



CITY OF HAMILTON

Corporate Services Department
Clerk's Office

TO:	Chair and Members Governance Review Sub Committee
COMMITTEE DATE:	April 5, 2018
SUBJECT/REPORT NO:	Electronic Participation at Council and/or Committee Meetings (CL18002) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Janet Pilon, Manager, Legislative Services/Deputy Clerk
SUBMITTED BY:	Rose Caterini City Clerk Corporate Services Department
SIGNATURE:	

RECOMMENDATIONS

That staff be directed to prepare the necessary provisions in the Procedural By-law to provide for electronic participation at Council and/or Committee meetings.

EXECUTIVE SUMMARY

This report has been prepared to obtain Council's direction with respect to electronic participation at Council and/or Committee meetings.

ITEMS TO BE TAKEN UNDER CONSIDERATION:

In implementing the legislative changes within Bill 68 in our Procedural By-law the following item requires Council's consideration as it will impact the review and updating of the current Procedural By-Law:

Electronic participation at Council and/or Committee Meetings

New changes to the *Municipal Act* provide for the following:

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Section 238

Electronic participation

*(3.1) The applicable procedure by-law **may** provide that a member of council, of a local board or of a committee of either of them, can participate electronically in a meeting which is open to the public to the extent and in the manner set out in the by-law provided that any such member shall not be counted in determining whether or not a quorum of members is present at any point in time.*

(3.2) The applicable procedure by-law shall not provide that a member of council, of a local board or of a committee of either of them, can participate electronically in a meeting which is closed to the public.

If Council wishes to pursue electronic participation, the following questions are listed for Council's consideration, taking into consideration that members who are participating electronically are not counted in determining quorum and cannot participate in meetings closed to the public.

Will Electronic Participation be permitted?

When will Electronic Participation be permitted?

- Regular Meetings?
- Special Meetings?
- Council Meetings?
- Standing Committee Meetings?
- Sub-Committee Meetings?
- Advisory Committee (Volunteer) Meetings?
- Should the Mayor and Deputy Mayor/Committee Chairs and Vice Chairs be permitted to be physically absent from the meeting simultaneously and participate electronically?
- Will members be required to notify the Clerk or Legislative Coordinator or Recording Secretary of a meeting they wish to attend electronically, in order for Staff to prepare for the members' electronic participation?

What does "electronic" participation mean and how will this affect meetings?

- Tele-conference? (audio only) ie. Telephone audio-conferencing.
- Video-conference? (video / audio) ie. WebEx; GoToMeeting; Google Meet, etc.
- If video-conference is used, will this be projected to ensure that everyone (members; public and staff) in attendance can see the member?

- The technology is manageable if there are multiple members participating electronically, should there be a limit to the number of members who can participate electronically?
- Will meetings be delayed if there are technological problems that cannot be easily resolved?
- Will members participating electronically be permitted to vote?
- Will a verbal "roll call" be required and duly recorded to ensure members are recognized as in attendance?

In consideration of the public, who have the "right" to observe a meeting and the democratic process, should advance notice be provided to the public that certain members will be participating electronically at the meeting?

- Does it uphold the principles of openness and transparency of meetings?

Will there be a limit on the number of meetings that a member will be permitted to participate in absentia?

- For example, a member of Council shall be permitted to attend up to two (2) per calendar Council / Committee Meetings electronically, unless otherwise authorized by a resolution of Council.

The foregoing is a **discretionary** provision under the new amendments to the *Municipal Act*, 2001, therefore, Council direction is required whether they wish to provide for electronic participation at meetings or if they wish to not provide for electronic participation at meetings.

In principle, municipally appointed boards and committees are to follow the Procedural By-Law; therefore the aforementioned changes to the Procedural By-Law may impact these boards and committees as well.

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: Should Council direct to provide for electronic participation at meetings, there will be technological costs and upgrades required, estimated costs range from \$0 – 8,000, for the Committee Rooms (Room 171; 192; 193; 222; 816 and 830) in City Hall other than Room 264 and Council Chamber, as staff have a number of options that could be utilized based on the size of the room, the number of members participating electronically.

The costs to integrate web video-conferencing in Council Chamber is estimated at \$5,000 to \$7,500;

The costs to integrate telephone audio-conferencing in Council Chambers is estimated at \$0;

The costs to integrate telephone audio-conferencing in Room 264 is

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estimated at \$5,000 plus microphone enhancements, if desired.
The costs to integrate web video-conferencing in Room 264 is yet to be determined.

Staffing: Support will be required from the Clerk's Office, as well as, the AV Specialist.

Legal: None.

HISTORICAL BACKGROUND

Currently, the Procedural By-Law does not have a provision for electronic participation at Council and/or Committee meetings.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

In order to be compliant with Bill 68's changes to the *Municipal Act*, 2001, Council is required to consider the inclusion of a provision within the City's Procedural By-law for electronic participation at Council and/or Committee meetings.

RELEVANT CONSULTATION

Legal Services; Facilities and Information Technology.

ANALYSIS AND RATIONAL FOR RECOMMENDATION

As the provision for electronic participation at Council and/or Committee meetings is a ***discretionary*** provision under the new amendments to the *Municipal Act*, 2001, Council's direction is required to provide for electronic participation at meetings or that does not permit electronic participation or that electronic participation be provided as an option for select Committees.

ALTERNATIVES FOR CONSIDERATION

(a) That the Procedural By-law include a provision that does not permit for electronic participation at Council and/or Committee meetings.

or

(b) That the Procedural By-law include a provision that permits electronic participation at Advisory Committee meetings with prescribed guidelines.

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ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Strategic Priority:

Our People and Performance

Hamiltonians have a high level of trust and confidence in their City government.

APPENDICES AND SCHEDULES ATTACHED

None

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