

Special Committee of the Whole Report

DATE: Wednesday, April 08, 2020

WARD(S): ALL

TITLE: ELECTRONIC MEETINGS FOR STATUTORY AND AD HOC COMMITTEES

FROM:

Wendy Law, Deputy City Manager, Administrative Services and City Solicitor

ACTION: DECISION

Purpose

To seek Committee's approval for amendments to Procedure By-law 7-2011, as amended, to allow for electronic participation by Members of statutory, ad hoc and sub-committees, in response to Bill 187, *Municipal Emergency Act, 2020*, during the Novel Coronavirus (COVID-19) pandemic.

Report Highlights

- The 2019 Novel Coronavirus (COVID-19) pandemic may result in Members of statutory, ad hoc and sub-committees being unable to physically attend those meetings.
- The Province enacted Bill 187, *Municipal Emergency Act, 2020*, which permits meetings to be conducted via electronic means during an emergency.
- Electronic participation would allow Members of statutory, ad hoc and sub-committees to contribute to meetings during an emergency.

Recommendations

1. That the amendments to Procedure By-law 7-2011, substantially in the form listed in Attachment #1, to facilitate electronic participation in statutory, ad hoc and sub-committee meetings, in accordance with Bill 187, *Municipal Emergency Act, 2020*, be approved,
2. That the necessary amending by-law be enacted.

Background

Declaration of Emergency

On March 17, 2020, Mayor Bevilacqua declared a state of Local emergency in accordance with the *Emergency Management and Civil Protection Act, R.S.O. 1990, c E.9 s.4.(1)* (“EMCPA”) in response to the 2019 Novel Coronavirus (COVID-19) pandemic to support municipal response and continuity of critical services.

On March 17, 2020, due to the growing public health concerns surrounding the 2019 Novel Coronavirus (COVID-19), the Province declared a province-wide emergency under section 7.0.1 of the *Emergency Management and Civil Protection Act* (“EMCPA”). Since then, the Province has issued various orders that mandated the closure of all recreation facilities, public libraries, child-care centres, and bars and restaurants providing public accommodations in all municipalities across Ontario, and prohibited all organized events with attendance of more than 50 people, in an effort to contain the spread of COVID-19. Effective March 28, 2020, a new emergency order further prohibits organized public events and social gatherings of more than five people.

City of Vaughan Procedure By-law 7-2011, as amended

The Procedure By-law establishes the principles and rules to be used for meetings of Council and its Committees. The Procedure By-law enhances stakeholder participation, community involvement and opportunities for valuable input from the public, other stakeholders and relevant experts on matters that come before Council. The amendments proposed in this report continue to build upon the governance model established by the Procedure By-law.

Previous Amendments to the Procedure By-law

On March 17, 2020, Council approved amendments to Procedure By-law 7-2011, to facilitate electronic participation at Committee of the Whole and Council meetings on a trial basis. This was done as a proactive measure to allow electronic participation at Committee and Council meetings to the extent possible under the *Municipal Act*, at that time. Since then, Bill 187 has been enacted by the provincial government, which provides for greater extent of electronic participation than previously permitted.

On March 30, 2020, Council approved further amendments to the Procedure By-law to allow for electronic participation in Committee of the Whole and Council meetings for Council Members, in response to Bill 187, *Municipal Emergency Act, 2020*, during the Novel Coronavirus (COVID-19) pandemic. By-law 033-2020 was passed to make the appropriate amendments to Procedure By-law 7-2011.

Previous Reports/Authority

[UPDATES TO PROCEDURE BY-LAW FOR ELECTRONIC MEETING](#)

[PARTICIPATION \(Special Committee of the Whole Report No.13, Item #4, Approved by Council on March 17, 2020\)](#)

[BILL 187, MUNICIPAL EMERGENCY ACT, 2020 AND UPDATES](#)

[TO THE PROCEDURE BY-LAW \(Special Committee of the Whole \(1\) Report No.14, Item #1, Approved by Council on March 30, 2020\)](#)

Analysis and Options

What are Statutory, Ad Hoc and Sub- Committees?

Procedure By-law 7-2011 permits Council to, at the beginning of each term of Council, make appointments to such advisory committees or other bodies that it is obliged by law to make. Council may also make appointments to ad hoc committees that it considers desirable for the effective governance of the City.

Statutory committees include the Committee of Adjustment, Heritage Vaughan and the Accessibility Advisory Committee. Ad hoc committees include all the various task forces, such as the Smart City Task Force.

What changes to Procedure By-law 7-2011 are being proposed?

When are Electronic Meetings permitted?

Electronic Meetings will be permitted during any period of time when an emergency has been declared for all or part of a municipality by the Head of Council or the Province under sections 4 or 7.0.1 of the *Emergency Management and Civil Protection Act*, R.S.O. 1990, Chapter E. 9, as amended. In addition to Committee of the Whole and Council meetings, electronic meetings will be permitted for statutory, ad hoc and sub-committee meetings, if the recommendations of this report are approved.

Quorum

The Procedure By-law, upon amendment, will allow a Member participating electronically in a meeting to be counted in determining whether or not a quorum of Members is present at any time during the meeting (both open and closed sessions).

Rights and Responsibilities of a Member

A Member who participates electronically in a statutory, ad hoc or sub-committee meeting shall have the same rights and responsibilities as if they were in physical attendance, including the right to vote.

