

Thank you

Louise Owen

Corporate Services

From: Ryan Jabs <ryanjabs@lapishomes.com>
Sent: December-07-20 11:28
To: Mayor and Council
Cc: Corporate Services
Subject: Support for 874 Fleming/reduced speed limit pilot

CORPORATION OF THE TOWNSHIP OF ESQUIMALT
 For Information:
 CAO Mayor/Council

 RECEIVED: DEC 07 2020
 Referred: *Rachel*
 For Action For Response COTW
 For Report Council Agenda IC

Dear Mayor and Council:

I'm writing to express my support for two items on this week's agenda:

1. As the owner/developer of two properties in the neighbourhood, I support the proposal for 874 Fleming Street as Esquimalt and Greater Victoria needs more housing of all types, whether it is market or subsidized affordable housing. The proposed renewal of this site with a mix of affordable family homes and smaller suites will be a positive addition to the neighbourhood and bring more homes of many types into a walkable, park-filled area of the municipality.
2. Item 5 – slow(er) street pilot project. I'm a big fan of any initiative that will slow our residential streets down and create safer, more walking-friendly neighbourhoods that encourage people and kids to spend more time out front of our homes where we can connect with neighbours.

As a parent, one of my biggest concerns about my kids cycling, walking and playing on my street is the periodic vehicle driving close to the current speed limit, which, although legal, is way too fast for a residential neighbourhood. As we slow our residential streets down through this and other types of slow street programs, parents, children and others will feel more comfortable spending more time in the streets and engaging with others in their neighbourhood. The very small time lost by the few cars that currently go 50km/hr or more on these streets is well worth the trade off in creating safer and more connected communities.

And while I recognize that, if approved by council, Esquimalt will be joining a pilot project for a 40km/hr speed limit, I would encourage you to discuss with your municipal colleagues considering a 30km/hr limit for residential streets as this pilot rolls out.

We use 30 km/hr speed limit in our park areas and in school zones where we know kids and people are playing, and this is supported with lots of strong data. It would make sense, as Esquimalt seeks to achieve its OCP goals for walkable, engaged streets, that our residential neighbourhoods, where kids play regularly, would also be set at this speed (and, again, this is only a minor inconvenience for local traffic, as most people already travel down residential streets at these lower speeds).

Thank you for considering my comments. I look forward to the discussion tonight.

Sincerely,

Ryan Jabs | President, Community Builder
 Lapis Homes | 250-413-7121 | www.lapishomes.com
Ryanjabs@lapishomes.com



LAPIS HOMES

Reservé

Jessica Nichol

From: Rachel Dumas on behalf of Corporate Services
Sent: December-07-20 12:34
To: Jessica Nichol
Subject: FW: Input to 874 Fleming Street rezoning application
Attachments: Neale-Renardson input 874 Fleming Street Rezoning Application.pdf

Mail log Please.

Corporate Services
General Delivery Email

For the latest on the Township's response to COVID-19, please visit
esquimalt.ca/covid19

From: Tina Neale
Sent: December-07-20 12:18 PM
To: Corporate Services <Corporate.Services@esquimalt.ca>
Cc: David Robert Renardson
Subject: Input to 874 Fleming Street rezoning application

Hello,
Please see the attached letter for consideration by Mayor and Council with respect to the rezoning application for 874 Fleming Street.

Thank you,
Tina Neale and David Renardson

CORPORATION OF THE TOWNSHIP OF ESQUIMALT		
For Information:		
<input type="checkbox"/> CAO	<input type="checkbox"/> Mayor/Council	
<input type="checkbox"/>		
RECEIVED: DEC 07 2020		
Referred: <i>Rachel</i>		
<input type="checkbox"/> For Action	<input type="checkbox"/> For Response	<input type="checkbox"/> COTW
<input type="checkbox"/> For Report	<input checked="" type="checkbox"/> Council Agenda	<input type="checkbox"/> IC

