

The Regional Municipality of York

Regional Council
Finance and Administration
September 24, 2020

Report of the Commissioner of Corporate Services and Regional Clerk

Updating the Procedure Bylaw to Permit Electronic Meeting Participation at all times

1. Recommendations

Council amend Procedure Bylaw No. 2018-59 as outlined in Attachment 1 to provide for members of Council, Committees and Boards to fully participate electronically in meetings at any time.

2. Summary

The purpose of this report is to recommend changes to the Procedure Bylaw. The changes will allow Regional Council, Committees and Boards to meet electronically at any time in accordance with recent amendments to the *Municipal Act, 2001*. Members will count towards quorum in both public and private meetings and will be entitled to vote.

Key Points:

- Currently, the Region is only permitted to hold electronic meetings as long as there is a declared state of emergency in the Province or municipality.
- The Provincial state of emergency ended on July 24, 2020. The Region declared an emergency in March 2020 which is still in effect.
- Recent *Municipal Act* amendments give Council the option of electronic participation in meetings without the requirement of a declared emergency.
- Expanding the ability to hold virtual meetings would not preclude or impede Council's ability to hold in-person meetings in the future.

3. Background

Municipalities have had the ability to participate electronically in meetings since 2017, with certain limitations

On May 30, 2017, *Bill 68, Modernizing Ontario's Municipal Legislation Act*, enacted changes in response to the Province's review of the *Municipal Act* and the *Municipal Conflict of*

Interest Act, 1990. One change allowed Members of Council to electronically participate in a meeting, as long as they did not count towards quorum or take part in private session. Therefore, a legal meeting of Council or Committee still required an in-person quorum.

Further amendments to the *Municipal Act* and Council's Procedure Bylaw made it possible for Council to meet electronically during the pandemic

On March 19, 2020, the Province passed [Bill 187 the Municipal Emergency Act](#), which amended the *Municipal Act* to permit Councils, local boards and committees to meet electronically in open and closed meetings and count towards quorum. This provision only applied during declared emergencies that covered all or part of a municipality.

On April 2, 2020, Council enacted [Bylaw 2020-09](#) to amend Procedure Bylaw 2018-59 to permit electronic meetings during a declared provincial and/or municipal emergency. On [July 30, 2020](#), Council resolved to permit electronic deputations in September 2020 pending a report back on the new *Municipal Act* amendments.

Since April 2, 2020, Council and Committee of the Whole have had 14 electronic meetings.

Fully electronic meetings must still abide by the rules set out in the *Municipal Act* and Council's Procedure Bylaw

Electronic Council and Committee meetings must still abide by openness and transparency provisions. Council has fulfilled this requirement by livestreaming all meetings so members of the public can virtually attend.

More recently, Council updated its electronic meeting provisions to permit verbal deputations.

The Region's electronic meetings continue to meet legislated requirements.

4. Analysis

Recent legislative changes give Council the option to allow electronic participation without the requirement of a declared emergency

On July 21, 2020, the *COVID-19 Economic Recovery Act* received Royal Assent. This Act amends a number of Acts, including the *Municipal Act* as follows:

- Members of municipal councils, committees and local boards can participate electronically in meetings open or closed to the public and count as quorum at any time.
- Municipal councils may amend their Procedure Bylaw to permit a Member of Council to appoint another member to act as a proxy when they are absent from a meeting, subject to certain restrictions and in accordance with a process to be established by the Clerk.

This report deals only with electronic meeting participation as it needs to be dealt with promptly. Proxy voting is a little more complex and will be the subject of a further report should Council so direct.

Regional Council and Committees will be unable to continue meeting electronically once the Region's emergency declaration is lifted unless the Procedure Bylaw states otherwise

The Procedure Bylaw currently provides for electronic Council and Committee meetings during a declared provincial and/or municipal emergency. This includes electronic participation by Council and Committee members as well as members of the public who may be providing a deputation. Under the current provisions, once the declared emergency ends, members of Council, committees and local boards must attend meetings in-person.

