

Subject: Amendment to Procedural By-Law to Permit Continued Electronic Participation in Meetings until March 31, 2022 – Report No. 2020-0110-Clerks

Recommendation:

BE IT RESOLVED THAT Council receive Report #2020-0110-Clerks – Amendment to Procedural By-Law to Permit Continued Electronic Participation in Meetings until March 31, 2022;

AND THAT the proposed amendments to the Town of Pelham Procedural By-law as outlined in Appendix 1, be approved, thereby facilitating electronic meetings participation until March 31, 2022 for Council, Special Council, Committee of Adjustment, Committee of Council and Advisory Committees;

AND THAT the Clerk be directed to present the necessary By-law at the next Regular Meeting of Council on July 26, 2021.

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 Town's 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 Province made further amendments to the *Municipal Act, 2001*, through the enactment of Bill 197, the *COVID-19 Economic Recovery Act, 2020*. Amendments provided authority 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.

On March 23, 2020 Council amended the Town's Procedural By-law to allow for electronic meeting participation during a declared emergency, by Amending By-law No. 4217 (2020).

On May 4, 2020 Council amended the Town's Procedural By-law to include additional electronic meeting procedures by Amending By-Law No. 4231(2020).

On August 10, 2020 Council amended the Town's Procedural By-law to allow for a continuation of electronic meeting participation until December 31, 2020 by Amending By-law No. 4269(2020).

On December 7, 2020 Council further amended the Town's Procedural By-law to allow for a continuation of electronic meeting participation until August 31, 2021 by Amending By-law No. 4296(2020).

This report seeks Council approval to allow electronic participation in meetings to be permitted until March 31, 2022. Approval of this report will provide public notice that the Town intends to amend the Town's Procedural By-law to allow for electronic participation to at least March 31, 2022.

It is noted, should the COVID-19 pandemic situation warrant, there would be no obligation to meet electronically, but without the provision being included in the Town's Procedural By-law, meeting virtually would not be permitted after August 31, 2021.

Analysis:

Throughout the year of 2021 the Province has issued a variety of restrictions due to the COVID-19 pandemic, including but not limited to, declaring a provincial emergency and issuing stay at home orders.

Currently the Province is implementing a stepped approach to reopening, based upon population vaccination targets and infection rates. Regions will enter Step 1 when 60% of adults have received one dose of the COVID-19 vaccination. Step 2 may be entered when 70% of adults have received one dose of the COVID-19 vaccination and 20% are fully vaccinated. Step 3 may be entered when 70-80% of

adults have received one dose of the COVID-19 vaccination and 25% of adults are fully vaccinated.

The Niagara Region is expected to enter the Provincial Step 1 on Friday June 11, 2021. Step 1 restrictions include, but are not limited to, encouraging continued work from home, wearing masks or face coverings indoors and outdoor gathering are limited to 10 people. Public health advice still recommends physical distancing, cleaning or disinfecting, working remotely and staying home when ill. Additionally, the Niagara Region will remain under the Section 22 Order of the *Health Protection and Promotion Act* during Step 1. These additional measures are implemented regionally by the Medical Officer of Health.

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. Furthermore, given the requirement for individuals to stay home or work remotely 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.

It is recognized that as vaccinations increase and the COVID-19 virus threat decreases, the proposed recommendation and by-law amendment would not preclude Council or its Committee's from in-person meeting participation, when appropriate. When safe, Council would have the ability to introduce a *hybrid approach*, with the Mayor, 2 Councillors and the Clerk attending in person, with the balance of Councillors and the Senior Leadership Team attending electronically. This *hybrid approach* could be implemented when the Region enters Step 3 of the Provincial reopening plan. This aligns with the Province opening indoor gatherings. As limited in-person attendance will be available, any Councillor wishing to attend in-person would have to make these arrangements with the Clerk several days in advance of meeting. Notice to the Clerk will allow the Clerk's Department to ensure appropriate distancing can be maintained.

As the Province reopens and Public Health allows for larger gatherings indoors, certainly the *hybrid approach* could evolve and allow for more Councillors or staff to attend physically, in-person. This flexible approach will allow Councillors or staff who prefer to attend meetings electronically the continued option to do so, while allowing those who prefer to attend in-person this option.

Staff recognize the importance of establishing a new normal and balancing the ability to meet in-person, while respecting the health and safety of others. As the Province continues to reopen and large gatherings indoors are allowed, staff can consider using the Accursi Room at the Meridian Community Centre to facilitate

Council and Public Meetings. The Accursi Room is currently being retrofitted to provide livestreaming technology and therefore could be used in the future to conduct such meetings.

Over the coming months, the Clerk's Department will continue to monitor procedural by-laws of the Niagara Region and other area municipalities to determine meeting best practices for the future.

Staff recommend Council approve extending the ability to meet electronically until March 31, 2022. As the COVID-19 pandemic situation continually changes over time this ensures Council can continue to meet to conduct Town business.

Financial Considerations:

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

Alternatives Reviewed:

Council can decide to not permit electronic participation in meetings to continue past August 31, 2021, which would require personal attendance at meetings of Council and all Committee effective September 1, 2021. This is not recommended as it conflicts with current public health advice given the inability to physically distance within the Council Chambers for all Members of Council and the Senior Leadership Team.

Council can decide to extend electronic participation of meetings to continue to a date other than March 31, 2022. Council could consider extending electronic participation to dates, such as: December 31st, 2021, August 31st, 2022 or permanently.

Strategic Plan Relationship: Risk Management

Staff continue to recommend the continuation of the electronic model of Council and Committee meetings to minimize the risk to the health and well-being of Council, staff and residents.

Consultation:

B. Lymburner, Community Emergency Management Co-Coordinator was consulted for this report.

The Clerk's Department conducted a review of local area municipalities' procedural by-laws, including the Niagara Region. The Niagara Region and Town of Grimsby have approved electronic meeting participation one year from the termination of the Provincial Declaration of Emergency and have provided direction to staff to report back to Council options for permanent electronic participation prior to the expiry of one year of the termination of the said declaration. Other area municipalities allow electronic participation based on a color code system or when the province or municipality has declared an emergency.

Other Pertinent Reports/Attachments:

A copy of the proposed by-law, in Draft, is appended.

Prepared and Recommended by:

Holly Willford, B.A.
Town Clerk

Prepared and Submitted by:

David Cribbs, BA, MA, JD, MPA
Chief Administrative Officer