Tina Neale and David Renardson
868 Fleming Street
Esquimalt, BC V9A 5V4

December 6, 2020

Esquimalt Mayor and Council
% Corporate Officer,
Administration office,
Township of Esquimalt
1229 Esquimalt Road,
Esquimalt, BC V9A 3P1

Dear Mayor and Council:

RE: Input to public hearing on 874 Fleming Street rezoning application
[PID 002-900-246 Lot B, Section 10, Esquimalt District Plan 25267]

Thank you for the opportunity to provide feedback on the rezoning application for 874 Fleming Street. We are joint owners of 868 Fleming Street, the property immediately south of the development. In general, we support the project given that it will significantly add to the stock of much-needed affordable rental housing in the community, and we especially welcome the addition of more families to our neighbourhood. We have reviewed the rezoning application materials and provide the following feedback:

- **We request the removal of trees NT3 and NT4**
- **We ask that consideration be given to installing sidewalks on one or both sides of Fleming Street**

Removal of Trees NT3 and 4

Trees NT 3 and NT 4, large black cottonwoods, are located immediately next to our driveway, with the tree canopies overhanging our driveway, deck, roof and garage. These two trees have become an increasing safety concern for us because they regularly shed branches during wind storms. For example, earlier this fall an approximately 8-inch diameter branch broke off from one of the trees and hung suspended over our driveway, caught in the tree and on our roof. The branch was approximately 5m long and was very heavy - we were lucky it did not fall onto the driveway and cause damage or injury. We have recently had these trees limbed but remain concerned that they pose a safety hazard to our family and property and limit the use of our

driveway. While reviewing our pruning application, Township Arborist Eric Weibe advised that these trees often cause damage to foundations and that we should consider removing them. Indeed, the trees appear to be tilting our driveway toward the house and we are concerned that the roots may be impacting our drainage and foundation. The root system extends a significant distance from the trunk, with root crowns and suckers throughout our lawn and the adjacent street right-of-way.

We note that the Tree Preservation Plan identifies the retention status of these two trees as “to be determined” (p. 4). Given the safety hazard posed by the trees, the likely damage to our property and the additional construction requirements to retain the trees, we request that these trees be removed and that herbicide be applied to limit further growth of the root system and prevent new trees from becoming established.

Sidewalk for Fleming Street - Pedestrian safety and heavy vehicle traffic

We have reviewed the Transportation and Parking study and it is our opinion that the study has not adequately assessed the existing pedestrian traffic on Fleming Street, nor the heavy vehicle traffic generated by commercial services and first responders attending the building. With no sidewalks and parking on both sides of Fleming Street, we are concerned that the proposed development will lead to increased conflict between pedestrians and vehicles.

Section 2.3 notes that Fleming Street does not have sidewalks and makes a general comment that “local streets” typically do not have sidewalks. We submit that all streets north of Colville Road between Dominion and Lampson Streets do indeed have sidewalks, with the exception of Fleming Street. This is despite the fact that there is a pedestrian walkway from the bus stop on Craigflower Rd. to Fleming Street, which is well-used by both residents of the wider neighbourhood and Esquimalt High School students. We would also argue that given the number of residences on Fleming Street, it is not appropriate to treat it like other “local streets” with only detached homes.

As the report notes, residents of the current building at 874 Fleming Street have lower-than-average vehicle ownership rates, which means they have higher-than-average use of alternative transportation modes including walking, cycling, mobility scooters, Handy-Dart, etc. We note that the traffic study did not assess pedestrian safety on Fleming Street in light of the additional residential population and increased traffic due to the development.

We also note that the traffic study did not consider the atypical volume of first responder and commercial traffic (e.g., daily garbage removal) at the current building or the increase in this traffic that is likely to result from the additional units on the site. If the building will continue to serve people with diverse abilities and a range of medical conditions, we would expect an increase in first responder traffic, as well as traffic related to building services such as waste removal, landscaping, mechanical services, etc..

