



**SUBJECT:** Hybrid Council and standing committee meeting strategy  
**TO:** Corporate Services, Strategy, Risk & Accountability Cttee.  
**FROM:** Office of the City Clerk

Report Number: CL-39-21

Wards Affected: All

File Numbers: NA

Date to Committee: November 10, 2021

Date to Council: November 23, 2021

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### **Recommendation:**

Approve the hybrid City Council and standing committee meeting strategy as outlined in office of the city clerk report CL-39-21.

### **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

### **Background and Discussion:**

#### **What is in Scope?**

This report pertains to City Council and standing committee meetings. Internal staff meetings will be dependent on the internal health and safety guidelines. Advisory committee meetings will be reviewed at a later date, and their meeting rules will build upon learnings gained from City Council and standing committee meetings and internal guidelines and policies.

The proposed plan for hybrid meetings is contingent on internal health and safety controls and public health gathering guidelines. If there are changes made by Public Health Ontario, hybrid meetings will be adjusted accordingly to ensure participant safety, therefore the plan will be flexible and responsive. Modifications to the way

meetings occur will be determined by the City Clerk and City Manager, in accordance with public health regulations, in consultation and with advice from the internal Health and Safety group through Human Resources.

Physical in-person participation of members of Council is optional. Staff are configuring the Council Chambers to be hybrid, to accommodate in-person and remote participation. Members of Council will have a choice as to whether to participate in person or remote (for each meeting). Work will be completed to ensure that all participants have an equitable and seamless meeting experience. The assumption is that elements of hybrid meetings will continue after the pandemic. There is no update on proxy voting provisions, or recommendations at this time. Staff will monitor other jurisdictions and keep Council apprised.

The introduction of the Delta variant has challenged previous health and safety protocols. The recommended approach presented in this report is cautious, as the Delta variant is highly contagious.

### **Remote Meeting Timeline**

The following timeline shows how remote Council meetings have evolved since March 2020 to the time of preparing this report.

**March 24, 2020** - Special Council meeting held to enact necessary Procedure By-law amendments to allow remote participation. A remote 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 approved to enable virtual delegations.

**May 25, 2020** – Approved path forward to allow for statutory public meetings in accordance with the *Planning Act R.S.O. 1990*. First statutory planning meeting held – September 15, 2020.

**July/ August 2020** – Ontario legislature passed Bill 197, the *COVID-19 Economic Recovery Act, 2020*, which allowed for electronic meetings beyond a declared emergency, and proxy voting at Council. In August 2020 Council amended their Procedure By-law to allow for remote participation beyond a declared emergency.

**September 2020** - Virtual advisory committee meetings began.

**January 10, 2021** - Council initiated a process to turn on cameras as an additional accountability and transparency measure.

**July 13, 2021** – Council passed the following staff direction, for a report back in September 2021 regarding in person hybrid Council meetings.

Direct the City Clerk to initiate the planning and implementation of a gradual transition of City Committee/Council meetings (as well as public access) to a

hybrid model of Committee/Council that accommodates both in-person as well as continued virtual options and report back on a plan at the September CSSRA Committee meeting with a projected transition/implementation goal of Q4 2021. (SD-25-21)

**September 9, 2021** – Report CL-25-21 was provided to Council outlining a plan to move towards a hybrid council meeting structure. At the meeting committee and subsequently Council (September 21) passed a motion to direct staff to purchase the necessary equipment and plexiglass and refer the matter of executing the plan to return to the City Clerk until it was safe.

**October 25, 2021** – Province moves into Phase 3 and lifts capacity limits and physical distancing requirements if they choose to require proof of vaccination on certain non-essential uses.

### **Key Considerations – Health and Safety**

A review was conducted of in-person meeting elements, in consultation with Public Health Halton and our internal Health and Safety group through Human Resources. As the pandemic progresses some of this information may become out of date and guidelines may be required to change. Staff will work with the necessary groups to periodically review and ensure the health and safety of those physically participating in Council Chambers meetings. Any changes will be effectively communicated to all participants.

From a public health perspective there is no guidance or regulation limiting the duration of an event or gathering. Exposures less than 15 minutes are considered low risk (in most cases), exposures over 15 minutes would need to consider other factors to determine risk. Mitigation may help reduce risk, such as masks, distance, ventilation, and plexiglass barriers.

### **Physical Space in the Council Chambers**

The City of Burlington has a relatively small Council, with only seven members. A review of the Council table yields that there is enough room to distance participants around the Council table to allow for 10 participants. It is recommended that the 10 participants include, all members of Council, the Clerk, the City Manager, and members of senior staff speaking to reports. Total capacity in the chamber has increased to 20 persons, 10 around the Council desk, 8 in the gallery, and two AV Techs. Public delegations will be permitted if the initial phases of the plan are successful, and this item will be fully discussed in a subsequent report in February 2022. For health and safety measures, members of the public will not be allowed within the dais, the metal partition within the Chambers.

