

For Report

Certified correct as amended in Committee of the Whole on the 3rd day of May, 2022
Seunghie Suzie Seo, Law Clerk

MINISTER OF MUNICIPAL AFFAIRS

BILL 20 – 2022

MUNICIPAL AFFAIRS STATUTES AMENDMENT ACT, 2022

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:

Auditor General for Local Government Act

1 *The Auditor General for Local Government Act, S.B.C. 2012, c. 5, is repealed.*

Community Charter

2 *Section 90 (2) (e) of the Community Charter, S.B.C. 2003, c. 26, is repealed.*

3 *Section 93 is amended by repealing paragraphs (b), (c) and (d) and substituting the following:*

- (b) a commission established by a council under section 143;
- (c) a parcel tax roll review panel;
- (d) a board of variance established by a local government under Division 15 of Part 14 of the *Local Government Act*; .

4 *Section 98 (1) is amended by adding “and” at the end of paragraph (a), by striking out “, and” at the end of paragraph (b) and by repealing paragraph (c).*

5 *Section 99 is amended*

(a) by repealing subsections (2) and (3) and substituting the following:

- (2) The annual meeting must occur at least 14 days after the annual report is made available for public inspection under section 97 but no later than June 30.
- (3) Notice of the annual meeting must be given in accordance with section 94 [public notice] and must include the following:
 - (a) the date, time and, if applicable, place of the annual meeting;
 - (b) if the annual meeting is to be conducted by means of electronic or other communication facilities, the way in which the meeting is to be conducted by those means. , **and**

(b) by adding the following subsections:

- (4) The council must have the annual report available for public inspection at the annual meeting.
- (5) In the case of an annual meeting conducted by means of electronic or other communication facilities, the obligation under subsection (4) is met if the annual report is published on a publicly accessible website.

6 The following Division is added to Part 4:

Division 6.1 – Mandatory Leave of Absence

Definition

- 109.1** In this Division, “charge” does not include a charge in an information described in section 507.1 (1) of the *Criminal Code* that must be referred in accordance with that section.

Disclosure of charge

- 109.2** (1) This section applies to a council member who is charged with any of the following:
- (a) an offence under the *Criminal Code*;
 - (b) an indictable offence under the *Controlled Drugs and Substances Act* (Canada).
- (2) The council member must, as soon as practicable, give written notice to the council indicating
- (a) the offence with which the member is charged, and
 - (b) the date of the charge.

Mandatory leave of absence

- 109.3** (1) A council member who is charged with an offence referred to in section 109.2 is on a leave of absence from the member’s duties on council for a period that
- (a) begins on the date of the charge, and
 - (b) ends, as applicable,
 - (i) if the member is acquitted of the offence, on the day after the date of the acquittal,
 - (ii) if the member is convicted of the offence, on the date of the conviction,
 - (iii) if the member is discharged of the offence, on the day after the date of the discharge,

- (iv) if all proceedings in relation to the charge are stayed, on the day after the date of the stay, or
- (v) if the charge is withdrawn, on the day after the date of the withdrawal.

- (2) While on a leave of absence under this section, the council member
 - (a) continues to hold office but must not exercise a power or carry out a duty as a council member, and
 - (b) is entitled to remuneration and benefits to which the member would be entitled as a council member if the member were not on the leave of absence.
- (3) For certainty, a person who is on a leave of absence under this section and who is otherwise qualified to hold office is not disqualified from being nominated for, being elected to or holding office
 - (a) on a local government,
 - (b) on the council of the City of Vancouver or on the Park Board established under section 485 of the *Vancouver Charter*, or
 - (c) as a trustee under the *Islands Trust Act*.
- (4) A power exercised or a duty carried out by a council member who is on a leave of absence under this section is not invalid by reason only that it was exercised or carried out in contravention of subsection (2) (a).

7 Section 125 (7) is repealed and the following substituted:

- (7) The disqualification under subsection (5) does not apply if the absence is
 - (a) because of illness or injury,
 - (b) with leave of the council, or
 - (c) because the council member is on a leave of absence under section 109.3 [*mandatory leave of absence*].

8 Sections 128 (2) and 128.1 (2) are amended by striking out “The following rules apply” and substituting “The following requirements apply”.

9 Section 129 is amended

- (a) in subsection (1) by striking out “subsection (3) or (4)” and substituting “subsection (3), (4) or (7)”, and**

(b) by adding the following subsection:

- (7) If, as a result of section 109.3 [*mandatory leave of absence*], the number of council members who may exercise their powers and carry out their duties is reduced to less than a quorum, the minister may either
- (a) order that the reduced number of members constitutes a quorum until the quorum requirement described in subsection (1) of this section can be met, or
 - (b) appoint qualified persons to act on behalf of the members who are on a leave of absence under section 109.3.

