



Staff Report for Special Council Meeting

Date of Meeting: July 23, 2020

Report Number: SRCM.20.19

Department: Office of the City Manager

Division: Office of the Clerk

Subject: **SRCM.20.19 – Amendments to the Electronic Meeting Procedures**

Purpose:

To recommend that Article 12 of the Procedure By-law (Electronic Meeting Procedures) be repealed and replaced due to proposed amendments to the *Municipal Act, 2001* in Bill 197, the *COVID-19 Economic Recovery Act, 2020*.

Recommendation(s):

- a) That Council approve the proposed amendments to the electronic meeting procedures, Article 12 of the Procedure By-law, as described in staff report SRCM.20.19 and draft By-law 102-20 (attached as Attachment A).
- b) That the City Clerk report back to Council on the proposed amendments to the *Municipal Act, 2001*, which, if passed, will permit proxy voting by Members of Council at a meeting.
- c) That By-law 102-20, attached as Attachment A to the staff report SRCM.20.19, be and is hereby passed.

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, 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:

On March 25, 2020, Council amended the Procedure By-law 74-12, as amended, (the “Procedure By-law”) to add Article 12 - Electronic Meeting Procedures during an Emergency to the Procedure By-law. The Procedure By-law was enacted in response to Bill 187, the *Municipal Emergency Act, 2020*, (“Bill 187”) receiving Royal Assent on March 19, 2020. Bill 187 amended Section 238 of *Municipal Act, 2001*, S.O. 2001, c.25 (the “Municipal Act”) to permit electronic meetings during a declared emergency under sections 4 or 7.0.1 of the *Emergency Management and Civil Protection Act* (“EMCPA”). On July 8, 2020, Bill 197, the *COVID-19 Economic Recovery Act, 2020*, (“Bill 197”) was introduced in the Legislative Assembly. Schedule 12 of Bill 197 will, if passed, amend Section 238 of the Municipal Act to permit Council to hold electronic meetings when both the Provincial and municipal COVID-19 declarations of emergency have ended.

Article 12 of the Procedure By-law is based on the Bill 187 amendments to the Municipal Act. Bill 197 will change this legislative framework, requiring amendments to Article 12. It is recommended that Council pass By-law 102-20 (Attachment A) to repeal and replace Article 12. Staff recommend that the amending by-law be passed before Bill 197 receives Royal Assent to have these procedures in-place for September 2020. By-law 102-20 will only come into effect after Royal Assent.

Highlights of the revised electronic meeting procedures

The proposed amended Article 12 will:

1. Continue to allow electronic Council and Committee meetings to occur as needed after the declarations of emergency under the EMCPA end;
2. Expand the ability of the public to participate electronically in a meeting through the resumption of Public Forum, as further described below;
3. Allow Council to determine when to restrict in-person attendance due to an emergency or other health and safety considerations; and
4. Keep all other electronic meeting procedures substantially in-place.

Following the end of all COVID-19 restrictions, Council will need to determine if Members can continue to participate electronically in a meeting. Staff recommend that the Accessibility Advisory Committee (“AAC”) be allowed to decide if they want to meet electronically following COVID-19 to foster a more inclusive and accessible committee. Council has previously supported a request of the AAC to allow electronic meetings.

Public participation in revised electronic meeting rules

Electronic Delegation will continue under the proposed amendments. The revised procedures include the ability to have both in-person and electronic delegations. As discussed below, staff anticipate that COVID-19 will require a period of time in which meetings are a combination of in-person and electronic participation. The revised procedures account for that possibility. It is recommended that electronic delegations stop when all COVID-19 restrictions on the in-person meeting attendance ends.

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The proposed rules establish a process that will allow 'Public Forum' during electronic Council meetings. Public Forum was suspended in March 2020. The revised procedures require any person who wants to speak to Council on a matter not on the agenda to pre-register with the Office of the Clerk on the day before the meeting. Registration is required whether the person is addressing Council electronically or in-person. A maximum of five persons will be allowed to register for Public Forum. The speaking times for Public Forum during electronic meeting will be:

1. Up to five minutes each if there are three or less registrants;
2. Up to four minutes each if there are four registrants; and
3. A maximum of three minutes each if there are five registrants.

COVID-19 Transition Rules

Because of COVID-19, Council has approved the continued closure of municipal facilities. It is expected that some COVID-19 restrictions will remain in place throughout the Fall of 2020 or longer. Social distancing rules will significantly limit the number of members of the public who can attend Council meetings in-person for the foreseeable future. Article 12.10 of the Procedure By-law creates transition rules to address this evolving situation. Until January 31, 2021, the Mayor in consultation with the City Manager and City Clerk, will be able to decide on whether to restrict in-person access. This will allow decisions on in-person participation to be made quickly as new COVID-19 health and safety information becomes available. After January 31, 2021, it will be up to Council to determine what, if any, in-person restrictions will remain in-place.

Preparing to resume in-person Council and Committee meetings

Multiple staff across several divisions are working on various physical and technological solutions to permit the resumption of full or partial in-person Council meetings. When in-person meetings resume, there will be many changes because of social distancing. Changes will include where Members of Council, staff and the public are able to sit due to the physical space and the layout of the Council Chamber. Health and safety protocols, such as regular sanitization rules, will also need to be observed. Changes in seating arrangements will require updates to the technology installed in the Council Chamber and committee rooms. Technology changes also need to include the ability to conduct hybrid meetings with a mix of in-person and electronic participation. Staff are reviewing the recent in-person Young/Bernard KDA LPAT hearing in order to better understand how to resume in-person Council and Committee meetings.

Proxy Voting by Members of Council

Bill 197 proposes to implement changes to the Municipal Act that, if approved, would allow Council to amend the Procedure By-law to allow a Member of Council who is absent from a meeting to appoint another Member to cast a proxy vote on their behalf. This is an entirely new legislative framework, with many specific limitations, that requires a thorough review before being considered. It is recommended that the City Clerk report back on proxy voting in the Fall of 2020.

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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 is related to the strategic plan goal of *Better Connections*.

Conclusion:

Council is required to amend Article 12 of the Procedure By-law due to forthcoming amendments to the Municipal Act contained in Bill 197.

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 – Draft By-law 102-20

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Report Approval Details

Document Title:	SRCM.20.19 - Amendments to Electronic Meeting Procedures.docx
Attachments:	- SRCM.20.19 - Attachment A - Draft By-law 102-20.pdf
Final Approval Date:	Jul 16, 2020

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

MaryAnne Dempster - Jul 16, 2020 - 12:26 PM