### Masks in the Council Chambers

Those who are intending to participate at an in-person hybrid meeting will be required to wear a mask when they are not speaking. Only one person will be permitted to take their mask off in the Chambers at a time. After a participant speaks and they have yielded the floor to the Chair, or to another speaker, then the mask must be put back on. In addition, after each meeting, the Council Chambers equipment will be wiped down by facilities staff (current practice). At present, small internal meetings are permitted, through the City of Burlington Safety Plan, however all participants must be adequately distanced and must remain masked at all times.

Cleaning will increase when members of the public are permitted into the Council Chambers. In addition, masking requirements may also change when members of the public are permitted. Currently the City of Burlington's Mask By-law, 62-2020 as amended, indicates once a space is open to the public, masking requirements as per the By-law are in effect.

### Vaccinations at City Hall and in the Council Chambers

Delegations add more complexity from a health and safety and resourcing capacity, and this will be further explored in the report regarding public delegations which is anticipated in February 2021. Through the *Reopening Ontario (A Flexible Response to COVID-19) Act, 2020*, O. Reg 364/20 mandatory vaccination is only required to access certain listed spaces in subsection 2.1(2) considered as high risk. In contrast, meeting and event spaces that are used for the purpose of delivering or supporting government services and court services are specifically excluded from the mandatory vaccination provision (subsection 4(2)). Therefore, vaccination to enter City hall and more specifically the City Hall Council Chambers is not required provincially.

The City has an option of imposing stricter requirements for either City Hall or Council Chambers, such as mandatory vaccination, on the basis of public health considerations. However, the regulation is quite clear that delivering or supporting government services is excluded from the vaccination provision, and restrictions may invite future challenges, including potential Charter challenges. Given that the activity of paying ones taxes, getting a marriage licence, or delegating to Council may be perceived as activities of relatively low public health risk where physical distancing/masking can be maintained, imposing vaccination restrictions to entry to City Hall may be difficult to justify as a 'reasonable limit' to a potential Charter challenge.

### Plexiglass

As noted in the September report CL-25-21 plexiglass barriers are still recommended as part of the hierarchy of controls by Provincial Health Ontario. Council approved the

spending, and staff have worked with Facilities to procure and install the plexiglass barriers similar to that installed at Halton Court Services. Barriers have been installed in between participant stations, with wrap around plexiglass around the delegate station.

#### Air Filtration and Fresh Air into the Building

During the pandemic, the City's air handling unit filters have been upgraded to a Minimum Efficiency Reporting Value of 13, MERV 13 as recommended by the City's Health and Safety Team, in consultation with Facility Assets/Operations staff. This aligns with the recommendation of the American Society of Heating, Refrigerating and Air-Conditioning Engineers. Filters will be changed more often due to the higher quality of filter and to optimal ensure air flow; more particles will be captured and thus the need to change them will increase. The Council Chambers air handling unit exceeds the corporate standard by design; it currently has two filter racks, the first one containing MERV 8 filters and the second containing MERV 14 filters, which combined is more efficient than MERV 13.

The air handler has also had an adjustment made to increase the fresh air intake and is equipped to monitor carbon dioxide (CO<sub>2</sub>) concentrations; the unit will automatically increase fresh air further, when needed. The system will be monitored regularly to ensure adequate fresh air is brought into the building.

#### Hierarchy of Controls

The above methods can be seen in the context of a hierarchy of controls. At the top of the hierarchy is elimination and substitution. This means that if there is an increase in cases, meeting controls will move through the hierarchy and Council and standing committee meetings may reduce who can be in the Council Chambers or revert to remote meetings. Following the hierarchy means that we are aiming to create an intrinsically safer system of public meetings, wherein some or all members can participate in the same meeting space with a reduced risk of illness.

#### **Proposed Timeline**

The following timeline is built on a best-case scenario. The timeline is iterative and deliberate to allow for staff to review how meetings occur, learn from experience, and adjust. We are constantly learning about the virus and prevention, therefore practices or procedures may be amended throughout the timeline. Should there be a spike in cases or another lockdown the timeline may be paused or rolled back to the previous stage. In completing the plan staff have identified two areas where additional reports will be provided:

**Report 1:** Report to CSSRA regarding changes to the Remote Meeting Procedures Guide. In addition, the guide will be appended to the Procedure By-law as a schedule.

**Report 2:** Report to CSSRA to provide an update on hybrid meetings, and to provide additional information on in-person delegations.

