

The Corporation of the City of Kawartha Lakes

Council Report

Report Number CLK2020-006

Meeting Date: July 28, 2020

Title: Full Electronic Participation - Amendments to the Procedural By-law

Description: To Provide for Full Electronic Participation at Council, Local Boards and Committees – Bill 197 Schedule 12

Ward Number: All

Author and Title: Cathie Ritchie, City Clerk

Recommendation(s):

That Report CLK2020-006, **Full Electronic Participation - Amendments to the Procedural By-law**, be received;

That Council approves full electronic participation in accordance with section 238 (3.1, 3.3, 3.4 and 3.5) of the Municipal Act as amended by Bill 197 Schedule 12, for Council, all Local Boards and Committees;

That Council approves full electronic participation as prescribed for all Other Advisory Committees and Task Forces amending all Terms of Reference effective July 28, 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:

Procedural By-law Amendment - Post State of Emergency

Council on June 23rd, 2020 passed an amending by-law setting out the provision for Electronic Participation (Post State of Emergency) during Council, Local Board and Committee Meetings as permitted under Sections 238 (3.1) and (3.2) of the Municipal Act. The amendment provided for a member of council, of a local board or of a committee of either of them, to 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 did not provide for a member of council, of a local board or of a committee of either of them, to vote or participate electronically in a meeting which is closed to the public.

Bill 197 Schedule 12

Bill 197, COVID-19 Economic Recovery Act, 2020 Schedule 12 amending Section 238 of the Municipal Act, received Royal Assent on July 21, 2020. The Schedule amends several provisions of the *Municipal Act, 2001* to allow the Procedural By-law to provide for full electronic participation in meetings. The amendment applies to a member of Council, Local Board or Committee who is participating electronically in an open or closed meeting; and may be counted as quorum and therefore vote.

Rationale:

Electronic Participation Amendment Bill 197 Schedule 12

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

The following procedural rules are recommended for electronic participation meetings:

1. City Council, Local Board or Committee members may participate in an open or closed session by electronic participation and be counted for the purpose of establishing quorum.
2. 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. A Member participating by Electronic Means shall inform the Chair about their intentions to leave the meeting either on a temporary or permanent basis.
4. A Member participating by Electronic Means will be deemed to have left the meeting when they are no longer electronically connected to the meeting.
5. If a member loses electronic connection temporarily to the meeting, that member shall be treated as if they left the physical room of a traditional meeting and the time noted by the City Clerk or Recording Secretary.
6. All votes shall be by show of hands or by verbal consent (yes or no).
7. That subject to direction from the Head of Council or Chair to the City Clerk or Recording Secretary, the meeting will proceed without deputations. Written correspondence received from the public may be circulated to Council members prior to the start of the meeting electronically;
8. For public notice purposes, the location of the meeting published on the agenda shall be the physical location of the City Clerk or Recording Secretary during the meeting; If the location of the City Clerk cannot be open to the public, the City Clerk shall provide notice to the electronic location of where the meeting can be viewed;
9. Members shall be provided instruction by the City Clerk, Recording Secretary, Chief Administrative Officer, or their delegate how to access the meeting by means of electronic participation.
10. A recording of the open session of the meeting shall be preserved for a period of time determined by the Records Retention by-law for the public record.
11. All electronic meetings will be available on Livestreaming or other video technology.
12. Closed Sessions - All members participating electronically in a Closed Session of Council shall declare to the Head of Council and the City Clerk, following the adoption of the Closed Session Agenda, that they are in a private room, where:
 - a. No other persons can overhear the deliberations; and
 - b. The internet connection is secure and not publically accessible.

Other Advisory Committees' Terms of Reference – Electronic Participation

Council would be required to amend the Committees' Term of Reference to allow for Full Electronic Participation effective July 28, 2020 (subject to approved

legislation). Members participating electronically may be counted in determining a quorum and therefore will be included in the voting results.

Participation by Non-Members

Public participation and non-member presentations will continue to be provided through various means and will be subject to Health and Safety Policies and Procedures.

Other Alternatives Considered:

Status quo.

Financial/Operation Impacts:

No significant financial impacts anticipated.

Attachments:

Appendix A - By-Law 2020-XXX to amend the Procedural By-law to permit Full Electronic Participation



2020-XXX Amend
the Procedural By-la

Appendix B - Bill 197, COVID-19 Economic Recovery Act, 2020 Schedule 12 –
First Reading



CLK2020-006
Appendix B.pdf

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Department Head: Ron Taylor, CAO