



WHISTLER

REPORT | ADMINISTRATIVE REPORT TO COUNCIL

PRESENTED: September 1, 2020
FROM: Corporate and Community Services
SUBJECT: 2020 REGULAR COUNCIL MEETING FORMAT AND LOCATION UPDATE

REPORT: 20-082
FILE: 0519

COMMENT/RECOMMENDATION FROM THE CHIEF ADMINISTRATIVE OFFICER

That the recommendation of the General Manager of Corporate and Community Services be endorsed.

RECOMMENDATION

That Council direct staff to postpone the September 15 restart of in-person meetings, until which time staff are in a position to provide technology and resources to support both in-person and online meetings.

REFERENCES

Appendix “A” – COVID-19 Work Safe capacity layout for MYAC Theatre

PURPOSE OF REPORT

The purpose of this Report is to provide Council with an update on ongoing planning for a safe return to in-person Council meetings, and seek direction in support of the continued hosting of Regular Council meetings online.

DISCUSSION

Background

In response to the COVID-19 pandemic, the RMOW activated its Emergency Operations Centre on March 16, 2020. On March 17, the Provincial Medical Health Officer declared COVID-19 a public health emergency under the *Public Health Act*. The following day, the Minister of Public Safety and Solicitor General declared a Provincial State of Emergency that has been extended numerous times and is still currently in effect. In response to the ongoing pandemic, the national border has been closed since March 20 and is expected to remain closed for some time to come.

Municipal operations initially retracted to an essential service level and over the interim months have undergone various levels of safe restart planning, physical redesign, staff layoffs, staff redeployments and more recently, a carefully executed, and incremental return toward pre-COVID service levels. Many municipal services developed, or refocused on online provision of services, and only more recently have in-person service levels been reinstated. In-person service provision is still considerably different than pre-COVID levels, but select programs (with reduced numbers) have been facilitated through a carefully developed series of health and safety plans, guidelines and new protocols each consistent with the required provincial health orders, work safe guidance, and direction from the BC Health and Safety Authority.

Significantly reduced staff numbers have returned to physical facilities through a planned, priority basis with internal staff densities within municipal facilities maintained at levels largely consistent with one staff person per five sq. meters of unencumbered floor space as guided by WorkSafeBC. The municipal COVID Exposure Control Plan and COVID Safety Plan in accordance with WorkSafeBC requirements, set a hierarchy of protocols for staff and public within these facilities.

Within the RMOW's COVID-19 safety plans, the guidance is that, wherever possible, to use protocols that offer the highest level of protection. Additional levels of control are to be introduced when the higher level control is not practicable, or it does not wholly control the risk. First considerations should be given to implementing protocols that eliminate, or avoid the hazard, for example, implementing remote work arrangements or rearranging work spaces to ensure proper physical distancing is achieved. The second level of protection is to apply engineering controls in the form of physical barriers that separate the person from the hazard (as was introduced in Customer Service areas where elimination was not possible). The third level of protection comes in the form of administrative controls such as Safety Plans and Safe Work Procedures, providing direction to staff and public on how to execute daily RMOW tasks and services. Finally, personal protective equipment (PPE) largely in the form of masks, offer a fourth and final level of protection. An example of a fourth level control was first introduced for RMOW vehicle travel where operational challenges determined the need to have two staff travel in the same vehicle, requiring staff to wear masks. Most recently, this final (fourth) level of control was also introduced to outdoor workers where physical distancing from public was not achievable, as well as for indoor workers for specific essential work tasks.

Consistent with these safety plans and associated guidelines, Municipal Hall is allowing only two members of the public in the building at any time and is following strict COVID-19 protocols, supported by new one-way circulation patterns and a municipal staff greeter to screen and control entry to the building. The Whistler Public Library remains closed to public entry but has provided a combination of online and 'to go' services to meet primary community needs. Meadow Park Sports Centre has limited use of the arena by third party providers with strict safety procedures, and has only recently opened the fitness centre to reservation-based bookings with a maximum occupancy on the upper floor. As a further benchmark, the MYAC theatre has remained closed to the public since the beginning of the pandemic. Arts Council staff are just now exploring a limited, phased re-opening in the next few weeks for select opportunities.

