



## **Staff Report for Special Council Meetings**

**Date of Meeting:** March 25, 2020

**Report Number:** SRCM.20.04

**Department:** Office of the City Manager

**Division:** Office of the Clerk

**Subject:** **SRCM.20.04 – Electronic Meeting Procedures  
During an Emergency**

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### **Purpose:**

To recommend the approval of amendments to the Procedure By-law that if enacted will establish electronic meeting procedures for use during an emergency.

### **Recommendation(s):**

- a) That Council enact By-law 40-20 (Attachment A to Staff Report SRCM.20.04), a By-law to Amend the Procedure By-law to establish procedures for electronic meetings held during an emergency.
- b) That By-law 40-20 be approved and be in force and effect upon adoption of this recommendation.

### **Contact Person:**

Stephen M.A. Huycke, Director, Legislative Services/City Clerk, Extension 2529

### **Report Approval:**

**Submitted by:** Stephen M.A. Huycke, City Clerk

**Approved by:** Mary-Anne Dempster, Interim City Manager

All reports are electronically reviewed and/or approved by the Division Director, Treasurer (as required), City Solicitor (as required), Commissioner, and City Manager. Details of the reports approval are attached.

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### Background:

Because of the COVID-19 virus outbreak, Council has approved the closure of all municipal facilities and the cancellation of all regular Council and Committee meetings until April 5, 2020. The COVID-19 virus outbreak is a constantly evolving health emergency. On March 17, 2020, the Government of Ontario issued a Declaration of Emergency under Section 7.0.1 of the *Emergency Management and Civil Protection Act*, R.S.O. 1990, C. E.9, as amended (the “Emergency Management and Civil Protection Act”). On March 20, 2020, the Mayor issued a Declaration of Emergency under Section 4 of Emergency Management and Civil Protection Act. As of the day on which this report was prepared, the Ontario Chief Medical Officer of Health has strongly advised to avoid large gatherings of over 50 people, and the Declaration of Emergency has mandated the ban of large gatherings in numerous public settings.

On March 19, 2020, Bill 187, a Bill to Amend the Municipal Act, 2001 and the City of Toronto Act, 2006, received Royal Assent. Bill 187 amends Section 238 of *Municipal Act, 2001*, S.O. 2001, c.25 (the “Municipal Act”), which now includes the following additional provisions:

#### **Electronic participation, emergencies**

238 (3.3) The applicable procedure by-law may provide that, during any period where an emergency has been declared to exist in all or part of the municipality under section 4 or 7.0.1 of the *Emergency Management and Civil Protection Act*,

- (a) despite subsection (3.1), a member of a council, of a local board or of a committee of either of them who is participating electronically in a meeting may be counted in determining whether or not a quorum of members is present at any point in time; and
- (b) despite subsection (3.2), a member of a council, of a local board or of a committee of either of them can participate electronically in a meeting that is closed to the public.

Council is now permitted to hold electronic meetings (in both open and closed session) where all Members can participate in the meeting electronically and count towards quorum. Council is required to include procedures for electronic meetings during an emergency in the Procedure By-law. It is recommended that Council enact By-law 40-20 (Attachment A) which amends the Procedure By-law to include “Article 12 - Electronic Meeting Procedures during an Emergency.” Under the new Section 238(3.4) of the Municipal Act, Council may hold a special meeting to adopt these procedures and participate electronically in that meeting.

### Electronic Meeting Procedure Highlights

The proposed include the following provisions:

1. Definitions related to electronic meetings and emergencies (section 12.1).

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2. Recognizes that an electronic meeting can only be held when an emergency is formally be declared under the Emergency Management and Civil Protection Act (section 12.2.1).
3. Provides flexibility to conduct electronic meetings using any technology available, while ensuring that, wherever possible, the Open Session portion of a meeting is live-streamed or recorded (section 12.2.4).
4. Defines the manner in which meetings are open to the public, as further described below (section 12.4).
5. Establish a speaking order for Members to help facilitate efficient meetings that may be audio-only (section 12.6).
6. Establish voting rules where a show of hands may not possible (section 12.7).

### **Public Participation**

Under the Act, all Council and Committee meetings, including any Electronic Meeting, must be open to the public unless a Closed Session meeting is permitted. As noted above, Council has restricted in-person access to all City facilities. Aligned to the above noted directives restricting large gatherings of over 50 people, this necessarily includes restricting public in-person attendance in the Council Chamber. To address this unprecedented scenario, the proposed emergency procedures only allows for written delegations and cancels public forum portion of any regular Council meeting that may be conducted electronically. The meetings will be continue to be open to the public by:

1. Live-streaming Open Session Electronic meetings wherever the technology allows;
2. Recording, wherever possible, an Open Session Electronic meetings and posting the recording to the website; and
3. Posting minutes to the website even before they have been adopted.

In addition to this, staff will ensure that the public is well informed of any restrictions or limitations by adding a public notice to agendas, similar to the agenda for this Special Council meeting.

### **Financial/Staffing/Other Implications:**

There are no financial implications associated with the proposed amendments to the Procedure By-law.

### **Relationship to the Strategic Plan:**

Adopting electronic meeting procedures for use during an emergency is not directly related to the Strategic Plan.

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### **Conclusion:**

The Municipal Act was amended on March 19, 2020 to permit electronic council and committee meetings during an emergency that has been declared under the Emergency Management and Civil Protection Act. Council is required to amend the Procedure By-law if it intends to hold electronic meetings during a declared emergency including the current COVID-19 emergency.

### **Attachments:**

The following attached documents may include scanned images of appendixes, maps and photographs. If you require an alternative format please call the contact person listed in this document.

- Attachment A – By-law 40-20

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### Report Approval Details

Document Title:	SRCM.20.04 - Electronic Meeting Procedures During an Emergency.docx
Attachments:	- SRCM.20.04 - Attachment A - By-law 40-20.docx
Final Approval Date:	Mar 25, 2020

This report and all of its attachments were approved and signed as outlined below:

**MaryAnne Dempster - Mar 25, 2020 - 8:19 AM**