

The Corporation of the City of Woodstock Special Council Agenda

Meeting Date: Thursday August 6, 2020
Time: 1:00 P.M.

A special meeting of Woodstock City Council is called for the purpose of amending the municipal Procedure By-law to allow for on-going electronic participation in meetings regardless of an emergency declaration.

This meeting will be held electronically in accordance with [Section 238 \(3.4\) of the Municipal Act, 2001 as amended](#). Audio recording of this meeting will be posted on the [City website](#).

1. Disclosure of Conflict of Interest

2. Department Reports

[Procedure By-law Update – Electronic Participation in Meetings](#)

Recommendation:

That Woodstock City Council adopt the Procedure By-Law updates in order to allow for on-going electronic participation in meetings and that the necessary by-law be read.

3. By-laws

[9389-20 - A by-law to amend the City of Woodstock Municipal Code Chapter 16 – Procedure.](#)

4. Adjournment

To: David Creery, Chief Administrative Officer

From: Amy Humphries, City Clerk

Re: Procedure By-law Update – Electronic Participation in Meetings

AIM

To amend Municipal Code Chapter 16 - Procedure to allow for on-going electronic participation in meetings.

BACKGROUND

In response to the current and on-going unprecedented COVID-19 global pandemic, the Government of Ontario announced on March 17, 2020 that it was declaring an emergency under section 7.0.1 (1) of the *Emergency Management and Civil Protection Act*. The Ontario Legislature then held an emergency meeting on March 19, 2020 and passed Bill 187, the *Municipal Emergency Act, 2020*. It included provisions for councils and certain local boards to meet electronically in times of emergency for both open and closed session. Woodstock City Council held a special Council meeting on March 25, 2020 for the purpose of amending the procedure by-law in order to allow for such electronic participation in meetings during the declared emergency. The legislative changes included in Bill 187 only applied in the event of an emergency declared by the Premier, Cabinet or the municipal Head of Council under the *Emergency Management and Civil Protection Act*. Once the emergency ends, regular meeting rules would once again apply.

On July 21, 2020 Bill 197, the *COVID-19 Economic Recovery Act, 2020* received Royal Assent. This bill enables municipal councils and local boards to now meet electronically on a permanent basis and to have proxy voting for its members if desired. This legislative change takes effect immediately. As such, it is prudent to update the procedure by-law expeditiously to allow for the continuation of electronic meetings, if required, after the declaration of the emergency has been lifted.

COMMENTS

Electronic Participation in Meetings

As noted, the province is providing municipalities with the option of continuing with electronic meetings. Before the declaration of the emergency, the *Municipal Act, 2001* allowed for electronic participation in meetings, however, members participating electronically could not be counted towards quorum. Additionally, electronic participation was prohibited for meetings which are closed to the public. The new legislative amendments allow municipalities to decide whether or not electronic meetings can be held for both open meetings and closed meetings and whether or not members participating electronically count towards quorum. It is also up to the municipality to determine the extent to which members can participate electronically (i.e. whether all council members participate electronically or whether some still participate physically while others participate electronically).

Meetings held under these new provisions are still required to follow existing meeting rules including providing notice of meetings to the public, maintaining meeting minutes, and requiring that meetings are open to the public unless otherwise authorized to be closed under

section 239 of the *Municipal Act, 2001*. The implementation and technology used, however, is subject to municipal discretion.

It is recommended at this time that the procedure by-law be amended to allow for continued electronic participation in meetings for both open and closed sessions and that members participating electronically be counted towards quorum. The wording in the by-law should be kept simple at this point to allow for flexibility but can be amended as needed in the coming months as the situation unfolds. As restrictions continue to be lifted, the intent would be to allow for options for councillors to participate in either an entirely in-person meeting, fully electronic meeting or a hybrid meeting (some members physically in attendance while others participate electronically) depending on the comfort level of the members and the current restrictions. It should be noted however, that at this time the technological requirements for a hybrid meeting are not in place but staff continue to work on a feasible solution. Further, given the current physical distancing requirements, entirely in-person meetings in Council Chambers would allow for all members of Council to sit around the “horseshoe” but the number of staff and members of the public in attendance would need to be severely restricted. As such, the meetings must be livestreamed in order to meet the open meeting requirements.

The following amendment to the procedure by-law is recommended:

16.6.24 Electronic participation

Members of council may participate electronically in a meeting which is open or closed to the public. A member of council who is participating electronically in such a meeting may be counted in determining whether or not a quorum of members is present at any point in time.

As the situation unfolds staff will continue to provide information and recommendations to Council for further by-law amendments. In the meantime, this simple wording allows the current practice of electronic meetings to continue during the COVID-19 pandemic while the rapidly changing situation is monitored.

The necessary amending by-law is included in the agenda.

Proxy Voting

The province is also providing municipalities with the option of allowing proxy votes for municipal council members who are absent. The procedure by-law would need to be amended to allow a member of Council to appoint another member of Council to act in their place when they are absent. It would then be up to each member to decide whether they wish to appoint another member as a proxy or not. A process regarding appointing and revoking proxies, circumstances where proxies may or may not be used, and how a proxyholder may participate in a meeting on behalf of the appointing member would need to be established. It should be noted that an appointed proxy cannot be counted when determining if a quorum is present. Further, Council member absence rules still apply which means that a member’s seat would become vacant if they are absent from the meetings of council for three successive months without being authorized to do so by a resolution of council. These absence rules do not apply to electronic meetings.

With the allowance of electronic meetings, staff question if there is a need to permit proxy voting at this time. Council could also include wording in the recommendation to direct staff to prepare another report outlining further details and recommendations for proxy voting if desired or this is always something Council could pursue in the future..

RECOMMENDATION

That Woodstock City Council adopt the Procedure By-Law updates in order to allow for on-going electronic participation in meetings and that the necessary by-law be read.

Authored by: Amy Humphries, B. Math, M.P.A., City Clerk

Approved by: David Creery, M.B.A., P. Eng., Chief Administrative Officer

**THE CORPORATION OF THE CITY OF WOODSTOCK
BY-LAW NUMBER 9389-20**

A by-law to amend the City of Woodstock Municipal Code Chapter 16 – Procedure.

WHEREAS it is deemed expedient to amend Municipal Code Chapter 16 of the City of Woodstock Municipal Code adopted by By-law Number 6790-90.

NOW THEREFORE, the Council of The Corporation of the City of Woodstock enacts as follows:

1. That Section 16.6.24 – Electronic participation - emergencies is hereby amended to read as follows:

16.6.24 Electronic participation

Members of council may participate electronically in a meeting which is open or closed to the public. A member of council who is participating electronically in such a meeting may be counted in determining whether or not a quorum of members is present at any point in time.

2. That this by-law shall become effective as of third and final reading.

READ a first and second time this 6th day of August 2020.

READ a third time and finally passed this 6th day of August 2020.

Mayor – Trevor Birtch

City Clerk – Amelia Humphries