10 The following sections are added to Division 4 of Part 5:

Electronic meetings of other bodies

- 145.1** (1) If permitted under the rules governing the procedures of the body and the requirements of subsection (2) are met, meetings of the following bodies may be conducted by means of electronic or other communication facilities:
- (a) a commission established by a council under section 143;
 - (b) a parcel tax roll review panel;
 - (c) a board of variance established by a local government under Division 15 of Part 14 of the *Local Government Act*;
 - (d) an advisory body established by a council;
 - (e) a body that under this or another Act may exercise the powers of a municipality or council;
 - (f) a body referred to in section 93 (g).
- (2) The following requirements apply in relation to a meeting referred to in subsection (1):
- (a) the facilities must enable the meeting's participants to hear, or watch and hear, the meeting;
 - (b) except for any part of the meeting that is closed to the public, the facilities must enable the public to hear, or watch and hear, the meeting.
- (3) Members of a body who are participating under this section in a meeting conducted in accordance with this section are deemed to be present at the meeting.

Electronic participation of members

- 145.2** (1) If permitted under the rules governing the procedures of the body and the requirements of subsection (2) are met, a member of a body referred to in section 145.1 (1) who is unable to attend in person at a meeting of that body may participate in the meeting by means of electronic or other communication facilities.

- (2) The following requirements apply in relation to a meeting referred to in subsection (1):
 - (a) the facilities must enable the meeting’s participants to hear, or watch and hear, the participation of the member;
 - (b) except for any part of the meeting that is closed to the public, the facilities must enable the public to hear, or watch and hear, the participation of the member.
- (3) Members of a body who are participating under this section in a meeting conducted in accordance with this section are deemed to be present at the meeting.

11 Section 204 is amended

(a) by repealing subsection (2) and substituting the following:

- (2) For the purposes of this Division, the council must
 - (a) appoint at least 3 persons as the members of the parcel tax roll review panel,
 - (b) establish the time and, if applicable, place for the sitting of the panel,
 - (c) determine whether the sitting will be conducted by means of electronic or other communication facilities, and
 - (d) publish notice of the sitting in accordance with section 94 [*public notice*]. ,

(b) by adding the following subsection:

- (2.1) A notice under subsection (2) (d) must state the following:
 - (a) the time and, if applicable, place of the sitting of the review panel;
 - (b) if the sitting is conducted by means of electronic or other communication facilities, the way in which the sitting is to be conducted by those means. ,

(c) by repealing subsection (3) (c) and substituting the following:

- (c) the time and, if applicable, place of the first sitting of the review panel, , **and**

(d) in subsection (3) by adding the following paragraph:

- (c.1) if the first sitting of the review panel is conducted by means of electronic or other communication facilities, the way in which the first sitting is to be conducted by those means, and .

12 Section 205 is amended by repealing subsections (5), (6) and (7) and substituting the following:

- (5) The notice under subsection (4) must state
 - (a) the intention of the parcel tax roll review panel,
 - (b) the time and, if applicable, place set for the panel to give its direction, and
 - (c) if the direction is given by means of electronic or other communication facilities, the way in which the direction is to be given by those means.
- (6) The following sections of the *Assessment Act* apply in relation to the hearing of complaints by a parcel tax roll review panel:
 - (a) section 32 (3), (4) and (5) [*complaints by local government or assessor*];
 - (b) section 33 (3) [*contents of notice of complaint*];
 - (c) section 35 (1) (b) and (c) and (2) [*notice of hearing to complainant*];
 - (d) section 37 [*notice of withdrawal of complaint*];
 - (e) section 38 (2) (a), (7) (a) and (b) and (9) [*review panel procedures*];
 - (f) section 40 [*burden of proof*].
- (7) In applying a section of the *Assessment Act* referred to in subsection (6) of this section,
 - (a) a reference to a complaint is to be read as a reference to a complaint under subsection (1) of this section,
 - (b) a reference to the assessment roll is to be read as a reference to a parcel tax roll,
 - (c) a reference to the assessor is to be read as a reference to the collector,
 - (d) a reference to a review panel is to be read as a reference to a parcel tax roll review panel, and
 - (e) a reference to a property is to be read as a reference to a parcel.

13 The following section is added:

Daily schedule of review panel

- 205.1** (1) The daily schedule of matters for review and consideration by a parcel tax roll review panel, as set by the collector, must be posted
- (a) at the place where the parcel tax roll review panel is to meet, if sittings of the parcel tax roll review panel are conducted in person, or
 - (b) at the public notice posting places, if sittings of the parcel tax roll review panel are conducted by means of electronic or other communication facilities.

- (2) The parcel tax roll review panel must deal with complaints and collector recommendations in accordance with the daily schedule referred to in subsection (1) unless the parcel tax roll review panel considers a change in the daily schedule necessary or desirable in the circumstances.
- (3) For the purposes of subsection (2), the chair of the parcel tax roll review panel may adjourn the sittings of the parcel tax roll review panel
 - (a) from day to day or from time to time, and
 - (b) if the sittings of the parcel tax roll review panel are conducted in person, from place to place within the geographic area of the parcel tax roll review panel’s jurisdiction.

