

## **CITY OF VAUGHAN**

### **EXTRACT FROM SPECIAL COUNCIL MEETING MINUTES OF MARCH 17, 2020**

Item 4, Report No. 13, of the Special Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on March 17, 2020.

#### **4. UPDATES TO PROCEDURE BY-LAW FOR ELECTRONIC MEETING PARTICIPATION**

**The Special Committee of the Whole recommends:**

- 1) That the recommendation contained in the following report of the Deputy City Manager, Administrative Services and City Solicitor, dated March 17, 2020, be approved; and**
- 2) That the use of electronic meetings be endorsed if approved by the Province.**

#### **Recommendations**

1. That the amendments to Procedure By-law 7-2011, listed in Attachment #1, to facilitate electronic participation at Committee of the Whole and Council meetings be approved on a trial basis, and;
2. That the necessary amending by-law be enacted.

## Special Committee of the Whole Report

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**DATE:** Tuesday, March 17, 2020

**WARD(S):** ALL

**TITLE: UPDATES TO PROCEDURE BY-LAW FOR ELECTRONIC MEETING PARTICIPATION**

**FROM:**

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

**ACTION:** DECISION

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**Purpose**

To seek Committee's approval for amendments to Procedure By-law 7-2011 to allow for electronic participation in Committee of the Whole and Council meetings for Council members, on a trial basis, during the 2019 Novel Coronavirus (COVID-19) pandemic.

**Report Highlights**

- The 2019 Novel Coronavirus (COVID-19) pandemic may result in some members of Council being unable to physically attend Committee and Council meetings.
- Electronic participation would allow those members to contribute to the open meetings.
- Electronic participation would be done on a trial basis for Committee of the Whole and Council Meetings.

**Recommendations**

1. That the amendments to Procedure By-law 7-2011, listed in Attachment #1, to facilitate electronic participation at Committee of the Whole and Council meetings be approved on a trial basis, and;
2. That the necessary amending by-law be enacted.

## **Background**

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 Reports/Authority**

[Procedural By-law Technical Amendments \(Report No. 44, Item 10, Council of December 11, 2017\)](#)

## **Analysis and Options**

### **Procedure By-law**

Section 238(2) of the *Municipal Act, 2001*, provides that every Municipality shall pass a procedure by-law for governing the calling, place and proceedings of meetings. Procedure By-law 7-2011 was passed on January 25, 2011 (amended by By-laws 166-2017 and 111-2019) to establish the principles and rules to be used for meetings of the Council, Committees of Council and local boards which have not adopted separate rules of procedure.

### **Bill 68, Modernizing Ontario's Municipal Legislation Act, 2017**

On November 16, 2016, *Bill 68, Modernizing Ontario's Municipal Legislation Act, 2017*, was introduced in response to the Province's review of the *Municipal Act, 2001* and *Municipal Conflict of Interest Act, 1990*. On May 30, 2017, Bill 68 received Royal Assent. One of the changes that Bill 68 introduced was a provision for electronic participation of members in a meeting open to the public.

### **Allowing electronic participation in meetings**

Municipal Councils may provide for electronic participation by members at open meetings through their procedure by-laws, as long as any such members are not counted for quorum purposes. This quorum rule helps to ensure that in person meetings continue to occur. At the same time, the rule allows municipalities to remove certain barriers to participation to help meet the needs of their community. This means that a quorum of members needs to be physically present at the meeting in order to conduct business.

### **Considerations for electronic participation**

A municipality may want to address electronic participation in open meetings as part of its procedure by-law to help in reducing barriers to participation on Council for those individuals with accessibility needs or for individuals in municipalities that cover large distances. When deciding whether to include electronic participation provisions in a procedure by-law, the following considerations may need to be reviewed:

- local circumstances,
- potential costs,
- how voting issues will be addressed, and
- situations when electronic participation will and will not be permitted

### **Restrictions on electronic participation**

Councillors are only permitted to participate electronically in meetings that are open to the public. Participating in closed session meetings will remain limited to those Councillors or members of a local board who are participating in person.

Additionally, the Chair shall not be permitted to participate in a meeting electronically, for practical reasons. The Chair is required to be physically present at the meeting in order to effectively guide the meeting.

Members who wish to participate electronically at a meeting shall provide a minimum of 48 hours' notice to the City Clerk. This is to allow sufficient time for the necessary technology to be tested.

### **When should electronic participation be allowed?**

It is recommended that electronic participation be permitted only during the 2019 Novel Coronavirus (COVID-19) pandemic, as defined by the World Health Organization (WHO), or until the end of 2020, whichever comes sooner.

Electronic participation at this time can be used as a trial. Learnings from the trial will be reviewed with findings being reported back to Committee at a future date for consideration to include electronic participation rules within the procedure by-law.

### **Potential impact of the 2019 Novel Coronavirus (COVID-19) pandemic on attendance at Committee and Council meetings**

The 2019 Novel Coronavirus (COVID-19) pandemic has the potential to disrupt the meetings of Committee and Council. Members of Council may find themselves in self-isolation or quarantine for a variety of reasons. Those members may wish to participate

in meetings of the Committee of the Whole and Council, however, would be unable to do so.

Amendments to the *Municipal Act* permit electronic participation in Committee and Council meetings by the members, an option not previously adopted. Given the current pandemic, electronic participation provides a viable method for members to participate when they would otherwise be unable to do so for medical/health reasons.

It is recommended that electronic participation be done on a trial basis for Committee and Council meetings in order to evaluate the effectiveness and limitations of it.

### **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 will update the bylaw to permit electronic participation, on a trial basis, to allow members of Council to participate in Committee and Council meetings when they would otherwise be unable to do so as a result of the 2019 Novel Coronavirus (COVID-19) pandemic.

A future report to Committee will review the results of the electronic participation trial to evaluate its effectiveness and challenges.

**For more information**, please contact: Todd Coles, City Clerk, Ext.8281

### **Attachments**

1. Proposed Amendments to Procedure By-law 7-2011 to Allow Electronic Participation

### **Prepared by**

Todd Coles, City Clerk, Ext. 8281

**ATTACHMENT #1 –  
Proposed Amendments to Procedure By-law 7-2011  
to Allow Electronic Participation**

The following amendments to Procedure By-law 7-2011 are required to implement electronic participation on a trial basis for members of Council:

1. Electronic participation would only be permitted for the following meetings:
  - a. Committee of the Whole (1)
  - b. Committee of the Whole (2)
  - c. Committee of the Whole (Working Session)
  - d. Committee of the Whole (Public Hearing)
  - e. Council
  - f. Any special meeting of Committee and Council
2. Definition of Electronic Participation: A Council Member who participates in a Committee or Council meeting remotely via electronic means (e.g. video or audio teleconference), who has the same rights and responsibilities as if he or she were in physical attendance, including the right to vote, with the exception that they shall not count towards a quorum of members and shall not be permitted to participate in any portion of a meeting which is closed to the public.
3. Quorum – Notwithstanding Sections **5.3 QUORUM** and **6.6 CALLING A MEETING TO ORDER AND QUORUM**, only the Council Members in physical attendance will count towards quorum.
4. Electronic participation shall be permitted only during the 2019 Novel Coronavirus (COVID-19) pandemic, as defined by the World Health Organization (WHO), or until the end of 2020, whichever comes sooner.
5. The Chair shall not be permitted to participate electronically at a meeting.
6. The Member of Council who wishes to participate in a meeting electronically shall provide the City Clerk a minimum of 48 hours' notice.