



**SUBJECT: Bill 197 and electronic meetings occurring past a declared emergency**

**TO: Corporate Services, Strategy, Risk & Accountability Cttee.**

**FROM: Clerks Department**

Report Number: CL-16-20

Wards Affected: All

File Numbers: 150

Date to Committee: August 13, 2020

Date to Council: August 13, 2020

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### **Recommendation:**

Approve the amendment to Procedure By-law 04-2020, as amended, outlined in Appendix A, to allow for electronic meetings to occur without a declaration of an emergency.

### **PURPOSE:**

#### **Vision to Focus Alignment:**

- Building more citizen engagement, community health and culture
- Deliver customer centric services with a focus on efficiency and technology transformation

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### **Background and Discussion:**

In response to the COVID-19 virus, in March 2020 the City of Burlington closed all city facilities including city hall to public access. Over the following months the city had to shift much of its workforce to work remotely. As the city continues to operate, meetings must occur to ensure that the necessary approvals are obtained. At present the City of Burlington is slowly bringing in-person services back online. The following is a chronology of Procedure By-law amendments, during COVID-19.

**March 16, 2020** - All city facilities, including city hall, were closed to the public. It was determined that all meetings during a three-week period would be cancelled including the regularly scheduled March City Council meeting.

**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 to conduct Council meetings electronically with members who participate remotely being counted for the purpose of quorum.

**March 24, 2020** - Special Council meeting held to enact necessary Procedure By-law amendments to allow remote participation. A meeting guide was posted to the city's website which provides additional information on how virtual meetings will occur.

**April 20, 2020** - Procedure By-law amendments to enable virtual delegations and to re-establish Committee of the Whole to allow for the city to be nimble when agenda planning.

**May 25, 2020** - Proposed path forward to allow for statutory public meetings in accordance with the *Planning Act R.S.O. 1990*, and the addition of an August cycle of committee meetings.

**July 21, 2020** – Ontario legislature passed Bill 197, the *COVID-19 Economic Recovery Act, 2020*, which allows for electronic meetings beyond a declared emergency, and proxy voting at Council.

During this time the Province has provided municipalities a framework for local councils to meet virtually. Based on the experience over the past months, Council and committee meetings may be required to be conducted virtually for some time. On July 24, 2020, the Region of Halton moved into Stage 3 of Phase 2 of recovery. At the time of preparing this report, staff are seeking clarification on the indoor gathering sizes. Should there be a change to public health guidelines and indoor gathering sizes, accommodations to the physical set up of Council Chambers may be introduced, based on advice from Halton Public Health and the City of Burlington's facilities, and health and safety teams.

### **Bill 197 - the COVID-19 Economic Recovery Act, 2020**

On July 21, 2020 Bill 197 *the COVID-19 Economic Recovery Act, 2020* received royal assent. Bill 197 was an omnibus bill and contained several amendments to various acts. Amendments to the Municipal Act are contained in schedule 12 and focus on council procedure matters. The amendments afford local councils the ability to pass amendments to their procedure by-law to allow remote participation beyond a declared emergency and introduce the concept of proxy voting at council meetings.

Staff are recommending to amend the City of Burlington Procedure By-law to allow for remote participation at Council meetings after a declared emergency. Supporting the amendments would afford the municipality with additional flexibility when determining whether to maintain a declaration of an emergency. These amendments will also be extended to standing committees and advisory committees of Council.

Council should be aware that once the declaration is lifted, all previous notice provisions for City Council are reinstated. The clerks department will work with staff to ensure that special meetings adhere to the 72-hour notice requirement.

Schedule 12 also introduced the ability for a municipality to pass procedure by-law amendments to afford for proxy voting at Council meetings. An excerpt of Schedule 12 related to proxy voting is provided as Appendix B. At this time an amendments package has not been provided to Council. Staff require additional time to review the legislation and recommend a path forward to Council. During this time, staff will monitor other municipal units and their respective Councils to better understand how the legislation is used and the proxy voting rules implemented. There may be a benefit to allowing for proxy voting if a second or third wave to the pandemic occurs, the ability to use proxies may allow for greater flexibility to Council members.