14 *The Schedule is amended in the definition of “parcel tax roll review panel” by striking out “the parcel tax roll review panel” and substituting “a parcel tax roll review panel”.*

Islands Trust Act

15 *Section 6 of the Islands Trust Act, R.S.B.C. 1996, c. 239, is amended*

(a) in subsection (7) by adding the following paragraph:

(a.1) Division 6.1 [*Mandatory Leave of Absence*] of Part 4; , **and**

(b) by adding the following subsection:

(7.1) If, as a result of section 109.3 [*mandatory leave of absence*] of the *Community Charter* as it applies for the purposes of this Act, the number of members of a local trust committee who may exercise their powers is reduced to fewer than the number that is required for the local trust committee to exercise its powers, the minister may

- (a) order that the reduced number of members constitutes the required number of members for the local trust committee to exercise its powers until the previous requirement can be met, or
- (b) appoint qualified persons to act on behalf of the members who are on a leave of absence under section 109.3.

Local Government Act

16 *Section 54 (1) of the Local Government Act, R.S.B.C. 2015, c. 1, is amended by adding the following paragraph:*

(a.1) the office becomes vacant under section 82.1 [*disqualification – indictable offence*]; .

17 Section 81 (2) is amended by adding the following paragraph:

(b.1) a person who is disqualified from holding office under section 82.1; .

18 The following section is added:

Disqualification – indictable offence

- 82.1** (1) A person who is convicted of an indictable offence is disqualified from being nominated for, being elected to or holding office on a local government from the date of the conviction until the date on which the person is sentenced.
- (2) If a person elected or appointed to office on a local government is convicted of an indictable offence, the person’s office becomes vacant on the date of the conviction.
- (3) For certainty, a person whose office becomes vacant under subsection (2) and whose conviction is overturned on appeal is not entitled, if the term of office for which the person was elected has not ended, to take office for the unexpired part of the term.

19 Section 204 (2) is repealed and the following substituted:

- (2) The disqualification under subsection (1) does not apply if
- (a) the absence is due to illness or injury,
 - (b) the absence is with leave of the board, or
 - (c) the member is on a leave of absence under section 109.3 [*mandatory leave of absence*] of the *Community Charter*.

20 Section 205 (1) is amended by adding the following paragraph:

(a.1) Division 6.1 [*Mandatory Leave of Absence*] of Part 4; .

21 The following Division is added to Part 6:

Division 5.1 – Proceedings of Other Bodies

Electronic meetings of other bodies

- 226.1** (1) If permitted under the rules governing the procedures of the body and the requirements of subsection (2) are met, meetings of the following bodies may be conducted by means of electronic or other communication facilities:
- (a) a local community commission under section 243 [*establishment of local community commissions*];
 - (b) a commission established under section 263 (1) (g) [*corporate powers of board*];

- (c) an intergovernmental advisory committee established under section 450 [*intergovernmental advisory committees*];
 - (d) an advisory planning commission established under section 461 [*advisory planning commission*].
- (2) The following requirements apply in relation to a meeting referred to in subsection (1):
- (a) the facilities must enable the meeting’s participants to hear, or watch and hear, the meeting;
 - (b) except for any part of the meeting that is closed to the public, the facilities must enable the public to hear, or watch and hear, the meeting.
- (3) Members of a body who are participating under this section in a meeting conducted in accordance with this section are deemed to be present at the meeting.

Electronic participation of members of other bodies

- 226.2** (1) If permitted under the rules governing the procedures of the body and the requirements of subsection (2) are met, a member of a body referred to in section 226.1 (1) who is unable to attend in person at a meeting of that body may participate in the meeting by means of electronic or other communication facilities.
- (2) The following requirements apply in relation to a meeting referred to in subsection (1):
- (a) the facilities must enable the meeting’s participants to hear, or watch and hear, the participation of the member;
 - (b) except for any part of the meeting that is closed to the public, the facilities must enable the public to hear, or watch and hear, the participation of the member.
- (3) Members of a body who are participating under this section in a meeting conducted in accordance with this section are deemed to be present at the meeting.

22 Section 376 is amended

- (a) *in subsection (1) by striking out “By June 30 in each year” and substituting “On or before June 30 in each year”, and*

(b) by repealing subsection (2) and substituting the following:

- (2) Notice of the meeting must be published in accordance with section 94 [requirements for public notice] of the *Community Charter* and must include the following:
 - (a) the date, time and, if applicable, place of the meeting;
 - (b) if the annual meeting is to be conducted by means of electronic or other communication facilities, the way in which the meeting is to be conducted by those means;
 - (c) a statement that the financial statements and any reports to be presented at the meeting are available for inspection at the regional district offices.

23 Section 455 is amended in the definition of “farming area” by repealing paragraph (a) and substituting the following:

- (a) that is agricultural land, .

24 Section 477 (3) (b) is amended by striking out “agricultural land in the agricultural land reserve” and substituting “agricultural land”.

