

PROVINCE OF BRITISH COLUMBIA

ORDER OF THE MINISTER OF PUBLIC SAFETY AND
SOLICITOR GENERAL

Emergency Program Act

Ministerial Order No. M168

WHEREAS a declaration of a state of emergency throughout the whole of the Province of British Columbia was declared on March 18, 2020;

AND WHEREAS the annual convention of the Union of British Columbia Municipalities must be able to be conducted in accordance with public health advisories to reduce the threat of COVID-19 to the health and safety of individuals who participate in the annual convention;

AND WHEREAS the threat of COVID-19 to the health and safety of people has resulted in the requirement that meetings that are required by statute be enabled to proceed with limitations on participation in person;

AND WHEREAS section 10 (1) of the *Emergency Program Act* provides that I may do all acts and implement all procedures that I consider necessary to prevent, respond to or alleviate the effects of any emergency or disaster;

I, Mike Farnworth, Minister of Public Safety and Solicitor General, order that the attached Electronic Attendance at UBCM Convention (COVID-19) Order is made.

May 22, 2020

Date



Minister of Public Safety and Solicitor General

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section: *Emergency Program Act*, R.S.B.C. 1996, c. 111, s. 10

Other: MO 73/2020; OIC 241/2020

ELECTRONIC ATTENDANCE AT UBCM CONVENTION (COVID-19) ORDER

Definitions

1 In this order:

“**Act**” means the *Union of British Columbia Municipalities Act*;

“**executive**” means the Executive of the UBCM, as provided for in the Union of British Columbia Municipalities Bylaws;

“**UBCM**” means the Union of British Columbia Municipalities continued under section 2 of the Act;

“**UBCM convention**” means, collectively, the following events scheduled for 2020 and all related activities, as authorized, required or otherwise provided for in a UBCM enactment:

(a) the annual convention of the UBCM;

(b) the annual general meeting of the UBCM;

“**UBCM enactment**” means the Act, or a regulation, article, memorandum, bylaw, rule or other enactment made under the Act, including a policy or procedure made under the Act, that authorizes, requires or provides for the UBCM convention.

Application

2 This order applies during the period that starts on the date this order is made and ends on the date on which the last extension of the declaration of a state of emergency made March 18, 2020 under section 9 (1) of the *Emergency Program Act* expires or is cancelled.

Electronic attendance at UBCM convention

- 3**
- (1) A person who is entitled to participate in, including vote at, the UBCM convention may do so by telephone or other communications medium if all of the persons participating in the UBCM convention, whether by telephone, by other communications medium or in person, are able to communicate with each other and, if applicable, vote at the UBCM convention.
 - (2) Subsection (1) does not obligate the UBCM or the executive to take any action to facilitate the use of any communications medium at the UBCM convention or by a person participating in the UBCM convention.
 - (3) The UBCM convention may be held solely by telephone or one or more other communications medium if
 - (a) in the case of the UBCM convention with respect to which notice must be given under a UBCM enactment, notice of the UBCM convention provides instructions for attending at or participating in the UBCM convention by the communications medium, including, if applicable, instructions for how to vote at the UBCM convention,

- (b) all of the persons participating in the UBCM convention are able to communicate with each other and, if applicable, vote at the UBCM convention, and
 - (c) the UBCM facilitates the use of the communications medium at the UBCM convention.
- (4) If the UBCM convention is held as contemplated by subsection (3),
- (a) the UBCM convention is not required to have a physical location,
 - (b) any notice of the UBCM convention is not required to specify a location for the UBCM convention, and
 - (c) the UBCM convention is deemed to be held in British Columbia.
- (5) A person who participates in, or attends or votes at, the UBCM convention in a manner contemplated by subsection (1) or (3) is deemed, for the purposes of the enactment, to be present in person at the UBCM convention.
- (6) If the UBCM convention is held in a manner contemplated by subsection (1) or (3),
- (a) the UBCM or the executive may determine the particular communications medium that will be facilitated at the UBCM convention,
 - (b) the ability to communicate with one another for the purposes of subsection (1) or (3) (b) may be facilitated by means the UBCM or the executive considers appropriate to the circumstances and the communications medium, and
 - (c) a procedural requirement in a UBCM enactment that applies to the UBCM convention that would otherwise require attendance in person, including a vote by a show of hands or other means of physical participation, may be satisfied by other means appropriate to the circumstances.
- (7) This section applies despite anything in a UBCM enactment that applies to the UBCM convention.

**Rules and procedures for
electronic attendance**

- 4** (1) The executive may establish rules and procedures for holding the UBCM convention as contemplated in section 3 of this order, including rules and procedures in relation to the following:
- (a) the holding of votes;
 - (b) the consideration and adoption of resolutions.
- (2) This section applies despite anything in a UBCM enactment that applies to the UBCM convention.