

## Proposed Amendments to Procedure By-law No. 74-12

### To facilitate permanent Hybrid-Electronic Council and Committee Meetings

#### Public Forum, Public Participation and Delegations

##### 5.5.3 Public Forum

- (a) Every Meeting shall commence with a public forum for the purpose of providing members of the public an opportunity to voice opinions and raise issues on matters of concern to them that have not been included on the Agenda.
- ~~(b) Each Person shall be limited to addressing Council for a maximum of five (5) minutes.~~
- (b) Any member of the public who wishes to voice opinions and raise issues on matters of concern to them that have not been included on the Agenda shall be required to register with the Clerk by 12:00 noon on the day prior to the Meeting.
- (c) The length of time of the public forum shall not exceed fifteen (15) minutes, and the speaking times referred to in paragraphs (e) to (g), shall not be varied except unless extended by a Majority Vote.
- (d) The maximum of number of such registrations shall be five persons, on a first come first serve basis.
- (e) If there are three or less registrants, each registrant shall be provided no more than five minutes to address Council.
- (f) If there are four registrants, each registrant shall be provided no more than four minutes to address Council.
- (g) If there are five registrants, each registrant shall be provided no more than three minutes to address Council.

##### 8.6 Public Participation (CPM)

Without limiting the generality of Section 8.2 (Proceedings of Council at a Council Public Meeting), and for greater particularity, the procedures set out in Section 5.5 (Public Participation) for Public Participation at regular Council Meetings shall apply to public participation at Council Public Meetings, except that:

- (a) there shall be no public forum at a Council Public Hearing; and
- (b) no prior registration is required to make an in-person Delegation;

- (c) prior registration is required to make an electronic delegation in accordance with Section 12.4.3; and
- (d) Electronic delegations and any other pre-registered delegations shall be heard prior to any non-registered in person delegations.

## **Electronic Meeting Procedures**

### **12.2.1 Application**

- (a) Subject to the requirements of paragraphs (c) and (d), these procedures may apply to any Meeting held in accordance with Article 5 to Article 11 of the By-law.
- (b) These procedures apply to a meeting that is conducted wholly as an Electronic Meeting or a Hybrid Meeting.
- (c) This Article ~~shall not~~ **may** apply to any Meeting of any Committee whose members include persons who are not Members of Council ~~during any time when there is no Emergency or Health & Safety Implications~~ **if the Committee so chooses, provided that the Committee shall not be permitted to hold Hybrid Meetings.**
- (d) Notwithstanding paragraph (c), this Article applies to all meetings of the Accessibility Advisory Committee, or any successor committee established under *the Accessibility for Ontarians with Disabilities Act, 2005, S.O. 2005, c. 11*, as determined by the Chair of that Committee in consultation with the Clerk and Committee, provided that the Committee shall not be permitted to hold Hybrid Meetings.

### **12.2.4 Public Notice**

- (a) In this section, a public notice can include any form of notice as determined by the Clerk, and may include the posting of an agenda for a meeting.
- (b) A public notice of **a meeting that is conducted as an Electronic Meeting, including a Hybrid Meeting,** will include sufficient information as to provide the public with a means to electronically access the Livestream of the Open Session of such meeting.
- (c) Notwithstanding Section 6.1.7(b) of the By-law, notice of an Electronic Meeting called to address an Emergency or Time Sensitive Matter shall be given by posting notice of the meeting on the City's website with the information referred to in paragraphs (a) and (b).

- (d) The saving provisions in Section 5.1.9 and 6.1.8 of the By-law shall apply to any public notice of any Electronic Meeting, with all the necessary changes in points of detail understood.

