



The Corporation of the Town of Tecumseh

Corporate Services & Clerk

To: Mayor and Members of Council

From: Laura Moy, Director Corporate Services & Clerk

Date to Council: March 24, 2020

Report Number: CS-2020-11

Subject: Electronic Meetings During a Declared Emergency – Amending of Procedural By-law

Recommendations

It is recommended:

That CS-2020-11 entitled “Electronic Meetings During a Declared Emergency – Amending of Procedural By-law” **be received;**

And that the Town’s Procedural By-law No. 2020-13 be amended to permit the electronic holding of Council and Committee meetings during a Declared Emergency, and to allow:

- the use of electronic participation at meetings,
- members to participate in both open meeting and closed meetings; and
- members participating electronically count towards quorum.

Background

By-law No. 2020-13 was adopted by Council to govern the proceedings of Council and its committees/local boards, the conduct of its members and the calling of meetings, in accordance with Section 238(2) of the *Municipal Act, 2001, S.O. 2001, c.25, (Act)* which requires that every Council and local board adopt a procedure by-law to govern the calling, place and proceedings of meetings.

The Act was recently amended by the Province to provide municipalities with the tools they need to ensure local decision making by municipal councils is not affected by existing quorum requirements in the Act during emergency situations, such as the one Ontario and its municipalities are currently facing in relation to the COVID-19 pandemic.

Comments

On March 19, 2020, the Province of Ontario Legislature passed the *Municipal Emergency Act, 2020* which amended the Act to provide that, during emergencies declared locally, or provincially, under the *Emergency Management and Civil Protection Act*, should they choose to, members of councils, local boards and committees who participate electronically in open and closed meetings may be counted for purposes of quorum.

Municipalities wishing to use this new authority must amend their procedure by-law to allow for electronic meetings and may do so through electronic participation.

The amendments to the Act include the following new provisions under Section 238:

Electronic participation, emergencies

(3.3) The applicable procedure by-law may provide that, 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) despite subsection (3.1), a member of a council, of a local board or of a committee of either of them 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; and
- (b) despite subsection (3.2), a member of a council, of a local board or of a committee of either of them can participate electronically in a meeting that is closed to the public.

Same, procedure by-law

(3.4) A municipality or local board may hold a special meeting to amend an applicable procedure by-law for the purposes of subsection (3.3) 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* and despite subsection (3.1), a member participating electronically in such a special meeting may be counted in determining whether or not a quorum of members is present at any time during the meeting.

These changes to the Act allow members of councils, committees and certain local boards to participate in open and closed meetings electronically, and to be counted for purposes of quorum during emergencies declared by the Province or a local Head of Council - Mayor. These provisions are optional, and municipalities continue to have the flexibility to determine if they wish to use these provisions and incorporate them in their procedure by-law.

The changes apply in the event of an emergency being declared by the Premier, Cabinet or the municipal Head of Council under the *Emergency Management and Civil Protection Act*. Once the emergency has ended, regular meeting rules apply.

A special meeting may be held during an emergency for the purposes of amending the procedure by-law to allow for electronic participation. During this special meeting, members participating electronically may be counted for the purposes of quorum.

Municipal councils, committees and boards can choose to amend their procedure by-laws to:

- allow the use of electronic participation at meetings,
- state whether members can participate in both open meeting and closed meetings; and
- state whether members participating electronically count towards quorum.

It is up to municipalities to determine whether to use these provisions, the method of electronic participation and the extent to which members can participate electronically.

Municipalities can choose the technology best suited to their local circumstances to enable electronic participation of their members in decision making, as well as ensuring meetings can be open to the public.

The Act specifies requirements for open meetings to ensure that most municipal business is conducted transparently, and with access for and in view of the public. There are limited circumstances under the Act, found under Section 239, when municipal meetings can be conducted in closed session. Meetings held under these new provisions are still required to follow existing meeting rules, including providing of notice of meetings to the public, maintaining meeting minutes, and subject to the exceptions under Section 239 of the Act, that meetings continue to be open to the public.

Consultation

Ministry of Municipal Affairs

Financial Implications

There are no financial implications.

Link to Strategic Priorities

Applicable	2019-22 Strategic Priorities
<input type="checkbox"/>	Make the Town of Tecumseh an even better place to live, work and invest through a shared vision for our residents and newcomers.
<input type="checkbox"/>	Ensure that Tecumseh's current and future growth is built upon the principles of sustainability and strategic decision-making.
<input type="checkbox"/>	Integrate the principles of health and wellness into all of Tecumseh's plans and priorities.
<input checked="" type="checkbox"/>	Steward the Town's "continuous improvement" approach to municipal service delivery to residents and businesses.
<input type="checkbox"/>	Demonstrate the Town's leadership role in the community by promoting good governance and community engagement, by bringing together organizations serving the Town and the region to pursue common goals.

Communications

Not applicable ☒

Website ☐

Social Media ☐

News Release ☐

Local Newspaper ☐

This report has been reviewed by Senior Administration as indicated below and recommended for submission by the Chief Administrative Officer.

Prepared by:

Laura Moy, Dipl. M.M., CMMIII HR Professional
Director Corporate Services & Clerk

Recommended by:

Margaret Misek-Evans, MCIP, RPP
Chief Administrative Officer

**Attachment
Number**

**Attachment
Name**

None