

**Date:** Tuesday, October 5, 2021

**To:** Nikki Gilmore, Chief Administrative Officer

**From:** Sheena Fraser, Manager of Corporate & Legislative Services  
Gwendolyn Kennedy, Legislative Assistant

**Subject:** Electronic Meeting Formats - Proposed Bylaw Amendments

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### **PURPOSE**

The purpose of this report is to seek input from Council on bylaw amendments that will permit the use of electronic meeting formats at future Council, Committee, and Commission meetings.

### **BACKGROUND**

At Regular Council Meeting No. 1545, held on Tuesday, September 21, 2021, Council considered recommendations from the Committee of the Whole regarding the future use of electronic meeting formats and passed the following resolutions:

*Moved/Seconded*

**THAT** Staff seek a legal opinion with respect to whether the Village can require Council, Staff and the Public to show proof of vaccine (Vaccine Passport) to attend Council, Committee or Commission meetings.

**CARRIED**

*Moved/Seconded*

**THAT** Staff be directed to draft an amendment to Council Procedures Bylaw No. 788, 2015, to permit electronic attendance at Council, Committee, and Commission meetings for review at a future Committee of the Whole Meeting.

**CARRIED**

*Moved/Seconded*

**THAT** Staff be directed to present at a future meeting of Council recommendations for meeting space along with suitable hardware and software for the facilitation of electronic meetings.

**CARRIED**

*Moved/Seconded*

**THAT** Staff be directed to prepare a draft Procedure Bylaw in which council and staff may attend unlimited number of meetings by electronic means; and that upon adoption the new Procedures bylaw be brought back for review in six months.

**CARRIED**

## **DISCUSSION & COMMENTS**

### **Vaccine Passport**

As requested, Staff obtained a legal opinion regarding the possibility of requiring Council, Staff, and the public to show proof of vaccine (vaccine passport) to attend Council, Committee or Commission meetings, and received the response that, under the current public health order, a meeting of a council, board, or trust committee of local authority is exempt from the requirement to show proof of vaccination. As such, the Village may not require Council, Staff, or members of the public to show proof of vaccination as a prerequisite to attending a Council meeting in person.

### **Procedure Bylaw Amendments**

Staff also sought legal advice regarding an amendment to Council Procedures Bylaw No. 788, 2015, that would permit electronic attendance at council, committee, and commission meetings. The proposed amendment bylaw is attached as **Appendix A**. For convenience, a track changes version of Bylaw No. 788 is attached as **Appendix B**.

Under *Bill 10, Municipal Affairs Statutes Amendments Act*, fully electronic meetings are distinguished from in-person meetings that include electronic participation. Staff have preserved this distinction in the proposed amendment bylaw.

### **Electronic Meetings**

Electronic meetings are addressed in a new section 10 (a) that authorizes the Village to hold Regular Council, Special Council and Council Committee meetings by electronic or other communications facilities, subject to the Mayor or Acting Mayor determining it is advisable. The existing proviso, permitting electronic meetings in the event of a health, safety, or environmental emergency has been retained, offering the flexibility to hold a fully electronic meeting at the Mayor's request, or, if deemed necessary, in an emergency situation.

Section 127 of the *Community Charter* imposes requirements regarding public notice of meetings, including the provision that the Village must publish the Regular Meeting schedule, which notes the date, time, and place of those meetings, once per year, in accordance with s. 94 of the *Community Charter*. Currently, following the approval of the next years Regular Council Meeting Schedule which is done in November, the Village places an advertisement in the local papers in late December and early January advising of the Regular Council Meeting schedule for the year. As well, the notice is made available on the Village's website, noted in the eNEWS and posted on the Village notice boards at the Post Office and the Village Office. Under the new legislation, the Village must provide advance notice of the way in which a meeting is to be conducted and the place where the public may attend to hear, or watch and hear, the meeting, and must provide for this advance notice in the procedure bylaw. Thus, if the Village is to hold a fully electronic meeting, rather than an in-person meeting with some participants attending remotely by electronic means, notification must be provided in advance and advertised as per the *Community Charter*. To comply with this requirement, Staff will need to be informed no later than the Friday prior to a meeting if all members of council are to attend electronically.