Electronic Council Meetings

Originally enacted as Ministerial Order M083 under the *Emergency Program Act* on March 26, 2020 and later updated by subsequent Orders M139 and M192, and later by the *Provincial COVID-19 Related Measures Act*, notwithstanding any requirement by policy, bylaw or legislation to the contrary Council meetings can be held electronically. This provision to allow electronic meetings continues to this date. That said, M192 requires that local government's make best efforts to all members of the public to attend open meetings in-person, while abiding by any and all public health requirements made under the Public Health Act. The following information is excerpted from information provided by Lidstone & Company Barristers and Solicitors as related to Order M192

- M192 guidelines provide examples of "best efforts" that include: offering alternative means by which the public can provide input on agenda topics to increase accessibility (such as the public question and answer period), incorporating livestreaming technologies (such as the use of Zoom Meetings); and providing draft agendas, minutes and archived videos of meetings to the public.
- If using electronic meetings, council or board must use best efforts to use electronic or other communication facilities that allow members of the public to hear, or watch and hear, the part of the meeting that is open to the public.

- If a council or board is unable to hold an electronic meeting where the public can hear, or watch and hear the meeting, they must pass a resolution. The resolution must state the rationale as to why electronic or other communication facilities were not used to allow members of the public to hear, or watch and hear, the part of the meeting that is open to the public, and what local measures are being taken to ensure openness, transparency, accessibility and accountability in respect of the meeting.

While RMOW municipal Council has successfully been holding Regular Council meetings by electronic means that allow the public to both watch and hear open meetings since April 7, Council passed the following motion on June 23, of this year:

That Council resolve to host this meeting, and future Regular Council meetings via live-streamed electronic means until such time as formal work-safe guidelines have been developed and confirmed for the Maury Young Arts Centre auditorium

Building on the background outlined above, staff have led a planning exercise aimed at investigating and designing a potential plan for a return to in-person Council meetings at the Maury Young Arts Centre.

Overview of a Potential Return to In-Person Meetings at MYAC Theatre

Firstly, it is relevant to note that a Regular Council meeting would meet the definition of 'event' as defined in the Public Health Order for Gatherings and Events, and as such must avoid events with attendance greater than 50pp, and for events <50pp must meet the conditions as set out in Section 4 of the Order. Failure to meet these conditions is now subject to a fine of \$2,000 – even for local governments.

MYAC has prepared a COVID safety plan which addresses many of the Provincial guidelines for public admittance to the building. This document includes the general operating guidelines including specifics on hygiene and circulation. In conversation with MYAC, there will be a requirement for increased disinfection and cleaning to ensure a safe environment for each meeting. MYAC staff encourage all facility attendees wear masks for public events. The RMOW will need to develop an independent event specific safety plan.

The occupancy limit for MYAC is approximately 35 in the theatre and additional 12 in the Gallery, with a maximum of 50- as per indoor assembly regulations. These calculations are based on dimensions shown on design drawings. The actual numbers may adjust slightly based on configuration of the final seating arrangements etc. In short, the reconfiguration will enable approximately 17 – 30 members of the public to attend a meeting (17 in theatre and up to 13 additional in Gallery). Others wishing to attend will have to be facilitated at another venue or be directed to view on-line. Staff intending to present in-person to Council will be asked to wait in the Gallery until their time to present.

MYAC's policy is that monitoring the maximum occupancy and circulation of public and staff is a responsibility of the event host and will be managed to limit conflicts and reduce the risk of exposure. Given the complexity of the building additional resources will be required to manage circulation and occupancy. Initial thoughts are to have a greeter role that screens attendees at the entrance (restricting access to persons experiencing COVID-like symptoms, those who have travelled out of country in the previous 14 days and those who have been directed to isolate by a health provider), monitors and counts public at the entrance, records attendance and collects contact information, for the purposes of contact tracing. A second role will be required in the Gallery to monitor and control distancing and to provide information on seating configurations. This role will also provide assistance for coordination of presenters or Q&A during the meeting.