### **12.3 Members - Method of Participation in an Electronic or Hybrid Meeting**

- (a) Subject to the requirements in paragraphs (b) ~~to (e)~~ and (c), unless otherwise directed by an appropriate authority (e.g. Emergency Order, Ontario regulation, a Medical Officer of Health), Members may choose to participate in an Electronic Meeting or Hybrid Meeting either in-person or electronically, and shall notify the Clerk and Chair of their choice a minimum of three (3) clear days prior to a meeting unless required earlier by the Clerk due to a holiday or office closure.
- ~~(b) A minimum of four (4) Members are required to participate in-person for a Meeting to be conducted as a Hybrid Meeting. If an insufficient number of Members confirm their in-person participation the Meeting shall be conducted wholly as an Electronic Meeting.~~
- (b) The Chair of a Hybrid Meeting shall be required to participate in the Meeting in-person.
- (c) If the Chair of a Meeting that is conducted as a Hybrid Meeting is not able to participate in that Meeting in-person, the Chair has the authority to designate an alternative Chair for that Meeting who is required to comply with the provisions of paragraph ~~(e)~~ (b).
- ~~(d) In the absence of any Emergency or Health and Safety Implications, Members shall normally participate in Meetings in-person. Electronic participation and Hybrid Meetings in the absence of any Emergency or Health and Safety Implications will be limited to exceptional circumstances as determined by the Chair and the Members.~~

### **12.4.2 Manner in Which Meetings are Open to the Public when in-person attendance is restricted**

- (a) Where in-person public attendance is restricted under section 12.4.1, the manner in which an Electronic Meeting is open to the public is by:
  - (i) permitting delegations pursuant to section 12.4.4; and
  - (ii) the Livestreaming of a Meeting in accordance with section 12.2.3(b).
  - ~~(iii) the posting of the records of the Open Session portion of the Meeting to the City's website in a timely manner following the meeting; and~~
  - ~~(iv) making the records of the Open Session portion available for inspection by the public.~~
- ~~(b) For the purpose of this section, the records of the Meeting include any agenda, audio-only or audiovisual recording of the Meeting, and any~~

~~minutes of the Meeting, including minutes that have not yet been adopted.~~

### **12.4.3 Delegations during an Electronic Meeting when in-person attendance is restricted**

- (a) Where, in the opinion of the Clerk, a system is in place that will permit Delegations at an Electronic Meeting ~~or Hybrid Meeting~~, **which is not a Hybrid Meeting**, to be made by audio-only or audiovisual means that are consistent with the By-law, Delegations may be made either in writing or by any audio-only or audiovisual means.
- ~~(b) Where an Electronic Meeting or Hybrid Meeting permits both in-person and electronic participation by the Public and the conditions in paragraph 12.4.4(a) are satisfied, Delegations can be made both in-person and electronically.~~
- (b) Where, in the opinion of the Clerk, a system is in place that will permit Delegations at a Hybrid Meeting to be made by audio-only or audiovisual means that are consistent with the By-law, Delegations may be made either in writing, in-person or by any audio-only or audiovisual means.
- (c) Where, in the opinion of the Clerk, a system is not in place that will permit Delegations at an Electronic Meeting, which is not Hybrid Meeting, to be made by audio-only or audiovisual means that are consistent with the By-law, Delegations shall be in writing only.
- (d) Notwithstanding paragraph 12.4.3(b), where there are restrictions on in-person participation in accordance with Section 12.4.1 delegations in a Hybrid Meeting shall only be in writing or by any audio-only or audiovisual means.
- (e) Where a Committee whose members include persons who are not Members of Council has chosen, in accordance with Section 12.2.1(c), to conduct there meeting wholly as Electronic Meeting, delegations at meetings shall only be in writing or by any audio-only or audiovisual means.
- (f) Where a Committee whose members include persons who are not Members of Council has chosen, in accordance with Section 12.2.1(c), to conduct there meeting wholly as in-person meetings, delegations at meetings shall only be in writing or in-person.
- (g) The following rules will be observed for audio-only or audiovisual Delegations notwithstanding anything in the By-law to the contrary:

- (i) The Clerk may order Delegations on the Agenda by Agenda Item and type of participation (in-person or electronic) notwithstanding the order in which requests for Delegations were received;
- (ii) Where there are any Health & Safety Implications, or there are capacity limits for in-person attendance at any meeting due to any Health & Safety Implications, the Clerk may direct that any or all in-person Delegations be given in whole or in part made from a committee room that is configured to provide live audio-only or audiovisual links to the Council Chambers;
- (iii) Where there are capacity limits for in-person attendance at any meeting due to any Health & Safety Implications, the Clerk may direct that Delegations be given by electronic means only when in-person capacity limits have been reached;
- ~~(iv) The Clerk may order Delegations on the Agenda by Agenda Item and type of participation (in person or electronic) notwithstanding the order in which requests for Delegations were received;~~
- (iv) The Clerk may establish and amend any procedure or process deemed necessary to effectively implement and administer audio-only, audiovisual, or hybrid in-person and electronic delegations, including but not limited to, any time limit by which a potential Delegate will be required to register, and any procedures or processes so established or amended shall be deemed to be part of this Article;
- (v) Delegations will be required to comply with any process or procedure established by the Clerk in accordance with paragraph (iv), who will provide appropriate instructions to any such delegate;
- ~~(j) Where, in the opinion of the Clerk, a system is not in place that will permit Delegations at an Electronic Meeting to be made by audio-only or audiovisual means that are consistent with the By-law, Delegations shall be in writing only.~~
- (j) Sections 12.4.3(b) to 12.4.3(g) shall not apply to any Special Council Meeting, conducted as an Electronic Meeting or Hybrid Meeting, called to deal with an Emergency or Time-Sensitive Matter on less than 48 hours' notice.
- ~~(k) Notwithstanding anything in Section 12.4 to the contrary, where there is no Emergency or no Health and Safety Implications or any other restrictions on in-person public attendance at a Meeting, electronic delegations shall not be permitted.~~

#### 12.4.4 Public Forum during an Electronic Meeting when in-person attendance is restricted

- (a) Notwithstanding anything in Section 5.5.3 to the contrary, Public Forum during a regular Meeting of Council conducted as an Electronic Meeting or Hybrid Meeting shall be subject to the following **additional** rules:
- ~~(i) Any member of the public who wishes to voice opinions and raise issues on matters of concern to them that have not been included on the Agenda shall be required to register with the Clerk by 12:00 noon on the day prior to the Meeting.~~
  - (i) Public Forum submissions can be made electronically or in-person, unless in-person public access is restricted under section 12.4.1.
  - ~~(ii) The maximum of number of such registrations shall be five persons, on a first come first serve basis.~~
  - ~~(iii) If there are three or less registrants, each registrant shall be provided no more than five minutes to address Council.~~
  - ~~(iv) If there are four registrants, each registrant shall be provided no more than four minutes to address Council.~~
  - ~~(v) If there are five registrants, each registrant shall be provided no more than three minutes to address Council.~~
  - (ii) Where there is an Emergency, there are any Health & Safety Implications, or there are capacity limits for in-person attendance at any meeting due to any Health & Safety Implications, the Clerk may direct that **any or all** in-person Public Forum **submissions be made** given in whole or in part from a committee room that is configured to provide live audio-only or audiovisual links to the Council Chambers;
  - (iii) Where there are capacity limits for in-person attendance at any meeting due to any Health & Safety Implications, the Clerk may direct that **any or all** Public Forum **submissions** be given by electronic means only when those capacity limits have been reached.
  - (iv) Where there are any capacity limits in place, an individual registered for in-person ~~delegation~~ **Delegation** as provided for in paragraph 12.4.4 **12.4.3** shall take precedence over an individual requesting in-person Public Forum submission under this section.
  - (v) The Clerk may establish and amend any procedure or process deemed necessary to implement this section, and any procedures

or processes so established or amended shall be deemed to be part of this Article.