### **Electronic Participation:**

Electronic participation at an in-person meeting is permitted pursuant to 128.3 of the *Community Charter* in which the new legislation states as follows:

#### ***Electronic participation by members in council and council committee meetings***

- 128.3** (1) *If authorized by a procedure bylaw and the requirements of subsection (2) are met, a member of council or a council committee who is unable to attend in person at a regular council meeting, a special council meeting or a council committee meeting may participate in the meeting by means of electronic or other communication facilities.*
- (2) *The following rules apply in relation to a meeting referred to in subsection (1):*
- (a) *the meeting must be conducted in accordance with the applicable procedure bylaw;*
  - (b) *the facilities must enable the meeting's participants to hear, or watch and hear, the participation of the member;*
  - (c) *except for any part of the meeting that is closed to the public, the facilities must enable the public to hear, or watch and hear, the participation of the member.*
- (3) *Members of council or a council committee who are participating under this section in a meeting conducted in accordance with this section are deemed to be present at the meeting.*

The proposed amendment to the Council Procedure Bylaw eliminates existing clauses that restrict electronic participation to two (2) council members at any meeting, no more than four (4) times in a calendar year for any member, and that exclude the Chair from electronic participation. A new clause has been added under section 10 (b) to permit any member of council, including the Chair, who is unable to attend a meeting, to participate via electronic means.

It should be noted that the legislation that allows members to participate electronically is not meant to relieve members of the responsibility of attending meetings in-person; rather it is intended to provide options if a member is not able to attend due to various circumstances (i.e.: travel restrictions, snowstorm, family matters). The wording of *Community Charter* s. 128.3, which specifically authorizes electronic meeting participation for a member of Council “who is unable to attend in person”, delivers an expectation that Council members will attend meetings in-person.

### **Council Meeting Location:**

At this time, Staff wish to bring to the attention of Council s.6 (a) of Council Procedure Bylaw No, 788, 2015, which sets out that Regular Meetings of Council will be held in Council Chambers, located at 7400 Prospect Street, except if a resolution is passed by Council to change the location. If it is decided that Regular Council meetings are to be held at a different location, a resolution will need to be passed in which the meeting dates and location are noted. To ensure that changes to the meeting location are effectively advertised, Staff recommend following the *Community Charter* notification requirements by placing a notice in the local papers as well as advertising through the Village’s usual channels should an alternate meeting location be chosen.

**Other Committee/Board Meetings:**

*Bill 10, Municipal Affairs Statutes Amendments Act*, applies to meetings of Council and Council Committees, but does not apply to meetings of commissions or independent boards such as advisory planning commissions and the board of variance. Similarly, meetings of these organizations are not regulated under Council Procedures Bylaw No. 788, 2015. As Council expressed a wish to permit electronic meetings for these groups, provision for electronic meetings and electronic participation at in-person meetings must be added to the bylaws regulating these meetings. Staff are suggesting that amendments to Board of Variance Bylaw No. 893, 2021, and Advisory Planning Commission Bylaw No. 626, 2009, be brought forward for First, Second, and Third Readings concurrently with the proposed amendments to Council Procedures Bylaw No. 788, 2015. The amendments would mirror those proposed for Council Procedures Bylaw No. 788, 2015.

To expedite the bylaw amendment process, Staff are requesting direction from Council to proceed with advertising the proposed amendments to Council Procedures Bylaw No. 788, 2015, in the Pique Newsmagazine on October 7<sup>th</sup> and 14<sup>th</sup>. This would allow the amendment bylaw to be brought to Council for First, Second, and Third Readings on October 19<sup>th</sup>, and, if desired by Council, adopted at a special meeting as early as October 21<sup>st</sup>. As public notice is not required for amendments to board of variance and advisory planning commission bylaws, these could receive readings concurrently. This proposed schedule would permit the use of electronic meeting formats at the Regular Council meeting scheduled for November 2<sup>nd</sup> and at the board of variance meeting scheduled for October 27<sup>th</sup>.

