



Date: 2020-04-01

From: Brittany Drury, Acting Clerk

Subject Bill 187, Municipal Emergency Act, 2020 – Amend Procedure By-law 2019-125

Report LEG2020-07

Recommendation

That report LEG2020-07, regarding Bill 187, *Municipal Emergency Act, 2020* – Amend Procedure By-law 2019-125, from the Acting Clerk, be received, and

That By-law 2020-035, being a By-law to amend Procedure By-law 2019-125, to permit electronic participation during a declared emergency, further to Bill 187, the *Municipal Emergency Act, 2020*, be adopted.

Background

Bill 187, *Municipal Emergency Act, 2020* (Appendix A), received Royal Assent on March 19, 2020, in response to the rapidly developing COVID-19 pandemic. Bill 187 amends the *Municipal Act, 2001* and the *City of Toronto Act, 2006*, to provide that during the period of a declared emergency, either provincially or locally, members of Council which participate in a meeting via electronic means, may be counted in determining quorum. To enact this provision, Council is required to first amend the Township Procedure By-law 2019-125 (Appendix B) to provide for electronic participation during the period of an emergency, further to Section 3.4 of Bill 187.

Analysis

As mentioned above, Bill 187 amends the *Municipal Act, 2001* and the *City of Toronto Act, 2006*, and therefore may only apply to Council, Committees of Council and Local Service Boards. Committees and Boards that are established by Acts other than those listed above, including Committee of Adjustment (*Planning Act, 1990*), Police Services

Board (*Police Services Act, 1990*), etc., are not included in the amending legislation, and are therefore not subject to electronic participation provisions. As these measures strictly speak to emergency circumstances, staff recommend that the electronic participation amendments to Procedure By-law 2019-125, apply only to Council, as a method of maintaining foundational Township business functioning throughout the duration of an emergency.

To provide for electronic participation, the following amendments are proposed to Part II – Meetings of Township Procedure By-law 2019-125, including the addition of Section 12:

Section 12 – Electronic Participation

- 12.1 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, 1990*, the following shall apply:
- a) Notwithstanding subsection 238 (3.1) of the *Municipal Act, 2001*, as amended, a member of Council who is participating electronically in a meeting shall be counted in determining whether or not a quorum of members is present at any point in time; and
 - b) Notwithstanding subsection 238 (3.2) of the *Municipal Act, 2001*, as amended, a member of Council can participate electronically in a meeting that is closed to the public; and
 - c) All votes as called in an electronic meeting shall be recorded by the Clerk and/or their designate, such that members and the public are aware of each member's vote.
 - d) The provisions of paragraph 12.1 above do not apply to Committees of Council.

Electronic meetings held under the new provisions are still required to follow existing meeting requirements, including providing notice of meetings to the public, maintaining meeting minutes and, subject to certain exceptions (i.e. closed session), that meetings continue to be open to the public.

Staff have implemented transparency measures since introduction of Bill 187 to maintain openness to the public throughout the emergency period. All Township Council, Committees of Council and Local Board meetings will now be livestreamed, in real time, and broadcasted directly to the Township of Georgian Bluffs Youtube channel. The link to the livestream will be featured on the Township website, along with the meeting agenda. Following conclusion of the meeting, the meeting recording will be available on the Township Youtube channel for continuous viewing. A report regarding livestream installation and functionality will be presented at the next scheduled meeting of Council.

In addition to livestreaming meetings, staff are investigating other methods of encouraging public participation in electronic meetings, including Facebook Live and Teams Live events. Staff will continue to investigate alternative participation methods and provide Council with updates as they become available. Additionally, as the Township Administration Offices remain closed to the public, residents are encouraged to provide written comments regarding matters on a Council agenda to the Acting Clerk in advance of a meeting so that the comments may be read at the meeting for Council's consideration. Staff will communicate all of the above to the public, via the Township of Georgian Bluffs website.

Financial Impact

There is no financial impact to the Township in implementing electronic meeting participation (i.e. Teams meetings implementation). Costs associated with livestreaming were included in the 2020 Budget. Additional information regarding the final costs of livestreaming technology and installation will be presented at the next meeting of Council.

Strategic Priorities

The recommendation as included in this report achieves the first strategic goal, Improve Communication, Collaboration and Transparency, as included in the 2020-2024 Township of Georgian Bluffs Strategic Plan.

Conclusion

The amendments made to the *Municipal Act, 2001* and the *City of Toronto Act, 2006* through Bill 187, *Municipal Emergency Act, 2020*, provide the opportunity to local Councils to maintain quorum via electronic participation, to assist in business functioning throughout the duration of an emergency. Staff recommend adoption of the recommendation included in this report, and further, that Township Procedure By-law 2019-125 be amended to include provisions for emergency electronic meetings.

Appendix A – Bill 187, *Municipal Emergency Act, 2020*

Appendix B – Township Procedure By-law 2019-125

Respectfully Submitted:

Reviewed by:

Brittany Drury, Acting Clerk

Anne Marie Shaw, Interim CAO