25 Section 514 is amended

(a) by repealing subsection (3) (b) (i) and substituting the following:

- (i) is land that is not agricultural land, and ,

(b) by repealing subsection (3) (c) (i) and substituting the following:

- (i) is agricultural land, and ,

(c) in subsection (5) by striking out “agricultural land within the agricultural land reserve” and substituting “agricultural land”, and

(d) in subsection (8) by striking out everything before paragraph (a) and substituting “For a parcel of land that is not agricultural land, or that is agricultural land to which section 23 (1) or (2) of the *Agricultural Land Commission Act* applies, approval of subdivision under this section may be given only on the condition that”.

26 Section 555 (2) is repealed and the following substituted:

- (2) Despite a zoning bylaw, intensive agriculture is permitted as a use on agricultural land that is not subject to section 23 (1) [exception for small farms established before 1973] of the *Agricultural Land Commission Act*.

27 Section 597 (1) is amended by striking out “section 263 (1) (f) [regional district commissions]” and substituting “section 263 (1) (g) [regional district commissions]”.

Municipalities Enabling and Validating Act (No. 4)

- 28 *Part 6 of the Municipalities Enabling and Validating Act (No. 4), S.B.C. 2011, c. 14, is amended by adding the following heading before section 56:*

Division 1 – Village of Lytton Bylaws .

- 29 *Sections 56 and 59 are amended by striking out “this Part” wherever it appears and substituting “this Division”.*
- 30 *The following Division is added to Part 6:*

Division 2 – Validation of Electronic Meetings

Definitions

- 60 In this Division:

“**council**” means a council as defined in section 1 of the Schedule to the *Community Charter*;

“**local government body**” means any of the following:

- (a) a commission established by a council under section 143 of the *Community Charter*;
- (b) a parcel tax roll review panel;
- (c) a board of variance established by a local government under Division 15 of Part 14 of the *Local Government Act*;
- (d) an advisory body established by a council under the *Community Charter*;
- (e) a body that under the *Community Charter* or another Act may exercise the powers of a municipality or council;
- (f) a local community commission under section 243 of the *Local Government Act*;
- (g) a commission established under section 263 (1) (g) of the *Local Government Act*;
- (h) an intergovernmental advisory committee established under section 450 of the *Local Government Act*;
- (i) an advisory planning commission established under section 461 of the *Local Government Act*;
- (j) a public auditorium or museum board or commission under section 204A of the *Vancouver Charter*;
- (k) the Building Board of Appeal under section 306B of the *Vancouver Charter*;
- (l) the Board of Variance under section 572 of the *Vancouver Charter*;
- (m) a heritage commission under section 581 of the *Vancouver Charter*;

- (n) a Court of Revision under the *Vancouver Charter*;
- (o) another administrative body under the *Vancouver Charter*;
- (p) an advisory committee, or other advisory body, established by Vancouver council under the *Vancouver Charter* or another Act;

“validation period” means the period beginning on September 29, 2021 and ending on the day before the date this section comes into force;

“Vancouver council” means the Council as defined in section 2 of the *Vancouver Charter*.

Validation of local government body meetings

- 61** (1) A meeting of a local government body that was conducted during the validation period by means of electronic or other communication facilities and that would otherwise have been validly conducted is conclusively deemed to have been validly conducted as if, at the time of the meeting, the conduct of the meeting by electronic or other communication facilities had been authorized under an enactment applicable to the local government body.
- (2) All resolutions and decisions made and other actions taken by a local government body at a meeting referred to in subsection (1) and that would have been validly made or taken had this section been in force when they were made or taken are conclusively deemed to have been validly made or taken.
- (3) All things done by a local government body in accordance with a resolution or decision referred to in subsection (2) and that would have been validly done had this section been in force when they were done are conclusively deemed to have been validly done.
- (4) This section is retroactive to the extent necessary to give it full force and effect and must not be construed as lacking retroactive effect in relation to any matter because it makes no specific reference to that matter.

The Cultus Lake Park Act

31 *The Cultus Lake Park Act, S.B.C. 1932, c. 63, is amended by adding the following section:*

Mandatory leave of absence

20.01 (1) Division 6.1 [*Mandatory Leave of Absence*] of Part 4 of the *Community Charter*, as it applies to a council member, applies to members of the board.

- (2) In applying Division 6.1 of Part 4 of the *Community Charter*,
- (a) a reference to “council” or “local government” must be read as a reference to the board as defined in this Act, and
 - (b) a reference to “member” or “council member” must be read as a reference to “board member”.

Vancouver Charter

32 *The Vancouver Charter, S.B.C. 1953, c. 55, is amended by repealing section 5 and substituting the following:*

Procedure if no deputy

- 5** If an employee is absent, dies or otherwise ceases to hold office and a deputy has not been appointed under section 4 for the employee, the Mayor may, in writing, appoint a person to act in the employee’s office until the Council determines otherwise.

33 *Section 10 (1) is amended by adding the following paragraph:*

- (a.1) the office becomes vacant under section 39.1 [*disqualification – indictable offence*]; .

34 *Section 38 (2) is amended by adding the following paragraph:*

- (b.1) a person who is disqualified under section 39.1; .

