



THE CORPORATION OF THE TOWN OF AMHERSTBURG

OFFICE OF THE CAO

MISSION STATEMENT: Committed to delivering cost-effective and efficient services for the residents of the Town of Amherstburg with a view to improve and enhance their quality of life.

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Author's Phone: 519 736-0012 ext. 2238	Date to Council: March 16, 2020
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To: Mayor and Members of Town Council

Subject: Electronic Participation for Council Members – Amendment to Procedural By-law 2014-91

1. RECOMMENDATION:

It is recommended that:

1. Public participation in council meetings **BE LIMITED** to livestream only until further notice; and,
2. **By-law 2020-025** being a by-law to amend Procedural By-law 2014-91 to allow for electronic participation in public council meetings during a pandemic be taken as having been read three times and finally passed and the Mayor and Clerk **BE AUTHORIZED** to sign same.

2. BACKGROUND:

As of January 1, 2018, members of municipal council, some local boards and committees may be able to participate by electronic means. The Province of Ontario has amended the Municipal Act, 2001 (Bill 68) to allow municipalities to adopt electronic meeting provisions in their procedural by-law if they deem it prudent under their local circumstances. It is important to note, that while the provision has been made, it is not mandatory and a municipality should not blindly adopt the provision.

Section 238 of the Municipal Act is amended by adding the following subsection:

Electronic participation

(3.1) 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.

(3.2) 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.

3. **DISCUSSION:**

As coronavirus has been declared a global emergency (pandemic) by the World Health Organization, action is being taken around the world to ensure the health and safety of workers and the public. All levels of government and health organizations are recommending the implementation of social distancing measures of at least 1.0 meters (3.3 feet). This recommendation in itself makes having meetings a challenge from the role of participant and the role of observer based on the current configuration of council chambers and other meeting spaces throughout the town.

Key considerations of Council/Staff that should be adopted to prevent or reduce infection risks at meetings are:

- Consider whether a face-to-face meeting is needed. Could it be replaced by a teleconference or online event?
- Could the meeting or event be scaled down so that fewer people attend?
- Ensure and verify information and communication channels in advance with key partners such as public health and health care authorities.
- Pre-order sufficient supplies and materials, including tissues and hand sanitizer for all participants. Have surgical masks available to offer anyone who develops respiratory symptoms.
- Actively monitor where COVID-19 is circulating. Advise participants in advance that if they have any symptoms or feel unwell, they should not attend.
- Make sure all participants, and visitors provide contact details: mobile telephone number, email and address where they are staying. State clearly that their details will be shared with local public health authorities if any participant becomes ill with a suspected infectious disease. If they will not agree to this they cannot attend the meeting.

Council may be called upon in the coming days and weeks for decisions that affect the Corporation and the community. Considering the suggested actions above by health care professionals, Administration recommends that **public participation in council meetings be limited to livestream only** until further notice and an amendment to Procedural By-law 2014-91 to allow for electronic participation at public council meetings during a pandemic where council members are affected to ensure continuing operations during that time.

4. **RISK ANALYSIS:**

By allowing Council members in self-isolation or quarantined with a pandemic virus to participate in a public meeting electronically, it will prevent the risk of spreading the virus

amongst other council members and staff. In consideration of section 238 (3.1) of the Municipal Act, a quorum must still be physically present for a meeting to continue.

Electronic participation will allow affected members to provide insight and allow debate on decisions made by Council but the amending by-law will set the parameters for active participation and voting while participating electronically.

5. FINANCIAL MATTERS:

There are no financial implications at this time for allowing council members in self-isolation or quarantined with a pandemic virus to participate electronically in public council meetings.

6. CONSULTATIONS:

There were no consultations on this report.

7. CONCLUSION:

At this time, Administration recommends an amendment to Procedural By-law 2014-91 for the purpose of allowing electronic participation in meetings for those council members that may find themselves in self-isolation or quarantine with a pandemic virus. This will ensure that the political leaders in this community can continue to participate in discussion regarding decisions for their constituents.

Additional amendments to Procedural By-law 2014-91 will be considered by Council at a later date, at that time additional considerations may be made for electronic participation. This report deals only with an amendment for the purpose of continuing operations in a pandemic situation.



Paula Parker
Municipal Clerk

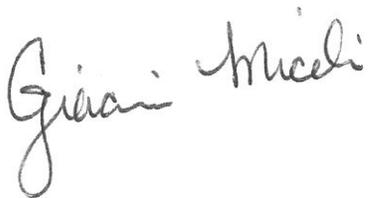
Report Approval Details

Document Title:	Electronic Participation for Council Members - Amendment to Procedural By-law 2014-91.docx
Attachments:	- 2020-000 Amend By-law 2014-91 Procedural By-law - Electronic Participation during pandemic.doc
Final Approval Date:	Mar 15, 2020

This report and all of its attachments were approved and signed as outlined below:



Cheryl Horrobin



John Miceli



Paula Parker

THE CORPORATION OF THE TOWN OF AMHERSTBURG

BY-LAW NO. 2020-025

By-law to amend By-law 2014-91 Being a By-law to govern the proceedings of Council, the conduct of its members and the calling of meetings

WHEREAS the Municipal Act, section 238 (3.1) was amended to allow for electronic participation at public council meetings;

AND WHEREAS the Council of the Corporation of the Town of Amherstburg hereby deems it expedient to amend By-law 2014-91, being a by-law to govern the proceedings of Council, the conduct of its members and the calling of meetings, for the reason of electronic participation during a pandemic emergency;

NOW THEREFORE the Council of the Corporation of the Town of Amherstburg hereby enacts as follows:

1. By-law 2014-91 is hereby amended under Section 1 – Definitions to include the following definition:

“Electronic Participation” shall mean that a member of council, 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.

2. By-law 2014-91 is hereby amended under Section 3 – Council Meetings to include the following:

3.10 Members may participate in meetings electronically only during a pandemic emergency only, subject to the following:

- a. Electronic Participation in a meeting is available only for meetings of Council that take place in the Council Chamber, Town Hall, 271 Sandwich Street South, Amherstburg, Ontario.
- b. Electronic Participation may only be requested while a member is in self-isolation or quarantined with a pandemic virus.
- c. Requests for Electronic Participation must be made to the Clerk in writing at least two (2) business days before the meeting.
- d. No more than three Members may participate in the same meeting electronically.
- e. Members may not participate electronically in any meeting that is closed to the public.

- f. A Member participating in a meeting electronically shall be considered to be present at such meeting but shall not be counted towards quorum.
 - g. The Chair must be present in person at a meeting.
3. By-law 2014-91 is hereby amended under Section 8 – Duties of Council to include the following:

8.14 The following practices will be followed when a Member participating in a meeting electronically:

- a. The Member shall be available at least thirty (30) minutes before the beginning of the meeting to assist staff in establishing the electronic connection.
- b. The Member will mute his or her electronic device when he or she is not speaking.
- c. The Chair will canvass the Member about their intention to speak to a matter on the floor and will notify the Member when it is his or her turn to speak.
- d. After putting a motion to a vote, the Member will be required to identify verbally how he or she wishes to vote.
- e. A Member shall inform the Chair about his or her intentions to leave the meeting either on a temporary or permanent basis.
- f. A Member will be deemed to have left the meeting when they are no longer electronically connected to the meeting.
- g. In the case of a loss of connection, or any connection issue which impedes the ability of a Member to participate in the meeting in real time, the meeting will continue without attempts by either staff or the Member(s) to reconnect.

Read a first, second and third time and finally passed this 16th day of March, 2020.

MAYOR – ALDO DICARLO

CLERK – PAULA PARKER