



## **REPORT**

**REPORT TO:** Mayor Bonnette and Members of Council

**REPORT FROM:** Suzanne Jones, Clerk and Director of Legislative Services

**DATE:** March 31, 2020

**REPORT NO.:** ADMIN-2020-0014

**RE:** Amendments to the Town's Procedural By-law to allow for Electronic Participation by Council Members in Town of Halton Hills Council meetings during an Emergency

### **RECOMMENDATION:**

THAT Report No. ADMIN-2020-0014, dated March 31, 2020, regarding amendments to the Town's Procedural By-law to allow for Electronic Participation by Council Members in Town of Halton Hills Council meetings during an emergency, be received;

AND FURTHER THAT Procedural By-law No. 2015-0060 be amended to allow for electronic participation in meetings by Members of Town Council during an emergency;

AND FURTHER THAT Procedural By-law No. 2015-0060 be further amended to note that attendance at a meeting by members of the public shall be in person, unless as a result of an emergency being declared by the Premier, Cabinet, or the municipal Head of Council under the *Emergency Management and Civil Protection Act*, attendance is restricted in its entirety to protect the health and safety of all;

AND FURTHER THAT the Mayor and Clerk be authorized to execute the amending by-law.

### **BACKGROUND:**

As amended by Bill 68 in 2018, the Municipal Act provides that a municipality can amend its procedural by-law to allow for electronic participation in meetings, with the provision that any member of its Council participating in a meeting in such a manner not be counted towards quorum, be excluded for any proceedings held in closed session, and does not have voting rights. The Town's current Procedural By-law currently does not include any provision for electronic participation in meetings by its members.

On March 17, 2020 and in response to the COVID-19 pandemic, the government of Ontario declared an emergency under section 7.0.1 (1) of the *Emergency Management*

*and Civil Protection Act*. Subsequent to the emergency declaration, and in response to requests from many municipalities and Associations (ie. AMO), the provincial government, on March 19, 2020, enacted the *Municipal Emergency Act, 2020*. The Act amends the Municipal Act to allow the counting of members participating electronically toward quorum, and the inclusion of those members in a meeting that is closed to the public when an emergency has been declared. An emergency may be declared by either the Province's Lieutenant Governor, Premier, or the head of a Municipal Council.

For a council that presently has no provision for electronic participation in meetings in its procedural by-law, the *Municipal Emergency Act, 2020* also stipulates that a special meeting may be called in order to adopt said provisions, and that the members of the council may participate in that meeting electronically and be counted toward quorum (which provides voting rights). Therefore a special meeting of Council on April 6, 2020 has been called for the purpose of establishing electronic participation in meetings through an amendment to the Town's Procedural By-law No. 2015-0060. An amendment to the said by-law requires an affirmative vote by three-quarters of the members of Council, which is 9 members.

#### **COMMENTS:**

Provincial orders have been established to mitigate the spread of COVID-19 including no participation in public gatherings of more than 5 people (as of March 29, 2020). A Council meeting by its nature is a large gathering of persons in close conditions, therefore it is in the interest to safeguard the health of Council members, and staff that support Council meetings. The implementation for electronic participation during an emergency situation allows Council member participation, through electronic means, during the current and future declared emergencies which make in person participation difficult and/or impossible.

Staff has established the following protocols during such an emergency event:

#### **General Operations for Conducting a Meeting;**

The Council Chambers will still serve as the central "hub" of each meeting with the Clerk (or the appropriate designate) seated at the customary position to assist the Mayor or other presiding officer if attending in-person. The Clerk will determine which meeting service (such as teleconferencing) will be used and will communicate this to Council Members and senior staff in advance of a called meeting. While the meetings will be held in a public format, unless there is a need to move into Closed Session, the public will be restricted from attending when the meeting is held during a declared emergency to ensure the safety of all. Agendas will be available on the Town's website, as will minutes. Members of the public can submit questions/comments on a particular item listed on the agenda prior to the meeting.

If for any reason an individual Member's or multiple Members' electronic connection to the meeting fails during the proceedings, a brief recess may be called in order for staff to assist the Member in re-establishing it. If the connection cannot be re-established, staff will contact the member by telephone to advise them. If the electronic connection fails to such a degree that quorum is lost, the meeting shall stand in recess until such time as the connection is re-established. If the connection cannot be re-established to the point where a quorum can be maintained, the meeting shall stand adjourned any items of business shall be carried over to a future meeting.

Motion, Debate, Voting, Closed Session;

During a meeting with electronic participation, motions will not need to be signed and/or submitted in written form. For clarity, the motions may be read by the Chair or Clerk and movers and seconders will be obtained by verbal consent. The Mayor, Chair or Clerk will then ask each member participating if they have any questions/comments on the motion introduced. Upon completion of questions/comments a vote will be called.

The proposed amendments to the Procedural By-law allow for flexibility on certain matters, recognizing that electronic participation may have restrictions based on the technology being used. For example, for voting on most matters the Chair can ask whether there are any objections. If no objections are stated the motion will be deemed adopted. Should there be an objection, then the clerk will conduct a recorded vote by asking each member to state whether they are in favour or not in favour of the said motion. The clerk will then announce the result of the vote.

If the meeting should need to resolve into closed session, those Members who are participating remotely must ensure that no other person is in the location from which they are taking part in the meeting or make appropriate arrangements so that any other person can see or hear any of the confidential deliberations taking place. If this is not possible, the member must withdraw from the meeting until it has resolved back into public session.

**RELATIONSHIP TO STRATEGIC PLAN:**

N/A

**FINANCIAL IMPACT:**

N/A

**CONSULTATION:**

N/A

**PUBLIC ENGAGEMENT:**

N/A

**SUSTAINABILITY IMPLICATIONS:**

N/A

**COMMUNICATIONS:**

This report will be an item listed on a Council Agenda which will be available for public consumption prior to the meeting.

**CONCLUSION:**

The amendments to the Town's Procedural By-law are required in order for council to be able to adopt time sensitive and emergency motions during a Declared Emergency. The amendments will be put in force at a Council meeting set for April 6, 2020 directly after the adoption of the recommendation set out in this report. As the meeting will be the first time the emergency process is introduced, the Clerk may need to refine the processes for implementation at future meetings should issues/concerns arise and/or whether other forms of electronic participation become available.

Agendas will be placed on the Town's website as per usual process in order for the public to be provided notice of an upcoming meeting. The public will also have the opportunity to review any public items on the agenda, and may submit comments/questions directly to the Clerk prior to the meeting.

Reviewed and Approved by,

A handwritten signature in black ink, reading "Brent Marshall". The signature is written in a cursive, flowing style.

A.B. Marshall, Chief Administrative Officer