35 *Section 39 (4) is amended by striking out “must give notice in writing to his or her employer” and substituting “must give to the employee’s employer written notice”.*

36 *The following section is added:*

Disqualification – indictable offence

- 39.1** (1) A person who is convicted of an indictable offence is disqualified from being nominated for, being elected to or holding office on the Council or Park Board from the date of the conviction until the date on which the person is sentenced.
- (2) If a person elected or appointed to Council or the Park Board is convicted of an indictable offence, the person’s office becomes vacant on the date of the conviction.
- (3) For certainty, a person whose office becomes vacant under subsection (2) and whose conviction is overturned on appeal is not entitled, if the term of office for which the person was elected has not ended, to take office for the unexpired part of the term.

37 Section 44 (4) is repealed and the following substituted:

- (4) Persons must not consent to be nominated knowing that they are not qualified to be nominated.

38 Section 125 (6) (e) is amended by striking out “in the exercise or performance of his or her powers, duties or functions” and substituting “in the exercise or performance of a power, duty or function”.

39 Section 137 is amended

(a) in subsection (1) by striking out “by a temporary order under section 10 (6) (a)” and substituting “by a temporary order under subsection (5) or section 10 (6) (a)”, and

(b) by adding the following subsection:

- (5) If, as a result of section 145.98, the number of Council members who may exercise their powers and carry out their duties is reduced to less than a quorum, the minister may
 - (a) order that the reduced number of members constitutes a quorum until the quorum requirement applicable under subsection (1) or (2) can be met, or
 - (b) appoint qualified persons to act on behalf of the members who are on a leave of absence under section 145.98.

40 Section 142.2 (1) is repealed and the following substituted:

- (1) Persons who are subject to applications under section 142.1 and who consider themselves qualified to hold office may continue to act in office pending the determination of the court respecting the applications.

41 Section 143 (6) is repealed and the following substituted:

- (6) The disqualification under subsection (4) does not apply if
 - (a) the absence is due to illness or injury,
 - (b) the absence is with leave of the Council, or
 - (c) the Council member is on a leave of absence under section 145.98.

42 The following sections are added:

Definition

145.96 In sections 145.97 and 145.98, “**charge**” does not include a charge in an information described in section 507.1 (1) of the *Criminal Code* that must be referred in accordance with that section.

Disclosure of charge

- 145.97** (1) This section applies to a Council member who is charged with any of the following:
- (a) an offence under the *Criminal Code*;
 - (b) an indictable offence under the *Controlled Drugs and Substances Act* (Canada).
- (2) The Council member must, as soon as practicable, give written notice to the Council indicating
- (a) the offence with which the member is charged, and
 - (b) the date of the charge.

Mandatory leave of absence

- 145.98** (1) A Council member who is charged with an offence referred to in section 145.97 is on a leave of absence from the member's duties on Council for a period that
- (a) begins on the date of the charge, and
 - (b) ends, as applicable,
 - (i) if the member is acquitted of the offence, on the day after the date of the acquittal,
 - (ii) if the member is convicted of the offence, on the date of the conviction,
 - (iii) if the member is discharged of the offence, on the day after the date of the discharge,
 - (iv) if all proceedings in relation to the charge are stayed, on the day after the date of the stay, or
 - (v) if the charge is withdrawn, on the day after the date of the withdrawal.
- (2) While on a leave of absence under this section, the Council member
- (a) continues to hold office but must not exercise a power or carry out a duty as a Council member, and
 - (b) is entitled to remuneration and benefits to which the member would be entitled as a Council member if the member were not on the leave of absence.
- (3) For certainty, a person who is on a leave of absence under this section and who is otherwise qualified to hold office is not disqualified from being nominated for, being elected to or holding office
- (a) on the Council or on the Park Board,
 - (b) on any other local government, or
 - (c) as a trustee under the *Islands Trust Act*.

- (4) A power exercised or a duty carried out by a Council member who is on a leave of absence under this section is not invalid by reason only that it was exercised or carried out in contravention of subsection (2) (a).

43 *Section 154 is amended by striking out “the Lieutenant-Governor in Council may” and substituting “the Lieutenant Governor in Council may”.*

44 *Section 156 is amended by striking out “chairman” and substituting “chair”.*

45 *Section 164.1 (3) is amended by striking out “a Council meeting may be conducted” and substituting “a Council or committee meeting may be conducted”.*

46 *Section 165.2 (2) (e) is repealed.*

47 *The following sections are added:*

Electronic meetings of city bodies

- 165.9** (1) If permitted under the rules governing the procedures of the body and the requirements of subsection (2) are met, a meeting of a body referred to in section 165.7 (a), (b), (e), (f), (g), (h), (i) or (j) may be conducted by means of electronic or other communication facilities.
- (2) The following requirements apply in relation to a meeting referred to in subsection (1):
- (a) the facilities must enable the meeting’s participants to hear, or watch and hear, the meeting;
 - (b) except for any part of the meeting that is closed to the public, the facilities must enable the public to hear, or watch and hear, the meeting.
- (3) Members of a body who are participating under this section in a meeting conducted in accordance with this section are deemed to be present at the meeting.