### **Advisory Committee Meetings**

During the past few months, staff took the time to refine the remote Council and standing committee processes. In addition, some City of Burlington advisory committees have also met virtually:

- **Audit Committee - June 10, 2020 (standing committee with members of the public)**
- **Committee of Adjustment - July 15, 2020**
- **Burlington Downtown Parking Advisory Committee - July 21, 2020**

The balance of the committees will resume in September with the caveat that they will only convene to provide input on city business, or staff reports. The clerks department will work with the staff committee liaison, and the advisory committee chairs to ensure that this balance is achieved. Narrowing the scope will ensure that when the committees meet, they focus on advancing municipal business. It has been observed that virtual/remote meetings take longer than in-person meetings and require additional support to run.

Residents may tune into the meeting by way of a weblink. Individuals who wish to delegate are able to submit a request by way of the clerks department. The rules as established by the remote participation guide will apply. For reference, an excerpt of the remote participation guide regarding public participation, is provided as Appendix C to this report.

The advisory committee review is in process. At the April 20, 2020 Council meeting substantive direction was provided to staff. It is anticipated that initial pieces of the review will be brought forward in the fall, along with a schedule of when the balance of the staff direction deliverables may be presented.

### **Strategy/process**

With the current situation presented by COVID-19 and the public health recommendations to physically distance, holding in-person committee and Council meetings have become a challenge. With the recent amendments to the *Municipal Act*, by way of the *Municipal Emergency Act 2020*, and the *COVID-19 Economic Recovery Act, 2020*, regarding remote participation at Council and committees of Council has allowed for City of Burlington business to continue. Staff are currently leveraging technology to ensure that the advisory committees will be brought online in September.

### **Options Considered**

Other models or combinations of participation were discussed at length. Staff will continue to monitor public health, in terms of indoor gathering sizes and best practices. Should there be a change in how Council meetings are physically set up, staff will advise Council and the general public through the communications department. Any changes must be in lockstep with advice from Halton Public Health and upon the review of plans by the City of Burlington facilities, and health and safety teams.

### **Financial Matters:**

The cost of a Zoom license to support virtual meetings for Committee and Council will be funded from the ITS operational budget. Planning acquired their own Zoom license to ensure that there is no overlap of meetings, as one license can only conduct one meeting at a time.

### **Total Financial Impact**

Nominal

### **Source of Funding**

ITS operational budget.

### **Other Resource Impacts**

Not Applicable

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## **Climate Implications**

As the City of Burlington will be conducting virtual meetings, there will be less travel for residents, staff, and members of Council. Lowered travel rates may help to reduce the carbon footprint associated with in-person public meetings.

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## **Engagement Matters:**

No outside groups were consulted. Clerks department will be taking the month of August to prepare for onboarding the advisory committees. Feedback during the initial launch of advisory committee meetings will be taken into consideration into future iterations of the electronic meetings.

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## **Conclusion:**

Allowing for electronic participation at Council meetings will help to ensure that city business can continue. Staff will return to Council with recommendations on the use of proxy voting by the end of the year. In September the advisory committees will recommence, feedback from members or staff during this process may help to refine the electronic/virtual meetings as a whole.

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Respectfully submitted,

Kevin Arjoon

City Clerk

905-335-7600 ext 7702

## **Appendices:**

- A. Proposed Amendments to the Procedure By-law
- B. Excerpt from Bill 197 – Proxy Voting
- C. Excerpt from Remote Meeting Guide – Public Participation

## **Report Approval:**

All reports are reviewed and/or approved by Department Director, the Chief Financial Officer and the Executive Director of Legal Services & Corporation Counsel.