We are concerned about the increasing risks to pedestrians on Fleming Street, many of whom are high school students and residents who use mobility aids (scooters, walkers, etc.). The current configuration of the street offers no option for pedestrians but to use the traffic lane. Parking on both sides of the street offers some traffic calming, but visibility for vehicles exiting the development site is limited, and the street parking also limits the ability of pedestrians, especially those using mobility aids, to move to the curb to allow vehicles to pass safely.

Thank you again, for the opportunity to provide this input to the 874 Fleming Street rezoning application. We would be happy to answer any questions you may have and to discuss our concerns further with Township staff. We look forward to attending the hearing on December 7th to hear Council's deliberations on this application.

Yours truly,

Tina Neale and David Renardson

Corporate Services

From: Ryan Jabs <ryanjabs@lapishomes.com>
Sent: December-07-20 11:28
To: Mayor and Council
Cc: Corporate Services
Subject: Support for 874 Fleming/reduced speed limit pilot

CORPORATION OF THE TOWNSHIP OF ESQUIMALT		
For Information:		
<input type="checkbox"/> CAO	<input type="checkbox"/> Mayor/Council	
<input type="checkbox"/>		
RECEIVED: DEC 07 2020		
Referred: <i>Rachel</i>		
<input type="checkbox"/> For Action	<input type="checkbox"/> For Response	<input type="checkbox"/> COTW
<input type="checkbox"/> For Report	<input checked="" type="checkbox"/> Council Agenda	<input type="checkbox"/> IC

Dear Mayor and Council:

I'm writing to express my support for two items on this week's agenda:

1. As the owner/developer of two properties in the neighbourhood, I support the proposal for 874 Fleming Street as Esquimalt and Greater Victoria needs more housing of all types, whether it is market or subsidized affordable housing. The proposed renewal of this site with a mix of affordable family homes and smaller suites will be a positive addition to the neighbourhood and bring more homes of many types into a walkable, park-filled area of the municipality.
2. Item 5 – slow(er) street pilot project. I'm a big fan of any initiative that will slow our residential streets down and create safer, more walking-friendly neighbourhoods that encourage people and kids to spend more time out front of our homes where we can connect with neighbours.

As a parent, one of my biggest concerns about my kids cycling, walking and playing on my street is the periodic vehicle driving close to the current speed limit, which, although legal, is way too fast for a residential neighbourhood. As we slow our residential streets down through this and other types of slow street programs, parents, children and others will feel more comfortable spending more time in the streets and engaging with others in their neighbourhood. The very small time lost by the few cars that currently go 50km/hr or more on these streets is well worth the trade off in creating safer and more connected communities.

And while I recognize that, if approved by council, Esquimalt will be joining a pilot project for a 40km/hr speed limit, I would encourage you to discuss with your municipal colleagues considering a 30Km/hr limit for residential streets as this pilot rolls out.

We use 30 km/hr speed limit in our park areas and in school zones where we know kids and people are playing, and this is supported with lots of strong data. It would make sense, as Esquimalt seeks to achieve its OCP goals for walkable, engaged streets, that our residential neighbourhoods, where kids play regularly, would also be set at this speed (and, again, this is only a minor inconvenience for local traffic, as most people already travel down residential streets at these lower speeds).

Thank you for considering my comments. I look forward to the discussion tonight.

Sincerely,

Ryan Jabs | President, Community Builder
Lapis Homes | 250-413-7121 | www.lapishomes.com
Ryanjabs@lapishomes.com



Jessica Nichol

From: Corporate Services
Sent: December-04-20 14:36
To: Jessica Nichol
Cc: Rachel Dumas
Subject: FW: Temporary Use Permit Notice - 856 and 858 Esquimalt Road

Follow Up Flag: Follow up
Flag Status: Flagged

CORPORATION OF THE TOWNSHIP OF ESQUIMALT		
For Information:		
<input type="checkbox"/> CAO	<input type="checkbox"/> Mayor/Council	
<input type="checkbox"/>		
RECEIVED: DEC 07 2020		
Referred: <i>Rachel</i>		
<input type="checkbox"/> For Action	<input type="checkbox"/> For Response	<input type="checkbox"/> COTW
<input type="checkbox"/> For Report	<input checked="" type="checkbox"/> Council Agenda	<input type="checkbox"/> IC

Mail log for Monday please 😊

Corporate Services
General Delivery Email

For the latest on the Township's response to COVID-19, please visit esquimalt.ca/covid19

From: Linda Simons
Sent: December-04-20 2:00 PM
To: Corporate Services <Corporate.Services@esquimalt.ca>
Subject: Temporary Use Permit Notice - 856 and 858 Esquimalt Road

My name is Linda Simons and I live in the condo building next door at 848 Esquimalt Road. I have lived at this location for 25 years and look directly onto the site.