**Meeting Technology:**

To accommodate electronic meetings and participation by electronic means in a manner that ensures all meeting participants are afforded equal opportunity to be heard and seen, the Village will need to undertake technology upgrades that will include installation of a camera, microphones, a webcasting encoder and software, and the purchase of a second television screen. Staff are still working with our IT contractors to determine the technological upgrades needed.

**Meeting Room Configuration (short term):**

To accommodate in-person meetings while respecting physical distancing requirements, the Village will need to make some adjustments to seating arrangements. Council members will sit at the Council table with the Chief Administrative Officer and the Manager of Corporate & Legislative Services, with seating positions varying depending on the number of in-person participants attending. The Legislative Assistant may attend remotely if this will improve space and comfort for others in Council Chambers. Space will be provided for the public in the public gallery seating area, but seating will be limited to ensure that occupancy limits are respected. As such, the number of spaces available for the public at any meeting will depend on the number of Councillors and staff in attendance. Staff members presenting to Council will attend only for the duration of their presentation, or, alternatively, may present remotely through ZOOM at this time. All attendees, Council, Staff, and public will be required to wear masks while in the meeting.

The meeting room configuration will be adjusted as necessary to accommodate cameras, microphones, speakers, and screens, and to enhance video and audio recording and livestreaming.

To prevent the public from accessing the office space at the front of the White Building, the entrance to Council Chambers will be through the accessible entrance door located at the back of the building at the entrance to the public washroom. Signage will be provided advising the public as to the entrance change.

### **COMMUNICATIONS**

If Council supports the proposed amendment bylaw, as per Section 94 of the *Community Charter*, notice to the public will be issued in the local newspapers on October 7<sup>th</sup> and October 14<sup>th</sup>, 2021. Notice will also be provided through the Village Website and on Village notice boards.

### **LEGAL CONSIDERATIONS**

The proposed amendment bylaw has been drafted pursuant to the authority granted by *Bill 10, Municipal Affairs Statutes Amendments Act*.

### **IMPACT ON BUDGET & STAFFING**

There are no impacts to the budget or staff hours related to the proposed bylaw amendment.

### **INTERDEPARTMENTAL IMPACT & APPROVAL**

Interdepartmental Approval	Nikki Gilmore, Chief Administrative Officer
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### **IMPACT ON THE REGION OR NEIGHBOURING JURISDICTIONS**

A review of this bylaw has no impact on other jurisdictions.

### **ALTERNATIVE OPTIONS**

There are no alternative options for consideration.

### **RECOMMENDATIONS**

#### **Recommendation One:**

**THAT** Council provide direction with respect to the proposed amendment to Council Procedure Bylaw No. 788, 2015.

#### **Recommendation Two:**

**THAT** Staff be directed to present an amendment to Council Procedure Bylaw No. 788, 2015, for First, Second, and Third Readings, at the October 19<sup>th</sup>, 2021 meeting of Council.

#### **Recommendation Three:**

**THAT** Staff be directed to present amendments to Board of Variance Bylaw No. 893, 2021, and Advisory Planning Commission Bylaw No. 626, 2009, for First, Second, and Third Readings, at the October 19<sup>th</sup>, 2021 meeting of Council.

#### **Recommendation Four:**

**THAT** a Special Council Meeting is held on Thursday, October 21<sup>st</sup> at a time determined by Council to consider adoption of the amending bylaws.

**Recommendation Five:**

**THAT** Council direct Staff to proceed with advertising the proposed Council Procedure Amendment Bylaw as required under section 94 of the *Community Charter*.

**ATTACHMENTS:**

**Appendix A:** Proposed Amendment to Council Procedure Bylaw No., 788, 2015

**Appendix B:** Council Procedure Bylaw No. 788, 2015, proposed changes shown in red

Prepared by:	Gwendolyn Kennedy, Legislative Assistant
Manager Approval:	Sheena Fraser, Manager, Corporate & Legislative Services
CAO Approval by:	Nikki Gilmore, Chief Administrative Officer