The preparation of space will require the reconfiguration of furniture, the addition of temporary desks and additional AV cabling to meet the spatial requirements for staff and Council members. A review of the theatre and furniture layout is planned for Thursday, Sept 3.

Signage and wayfinding must be increased to provide a clear message to public on wayfinding and messaging such as masks and distancing. At this time, MYAC is proposing that all visitors to the building don a mask – masks will need to be provided at the entrance to those that require one. Seating in the theatre will be clearly tagged and rows will be blocked to identify required spacing for physical distancing between seats. Further consideration will be made for high risk population in the form of additional separation as well as an area for isolation should an attendee experience symptoms while attending a meeting.

As indicated previously, cleaning and disinfection will be elevated to meet safe work guidelines and will include a full facility disinfection prior to Council and a full clean post Council. This additional effort extends to public spaces and washrooms, backstage and exit routes. Additional fees for service will be required.

A significant consideration is that additional technology within MYAC will require the installation of a temporary monitor in the Gallery for overflow public viewing. If an additional Q&A location is required in the Gallery. A microphone will need to be available which the sound technician at MYAC can activate as required. There is a possibility of an additional monitor in the Lobby if desired. Given the need to provide public viewing for Council meetings, work remains to consider and understand how to achieve a teleconference connection to the meeting.

Given the reduced revenues at MYAC they will likely request reimbursement for incremental cost for services.

Rationale for Continued Electronic Meetings

The current practice of hosting the Regular Council meetings via electronic means (Zoom) has taken some time to adjust to for both Council and the community. Moreover, the tool is not immune to some brief connectivity challenges that can make the meeting format less fluid than pre-COVID in-person sessions. Despite these small challenges, the business of Council has continued largely uninterrupted and the process is generally working well for both Regular meetings and in particular, the Public Hearing process. Moreover, it should be noted that the RMOW process for including questions from the public in the agenda as well as the Zoom format itself is consistent with the direction outlined in the Ministerial Orders noted above.

It should be noted that there is no plan (or opportunity) for moving to in-person Council meetings for either Closed or Committee of the Whole sessions that are typically hosted in the Flute Room at Municipal Hall. Work Safe guidelines and municipally-developed COVID Safety Plans for Municipal Hall limit the occupancy of the Flute room to five people or fewer. This limitation will not be expected to change until Phase Four of the Provincial Restart Plan.

The potential move to in-person Council meetings in the MYAC Theatre (note any venue would be prone to many, if not most of the same limitations as are being discussed herein for the MYAC Theatre), presents a number of challenges that have yet to be overcome in internal planning. The challenges are outlined below:

- 1. Capacity challenges if greater than 30 members of the public wish to attend the meeting**
 - a. An event cannot have >50pp by Provincial Health Order.

- b. As attendance levels will be unknown prior to the meeting, a plan for managing >30pp must be in place in advance.
- c. The most likely manner of supporting >30pp is to leverage additional technology similar to Zoom webinar. This combined, or hybrid, in person and live stream integration is untested, subject to the limitations of the existing MYAC video camera, and will require significant effort, and dozens of dedicated hours from the RMOWIT team to plan for, test, and execute a combined in-person, online interactive meeting format.
 - i. Investing limited IT resources to this effort will pull IT staff away from other core priorities at this time, including business continuity.

2. Risks when/if a Council meeting becomes a known exposure location

- a. This has the potential to represent a reputational risk to the resort community at time where staff across the community are trying hard to build confidence in Whistler's COVID-19 protocols in order to promote continued economic recovery and visitation.
- b. If an exposure at a Council meeting occurs, there is likely potential that all of Council and senior staff (and their families) may be required to self-isolate for 14 days in response to the exposure. While remote working capacity has increased considerably for senior leadership and Council, a mandatory self-isolation for our senior team is likely to present meaningful challenges to ongoing municipal operations.