I do not support locating an industrial operation in a residential/commercial area. A construction laydown site will generate noise and traffic congestion. The loading and unloading of trucks with construction materials and the use of heavy equipment will be very disruptive to me and the nearby residents and businesses.

This is a vibrant community of homes, shops and schools. This operation could deter potential buyers from considering purchases in my building and my neighbourhood. It will also affect the property values in my building and the neighbourhood.

This site may be convenient for the developer but is inconvenient for those of us living close by. I would strongly encourage Mayor and Council to deny this application and encourage the developer to find a more suitable location on or near the proposed building site.

Thank you for the opportunity to comment.

Linda Simons
3 - 848 Esquimalt Road

Rachel Dumas

From: Laurie Hurst
Sent: December-07-20 11:16 AM
To: Rachel Dumas
Subject: FW: COVID-19: Open meeting guidance

Late items for tonight.

Laurie Hurst, CPA, CGA
 Chief Administrative Officer
 Tel: 1-250-414-7133

For the latest on the Township's response to COVID-19, please visit esquimalt.ca/covid19

CORPORATION OF THE TOWNSHIP OF ESQUIMALT			
For Information:			
<input type="checkbox"/> CAO	<input type="checkbox"/> Mayor/Council		
<input type="checkbox"/>			
RECEIVED: DEC 07 2020			
Referred: <i>Rachel</i>			
<input type="checkbox"/> For Action	<input type="checkbox"/> For Response	<input type="checkbox"/> COTW	
<input type="checkbox"/> For Report	<input checked="" type="checkbox"/> Council Agenda	<input type="checkbox"/> IC	

From: McCabe, Kate MAH:EX <Kate.McCabe@gov.bc.ca>
Sent: December-04-20 5:33 PM
To: Wilkins, Christina MAH:EX <Christina.Wilkins@gov.bc.ca>
Cc: Faganello, Tara MAH:EX <Tara.Faganello@gov.bc.ca>; Dann, Michelle MAH:EX <Michelle.Dann@gov.bc.ca>; Hoskins, Lisa MAH:EX <Lisa.Hoskins@gov.bc.ca>; Marotz, Nicola MAH:EX <Nicola.Marotz@gov.bc.ca>; Andrade, Ana MAH:EX <Ana.Andrade@gov.bc.ca>
Subject: COVID-19: Open meeting guidance

This message is being forwarded to you on behalf of Tara Faganello, Assistant Deputy Minister of the Local Government Division, Ministry of Municipal Affairs

Dear LG CAOs,

On December 2, 2020 Provincial Health Officer (PHO) Order on [Gatherings and Events](#) was amended and now requires local governments to make some changes to how meetings and public hearings are conducted. The public is now restricted from attending all local government meetings and public hearings in person.

Given the PHO Order on Gatherings and Events, the following guidance has been updated for your reference. For information on public hearings please see:

https://www2.gov.bc.ca/assets/gov/british-columbians-our-governments/local-governments/governance-powers/covid_public_hearing_guidance_update_dec4_2020.pdf

and for information on LG meetings please see:

https://www2.gov.bc.ca/assets/gov/british-columbians-our-governments/local-governments/governance-powers/covid_open_meetings_guidance_dec_4.pdf

As always please contact Ministry of Municipal Affairs staff if you have questions or comments. For questions about meetings please email: LGGovernance@gov.bc.ca and for questions about public hearings please email: PLUM@gov.bc.ca

Sincerely,

Tara Faganello, CPA CGA BA Ec.
 Assistant Deputy Minister
 Local Government Division
 Ministry of Municipal Affairs



Guidance for Open Meetings and Electronic Meetings under Current PHO Orders and Ministerial Order 192

Introduction

The December 2, 2020 Provincial Health Officer (PHO) Order on [Gatherings and Events](#) requires local governments to make some changes to how meetings and public hearings are currently conducted. The public is now restricted from attending all local government meetings and public hearings in person.