Electronic participation of members in meetings of city bodies

- 165.91** (1) If permitted under the rules governing the procedures of the body and the requirements of subsection (2) are met, a member of a body referred to in section 165.7 (a), (b), (e), (f), (g), (h), (i) or (j) who is unable to attend in person at a meeting of that body may participate in the meeting by means of electronic or other communication facilities.

- (2) The following requirements apply in relation to a meeting referred to in subsection (1):
 - (a) the facilities must enable the meeting’s participants to hear, or watch and hear, the participation of the member;
 - (b) except for any part of the meeting that is closed to the public, the facilities must enable the public to hear, or watch and hear, the participation of the member.
- (3) Members of a body who are participating under this section in a meeting conducted in accordance with this section are deemed to be present at the meeting.

48 Section 180 is amended

(a) by repealing subsection (2) and substituting the following:

- (2) If any of the circumstances set out in subsection (2.1) apply, the council may, by a vote of not less than two-thirds of its members, provide for the payment of an amount required for the protection, defence or indemnification, together with costs necessarily incurred and damages recovered, of any of the following:
 - (a) an officer or employee of the city;
 - (b) a member of the council;
 - (c) a public service organization.
- (2.1) For the purposes of subsection (2), the circumstances are as follows:
 - (a) an action or prosecution is brought against the person in connection with the performance of the person’s duties;
 - (b) an inquiry under the *Public Inquiry Act* or another proceeding involves the administration of a department of the city or the conduct of a part of the civic business.
- (2.2) The council must not pay a fine imposed on an officer or employee for conviction of a criminal offence. , **and**

(b) by repealing subsection (6) (a) and substituting the following:

- (a) the terms of employment of the officer, employee or member, or .

49 Section 205 is amended by striking out everything after “any person considered to merit such distinction”.

50 Section 206A is amended

(a) in subsection (2) (h) by striking out “lodged with the City Clerk, and the sufficiency of the petition shall be determined by him” **and substituting** “provided to the City Clerk, who shall determine whether the petition is sufficient”, **and**

(b) in subsection (3) by striking out “on a day proclaimed by the Lieutenant-Governor in Council in his Proclamation” **and substituting** “by proclamation of the Lieutenant Governor in Council”.

51 Section 208 (d) is amended by striking out “suspend from his employment, if he thinks necessary, any such employee” **and substituting** “suspend an employee from the performance of the employee’s duties if the Mayor considers it necessary”.

52 Section 209 is repealed and the following substituted:

Acting Mayor

209. (1) If the Mayor is absent from the city or otherwise unable to perform the duties of Mayor, the Mayor provides notice that the Mayor will be absent from the city or otherwise unable to perform the duties of Mayor or the Mayor’s seat is vacated, the Council may appoint a Councillor to be Acting Mayor.

(2) An Acting Mayor has all the powers and duties of the Mayor other than taking the place of the Mayor as Chair of the Board of Administration unless the Councillor member of the Board is absent from the city or otherwise unable to act as Chair of the Board.

53 Sections 222, 223 and 225 are amended by striking out “He” and substituting “The City Clerk”.

54 Section 227 is amended by striking out “He” and substituting “The City Treasurer”.

55 Section 228 is repealed and the following substituted:

Duty to keep complete accounts

228. The City Treasurer must keep a complete and accurate account of money that the City Treasurer receives or disburses.

56 Section 229 is amended by striking out “He shall” and substituting “The City Treasurer must”.

57 Section 272 (1) is amended

(a) by repealing paragraph (q) and substituting the following:

(q) for providing that a licensee under this Part must not refuse to sell goods or provide a service or accommodation to a person because of the person's race, creed, colour, religion, sex, sexual orientation, gender identity, gender expression, marital status, physical or mental disability, nationality, ancestry, place of origin or political beliefs; , **and**

(b) in paragraph (r) by striking out “boys or girls” and substituting “persons”.

58 Section 277 is amended

(a) by striking out “for such period as he may determine” and substituting “for the period specified by the Inspector”, and

(b) in paragraph (b) by striking out “for which he is licensed” and substituting “for which the holder is licensed”.

59 Section 279B (3) (b) is amended by striking out “, in his discretion,”.

60 Section 306 (1) is amended

(a) in paragraph (i) by striking out “workmen” and substituting “workers”,

(b) in paragraph (t) by striking out “watchman” and substituting “security guard”, and

(c) by adding the following paragraph:

Reporting requirements

(ee) for establishing requirements to report information respecting greenhouse gas emissions or the use of energy or water.

61 Section 318 (1) (b) is amended by striking out “designate by traffic signs and markings such portions of streets as in his discretion should be designated as school crossings” and substituting “designate, by traffic signs and markings, portions of streets that the City Engineer or other person considers should be designated as school crossings”.

