



SUBJECT: Amendment to Procedure By-law Remote Participation and Electronic Meetings

TO: Mayor and Members of Council

FROM: Clerks Department

Report Number: CL-08-20

Wards Affected: not Applicable

File Numbers: 150

Date to Committee: N/A

Date to Council: March 23, 2020

Recommendation:

Approve by-law 13-2020 to amend By-law 04-2020, the City of Burlington Procedure By-law to allow for virtual participation at electronic meetings, as outlined in Appendix A to Report CL-08-20.

PURPOSE:

Vision to Focus Alignment:

- Deliver customer centric services with a focus on efficiency and technology transformation

Background and Discussion:

In response to the COVID-19 virus the City is currently offering essential services, and work continues remotely. Approvals must occur to ensure that City business can continue. The following is a summary of events that have led to the City of Burlington making this recommendation:

March 14, 2020 - City of Burlington Recreation Centres were closed to the public.

March 16, 2020 - All City facilities including City Hall were closed to public.

March 17, 2020 - Premier declared an emergency under the Emergency Management and Civil Protection Act.

March 19, 2020 - Ontario legislature passed Bill 187, the *Municipal Emergency Act, 2020*, to enable Municipalities, during a declared emergency, the ability to allow for virtual participation, and conduct council meetings electronically with members who participate remotely being counted for the purpose of quorum.

March 21, 2020 - Mayor Meed Ward declared an emergency in the City of Burlington under section 4 *Emergency Management and Civil Protection Act*

Proposed Procedure By-law Amendments

Staff are recommending a Procedure By-law amendment attached as Appendix A, which enables Council, during a declared emergency, Provincial, or Municipal (upper tier or lower tier) for its members to participate in Council and committees of Council remotely. The members participating remotely may be counted in determining whether a quorum of members of Council are present to conduct the meeting and may participate in meetings closed to the public.

Given the unique situation presented by COVID-19 and social distancing, the *Municipal Emergency Act* includes a provision which allows for a local council the authority to convene a special council meeting, to enact the necessary procedure by-law amendments electronically with members participating remotely being counted towards quorum.

For review is an amending by-law which provides general provisions to convene a meeting electronically and to allow remote participation. Below are the highlights of these changes:

- New definitions for Electronic Meetings, Emergency, and Emergency Management Act.
- Ability to conduct a regular, special meeting of Council or a meeting of a Committee of Council, electronically with remote participation during an Emergency.
- Authority for a member to participate remotely, be counted towards quorum and to participate in voting.
- Ability to convene into Closed Session with remote participation.
- Confirmation that electronic meetings will have the same notice provisions as outlined for in-person meetings and the public will have access to the open portions of the meeting.
- Provisions on how the City Clerk will administer delegation request and written submissions.

Electronic Meeting during a Declared Emergency and Remote Participation Guide

Staff have created a set of guidelines that will help inform members and the public on how these meetings will be conducted. These guidelines are attached as Appendix B and may change by way of experience and practical application.

Staff are proposing an alternative way of administering the Speaker's list, that is simplified due to remote participation of members. Instead of queuing in, the Mayor/Chair would go through each ward and ask if they have questions or comments. Practicing this form of speaker queuing may streamline the process. Other municipalities are proposing several complex systems, which involve a member emailing or texting the Mayor/Chair or City Clerk/Designate during the meeting each time they would like to speak.

In an electronic meeting, the rules of procedure as outlined in the Procedure By-law will still apply, the guide is provided by the City Clerk as a simplified way of using the technology to conduct the meeting. Once the by-law amendments are approved, the Clerk's Department will post the guide to the website and ensure that the posted document is kept up to date with any changes.

Strategy/process

The City of Burlington is leveraging relief legislation by way of the *Municipal Emergency Act, 2020* to ensure that the business of The Corporation of the City of Burlington can continue.

Financial Matters:

Not Applicable.

Total Financial Impact

Not Applicable.

Source of Funding

Operating Budget.

Other Resource Impacts

Not Applicable.

Climate Implications

Not Applicable.

Engagement Matters:

No outside groups were consulted. This recommendation and amending by-law have been drafted in accordance with the relief legislation provided by the *Municipal Emergency Act*. This is in response to the COVID-19 situation, related social distancing and self-isolation and are considered to be of an urgent or time sensitive nature.

Conclusion:

The proposed amendments afford for the municipality to ensure that the necessary council approvals can be obtained. It will also allow for regular business to continue if the current situation is extended.

Respectfully submitted,

Kevin Arjoon

City Clerk

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Appendices:

- A. Amending By-law to the Procedure By-law 04-2020
- B. Electronic Meeting during a Declared Emergency and Remote Participation Guide

Report Approval:

All reports are reviewed and/or approved by Department Director, the Chief Financial Officer and the Executive Director of Legal Services & Corporation Council. Final approval is by the City Manager.