




INFORMATION REPORT

TO:	Governance Review Sub Committee
COMMITTEE DATE:	February 23, 2021
SUBJECT/REPORT NO:	2020 Review of the City's Procedural By-law – Amendments to Allow for Virtual Participation at Council and/or Committee Meetings (FCS21004(a)/LS21001(a))
WARD(S) AFFECTED:	City Wide
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SIGNATURES:	Michael Kyne Acting City Solicitor Legal and Risk Management Services  MGK

COUNCIL DIRECTION

The following direction was provided at the Governance Review Sub Committee meeting of January 25, 2021:

That staff be directed to report back to the next Governance Review Sub-Committee meeting, on a further amendment to the Council Procedural By-law, to permit electronic participation by members of Council at Council and Committee meetings beyond the Emergency Order currently in place.

INFORMATION

On February 10, 2021, Council approved recent changes to the Procedural By-law 18-270, being A By-law to Govern The Proceedings of Council and Committees of Council

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

(the "Council Procedural By-law"). A new consolidated Council Procedural By-Law to repeal 18-270 will be presented at Council on February 24, 2021.

Section 10 of the Council Procedural By-Law addresses Virtual Participation at Council and/or Committee Meetings and currently prohibits virtual participation at Council and/or Committee meetings, except where permitted during an Emergency.

The Council Procedural By-law provides:

SECTION 10 – VIRTUAL PARTICIPATION AT COUNCIL AND/OR COMMITTEE MEETINGS

10.1 Virtual participation is prohibited at Council and/or Committee meetings, except where permitted during an Emergency as set out in subsection 10.2.

10.2 Virtual Participation During an Emergency

- (1) Virtual participation, in accordance with the *Municipal Act, 2001* and/or any other applicable legislation, is permitted by members of Council at Council and/or Committee meetings during an emergency when attending in-person is not possible.
- (2) Virtual participation, in accordance with the *Municipal Act, 2001* and/or any other applicable legislation, is permitted by Citizen Committee members at Committee meetings during an emergency when attending in-person is not possible.
- (3) Virtual participation, that is consistent with the obligation to hold public meetings in accordance with the *Municipal Act, 2001* and/or any other applicable legislation, or at a Standing Committee of Council is permitted by members of the public at Committee meetings.

The Council Procedural By-law defines Emergency as:

"Emergency" means a situation or impending situation that constitutes a danger of major proportions that could result in serious harm to persons or substantial damage to property and that is caused by the forces of nature, a disease or other health risk, an accident or an act whether intentional or not.

LEGISLATIVE CONSIDERATIONS

Recent amendments to the *Municipal Act, 2001* permit the Procedure By-law of a Municipality to provide for the electronic participation of members of council, of a local

board, or of a committee of either of them in a meeting, and further permits those members participating electronically to be counted in determining quorum and to participate electronically in meetings that are open or closed to the public.

Under Section 238 of the *Municipal Act, 2001*:

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 to the extent and in the manner set out in the by-law.

Same

(3.3) The applicable procedure by-law may provide that,

(a) 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) 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 open or closed to the public.

In accordance with subsection 238 (3.1) of the *Municipal Act, 2001*, the Council Procedural By-law may be amended to allow members of Council to participate virtually in meetings, outside of an Emergency.

The Council Procedural By-law also contemplates Hybrid Meetings, which are defined in the Council Procedural By-law as follows:

“Hybrid” means a proceeding where some members participate virtually, and some members participate in-person at Council and Committee meetings during an emergency.

To summarize, amendments required to the Council Procedural By-law to implement virtual participation by Council members at Council and Committee meetings when attending in-person is not possible, including Section 10, Section 11 and to several of the defined terms.

Protocols and procedures for conducting Hybrid meetings would also need to be put in place. These would identify such matters as, the appropriate notice to the Clerk's Office to ensure that the Council member, who is unable to attend in person, has the ability to participate virtually as well as the technology Council or Committee would utilize during a Hybrid meeting, etc.

FINANCIAL IMPLICATIONS

The current technology in the Council Chamber and Room 264 will need to be evaluated to ensure that it will enable members of Council to participate virtually during a Hybrid meeting, including to vote, request to speak and to speak. Currently, the technology has only been used for full virtual or full in person meetings.

NEXT STEPS PENDING DIRECTION

Should Committee and Council wish to participate in Hybrid meetings when the current pandemic-related restrictions end, staff propose to report back at a future meeting of the Governance Review Sub-Committee with respect to the following:

- 1) proposed Amendments to the Council Procedural By-law to permit the virtual participation of a member of Council outside of an Emergency where the Council member cannot attend in person;
- 2) any financial implications of the proposed amendments to the Council Procedural By-law, including any costs associated with the technology required to facilitate Hybrid meetings; and
- 3) Protocols and procedures for conducting Hybrid meetings.

APPENDICES AND SCHEDULES ATTACHED

None