62 Sections 323 (m), (r) and (u) and 336 are amended by striking out “workmen” and substituting “workers”.

63 Section 376.1 is amended

(a) in subsection (3) by striking out “the date and place for the hearing” and substituting “the date and, if applicable, place for the hearing”, and

(b) by repealing subsection (4) and substituting the following:

- (4) At least 2 weeks before the date fixed for the Court of Revision, the Collector of Taxes must mail to each owner named in the residential flat rate tax roll a notice containing
- (a) the information on the roll relating to the owner’s property,
 - (b) the time and, if applicable, place fixed for hearing complaints, and
 - (c) if the hearing is conducted by means of electronic or other communication facilities, the way in which the hearing is to be conducted by those means.

64 Section 413 is amended by striking out “the taxes shall be payable in respect of his right or interest by the occupier whose name appears on the roll as such” and substituting “the taxes in respect of the occupier’s right or interest shall be payable by the person named on the roll as the occupier”.

65 Section 434 is amended

(a) by striking out “his certificate” and substituting “the purchaser’s certificate”, and

(b) by striking out “his records” and substituting “the Collector’s records”.

66 Section 452 is amended

(a) by striking out “his purchase” and substituting “the purchase”, and

(b) by striking out “his claim” and substituting “a claim”.

67 Section 486A is amended by adding the following paragraph:

- (e) sections 145.97 [disclosure of charge] and 145.98 [mandatory leave of absence].

68 The following section is added:

Power of minister to make order or appoint acting members

486C. If, as a result of section 145.98, the number of members of the Board who may exercise their powers is reduced to fewer than the number that is required for the Board to exercise its powers, the minister may

- (a) order that the reduced number of members constitutes the required number of members for the Board to exercise its powers until the previous requirement can be met, or
- (b) appoint qualified persons to act on behalf of the members who are on a leave of absence under section 145.98.

69 *Section 496 is repealed and the following substituted:*

Certain employees to have special powers

496. A person employed by the Board as a warden, lifeguard or security guard in parks has, while performing a duty in a park, all the powers and authority of a police constable.

70 *Section 497A is amended by striking out “every warden, lifeguard, patrolman, or watchman employed by the Park Board” and substituting “every warden, lifeguard or security guard employed by the Park Board”.*

71 *Section 510 (2) is amended*

(a) in paragraph (g) by striking out “the time and place” and substituting “the time and, if applicable, place”, and

(b) by adding the following paragraph:

(h) if the hearing is conducted by means of electronic or other communication facilities, the way in which the hearing is to be conducted by those means.

72 *Section 573 (4) is repealed and the following substituted:*

(4) Hearings of the Board must be open to the public.

73 *The provisions of the Vancouver Charter listed in column 1 of Schedule 1 to this Act are amended by striking out “he” wherever it appears and substituting the text shown in column 2.*

74 *The provisions of the Vancouver Charter listed in column 1 of Schedule 2 to this Act are amended by striking out “he or she” wherever it appears and substituting the text shown in column 2.*

75 *The provisions of the Vancouver Charter listed in column 1 of Schedule 3 to this Act are amended by striking out “him” wherever it appears and substituting the text shown in column 2.*

76 *The provisions of the Vancouver Charter listed in column 1 of Schedule 4 to this Act are amended by striking out “his” wherever it appears and substituting the text shown in column 2.*

77 *The provisions of the Vancouver Charter listed in column 1 of Schedule 5 to this Act are amended by striking out “his or her” and substituting the text shown in column 2.*

Transitional Provisions

Definition for transitional provisions

- 78 In sections 79, 80, 82, 83 and 85, “charge” does not include a charge in an information described in section 507.1 (1) of the *Criminal Code* that must be referred in accordance with that section.

Community Charter transition – mandatory leave of absence

- 79 Sections 109.2 and 109.3 of the *Community Charter*, as added by this Act, do not apply in relation to a charge in an information laid before the date this section comes into force.

Islands Trust Act transition – mandatory leave of absence

- 80 Section 6 (7) (a.1) of the *Islands Trust Act*, as added by this Act, does not apply in relation to a charge in an information laid before the date this section comes into force.

Local Government Act transition – disqualification for indictable offence

- 81 Section 82.1 of the *Local Government Act*, as added by this Act, does not apply in relation to a conviction entered before the date this section comes into force.

Local Government Act transition – mandatory leave of absence

- 82 Section 205 (1) (a.1) of the *Local Government Act*, as added by this Act, does not apply in relation to a charge in an information laid before the date this section comes into force.

The Cultus Lake Park Act transition – mandatory leave of absence

- 83 Section 20.01 of *The Cultus Lake Park Act*, as added by this Act, does not apply in relation to a charge in an information laid before the date this section comes into force.

Vancouver Charter transition – disqualification for indictable offence

- 84 Section 39.1 of the *Vancouver Charter*, as added by this Act, does not apply in relation to a conviction entered before the date this section comes into force.

Vancouver Charter transition – mandatory leave of absence

- 85 Sections 145.97 and 145.98 of the *Vancouver Charter*, as added by this Act, do not apply in relation to a charge in an information laid before the date this section comes into force.

