

Subject: Procedural By-law Amendment – Extension of Electronic Meetings of Council and Committees to August 31, 2021

Recommendation:

BE IT RESOLVED THAT Council receive Report #2020-0160 proposing an extension of the provision for electronic meetings of Council and Committees;

AND THAT the proposed amendments to the Town of Pelham Procedure By-law as outlined in Appendix 1, be approved, thereby facilitating electronic meeting participation until the end of August, 2021 for Council, Special Council, Committee of Adjustment, Committees of Council and Advisory Committees;

AND THAT Staff be directed to present the necessary by-law to the next Regular Meeting of Council, December 7, 2020.

Background:

The *Municipal Emergency Act* was enacted by the Province on March 19, 2020, amending the *Municipal Act, 2001* provisions regarding electronic participation to allow participation electronically to count toward quorum, and to permit Members of Council to participate in closed session meetings electronically in circumstances when an emergency has been declared.

On March 23, 2020 Council for the Town of Pelham amended the Procedure By-law 4107(2019) to provide for electronic meetings during a declared emergency, in accordance with the new *Municipal Act, 2001* provisions.

On July 21, 2020, the Ontario government made further amendments to the *Municipal Act, 2001*, through the enactment of Bill 197, the *COVID-19 Economic Recovery Act, 2020*. Amendments provided authority so as to permit members of municipal councils to continue to participate electronically in both open and closed meetings and be counted toward quorum, even in the absence of a declared emergency. The amendments allow municipalities to provide that a member of

council, of a local board, or of a committee of either of them, can participate electronically in a meeting and may be counted in determining whether or not a quorum of members is present, and can participate electronically in a meeting that is open or closed to the public. In addition, Bill 197 authorized proxy voting for members of council. Municipalities are now able to update procedure by-laws to allow members of council who are absent to utilize a proxy to vote on an item at council, or committee, and under what circumstances.

Council convened a special meeting on August 10, 2020 to amend the procedural by-law to allow for a continuation of electronic meeting participation with a recommendation that the provisions remain in place for a period of one year from the termination of the Provincial Declaration of Emergency. Council approved such extension to December 31, 2020 with direction to staff to report on electronic participation and proxy voting on a more permanent basis prior to expiry of the amended by-law.

This report seeks Council approval to allow electronic participation in meetings to be permitted for the remainder of the one-year period from the termination of the Provincial Declaration, to the end of August 2021. This recommendation permits continued electronic meetings for an extended period of time while staff continues to focus on more comprehensive amendments to the Procedural By-law, which is an approved strategic priority in the updated Strategic Plan. A more comprehensive analysis will explore a more permanent solution, as well as provide an analysis of the proxy voting alternative. Approval of this report will provide public notice that the Town intends to amend the Procedural By-law to allow for electronic participation to at least the end of August 2021. Should the COVID-19 pandemic situation warrant, there would be no obligation to meet electronically, but without the provision being included in the Procedural By-law, meeting virtually with a quorum of council would not be permitted after December 31, 2020.

The new rules regarding proxy voting are significant in terms of policy development and as such, a more detailed examination is needed. A separate, standalone report will be presented to Council in 2021 that will include a thorough review of the implications of proxy voting.

Analysis:

Based on continued public health advice, physical distancing requirements and the recent escalation of the COVID-19 pandemic to a second wave and resulting requirements throughout Ontario to continue to undertake restrictions, it is recommended that the Procedure By-law amendment be extended to accommodate the ebbs and flows of this global pandemic. The Provincial Framework continues to

advise that working from home or remotely as much as possible is the preference to help curb the spread of the virus. There are uncertainties surrounding the virus and the recommendation is that people stay home when they are feeling ill, regardless of whether COVID-19 testing is warranted or not.

Therefore, it is recommended that the Town continue to limit the number of people attending municipal facilities, specifically Town Hall, so as to take every precaution reasonable to protect the health and well-being of Members of Council, Staff, Committee Members, and the public specifically as it relates to meetings of Council. This can be partially facilitated through electronic meeting participation.

Council, the Committee of Adjustment and advisory committees have regularly met through electronic means since the spring of 2020. Further, Public Meetings under the Planning Act have been successfully convened allowing for full public participation.

The current Council Chamber configuration does not allow for all Members of Council and the Senior Leadership Team to physically attend meetings while adhering to physical distancing requirements. While plexiglass barriers have been designed to provide some means of protection between meeting participants, this solution is not ideal. Therefore, electronic participation is likely to be required for some time into 2021.

Given the requirement for individuals to stay home when ill, there is potential that even when in-person meetings resume it would be challenging to achieve a quorum particularly during the cold and flu season. Members of Council who may be suffering from a minor cold would not be permitted to attend an in-person meeting given the Health Assessment protocols. In order to ensure quorum availability, staff recommends extension of this provision in the Procedural By-law to allow participation electronically.

Financial Considerations:

There are no financial implications to continuing with virtual meetings of Council and Committees.

Strategic Plan Relationship: Risk Management

Staff continues to recommend the continuation of the electronic meeting model to minimize the risk to the health and well-being of all participants.

Consultation:

A review of procedural by-laws for several Ontario Municipalities indicates that a vast majority have extended the virtual/electronic meeting provisions until at least the end of August 2021, given the uncertainty of the ongoing Novel Coronavirus COVID-19 pandemic.

Other Pertinent Reports/Attachments:

Previous amendments to the Town's Procedure By-law were approved in March and August, 2020. A copy of the proposed by-law, in Draft, is appended.

Prepared and Recommended by:

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