The [COVID-19 Related Measures Act](#) (CRMA) and [Ministerial Order M192](#) (Order M192) provide flexibility for local governments to shift how they are conducting meetings and hearings based on the current PHO recommendations and local circumstances. Order M192 provides that a council or body is not required to allow members of the public to attend a meeting if, despite the best efforts of the council or body, the attendance of members of the public cannot be accommodated at a meeting that would otherwise be held in accordance with the applicable requirements or recommendations under the *Public Health Act*.

Current PHO requirements under the Order on Gatherings and Events:

- Prevents public attendance at any meetings or public hearings.
- All meeting participants (including council and board members and staff) are strongly encouraged to attend electronically.

Under CRMA and MO192:

- Local governments must continue to make “best efforts” based on local circumstances to inform the public of meetings and provide alternative ways for the public to provide comment on agenda topics (e.g. email, letter, phone) or participate electronically (if available).
- Local government elected officials are encouraged to meet electronically.
- Local governments are encouraged to hold electronic public hearings.
- Local governments must review or develop a resolution with respect to open and electronic meetings, and state how they will continue to meet the principles of openness, transparency and accountability in the current circumstances.
- All other rules such as prescribed in legislation or local government procedure bylaws continue to apply such as: notice requirements, voting rules, and recording of meeting minutes.

Local government by-elections are exempt from the PHO Order on Gatherings and Events.

The Ministry of Municipal Affairs (Ministry) encourages local governments to monitor the most recent orders from the PHO and contact their local medical health officer for further questions about specific circumstances in their region.

The guidance below provides practical advice to local governments while operating under Order M192 and measures that will help ensure compliance with PHO orders, support PHO recommendations and uphold the principles of local government openness, accountability, accessibility and transparency.

Open Meetings

Order M192 requires local governments to undertake “best efforts” to meet the legislative requirements for open meetings so the public can continue to participate and understand local government decision-making in a way that is meaningful for them.

The current Provincial Health Officer (PHO) Order on [Gatherings and Events](#) prevents in-person public attendance at council or board meetings. The Office of the Provincial Health Officer strongly encourages electronic meetings, however local government staff and elected officials may continue to hold in-person council and board meetings as necessary.

Local governments that hold electronic meetings where members of the public are not able to hear, or watch and hear, parts of the meeting that are open to the public, must pass a resolution to provide a rationale for the change and describe what measures are being taken to meet the principles of openness, transparency and accessibility. These measures will vary depending on local circumstances. Local governments with questions about the safety of meetings in their region may wish to reach out to their local medical health officer.

The Ministry recommends revisiting the resolution periodically, based on the current PHO recommendations and local circumstances to determine whether changes are needed. Local governments with questions about the safety of meetings in their region may wish to reach out to their local medical health officer.

Best efforts from local governments may include:

- Communicate to local government staff, elected officials and the public about how the local government is meeting the current PHO requirements and recommendations for meetings.
- Provide public notice for meetings including how the public can provide input on agenda topics.
- Offer alternative means by which the public can provide input on agenda topics before or during a meeting to increase accessibility (e.g. email, online submission form, phone or written letter).
- Consider technology for enabling the public to be present by electronic means (if available) (e.g. videoconference or real-time question and answer).
- Adjust the agenda and meeting schedules so that matters that are likely to be controversial or attract high public interest are the subject of a separate meeting.
- Provide draft agendas, minutes and archived video of meetings (if available) to the public to facilitate public understanding of local government decision making.
- Communicate any changes to meeting approaches to the public.
- Document and be able to provide information to the public about what efforts have been made to be open, transparent and accountable to the public.

