

# The Corporation of the City of Kawartha Lakes

## Council Report

Report Number CLK2020-005

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**Meeting Date:** May 26, 2020

**Title:** Electronic Participation - Amendments to the Procedural By-law (Post State of Emergency)

**Description:** To Provide for Electronic Participation at Council, Local Boards and Committees - Post State of Emergency

**Ward Number:** All

**Author and Title:** Cathie Ritchie, City Clerk

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### Recommendation(s):

**That** Report CLK2020-005, **Electronic Participation - Amendments to the Procedural By-law**, be received;

**That** Council approves electronic participation in accordance with section 238 (3.1) of the Municipal Act for Council, Local Boards and Committees;

**That** Council approves electronic participation as prescribed for all Other Advisory Committees and Task Forces amending all Terms of Reference effective June 1, 2020.

**That** a by-law to amend the Procedural By-law be forwarded to Council for approval.

**Department Head:** \_\_\_\_\_

**Financial/Legal/HR/Other:** \_\_\_\_\_

**Chief Administrative Officer:** \_\_\_\_\_

## **Background:**

### **During a State of Emergency**

The province passed legislation amending the Municipal Act to provide for virtual meetings of Council, Local Boards and Committees during any period where an emergency has been declared in all or part of the municipality under the Emergency Management and Civil Protection Act

Following the City of Kawartha Lakes declaring a State of Emergency, Council passed an amendment to its Procedural By-law (Amending By-law 2020-001) at their Meeting of April 28, 2020, to permit electronic participation for council, local boards and the Planning Advisory Committee, in the manner set out in the by-law. In addition, and unlike when a municipality is not under a State of Emergency, members may be counted in determining whether or not a quorum of members is present, vote and can participate electronically in a meeting that is closed to the public if they are authorized to do so.

### **Post State of Emergency**

Once a municipality is no longer under a State of Emergency Section 238 (3.1) and (3.2) applies. The applicable procedure by-law may provide that a member of council, of a local board or of a committee of either of them, can participate electronically in a meeting which is open to the public to the extent and in the manner set out in the by-law provided that any such member shall not be counted in determining whether or not a quorum of members is present at any point in time. The applicable procedure by-law shall not provide that a member of council, of a local board or of a committee of either of them, can participate electronically in a meeting which is closed to the public.

Currently the Procedural By-law does not provide for Electronic Participation Post State of Emergency.

### **Public Participation and Access**

In order to maintain physical distancing, public participation and access to meetings were provided by Livestreaming and written submissions during the State of Emergency. Due to the continued health threats, there is an expectation that once the State of Emergency is lifted physical distancing will need to be continued.

### **Committees Electronic Participation**

During the State of Emergency, Committee Meetings were suspended due to physical distancing requirements and limited staff resources. As the health and safety remains at the forefront, the expectation is that physical distancing will be

necessary once the State of Emergency has been lifted. To enable Committees to continue operating, electronic participation may be necessary in accordance with the applicable Terms of Reference and protocols.

## **Rationale:**

### **Electronic Participation Non-State of Emergency Amendment**

In order to provide for electronic participation, the Procedural By-law would require amending to provide for the following:

1. Electronic participation would apply to Council, Local Boards and Committees of Council.
2. Members who are unable to attend Council, Local Board or Committee Meetings may participate by means of audio/visual or audio electronic communication devices under the following circumstances:
  - a. The Mayor/Chair shall be present and will not participate electronically.
  - b. Members participating electronically may be included in the debate, but shall not be counted in determining a quorum and therefore can not vote.
  - c. Participation electronically shall be limited to open meetings only.
  - d. The Clerk shall be notified 72 hours in advance.
  - e. A Member participating by Electronic Means shall inform the Chair about their intentions to leave the meeting either on a temporary or permanent basis.
  - f. A Member participating by Electronic Means will be deemed to have left the meeting when they are no longer electronically connected to the meeting.
  - g. In the case of an interruption in the communication link to the member(s) participating electronically, Council will recess to a maximum of 15 minutes until it is determined whether or not the link can be re-established. If communications are not re-established, the meeting will resume without the electronic participant(s).
3. Non-members that would be permitted to participate electronically includes: City staff, consultants, deputations and invited presenters.

### **Other Advisory Committees' Terms of Reference – Electronic Participation**

- a. In order for other Advisory Committees to operate and continue physical distancing, Council would be required to amend the Committees' Term of Reference to allow for Electronic Participation effective June 1, 2020. Members participating electronically shall not be counted in determining a quorum and therefore will not be included in the voting results.

### **Participation by Non-Members**

To further public participation and enable non-member presentations during this abnormal time, processes will be provided to enable various means for input into meetings. Written submission will be received, circulated to members and read into the minutes. Participation will be provided through electronic means and only when necessary in person arrangements may be made through timed appointments.

### **Other Alternatives Considered:**

Status quo.

### **Financial/Operation Impacts:**

No significant financial impacts anticipated.

### **Attachments:**

By-Law 2020-XXX to amend the Procedural By-law to permit Electronic Participation (post emergency)

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**Department Head:** Ron Taylor, CAO