

**Subject:** Amendment to Procedural By-Law to Permit Continued Electronic Participation in Meetings until March 31, 2023

**Recommendation:**

**BE IT RESOLVED THAT Council receive Report #2022-0286 Clerks –Amendment to Procedural By-Law to Permit Continued Electronic Participation in Meetings until March 31, 2023;**

**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, 2023 for Council, Special Council, Committee of Adjustment, Committee of Council and Advisory Committee.**

**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).

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).

On February 7, 2022 Council further amended the Town's Procedural By-Law to allow for continuation of electronic meeting participation until December 31, 2022 by Amending By-Law No. 4422(2022).

This report seeks Council approval to allow electronic participation in meetings to be permitted until March 31, 2023. 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.

### **Analysis:**

At the time of writing this report the COVID-19 pandemic is ongoing and numbers have been increasing. Furthermore, Niagara Public Health has cautioned this year's flu (influenza) is highly contagious and affecting the vulnerable population significantly.

In addition to health concerns, Town Hall is undergoing significant renovations which will affect Council Chambers in both December 2022 and January 2023. Although it is possible to physically meet at the Meridian Community Centre ("MCC") it is a significant amount of work for staff to physically organize and set-up/take-down the Accursi Room and install/uninstall audio and video equipment. Moreover, regularly booking the Accursi Room removes a revenue source for the Town and eliminates community space.

Staff recommend Council approve extending the ability to meet electronically until March 31, 2023 while Council considers the newly proposed Procedural By-Law which allows a permanent electronic / hybrid meeting solution.

**Financial Considerations:**

There are no financial implications to continuing with virtual meetings of Council and Committees. The exact cost of holding physical meetings is unknown, however there are costs associated between lost revenue and staff wages needed to set up the space for Council.

**Alternatives Reviewed:**

Council can decide to not permit electronic participation in meetings to continue past December 31, 2022, which would require personal attendance at meetings of Council and all Committee effective January 1, 2023. This is not recommended.

**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:**

SLT.

**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