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# HALDIMAND COUNTY

## Report CLS-02-2020 Procedural By-law Amendment – Electronic Participation During Emergencies

For Consideration by Council on April 21, 2020

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### OBJECTIVE:

To amend the Procedural By-law to authorize electronic participation in meetings by members of Council during a declared emergency.

### RECOMMENDATIONS:

1. THAT Report CLS-02-2020 Procedural By-law Amendment – Electronic Participation During Emergencies be received;
2. AND THAT a by-law to further amend By-law 1880/17 to authorize electronic participation by members of Council during emergencies, be presented for enactment.

**Prepared by:** Evelyn Eichenbaum, Manager, Citizen & Legislative Services/Clerk

**Respectfully submitted:** Cathy Case, General Manager of Corporate & Social Services

**Approved:** Craig Manley, MCIP, RPP, Chief Administrative Officer

### EXECUTIVE SUMMARY:

The global COVID-19 pandemic has resulted in unanticipated circumstances in many aspects of day-to-day functions. In order to ensure that municipal councils can carry on meeting and considering significant matters while respecting physical distancing, the Province has introduced legislation to allow municipal councillors to participate electronically in meetings, rather than attend in person. This report addresses this functionality and recommends amendments to the Procedural By-law to enable electronic participation during declared emergencies.

### BACKGROUND:

In 2017, Bill 68 introduced many changes to the *Municipal Act, 2001* (Act). One of the concepts introduced at that time was the ability for members of Council to participate electronically in meetings. The caveat to this allowance was that any member participating electronically was not to be counted in quorum. When this was introduced in 2017, no amendment was made to Haldimand County's Procedure By-law to authorize electronic participation, as it was not deemed to be beneficial in the local circumstances.

During the current COVID-19 pandemic, the Province has enacted Bill 187 in recognition of the need for municipal councils to meet and make decisions while respecting physical distancing. Through this bill, electronic participation has been expanded during declared emergencies to allow any member of Council to participate electronically and be counted in quorum.

## ANALYSIS:

In response to the global COVID-19 pandemic, the Province ordered a state of emergency on March 17, 2020, which has subsequently been extended, and on March 24, 2020, Mayor Hewitt declared an emergency for Haldimand County. On March 19, 2020 the *Municipal Emergency Act, 2020* (Bill 187) was passed to provide municipal councils with the authority to participate electronically in meetings during an emergency declared under the *Emergency Management and Civil Protection Act*. The legislation allows that during an emergency declared by either the province or the municipality, a member of Council who is participating electronically in a meeting may be counted in determining whether or not a quorum of members is present. It also allows a member of Council to participate electronically in a meeting closed to the public. Where electronic participation has been authorized through a procedural by-law during regular operations, it is not permitted during a closed meeting.

Bill 187 also authorizes that in order to amend a procedural by-law for the purposes of allowing electronic participation during a declared emergency, a special meeting may be held for that purpose and a member participating in such a meeting may be counted in, determining whether or not a quorum is present. To facilitate this amendment, a Special Council meeting will be convened specifically for this purpose on Tuesday, April 21, 2020 at 9:15 a.m. Once the by-law is enacted, a Committee of the Whole meeting is scheduled to take place at 9:30 a.m. on April 21<sup>st</sup> to enable consideration of the 2020 Operating Budget and other time-sensitive matters, while taking advantage of the electronic participation by members of Council.

In order to effectively facilitate local decision-making during declared emergencies, the following additions to the Procedural By-law are recommended:

### Definitions

“Electronic participation” shall mean a Member of Council taking part in a Meeting through the use of telephone, video conference, or any other technology that provides for audio and/or visual participation, in place of attending in person.

### 6.8 Electronic Participation

During any period where an emergency has been declared to exist in all or part of the municipality under section 4 or 7.0.1 of the *Emergency Management and Civil Protection Act*,

- A member of Council who is participating electronically in a meeting may be counted in determining whether or not a quorum of members is present at any point in time;
- A member of Council can participate electronically in a meeting that is closed to the public.

Where a declared emergency results in electronic participation by members of Council, delegations will not be permitted to appear in person at the Meeting, however, written submissions regarding agenda items will be accepted by e-mail prior to the Meeting, and will be distributed to members of Council.

All votes will be by show of hands or verbal consent.

The recommended amendments address the general application of electronic participation for meetings. Staff will develop more specific procedures for the functioning of these meetings. As an example, the procedures will provide that written submissions will be read out by the Clerk and a motion to receive the submissions will be prepared for consideration.

Once a declared state of emergency has ended, the ability to participate electronically and be counted in quorum will no longer be in effect. Should declared emergencies arise in the future, section 6.8 will only apply as necessary, based on the circumstances.

Staff intend to introduce some minor amendments to the Procedural By-law in the near future to address changes related to relocation to the new Haldimand County Administration Building and to provide a consolidated version of the by-law, combining all recent amendments. Should Council wish to direct staff to include the ability to participate electronically for regular meetings into the new by-law, direction should be provided to that effect. During non-emergency periods, such participation will not be counted in quorum and will not be permitted during closed meetings.

### **FINANCIAL/LEGAL IMPLICATIONS:**

Not applicable.

### **STAKEHOLDER IMPACTS:**

Not applicable.

### **REPORT IMPACTS:**

Agreement: No

By-law: Yes

Budget Amendment: No

Policy: No

### **ATTACHMENTS:**

None.