



CITY OF HAMILTON
CORPORATE SERVICES DEPARTMENT
City Clerk's Office

TO:	Chair and Members Governance Review Sub-Committee
COMMITTEE DATE:	June 25, 2021
SUBJECT/REPORT NO:	Virtual Participation of a Member of Council at Council, Standing Committee, Sub-Committee, Local Board, and Advisory Committee Meetings Outside of an Emergency (FCS21058) (City Wide) (Outstanding Business List Item)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Janet Pilon Manager, Legislative Services / Deputy Clerk (905) 546-2424 Ext. 4304
SUBMITTED BY:	Andrea Holland City Clerk Office of the City Clerk
SIGNATURE:	

RECOMMENDATION

- (a) That Council approve the request for two (2) additional FTEs to support the provision of ongoing virtual participation of Members of Council and virtual delegations at Standing Committee and Sub-Committee meetings supported by the Office of the City Clerk, be referred to the 2022 budget deliberations for consideration;
- (b) That staff be directed to acquire the technology (equipment and the programming of software) to reconfigure the Council Chamber in order to conduct Hybrid meetings on an ongoing basis, to be funded from the Tax Stabilization Reserve at a cost not exceed \$30,000;
- (c) That staff be directed to acquire the technology (equipment and the programming of software) to reconfigure Room 264 in order to conduct Hybrid meetings on an ongoing basis, to be funded from the Tax Stabilization Reserve at a cost not exceed \$30,000; and,
- (d) That Council approve the amendments to the Procedural By-Law 21-021 outlined in Appendix "A" to permanently allow Virtual Participation for Members of

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.

Council, Standing Committees, Sub-Committees, Citizen Advisory Committees, and delegations.

EXECUTIVE SUMMARY

Staff were directed at the February 23, 2021 Governance Review Sub-Committee meeting, to investigate and report back to the Governance Review Sub-Committee on the following respecting Virtual Participation and staff have responded to each direction either within the report or within the Appendix noted below:

- (a) Proposed Amendments to the Council Procedural By-law to permit the virtual participation of a member of Council at Council, Standing Committee, Sub-Committee, Local Board, and Advisory Committee meetings outside of an Emergency where the Council member cannot attend in person;
Response: Appendix "A" - Item 1
- (b) Proposed Amendments to the Council Procedural By-law to permit the virtual participation of Advisory Committee and Sub-Committee members (public) at Advisory Committee and Sub-Committee meetings outside of an Emergency where the Advisory Committee or Sub-Committee member cannot attend in person;
Response: Appendix "A" – Item 2
- (c) Proposed Amendments to the Council Procedural By-law to continue to permit delegations to appear virtually;
Response: Appendix "A" – Item 3
- (d) Financial implications of the proposed amendments to the Council Procedural By-law to facilitate (a); (b) and (c), including any costs associated with the technology required to facilitate Hybrid meetings; and,
Response: Financial – Staffing – Legal Implications (below)
- (e) Protocols and procedures for conducting and participating in Hybrid meetings.
Response: Appendix "B", "C" and "D"

The Procedural By-Law currently allows for virtual participation in meetings for Members of Council, Standing Committees, Sub-Committees, Citizen Advisory Committees and delegations during an emergency. The Office of the City Clerk is responsible for supporting 63 Standing Committees and Sub-Committees of Council. The intention of this report is to recommend removing participation barriers for members of the public by

increasing the level of service provided to the public for delegating, providing ongoing meeting support for Legislative Coordinators and amending the Procedural By-Law 21-021 to allow for virtual participation of Members of Council and Citizen Committee Members.

Alternatives for Consideration – See Page X or Not Applicable

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: Two (2) additional FTE at a Legislative Assistant level, are requested in the Legislative Services section of the Office of the City Clerk in order to continue to support and assist with the added workload associated with virtual delegations, video submissions and follow-up both before and after meetings. The total cost for both additional FTE is \$124,174.96 (2 x \$62,087.48 – Grade 3 – Non-Union 2021 Salary Range)

Hybrid meetings held in the Council Chamber would be conducted in a similar manner to the virtual meetings held during the emergency with some slight adjustments. Members would be required to vote and request to speak through eSCRIBE, therefore, staff are recommending the replacement of the screens currently at each members desk to a Windows Tablet, at a cost of approximately \$30,000 for the equipment and the programming of the software.

Hybrid meetings held in Room 264 would require a total reconfiguration of the system currently in the room at cost of approximately \$30,000, members who attend meetings in Room 264 will be required to bring their own laptops to the meetings in order to participate at the meetings.

Staffing: There are currently six (6) Legislative Coordinators supporting 63 Committees of Council. While these committees are not all operating within the regular two-week cycle, they do operate throughout the year and during committee and council weeks. This past year has brought a notable increase in the number of residents that have been able to participate virtually and through videos. Each additional FTE would support three (3) Legislative Coordinators and would also assist with the clerking of Sub-Committee meetings and Office of the City Clerk supported Advisory Committee meetings.

In conjunction with the approval of the amendments to the Procedural By-Law 21-021 outlined in Appendix “A” to permanently allow Virtual Participation for Members of

Council, Standing Committees, Sub-Committees, Citizen Advisory Committees and delegations, 2 FTEs will be recruited on a temporary basis, pending the consideration of Recommendation (a) during the 2022 budget process.

Legal: Legal staff were consulted regarding the amendments to the Procedural By-Law.