- (vi) Public Forum participants will be required to comply with any process or procedure established by the Clerk who will provide appropriate instructions to any such delegate;

~~(b) Notwithstanding anything in Section 12.5 to the contrary, where there are no Health and Safety Implications or any other restrictions on in-person public attendance at a Meeting, electronic Public Forum submissions shall not be permitted.~~

#### **~~12.4.5 Posting Un-adopted Minutes~~**

- ~~(a) The Clerk shall post the minutes of any Electronic Meeting to the City's website as soon as possible following the meeting, regardless of whether or not those minutes have been adopted.~~
- ~~(b) The Clerk will remove the un-adopted Minutes from the City's website and post the minutes that have been formally adopted.~~

#### **12.5.2 Absences During an Electronic Meeting**

A Member who is participating electronically in a Meeting **by audio-only means** who, for any reason or duration will no longer be electronically participating prior to adjournment shall by means of a Point of Order, without interrupting a Member when speaking, advise the Chair and Clerk of his or her absence from the Meeting.

#### **12.9.1 Audio-only Electronic Meetings - Speaking Order – Regular meeting, Special Council Meeting and Council Public Meeting**

In any regular Council meeting, Special Council Meeting or Council Public Meeting, using audio-only technology, the speaking order for any matter shall normally be:

- (a) The mover of any motion;
- (b) The seconder of any motion;
- (c) All other Members in the following order:
  - (i) The Regional and Local Councillor who is named first in any Deputy Mayor By-law enacted under Section 4.2 of the By-law;
  - (ii) The Regional and Local Councillor **not named in paragraph (i)** ~~who is named second in any Deputy Mayor By-law enacted under Section 4.2 of the By-law;~~

- (iii) Ward 1 Councillor;
- (iv) Ward 2 Councillor;
- (v) Ward 3 Councillor;
- (vi) Ward 4 Councillor;
- (vii) Ward 5 Councillor;
- (viii) Ward 6 Councillor; and
- (ix) The Mayor.

### **12.9.1 Audio-only Electronic Meetings - Speaking Order - Committees of the Whole**

In any Committee of the Whole Meeting conducted as an Electronic Meeting using audio-only technology, the speaking order for any matter shall normally be:

- (a) The mover of a motion;
- (b) The remaining Members in the following order:
  - (i) The Mayor;
  - (ii) the Regional and Local Councillor who is named first in any Deputy Mayor By-law enacted under Section 4.2 of the By-law;
  - (iii) The Regional and Local Councillor **not named in paragraph (i)** ~~who is named second in any Deputy Mayor By-law enacted under Section 4.2 of the By-law;~~
  - (iv) Ward 1 Councillor;
  - (v) Ward 2 Councillor;
  - (vi) Ward 3 Councillor;
  - (vii) Ward 4 Councillor;
  - (viii) Ward 5 Councillor;
  - (ix) Ward 6 Councillor; and
  - (x) The Chair.

## 12.11 Interruptions in Livestream

12.11 This Section 12.11 shall only apply to the Open Session portion of an Electronic Meeting where the Public are not permitted to attend any part of that meeting in-person as a result of any restrictions in accordance with Section 12.4.1.

### 12.11.2 Delay of the Start of a Meeting due to Inability to Livestream

Notwithstanding anything in this By-law to the contrary:

- (a) Where the City is not able to Livestream an Electronic Meeting or Hybrid Meeting that is not otherwise open to the public for any reason, the start of a Meeting shall be delayed until such time as the City is able to Livestream the Meeting.
- (b) If the City is unable to start the Livestream of a Meeting within thirty (30) minutes of the start time of that meeting, the Chair, in consultation with the Clerk, may reschedule the start time of the Meeting to a later time on the same day provided that:
  - (i) A quorum of Members are able to attend the revised start time; and,
  - (ii) The rescheduled start time is not less than two (2) hours after the original start time so that the Clerk may provide notice to the Public on the City's website a minimum of thirty (30) minutes prior to the revised start time.
- (c) If the Meeting referred to in paragraph (a) is not able to be rescheduled to a later time on the same day in accordance with paragraph (b), the Chair, in consultation with the Clerk, may reschedule a meeting to a different day and time, provided that:
  - (i) A quorum of Members are able to attend the revised day and time;
  - (ii) The revised day and time shall occur no later than the day immediately prior to the next regularity scheduled meeting; and
  - (iii) Notice shall be given to the public a minimum of one (1) clear day prior to the revised day and time.