

**Subject:** Amendment to Procedural By-Law to Permit Continued Electronic Participation in Meetings until December 31, 2022 – Report No. 2022-0014-Clerks

**Recommendation:**

**BE IT RESOLVED THAT Council receive Report #2022-0014 Amendment to Procedural By-Law to Permit Continued Electronic Participation in Meetings until December 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 December 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 February 7, 2022.**

**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 Procedural 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).

On July 26, 2021 Council further amended the Town's Procedural By-Law to allow for continuation of electronic meeting participation until March 31, 2022 by Amending By-Law No. 4362(2021).

This report seeks Council approval to allow electronic participation in meetings to be permitted until December 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 December 31, 2022.

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 March 31, 2022.

## **Analysis:**

Throughout 2021 the Province 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.

At the time of writing this report the Province is currently in 'Step Two of the Roadmap to Reopen' and Town Hall and the Meridian Community Centre (MCC) are closed to the public. These restrictions have been implemented due to the rapid transmission of the COVID-19 Omicron variant.

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.

When safe and Town Hall reopens, 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. The Manager of IT is working on upgrading Council Chambers to allow for a better *hybrid* meeting approach with new technology allowing better imaging of those attending Council Chambers, in person. At the time of writing this report the said upgrades have not been finalized although are expected to be completed by spring of 2022. This *hybrid approach* could be implemented when the Province re-enters Step 3 of the Provincial reopening plan. 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.

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. When safe to do so, Council can consider using the Accursi Room at the MCC 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.

Staff recommend Council approve extending the ability to meet electronically until December 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 March 31, 2022, which would require personal attendance at meetings of Council and all Committee effective March 31, 2022. 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 December 31, 2022. Council could consider extending electronic participation to dates, such as: June 1, 2022, September 1, 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.

**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