



Staff Report

Report To: Dan Best, Chief Administrative Officer
From: **Rebekah Msuya-Collison, Director of Legislative Services/Clerk**
Date: March 25 2020
Report: CL#10-2020
Subject: Electronic Meetings During an Emergency

Recommendations:

That South Huron Council received the report of R. Msuya-Collison, Director of Legislative Services/Clerk re Electronic Meetings During an Emergency; and

That Council approve By-Law #20-2020 in the By-Law section of the agenda to amend Procedural By-Law #79-2015 to allow for electronic participation during an Emergency; and

That South Huron Council authorize Council, Committee of Adjustment and Exeter BIA meetings to be held electronically.

Purpose:

For approval and to provide Council with information of flexibility provided under Bill 187 to ensure local decision making by Council is not affected by existing quorum requirements during emergency situations.

Background and Analysis:

The Municipal Act, 2001 has been amended by Bill 187, Municipal Emergency Act, 2020 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. On March 17, 2020, the Government of Ontario made an order declaring an emergency under *Emergency Management and Civil Protection Act*.

Bill 187 provisions are optional, and municipalities continue to have the flexibility to determine if they wish to use these provisions and incorporate them in their individual procedure bylaws. Once the emergency has ended, regular meeting rules apply.

Bill 187 provides the following options for Council consideration for amendments to the Procedural By-Law:

- 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

Analysis

South Huron's Procedural By-law does not currently provide for electronic participation. The proposed amendment applies specifically to electronic participation during a declared emergency.

Municipalities, and their boards and committees 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. Depending on the emergency and technologies available, municipalities may choose a method, ex. teleconferences and/or video conferencing.

The meeting should have at least have the Chair and the Clerk present in the Council Chambers. All members of Council need to be able to participate equally, and the public in attendance (practicing appropriate distancing in accordance with local Board of Health guidelines) need to be able to observe all that Council members can hear and see at the meeting. This Act does not change transparency requirements.

Please note, the *Municipal Emergency Act*, 2020 does not change the location of the meetings nor the ability of the public to attend. It primarily provides for local discretion to deal with quorum provisions for the duration of the declared Emergency.

I would recommend that Council allow the use of electronic participation at both open meetings and closed meetings.

Local Boards, Committees of Council

Council can decide whether the provision for enabling electronic participation of members will apply to local boards, which local boards or whether any local boards. Council may want to consider at a later date whether to provide boards and committees electronic participation separate from those provided for under the *Municipal Emergency Act*.

I would recommend the Committee of Adjustment and Exeter BIA be provided the ability to meet through electronic participation. Some local boards will not be covered, for example, police services, library and school boards have different rules about their meetings, which are found in other legislation.

Operational Considerations:

Procedural By-law must be amended to allow for electronic meetings. Notice and all relevant information will be provided through the appropriate channels, made available online through the Municipal website and agenda management software.

South Huron's Strategic Plan:

Section 6.2.2 of the Municipality of South Huron 2015-2019 Strategic Plan identifies transparent, accountable and collaborative governance as a strategic objective.

Financial Impact:

The 2020 budget approved a budget for live streaming and webcasting. Staff will investigate the most efficient and transparent system in which to conduct Council meetings electronically.

Legal Impact:

There are no legal impacts that have not been outlined in this report.

Staffing Impact:

There are no staffing impacts that have not been outlined in this report.

Policies/Legislation:

[Bill 187, Municipal Emergency Act, 2020](#)

Municipal Act, 2001

South Huron Procedural By-Law 79-2015

Consultation:

CAO D. Best

Related Documents:

By-Law 79-2015

By-Law 20-2020

Respectfully submitted,

Rebekah Msuya-Collison, Director of Legislative Services/Clerk

Report Approval Details

Document Title:	CL10-2020 Electronic Meetings During an Emergency.docx
Attachments:	- 20-2020 - Amend Procedural By-Law 79-2015.docx - 79-2015-Procedural By-Law - Revised 2017 - Definition of Meeting - Bill 68.docx
Final Approval Date:	Mar 23, 2020

This report and all of its attachments were approved and signed as outlined below:

No Signature - Task assigned to Dan Best was completed by assistant Rebekah Msuya-Collison

Dan Best - Mar 23, 2020 - 5:54 PM