3. Staff and Council Safety Considerations

- a. As per the existing hierarchy for prevention of COVID-19 transmission, 'avoidance' should be the primary strategy for ensuring safety. A return to in-person meetings represents a staff, Council and public safety risk in excess of the current electronic meeting format.
- b. As the numbers of new cases increases Provincially, and likely locally, staff and even members of Council may become hesitant to return to in-person meetings
- c. Refusal to return to an 'unsafe workplace' is a serious and formal Work Safe process guided by a fixed regulatory context and response protocol. If triggered by a refusal, a series of investigation steps, responses, filings and processes must be followed by law, and will consume a large amount of our in-house health and safety capacity during an already high pressure, high volume workload period.
- d. With appropriate safe work practices established, staff would likely be required to attend to work unless they had underlying health conditions. However, the process of addressing a refusal presents a significant workload for municipal health and safety staff.

4. Precedence to other committees, boards and working groups

- a. Some staff have expressed concern that if Council is able to go back to in-person meetings, other committees, boards and working groups would also be permitted, or encouraged to return to in-person sessions.
- b. The workload for bringing a larger number of sessions back to in-person context will meaningfully stretch internal resources for many of the reasons noted above.

5. Mask protocols

- a. MYAC is strongly considering mandatory masks for all events hosted in the building.
 - i. At the same time, community leaders are encouraging mask protocols in private business and across the Village. Municipal Council meetings will be expected to require masks for all members of the public as well as all members of staff and Council for the entire duration of the meeting.
 - ii. The practicality of hosting an entire Council meeting with all participants wearing masks is questionable, especially when a suitable live stream alternative has proven effective, workable and not subject to the same constraints.
 - iii. Mask wearing has also been identified as presenting accessibility/inclusivity challenges to hearing-impaired members of the public that rely on lip-reading.

POLICY CONSIDERATIONS

Relevant policy at the Provincial level is noted in the discussion section above. This includes Ministerial Orders M083, M139, M192 and the *Provincial COVID-19 Related Measures Act*. Continuation of electronic meetings as per current practice is consistent with these relevant Orders and is aligned with Work Safe guidance for reducing the transmission of the COVID-19 virus.

OCP POLICY CONSIDERATIONS

The Report recommendation is aligned with OCP Policy 8.11.1.4 to foster a community culture that prioritizes prevention and holistic care as the approach to combatting illness, as well as Goal 8.7 to ensure that Whistler is a safe and secure resort community.

Conversely, the report recommendation, and the pandemic response itself, could be seen to be at odds with OCP Objective 8.3.1 to support community's initiatives that aim to create greater social connectedness, and to provide opportunities for residents to connect with each other during municipal initiatives, event and activities.

BUDGET CONSIDERATIONS

Although Council meeting rental fees are included within the existing in-year budget, there are ongoing rental fee savings realized through the continued use of electronic meetings (approximately \$1,000/month)

We can also expect that there will be additional costs, in the form of additional greet-staff/contact-gathering staff and cleaning staff that will increase the cost of each meeting at MYAC.

COMMUNITY ENGAGEMENT AND CONSULTATION

n/a

SUMMARY

Given the challenges noted in the Report above, and the fact that the current live stream approach has proven to be an effective, and in the case of the recent public hearing, arguably superior format, the shift to in-person meetings does not appear to be a wise stewardship of municipal resources. It is worth noting that our current RMOW COVID-19 Exposure and Safety Plans prioritize avoiding unnecessary contact between staff and/or members of the public as our primary strategy and most effective control for limiting exposure (before engineering controls, in-person distancing protocols, and the least effective control, mask use). While some municipal services have returned to limited in-person

service delivery, for the most part those services cannot be delivered via a viable alternative means, such as exercise facilities. Regular Council meetings do have an existing viable alternative that can be used to avoid unnecessary contact and potential virus transmission.

With sufficient investment of resources and time, it would likely be possible to deliver combined in-person/electronic Council meetings, for all of the reasons noted above staff do not currently recommend moving back to in-person Council sessions at this time.

Respectfully submitted,

Ted Battiston
GENERAL MANAGER OF CORPORATE AND COMMUNITY SERVICES