However, in accordance with the recent *Municipal Act* amendments noted earlier, the proposed Procedure Bylaw updates will give Council the option to continue meeting electronically, without the requirement of an emergency declaration. This includes continuing to provide deputants with the option of participating electronically subject to certain restrictions, including the availability of suitable technology and the Regional Chair's determination on whether electronic participation is permitted.

All other regional municipalities have amended their Procedure Bylaw to continue to permit electronic participation at their meetings

As outlined on Table 1, all other regional municipalities have enacted amendments to their Procedure Bylaws to allow for the continuation of electronic meetings. Some municipalities, which had not separately declared an emergency, needed to expedite their procedure bylaw amendments to continue meeting electronically once the province terminated its emergency declaration.

Table 1
Procedure Bylaw Amendments to Allow for the Continuation of Electronic Meetings

Municipality	Date of Bylaw Amendment
Durham Region	July 29, 2020
Halton Region	July 15, 2020
Niagara Region	July 30, 2020
Peel Region	July 23, 2020
Region of Waterloo	August 11, 2020

Amending the Procedure Bylaw does not preclude future in-person meetings

The proposed Procedure Bylaw amendments will not prevent Council or Committees from resuming fully, or partially, in-person meetings as the COVID threat passes. In fact the proposed amendments provide the Regional Chair with discretion to determine whether meetings will be conducted fully in-person or fully electronically.

Staff are currently investigating the technology requirements to accommodate a “hybrid” meeting in which some members are present in-person and some are participating virtually.

Based on current physical distancing requirements, the Council Chambers could accommodate all Members of Council by relocating staff. The total number of staff and members of the public in attendance would be restricted.

Staff will continue to evaluate the meeting format while weighing the health and safety risks and any technology requirements to safely resume Council and Committee meetings in-person.

Advisory Committee meetings are being re-introduced as of September 2020

Meetings of advisory committees have been suspended since the onset of the pandemic, primarily due to adjusting to the new meeting format. The gradual re-introduction of the full meeting schedule began in September and will continue throughout the fall.

Staff from supporting departments have been working in consultation with the members of advisory committees to identify the best approach for holding these meetings. This includes such things as new live transcription services that will integrate into Zoom to ensure that all members of the Accessibility Advisory Committee are able to fully participate in those meetings.

5. Financial

The annual cost of software licences to support electronic meetings is approximately \$4,000. However, additional technology and infrastructure may need to be purchased to support “hybrid” electronic and in-person meetings.

6. Local Impact

To date, the Towns of Aurora and Whitchurch-Stouffville, Township of King, as well as the Cities of Markham and Richmond Hill have all enacted amendments to their Procedure Bylaws to allow for the continuation of electronic meetings. It is anticipated that most, if not all, of the remaining municipalities will pass similar bylaw amendments sometime in the fall of 2020.

As of August 25, 2020, Aurora resumed in-person meetings in their Council Chamber.

7. Conclusion

Since April, Regional Council and Committees have been meeting electronically under updated *Municipal Act* provisions allowing such meetings during emergency periods. These meetings have met legislated requirements around openness and transparency.

More recent *Municipal Act* amendments permit electronic Council and Committee meetings at all times, not just during emergencies. Council can only take advantage of these provisions by amending its Procedure Bylaw.

The proposed amendments to the Procedure Bylaw provides Council with the flexibility to meet electronically in future, while making sure public participation and transparency of proceedings are maintained. All other regional municipalities have enacted similar amendments to their Procedure Bylaws.

For more information on this report, please contact Christopher Raynor, Regional Clerk at 1-877-464-9675 ext. 71300. Accessible formats or communication supports are available upon request.

Recommended by:

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Commissioner of Corporate Services

Approved for Submission:

Bruce Macgregor
Chief Administrative Officer

September 11, 2020

Attachments (1)
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