

COMMUNICATION 131085

Received From: Stacey Blair, Clerk
Addressed To: Ongoing Electronic Participation
Date: August 11, 2020
Topic: Bill 197 - Amendment to Procedural By-law 117-2018

SUMMARY

In response to the ongoing COVID-19 crisis and the challenges that have been created due to safety measures and physical distancing, the Government of Ontario passed Bill 197, the *COVID-19 Economic Recovery Act* (the Act). This Bill has received Royal Assent and came into effect on July 24th. It amends the *Municipal Act, 2001*, by providing municipalities with the ongoing flexibility of permitting electronic participation as an option for Council and Committee meetings, beyond times when there is a declared emergency.

To continue to hold electronic meetings, the *Municipal Act, 2001* states in Section 238, (3.4) that a municipality may hold a special meeting to amend their Procedural By-law for the purpose of making an amendment to allow electronic participation. The special meeting is permitted to be held electronically in accordance with Section 238 (3.5) of the *Municipal Act, 2001*.

DISCUSSION

During the COVID-19 emergency, municipalities have been able to continue their business in a safe and efficient manner by using electronic meetings. The physical constraints of the Town's Council Chambers do not allow for proper adequate physical distancing. Even with the purchase of additional portable microphones which would allow members of Council to sit further apart, the Council Chambers would still be very limited in terms of how many people could participate at or attend a meeting in this space. Also, the wearing of masks (currently a requirement in public spaces) would hinder microphone use and could potentially reduce the quality of the Town's streaming of meetings. For these reasons, as well as the possibility of future outbreaks or lock-downs, it is important that Council endorse electronic meetings as an ongoing option.

In order to continue to meet electronically (when needed), the Town's Procedural By-law will need to be amended to allow the following:

- Electronic participation at meetings;
- That members participating electronically can participate in both open and closed sessions; and
- That members participating electronically shall be counted towards quorum.

Additionally, the following must also be determined:

- The method of electronic participation.

Regardless of the method of conducting a meeting, all meetings continue to require the following meeting rules, including:

- Providing of notice of meetings to the public;
- Maintaining meeting minutes; and

- Ensuring meetings will continue to be open to the public (subject to exceptions made in the *Municipal Act, 2001*).

Local boards, such as the Police Services Board and the Library Board, are not covered under Bill 197 as they are subject to other legislation.

It is important to acknowledge that there exists a high degree of uncertainty with respect to COVID-19 and how the Town's operations will be impacted over the coming months. In choosing to add the option of electronic participation to the Town's Procedural By-law, Council can then consider when and how it chooses to implement this method of operating. Notice as to what type of meeting shall take place (in person or electronic) will continue to be advertised on the Town's website and social media channels.

Staff recommends that Council pass subsequent motions for periods of time to determine how long Council should continue to use electronic participation for meetings.

STAFF RECOMMENDATION

THAT Procedural By-law 117-2018 be amended as follows:

1. THAT the words Declared Emergency be deleted from Section 5.12; and
2. THAT Section 5.12.1 be deleted and replaced with the following:

5.12.1 Electronic meetings may take place for any and all types of Council or Committee meetings with notice in accordance with this By-law.