

To: Corporate Services Committee

From: Mary Medeiros, City Clerk,  
Tracy Adams, Commissioner,  
Corporate Services Department

Report Number: CORP-22-15

Date of Report: March 2, 2022

Date of Meeting: March 7, 2022

Subject: Electronic and In-person City Council and Committee Meetings

Ward: All Wards

File: 03-05

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## **1.0 Purpose**

At its meeting of February 22, 2022, the following motion was referred to staff to staff for a report on the procedure to be followed and that the report be on the next Corporate Services Committee Meeting Agenda:

“Whereas the Province announced October 25, 2021 that COVID protocols have been relaxed for room capacity;

Now therefore City Council and Committee meetings be held under a hybrid framework, with virtual and live in-person Council members and public attendance in accordance with the COVID regulations forthwith.”

The purpose of this report is to respond to Council’s direction.

## **2.0 Recommendation**

That the Corporate Services Committee recommend to City Council:

That in accordance with Report CORP-22-15 dated March 2, 2022 concerning electronic and in-person City Council and Standing Committee Meetings, that in-person and/or electronic meetings begin effective April 11, 2022, subject to the provisions set out in the Council Procedure By-law and in accordance with Provincial Orders and Public Health restrictions.

### **3.0 Executive Summary**

Not applicable.

### **4.0 Input From Other Sources**

- Corporate Leadership Team

### **5.0 Analysis**

On March 19, 2020, through Bill 195, the Reopening Ontario (A Flexible Response to COVID-19) Act, 2020, S.O. 2020 c. 17 (Reopening Ontario Act)), the Province amended the Municipal Act, 2001, S.O. 2001, c. 25 ("Municipal Act, 2001") to provide that during emergencies, members of Council, local boards and committees of either of them may amend its procedure by-law to allow members to participate electronically in both open and closed meetings and may be counted for the purposes of attaining quorum.

At its meeting of April 15, 2020, City Council passed By-law 34-2020 to amend Council's Procedure By-law to include provisions for electronic participation during an emergency in both open and closed meetings by members of Council. Since that time, all Council and Standing Committee meetings have been held using electronic technology with only the Chair, Vice Chair (in some instances) and City Clerk Services staff participating in person from the Council Chamber. In addition, Advisory Committees of Council and Committee of Adjustment meetings have been held virtually with all participants using electronic technology.

#### **5.1 Council Procedure By-law 111-2017**

Section 31 of the Council Procedure By-law 111-2017, as amended ("Council Procedure By-law") states the following:

Electronic Participation during a Declared Emergency

- a) Notwithstanding the provisions of this By-law and Section 238 of the Municipal Act, 2001, S.O. 2001, c. 25, during any period where an emergency has been declared to exist in all or part of the Municipality under Section 4 or 7.0.1 of the Emergency Management and Civil Protection Act, R.S.O. 1990, c. E.9, a Member of Council may participate electronically in a Meeting that is either Open or Closed to the public and in doing so may be counted in determining whether or not a quorum of members is present.
- b) The City Clerk, in consultation with the Chief Administrative Officer and Information Technology Services will determine the most suitable option for electronic participation depending on the state of the emergency during which the provisions are used and available technology in the Council Chamber.
- c) Electronic participation will include but is not limited to: telephones, video conferencing and computers with internet access and conferencing software or programming.

- d) The City Clerk will provide the procedure which is to be followed in advance of the Meeting.
- e) The City Clerk in consultation with the Mayor and the Chief Administrative Officer will determine the format which is to be followed for Meeting Agendas.
- f) Members will advise the City Clerk no later than noon the day before the Council Meeting of their intent to participate electronically to ensure proper technology is enabled to make such participation possible.
- g) All votes during a Meeting where some or all Members are participating electronically will be recorded votes, commencing alphabetically by surname with the Chair voting last.
- h) In the event of a closed Meeting, Member(s) of Council participating electronically must ensure that the meeting discussion and materials are not accessible by individuals that are not subject to be part of the closed portion of the meeting. Members of Council must still respect Council's Code of Conduct regarding the protection of confidential information from unauthorized disclosure, release, publication or use. The Chair may ask each Member participating remotely to confirm they are the only one present in the room or within hearing distance from the Member.
- i) In the event that due to the nature of the emergency members of the public are not permitted to attend in-person, the City Clerk may establish alternative processes for the public where possible and appropriate, and in keeping with Section 6 – Public Participation.
- j) Subject to this Section, all other provisions of this By-law will continue to apply, however the Chair may modify the rules of procedure as necessary in order to ensure all members present, whether in-person or electronically, are able to fully participate fairly and effectively.
- k) The City Clerk may provide for the electronic participation of staff including the City Clerk, depending on the nature of the emergency situation.

## **5.2 Hybrid Model - Electronic and In-Person Meetings**

Effective April 11, 2022, all Council and Standing Committee meetings will be held using a hybrid model. City Clerk Services staff will continue to set up an electronic platform meeting which will provide opportunity for Members of Council and staff with the ability to participate electronically should they wish to do so.

The Chair and Vice-Chair must participate in-person. In the event that neither the Chair or Vice-Chair are unable to attend in-person and will participate electronically, Council or the Standing Committee may appoint another member who is attending in-person to the Chair that meeting.

Due to changes in the Council Chamber technology, Members of Council and City staff will be required to set up an appointment with City Clerk Services staff in order to test their technology in the Chamber prior to attending in-person meetings.

Based on the lifting of Provincial and Public Health restrictions, Members of Council and City staff will be seated in their assigned seats and members of the public may sit anywhere in the public gallery. For those attending in-person meetings, the requirement to wear a mask will be in place provided the Province has not lifted those restrictions.

Members of the public wishing to address Council or a Standing Committee will have the option to address Council or a Standing Committee either electronically or in-person. Delegations wishing to address Council or a Standing Committee must advise City Clerk Services whether they will attend in-person or electronically no later than noon one (1) business day prior to the meeting.

Members of the public may attend in-person to view the meeting or may view it live on the web stream.

It is important to note that the provision to attend a Council and/or Standing Committee meeting and participate electronically is in place only during a declared emergency. Once that emergency is lifted, the ability for members of Council to participate in a Council or Standing Committee meeting electronically will not be permitted unless Council amends its Procedure By-law to allow for electronic participation regardless of whether there is a state of emergency in place or not.

This hybrid approach will be implemented for all Advisory Committees of Council and the Committee of Adjustment beginning April 11, 2022.

## **6.0 Financial Implications**

There are no financial implications with this report.

## 7.0 Relationship to the Oshawa Strategic Plan

This report supports the Oshawa Strategic Plan Goal of Accountable Leadership.



Mary Medeiros, City Clerk,



Tracy Adams, Commissioner,  
Corporate Services Department