Action	Anticipated Completion Date
Plan Approved	November 23, 2021
Test Additional Equipment and Create amendments to Operating Procedures.	November 2021 – December 2021
Report #1 to CSSRA December	December 6, 2021 – Special Meeting to Ratify December 6, 2021
Proposed First Hybrid Meeting	December 14, 2021
EICS – Proposed Pilot for Hybrid Standing Committee Meeting	January 13, 2022
Full Slate of standing committee meetings (Not Audit), staff making presentations will be permitted as a pilot.	February 2022
Information Report # 2 (Delegations) to CSSRA	February CSSRA
First in person delegations	March 2022

Council meetings are relatively short, on average about one hour. In contrast, the standing committee meetings have extended throughout the workday into the evening. Council was selected as the pilot as it is customarily the shortest in the meeting cycle. In January, the hybrid pilot may include the Environment, Infrastructure and Community Services Committee (EICS) which is customarily the shortest standing committee meeting at this time.

### **Technology in the Chamber**

To create a hybrid meeting space, the following equipment and installation has been completed.

**Four mini HD Cameras:** installed within the interior of the Council desks, this will feed into a system that will allow for a seamless meeting experience for all participants. The regular cameras will be used for the broadcast.

**Additional Audio Speakers:** purchased and installed at each workstation to ensure that in-person participants will be able to hear the audio around the room, and from remote participants. These speakers feature headphone jacks for additional accessibility.

**Additional Cabling and Installation:** has been procured to ensure that all new equipment can be powered. This cabling has been installed.

Should Council endorse the plan, staff will include in the December 6 report, how the technology will be mapped out, as to how the technology will affect the remote meeting mechanics and the guide. Further instruction will be provided in advance of the hybrid pilot, to all participants.

### **Procedural Changes**

Currently, City of Burlington remote meetings operate in the authority of the Remote Meeting Guide, working in concert with the Procedure By-law. If Council chooses to pursue hybrid meetings, the Guide will be reviewed in terms of the new technology and hybrid processes that may be introduced. Staff will return to the December 6, 2021 CSSRA meeting with a path forward. It is anticipated that the Remote Meeting guide will be refreshed and formally adopted as a schedule to the Procedure By-law. In order to conduct the December 14, 2021 Council meeting, a special Council meeting on December 6, 2021 will be required, to ratify any procedural changes before the hybrid meeting occurs.

### **Advisory Committees**

At present, Room 247 in City Hall has been outfitted for in-person staff meetings. A potential venue for hybrid meetings, the room has the capability to incorporate use of a meeting room computer, and a mounted camera. If the strategy is approved, throughout Q1 2022 Office of the City Clerk staff will work with their respective committees to determine whether their committees wish to pursue a hybrid model. A decision to pursue a hybrid model will require a majority vote of the committee. If they are to resume, only six members will be able to participate in person (with one Clerk to make seven total), and masks must be worn at all times when in the building and throughout their committee meetings.

### **Strategy/process**

Committee must determine whether the risk of adding more participants to a meeting in the Council Chambers outweighs potential benefits. As the virus continues, with each infection, the chances of the virus mutating as it replicates increases. Mutations may lead to dominant variants, which may be stronger than the previous. With the Delta variant in Ontario, cases are beginning to increase, and there may be a fourth wave of infection. This variant is strong and contagious. The Delta variant has changed the approach to gathering controls, which has challenged previous thinking on public health protection.

### **Options Considered**

An alternate is to defer this report until the pandemic has subsided to allow for hybrid meetings to be piloted in safer conditions. This would allow for the hybrid pilot to take place without having to factor in as many public health restrictions. The elimination of in-person delegations, and by only having Council and staff who are subject to the Vaccination Policy in the Council Chambers may reduce some of the risk. This will also reduce reporting, and the background research required. Excluding the public will allow for members to remove their masks when speaking.

In addition, preparing this report took significant time away from other policy work within the department. Should Council approve this plan, two additional reports are required, and resources will be taken off prior commitments with respect to reports and policy requests.

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### **Financial Matters:**

Financial approvals have been previously attained through report CL-25-21.

### **Other Resource Impacts**

For every virtual meeting, there are one or two additional staff from the Office of the City Clerk who support the meetings from behind the scenes. Should Council approve the plan and allow for delegates into the Council Chambers, it may increase in-person meeting support costs as staff in-person assistance may be required.

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### **Climate Implications**

With hybrid meetings, remote participants will help to keep the carbon footprint of a meeting low, through reduced travel.

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### **Engagement Matters:**

In working on this report, Public Health Halton, and internal Health and Safety staff, through Human Resources were consulted. Staff have worked with staff in Facilities and IT on costings and descriptions of elements of this report. Staff have also checked with the Hybrid Workforce Team to ensure that this report is not conflicting with other existing City of Burlington documentation. Legal Services was consulted on legislation and how the Mask By-law would direct operations in the Council Chambers. No members of the public were consulted. If approved, the Office of the City Clerk will

facilitate conversations with their respective advisory committees on whether they would like to pursue hybrid meetings.

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### **Conclusion:**

During the pandemic, to meet the needs of Council and to keep the business of the Corporation moving, meetings have moved remotely. With lower COVID-19 case counts, staff have created a plan to get Council back into their Council Chambers safely.

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Respectfully submitted,

Kevin Arjoon

City Clerk

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### **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.