Meeting Chair

The Chair of a statutory, ad hoc or sub-committee meeting will be permitted to participate in a meeting electronically. This contrasts with the Chair of a Committee of the Whole or Council meeting, as those Chairs are required to be physically present at the meeting location (Council Chamber) in order to effectively guide the meeting.

Most Members of the statutory, ad hoc and sub-committees are local residents who volunteer their time and expertise to sit on these committees, therefore any measures that can be taken to encourage their participation should be considered.

Roll Call

After calling the meeting to order, the Chair shall direct the City Clerk's staff member supporting the meeting to conduct a roll call to identify the Members who are participating electronically in the meeting, and to ensure that a quorum is present. Should a Member join the Electronic Meeting at any time during the meeting, they shall announce themselves to the Chair and City Clerk's staff. Also, should a Member need to leave the meeting, they will also announce this to the Chair and City Clerk's staff.

Communications and Deputations

Written communications related to an item on an agenda, for an Electronic Meeting, shall be received in accordance with Section 2.1(9) Communications/Written Submissions (Agenda Item) of Procedure By-law 7-2011, as amended. Written communications should be submitted via email to clerks@vaughan.ca.

Deputations by the public, for items listed on the meeting agenda, shall be permitted where and when practical. At the current time, in-person deputations are not practical due to restrictions of maximum gathering size, social distancing requirements and the closure of City Hall to the public. In these instances, written communications will be encouraged. Written communications will be distributed to all Members in the most practicable way possible, including before, during or after an Electronic Meeting. City staff are actively pursuing a solution that will allow public participation in meetings.

Closed Meetings

Electronic participation in closed meetings is permitted by Bill 187, the *Municipal Emergency Act, 2020*. There are limited reasons as to when a statutory, ad hoc or sub-committee could move into a closed session. Should such an occasion arise, the rules outlined in the Procedure By-law for Committee of the Whole or Council closed session shall apply. This includes making a verbal declaration indicating that they will maintain the confidentiality of the meeting while participating in the Closed Session via electronic

participation. Members will be required to participate from a location that offers them privacy to ensure the confidentiality of the meeting.

Definitions

The following definitions will be amended in Procedure By-law 7-2011. Proposed amendments are in ***bold italics*** or strikethrough:

ELECTRONIC PARTICIPATION - A ~~Council~~ Member who participates in a Committee, ~~or Council~~, ***or statutory, ad hoc or sub-committee*** meeting remotely via electronic means (e.g. video or audio teleconference), has the same rights and responsibilities as if he or she were in physical attendance, including the right to vote. They shall count towards a quorum of Members and shall be permitted to participate in any portion of a meeting which is open or closed to the public.

ELECTRONIC MEETING - A meeting called and held in full or in part via electronic means (including, but not limited to, audio teleconference, video teleconference, or via means of the internet), and with or without in-person attendance, allowing for Electronic Participation by ~~Council~~ Members.

Interruptions to connection

Should a Member participating electronically in a meeting become disconnected during the meeting, efforts will be made by Staff, where possible, to reconnect with the Member. The Chair may decide on a short recess to determine whether or not the communication connection can be re-established, with no more than two attempts being made. Alternatively, the Chair may decide to continue the meeting and treat the interruption as if the Member who is physically present leaves the room.

Will Electronic Participation be permitted after the emergency?

Electronic participation by committee Members will only be permitted during the declaration of an emergency. The success of electronic participation will be reviewed by Staff in a future report to Committee of the Whole. The report will assess the viability and appropriateness of allowing electronic participation, in accordance with the requirements of the *Municipal Act*, for regular statutory, ad hoc and sub-committee meetings.

Public Participation in Meetings

Public participation is a key component to any meeting of Council or Committee. City staff are actively pursuing a solution that will allow active public participation in a Committee of the Whole, Council or statutory, ad hoc or sub-committee meeting. Once

a method of public participation is determined, it will be used for all the public meetings. In the meantime, written deputations will be encouraged.

Do Electronic Meetings Need to be Phased-in?

Electronic Meetings for the statutory, ad hoc and sub-committees will need to be phased-in due to the considerable amount of resources required for training and testing prior to the meetings. The recent Committee of the Whole and Council meetings, conducted as Electronic Meetings, has demonstrated that Electronic Meetings can be successfully conducted. That success, however, was the result of a significant investment in training meeting participants and testing of equipment. To ensure successful meetings, the same amount of effort will need to be undertaking for every statutory, ad hoc and sub-committee.

The success of these meetings, by providing the necessary training and testing, will depend on a measured approach to holding those meetings. Staff will begin with the training and testing associated with the statutory committees. This includes the Committee of Adjustment, Heritage Vaughan and Accessibility Advisory Committee. Once those committees have been trained, staff will begin with the training and testing for the ad hoc committees, such as the task forces. Due to the number of the task forces, staff will identify the priority task forces, to ensure they return to operation as quickly as possible.

Financial Impact

Immediate costs associated with implementing the technology to allow electronic participation will be within existing budgets.

Broader Regional Impacts/Considerations

Not applicable.

Conclusion

The proposed amendments to the City of Vaughan Procedure By-law 7-2011, as amended, will allow for electronic participation for the statutory, ad hoc and sub-committees, in response to Bill 187, *Municipal Emergency Act, 2020*, during the Novel Coronavirus (COVID-19) pandemic.

For more information, please contact: Todd Coles, City Clerk, x8281

Attachments

1. Proposed Amendments to Procedure By-law 7-2011 to Implement Bill 187, the *Municipal Emergency Act, 2020* for Statutory, Ad Hoc and Sub-Committees.

Prepared by

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