Additional tips:

- Actively promote other means for the public to participate in council or board meetings.
- Explore options for expanded on-line public engagement opportunities for specific projects and issues (particularly those that may be potentially controversial).
- Consider ways in which questions not answered at the meeting may be made public.

- Provide alternative methods for delegations to present (e.g., written; electronic; drop-box; pre-recorded video or real-time video presentation).
- Post draft minutes of open meetings on the local government website and at the public notice posting place or other designated places after the meeting.
- If council or board members or local government staff attend electronically, reflect disconnections and connections in the meeting minutes.

For more information about legislative open meeting requirements please see:

<https://www2.gov.bc.ca/gov/content/governments/local-governments/governance-powers/councils-boards/meetings/rules>

Electronic Meetings

Order M192 provides the flexibility for local governments to hold electronic meetings and to make “best efforts” to include the public in electronic meetings.

Best efforts from local governments may include:

- Electronic meetings that resemble what one would expect in an in-person public meeting as much as possible, adhering to rules of procedural fairness. This means making best efforts to follow existing procedures and to allow members of the public to be heard.
- Communicate any changes to meeting approaches to the public.
- Explore available technology that will enable the public to hear, or watch and hear, the meeting (e.g. livestream, record and provide an archived copy on the local government website).
- Provide information to the public on how they can review agendas and minutes of meetings during this time.
- Anticipate technology issues and consider allowing additional time on the agenda to resolve technical issues, including the possible lag when live-streaming.

Additional tips:

- If some members of council or board choose to attend by means of electronic communication, ensure that if quorum is lost there is a procedure in place to either suspend proceedings until quorum is achieved or cancel or postpone the meeting.
- Facilitate local government staff or delegations presenting on agenda topics to present remotely or call-in to the meeting.
- Ensure council or board members can hear members attending by electronic means.
- In the procedure bylaw, develop guidelines to assist with electronic meeting process including how the presiding member will take a vote on a motion or bylaw adoption.
- Outline the process for how members attending electronically can participate in the debate.
- Provide easy to understand information on the local government website, public notice posting place and in other community spaces so the public knows how to attend electronically (if available) including:
 - how to call in and listen if this option is available;
 - where to view a livestream or archived version of the meeting; and,
 - how to ask questions during question period if this is an option.
- Ensure the chair advises participants that the meeting is being recorded and include a statement to this effect in the agenda.

- Make archived versions of recorded meetings and meeting minutes available to the public as soon as possible after the meeting.
- Ensure publication and retention of documents and recordings of meetings comply with the *Freedom of Information and Protection of Privacy Act*.

For more information about electronic meetings please see:

<https://www2.gov.bc.ca/gov/content/governments/local-governments/governance-powers/councils-boards/meetings/electronic>

Additional Resources:

Provincial Health Officer

- [Gatherings and Events \(Dec 2, 2020\)](#)

WorkSafeBC

- [Municipalities and COVID-19 safety](#)
- [WorkSafeBC Safety Plan Template](#)
- [WorkSafeBC Signs and Templates](#)

BC Centre for Disease Control

- [General COVID-19 Information](#)

BC Municipal Safety Association

- [Pandemic Exposure Control COVID-19](#)

Government of Canada

- [Risk assessment for mass gatherings](#)

World Health Organization

- [Planning recommendations for mass gatherings](#)
- [Getting workplace ready for COVID-19](#)

Office of the Ombudsperson

- [Open Meetings: Best Practices Guide for Local Governments](#)

AMTCO

- [Electronic Council Meetings](#)
- [Electronic Participation Procedure](#)

Procedure for Electronic Participation in City Council Meetings:

- [https://amcto.com/Resources-Publications/Resources/Electronic-Council-Meetings/Procedures for City Council Participation in Elect.aspx](https://amcto.com/Resources-Publications/Resources/Electronic-Council-Meetings/Procedures%20for%20City%20Council%20Participation%20in%20Elect.aspx)