HISTORICAL BACKGROUND

On March 20, 2020, Council amended their Procedural By-Law 18-270 to allow Members of Council to participate electronically in Committee and Council meetings during an emergency, as follows:

9.2 Electronic Participation During an Emergency

- (1) Electronic 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.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Sections 238 (3.1) and (3.3) of the *Municipal Act, 2001*, provide that the Procedure By-law of a Municipality may provide that a member of Council, of a local board or of a committee of either of them, can participate electronically in an open or closed meeting to the extent and in the matter set out in the by-law and may be counted in determining whether or not quorum of members is present.

At this time, the Procedural By-law prohibits virtual participation except during an Emergency.

RELEVANT CONSULTATION

Legal Services staff were consulted in relation to the amendments to the Procedural By-law 21-021.

Clerks will continue to consult with Facilities respecting the amount of support the meetings will require going forward should hybrid meetings be approved outside of an emergency.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

Staff are recommending virtual participation for delegations and ongoing video submissions, with additional support for Legislative Coordinators to provide assistance for the expected increase in registration and participation for this service before and during committee meetings.

TERM OF COUNCIL PRIORITIES

Through maintaining the ability to participate virtually for Members of Council, Committees and citizens is aligned with two of the Term of Council Priorities:

Equity, Diversity & Inclusion

The City is committed to creating and nurturing a city that is welcoming and inclusive.

Goal: *Equity-seeking communities will feel safe, supported and have an enhanced sense of belonging through strengthening community capacity, City responsiveness and creating inclusive engagement opportunities.*

Trust & Confidence in City Government

The City of Hamilton is committed to promoting an open approach to government. Ensuring public information is readily available and accessible, by promoting partnerships and by strengthening and improving its ability to consistently undertake coordinated, transparent and inclusive, evidence-based engagement practices, the City is committed to enabling residents, business owners and community stakeholders to become more involved in decision-making processes and find value in partnering and investing in City programs.

Goal: *Provide the public with greater access to City government information and opportunities to become more engaged in decision making processes that impact their community.*

Staff believe removing the barrier of in person only delegations will increase opportunities for citizen engagement and promote a more equitable participation for citizens. Staff have received positive feedback from residents who have been able to take advantage of virtual delegation and the video submission process.

The Office of the City Clerk supports the continuation of virtual delegations and video submissions to support greater accessibility to public meetings for residents and those who wish to provide their input but are unable to delegate in person. In order to increase the level of delegation services in Standing and Sub-Committees of Council, additional staff resources would be required.

Staffing levels have not been increased to support the current provision of virtual meetings and delegations during the COVID Pandemic. All six Legislative Coordinators

are currently assisting each other to support virtual technology and voting technology in the Council Chambers, therefore doubling the support in meetings. This current structure is not sustainable in the long term. The current closure of City Hall and decrease in training, counter services and marriage ceremonies has allowed staff to provide additional support albeit with additional accumulated hours of overtime and time owed.

Currently, the Office of the City Clerk's six (6) Legislative Coordinators support 63 committees of council with only one Legislative Coordinator clerking and preparing meeting agendas, minutes, coordinating notifications and administrative work for their own assigned Committees of Council. While the number of staff that support these committees has remained unchanged, there has been an increase in the number of committees, reports, use of technology, communication to Council, staff and residents to the support for Committees.

The role of the clerk in meetings is to support the chair and members on procedural matters, ensure the decisions or recommendation made in the meeting are properly recorded, provide effective administrative support to the governing body, take on the role of the chair when called upon, observe quorum, and monitor compliance with Council Procedural By-Law and *Municipal Act 2001*, as amended.

The onset of the COVID Pandemic required a change to the delivery of meetings and a need to have an additional staff in these meetings to support the virtual technology, speakers list, sound checks and delegates. The role of the Legislative Assistant would be to provide support during and administrative matters prior to and after meetings:

- Attending meetings with the Legislative Coordinator assigned to the Standing Committee and Sub-Committee;
- Clerking of Sub-Committees and Office of the City Clerk supported Advisory Committees;
- Assisting the existing Legislative Coordinators with the large volume of follow up from their committee meetings, when required;
- Maintaining the lists of Outstanding Business Items on eSCRIBE, committee listings, website information and agenda management;
- Assisting with the training of new staff on eSCRIBE, report writing and advisory committees;
- Assisting with marriage ceremonies;
- Committee follow-up and maintaining the Conflict of Interest Registry on the City's website
- Assisting with Planning Committee/Department follow up, when required.

This structure would allow Legislative Services to review and improve the current training provided to members of committees and staff liaisons and the added FTE would provide the time required to develop and deliver the training program. This program would be delivered on an ongoing basis as new members continually join throughout the Council term.

ALTERNATIVES FOR CONSIDERATION

As an alternative, Committee and Council could return to the pre-COVID structure of in person attendance for all members of Council, Committees and Citizen Advisory Committees and delegations.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement and Participation

Hamilton has an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community

Our People and Performance

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

APPENDICES AND SCHEDULES ATTACHED

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| Appendix “A” - | Proposed Amendments to the Procedural By-law 21-021 |
| Appendix “B” - | Hybrid (<i>Virtual & In-Person</i>) Participation by Members of Council at Council, Standing Committee, Sub-Committee, Local Board, and Advisory Committee Meetings Outside of an Emergency - Protocols and Procedures |
| Appendix “C” - | Hybrid (<i>Virtual & In-Person</i>) Participation by Citizen Committee Members at Sub-Committee and Advisory Committee Meetings Outside of an Emergency - Protocols and Procedures |
| Appendix “D” - | Advisory Committee Procedural Handbook - <i>Revised</i> |