Consequential Amendments

Freedom of Information and Protection of Privacy Act

86 *Section 3 of the Freedom of Information and Protection of Privacy Act, R.S.B.C. 1996, c. 165, is amended*

(a) by repealing subsection (3) (g) and substituting the following:

(g) a record that was created by or for the auditor general under the *Auditor General for Local Government Act* and that relates to the exercise of functions under that Act; , and

(b) by repealing subsection (4) and substituting the following:

(4) This Act, other than sections 30, 30.3, 30.5 (2), 33 and 65.3 to 65.6, does not apply to an officer of the Legislature, including all employees of the officer of the Legislature and, in the case of an employee that is a service provider, all employees and associates of the service provider.

87 *Schedule 2 is amended by striking out the following:*

Public Body:	Audit Council (<i>Auditor General for Local Government Act</i>)
Head:	Chair
Public Body:	Office of the Auditor General for Local Government
Head:	Auditor General for Local Government .

Public Service Labour Relations Act

88 *Section 1 (1) of the Public Service Labour Relations Act, R.S.B.C. 1996, c. 388, is amended in the definition of “employee” by repealing paragraph (hh).*

Commencement

89 This Act comes into force on the date of Royal Assent.

SCHEDULE 1

(Section 73)

Item	Column 1 Provisions of <i>Vancouver Charter</i>	Column 2 Text to be substituted
1	154	the Lieutenant Governor in Council
2	208 (b) and (c) 232	the Mayor
3	211 214 215	the Director of Finance
4	222	the City Clerk
5	252	the Treasurer
6	272 (1) (f) 276 306 (1) (e) and (n) 314 (1) (b) 336	the person
7	272 (1) (k)	the Inspector
8	283 396 (1) (a)	the occupier
9	291A (4) 336D (2) 395A (4), (5) and (6) 512	the owner
10	292 (3)	the approving officer
11	293 (1) (d) 523B (5) 530	the Judge
12	306 (1) (z) (iii) (A)	the architect or engineer
13	317 (1) (b)	the police constable
14	330 (p) (iv) and (q)	the Medical Health Officer
15	336D (1)	the City Building Inspector
16	336D (3)	the Registrar
17	402 428 514	the Collector

Item	Column 1 Provisions of <i>Vancouver Charter</i>	Column 2 Text to be substituted
18	447	the plaintiff
19	451 (1)	the purchaser
20	453	the claimant

SCHEDULE 2

(Section 74)

Item	Column 1 Provisions of <i>Vancouver Charter</i>	Column 2 Text to be substituted
1	21 (3) 44 (3) (a) 87 (1) (b) and (2) (b)	the person
2	85 (4)	the elector
3	115 (5) (a)	the candidate
4	145.2 (2) and (4)	the member

SCHEDULE 3

(Section 75)

Item	Column 1 Provisions of <i>Vancouver Charter</i>	Column 2 Text to be substituted
1	178	the barrister
2	207 (2)	the Deputy Mayor
3	213	the Director of Finance
4	223	the City Clerk
5	252	the Treasurer
6	269 270 271	the Chief Licence Inspector
7	291A (1)	the owner
8	291A (7)	the grantee

Item	Column 1 Provisions of <i>Vancouver Charter</i>	Column 2 Text to be substituted
9	293 (1) (a) 306 (1) (n) 573 (1) (b) and (c)	the person
10	294 (3)	the civic public officer
11	296	the other person
12	306 (1) (h)	the City Building Inspector
13	307	the Chief Constable
14	313	the City Electrician
15	329 330 (q)	the Medical Health Officer
16	336D (1) (c) 451 (1) 452	the purchaser
17	432	the Collector
18	451 (2)	the occupant
19	560A	the Director of Planning

SCHEDULE 4

(Section 76)

Item	Column 1 Provisions of <i>Vancouver Charter</i>	Column 2 Text to be substituted
1	167 204 (k)	the member's
2	180 (4)	their
3	206A (2) (h) 224	the City Clerk's
4	215 276 294 (3) 452 453 454	a

Item	Column 1 Provisions of <i>Vancouver Charter</i>	Column 2 Text to be substituted
5	252 254	the Treasurer's
6	270 271	the Chief Licence Inspector's
7	277 (c) and (d) (i)	the holder's
8	279B (3) (e) 317 (1) (b) and (r) 499 559 in the definition of "owner"	the person's
9	291A (1) and (4) 543	the owner's
10	307	the occupant's
11	311 (i) (i) and (ii)	the Fire Chief's
12	317 (1) (p) (ii)	the Superintendent's
13	329 330 (p) (iv)	the Medical Health Officer's
14	336D (1)	the City Building Inspector's
15	336D (5)	the Registrar's
16	351 (1)	the assessor's
17	437 439 451 (1)	the purchaser's
18	516	the Collector's

SCHEDULE 5

(Section 77)

Item	Column 1 Provisions of <i>Vancouver Charter</i>	Column 2 Text to be substituted
1	21 (2) and (3) 44 (1) (b) and (2) (c) (i) 72 (7) (a)	the person's
2	45.6 (a)	the candidate's
3	145.2 (4) 145.4 (1) 145.5 (1) 145.6 (2)	the member's