

Department:	<u>Council</u>	Policy No.:	<u>COU-011</u>
Sub-department:	<u>Corporate</u>	Created By:	<u>Sheena Fraser</u>
Approved By:	<u>Council</u>	Amended By:	<u></u>
Approved Date:	<u>26 May 2020</u>	Amendment:	<u></u>
Meeting No.:	<u>1515</u>	Meeting No.:	<u></u>

POLICY PURPOSE

The Video Recording and Broadcasting of Electronically Held Council Meetings Policy will provide guidelines for Broadcasting and management of video recordings of Council and Committee Meetings that are open to the public in the event of an emergency situation which requires the meetings to be held via electronic means and which also prevents the public from attending.

REFERENCES

The Village of Pemberton Records Management Bylaw
Village of Pemberton Records Retention Schedule
Council Procedure Bylaw
Ministerial Orders 139, dated May 1, 2020, as amended or replaced

DEFINITIONS

“Chair” means the Mayor or Chair of the meeting.

“Chief Administrative Officer” means the Chief Administrative Officer as appointed by Council or their designate from time to time.

“Council” means the Council of the Village of Pemberton and in this policy includes the Committee of the Whole.

“Committee” means any committees, commissions or boards as established by Council.

“Open Meeting” means any meeting of Council or a Committee open to the public in accordance with section 89 of the *Community Charter*.

“Village” means the Village of Pemberton.

“Village Website” means the website administered and controlled by the Village of Pemberton which may include other social media platforms controlled by the Village.

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POLICY

In the event of an emergency situation that precludes in-person attendance by Council, Staff or the public at open meetings of Council or Committees, meetings may be held by electronic means and may be broadcast, video recorded and posted on the Village's website in an effort to ensure transparency, public participation and access to municipal decision making pursuant to a Ministerial Order.

Any Council meeting or portion of a Council meeting closed to the public in accordance with section 90 of the *Community Charter* will not be broadcast or recorded.

PROCEDURE

Meeting Technical Procedure:

The Village of Pemberton has elected to utilize the ZOOM Webinar program to facilitate virtual meetings during emergency situations that prevents Council, Staff and the public to attend an open meeting in person.

Council and Committee Meetings conducted using the ZOOM Webinar program allow Council or Committee members to attend as Panelists and the public to attend as Attendees.

Attendees making a presentation will be invited into the meeting to participate as a Panelist at the time the agenda item is considered. Following the presentation and if there are no questions from Council or Committee members the presenter's role will be changed from Panelist back to Attendee.

During Open Question Period, members of the public who wish to ask a question (in accordance with Open Question Period Policy COU-002) will be unmuted by Staff in order to present their question to Council. Once the individual's opportunity for questions is finished, their microphone will be returned to mute. A member of the public participating in Open Question Period remains an Attendee and does not have video capability.

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Staff will be responsible for issuing the meeting invitation, testing and making best efforts to try to make links workable and providing information on how to join a meeting. Staff will be responsible for facilitating the hosting duties of the webinar.

Other video conferencing platforms may be utilized as deemed appropriate.

MEETING RECORDINGS:

The official record of Council or Committee meetings shall be the written minutes. The keeping of a video recording of a Council or Committee meeting shall in no way detract or undermine the position of approved minutes as the official record of Council or Committee decisions.

The Village of Pemberton will make every reasonable effort to ensure that broadcasting and video recordings are available to the public. However, there may be situations where due to technical difficulties the broadcasting and video recording may be unavailable or delayed. Meetings will not be cancelled, postponed or delayed due to technical issues with broadcasting or recordings of meetings.

The Chair of the meeting will make a statement at the beginning of the meeting to ensure that presenters and members of the public attending via electronic means are aware that the meeting is being broadcast, recorded and will be made available over the internet.

Recordings will be accessible to the public on the Village’s website within five (5) days of the meeting and will remain on the website for a period of three (3) years from the date of the meeting. By participating in a ZOOM or live streamed meeting attendees consent to the utilization, storage and availability of recordings as set out in this Policy.

Original unmodified recordings will be classified, stored and retained in accordance with the Village’s Records Management Bylaw.

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RISK MITIGATION:

Council meetings are a public forum of statements, questions and answers.

Opinions expressed and statements made during a Council or Committee meeting are those of the individual making them and not those of Council. Unless set out in a resolution of Council, Council does not endorse or support the views, opinions, standards, or information that may be expressed by individuals at a Council or Committee meeting and which may be contained in the recording.

It is possible that statements could be made which may be regarded as offensive, defamatory, incorrect, or contrary to law and may be the subject of potential liability. As the broadcasting and publishing of recordings of meetings increases the potential audience, potential risks may also increase.

Accordingly, the Chair has the discretion and authority at any time to direct the termination or interruption of the broadcasting and recording of the meeting if they consider it prudent or advisable to do so. Such direction will only be given in exceptional circumstances.

Council may by a majority vote:

- a) Direct the Chief Administrative Officer to direct Staff to terminate or interrupt the recording of a Council meeting if they consider it advisable to do so due to conduct that is deemed inappropriate; or
- b) Direct the Chief Administrative Officer to direct Staff to remove recordings or portions of recordings from the Village's website where they consider it advisable to do so due to content, they deem inappropriate to be published.

Material considered to be inappropriate may include, but is not limited to, material that may:

- Be false or misleading communication which damages the reputation of another individual or organization;
- Infringe on copyright;
- Breach the privacy of an individual or unauthorized disclosure of the personal information of an individual;

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- Be offensive;
- Constitute discrimination;
- Constitute hatred of a person or group of people and is likely to offend, insult, humiliate or intimidate;
- Disclose confidential or privileged information.

LICENCE AND USE:

Unless otherwise indicated, copyright to the recordings of meetings made available on the Village's website is owned by the Village of Pemberton. Permission is granted to produce or reproduce the recordings posted on the website, or any substantial part of such recordings, for personal, non-commercial, educational and new reporting purposes only, provided that the copied material is not modified or altered and ownership of the material is attributed to the Village.

For certainty, no person may use the recordings for commercial activity.

Unless expressly authorized herein, no part of the recorded materials posted on the Village's website may be reproduced except in accordance with the provisions of the *Copyright Act*, as such *Act* may be amended or replaced from time to time, or with the express written permission of the Village.

RESPONSIBILITIES

Council is responsible to:

- a) Approve this Policy and any amendment thereto.

The Chief Administrative Officer is responsible to:

- a) Implement, monitor and evaluate this Policy.