

<b>TO:</b>	<b>CHAIR AND MEMBERS CORPORATE SERVICES COMMITTEE MEETING ON AUGUST 10, 2020</b>
<b>FROM:</b>	<b>CATHY SAUNDERS CITY CLERK</b>
<b>SUBJECT:</b>	<b>COUNCIL PROCEDURE BY-LAW</b>

<b>RECOMMENDATION</b>
-----------------------

That, on the recommendation of the City Clerk, the following actions be taken with respect to Council Procedure By-law:

a) the attached proposed by-law (Appendix “A”) being “A by-law to amend By-law A-50, as amended, being “A by-law to provide for the Rules of Order and Procedure for the Council of The Corporation of the City of London” to facilitate Members of Council electronic participation in meetings and to amend the Terms of Reference from the Strategic Priorities and Policy Committee to include “anti-racism, diversity, inclusion and anti-oppression” in the Committee’s mandate, BE INTRODUCED at the Municipal Council meeting to be held on August 25, 2020; and

b) subject to the approval of a) above, the attached proposed by-law (Appendix “B”) being a by-law to enact a Council Policy entitled “Electronic Participation of Council Members at Council and Standing Committee meetings” BE INTRODUCED at the Municipal Council meeting to be held on August 25, 2020.

<b>PREVIOUS REPORTS PERTINENT TO THIS MATTER</b>
--

None.

<b>BACKGROUND</b>
-------------------

**Council Members – Electronic Participation**

Section 238(2) of the *Municipal Act, 2001*, provides that every municipality shall pass a procedure by-law for governing the calling, place and proceedings of meetings.

On March 17, 2020, the Provincial Government issued a Declaration of Emergency pursuant to section 7.0.1 of the *Emergency Management and Civil Protection Act* related to Novel Coronavirus (COVID-19). On March 19, 2020, the Provincial Government passed Bill 187 which put in place amendments to the *Municipal Act, 2001* to provide a municipality with the ability to amend their Procedural By-law to permit meetings to be held electronically during an emergency declared pursuant to the *Emergency Management and Civil Protection Act*. In response to this, the Municipal Council enacted By-law No. A.-50-20007, being “A by-law to provide for the Rule of Order and Procedure for the Council of The Corporation of the City of London” to provide for electronic participation of Members of Council at Council and Standing Committee meeting during a period of a declared emergency” at the meeting held on March 24, 2020.

Bill 187, permitted electronic participation of Council Members which would count towards quorum and provide for the Council Members to vote and participate in both open and closed sessions of the meeting during a declared emergency.

On July 21, 2020, the Provincial Government gave Royal Assent to Bill 197 “An act to amend various statutes in response to COVID-19 and to enact, amend and repeal various statute”. This Bill included further amendments to the *Municipal Act, 2001* to allow for electronic participation of Council Members at meetings without a declaration of an emergency being required.

Council and Standing Committee meetings currently being held are hybrid in nature with some Council Members physically in attendance and some participating remotely. Given the current direction of the Medical Officer of Health to maintain a physical distance of 2 metres (6 feet) from another individual, it would be difficult to accommodate 15 Council Members and City Clerk’s staff in the Council Chambers. It is recommended that the Civic Administration (with the exception of City Clerk’s staff and Information Technology staff) continue to be in remote attendance at meetings until such time as physical distance requirements are lifted.

In response to this legislative change, the Civic Administration recommends that the previous amendments to the Council Procedure By-law put in place by By-law No. A.-50-20007 remain in place should future Declarations of Emergency occur. In addition, due to the physical limitations of the Council Chambers while maintain physical distancing, the Civic Administration recommends that the attached proposed by-law (Appendix “A”) to amend the Council Procedure By-law to facilitate Members of Council electronic participation in meetings outside of a Declaration of Emergency be enacted. The Civic Administration is also recommending that the corresponding Council Policy attached as Appendix “B” to this report be approved.

### **Council Member – Proxy Voting**

Bill 197 also permits a municipality to choose to allow a member of Council to appoint another member of Council to as a proxy in their place if they are unable to attend a meeting subject to the following conditions:

1. A member shall not appoint a proxy unless the proxy holder is a member of the same council as the appointing member.
2. A member shall not act as a proxy for more than one member of Council at any one time.
3. The member appointing the proxy shall notify the clerk of the appointment in accordance with the process established by the clerk.
4. For the purpose of determining whether or not a quorum of members is present at any point in time, a proxy holder shall be counted as one member and shall not be counted as both the appointing member and the proxy holder.
5. A proxy shall be revoked if the appointing member or the proxy holder requests that the proxy be revoked and complies with the proxy revocation process established by the clerk.
6. Where a recorded vote is requested under section 246, the clerk shall record the name of each proxy holder, the name of the member of council for whom the proxy holder is voting and the vote cast on behalf of that member; and
7. A member who appoints a proxy for a meeting shall be considered absent from the meeting for the purposes of determining whether the office of the member is vacant under section 259(1)(c).

The Civic Administration does not recommend moving forward with changes related to proxy voting at this time as this matter warrants further review and discussion.

## Strategic Priorities and Policy Committee Mandate

Municipal Council, at its meeting held on July 21, 2020, resolved the following with respect to the Council Procedure By-law:

“That the following actions be taken with respect to making anti-racism a strategic priority:

- a) the mandate of the Strategic Priorities and Policy Committee BE AMENDED to include “anti-racism, diversity, inclusion and anti-oppression” as a new bullet point under Strategic Initiatives;
- b) the terms of reference for the Diversity, Inclusion and Anti-Oppression Advisory Committee (DIAAC) be amended to replace “Community and Protective Services” with “Strategic Priorities and Policy Committee”: and,
- c) the Civic Administration BE ENCOURAGED to bring forward initial reports by service area responding to the Municipal Council resolution on 16 June 2020 related to the implementation of the equity and inclusion lens to the most relevant standing committee for each service area (e.g. Development and Compliance Services would report to Planning and Environment Committee; Engineering and Environmental Services would report to Civic Works, and so on).”

The proposed by-law attached as Appendix “A” to this report implements part a) of the above-noted Municipal Council direction.

<b>RECOMMENDED BY:</b>
<b>CATHY SAUNDERS CITY CLERK</b>

## APPENDIX "A"

Bill No.  
2020

By-law No.

A by-law to amend By-law A-50, as amended, being "A by-law to provide for the Rules of Order and Procedure for the Council of The Corporation of the City of London" to facilitate Members of Council electronic participation in meetings and to amend the mandate of the Strategic Priorities and Policy Committee to include "anti-racism, diversity, inclusion and anti-oppression" in the Committee's mandate.

WHEREAS subsection 5(3) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that a municipal power shall be exercised by by-law;

AND WHEREAS the Municipal Council enacted the Council Procedure By-law (By-law No. A-50) on May 31, 2016 to provide for the rules of order and procedure for the Council of The Corporation of the City of London;

AND WHEREAS on July 21, 2020 the Province of Ontario enacted Bill 197 "An Act to amend various statutes in response to COVID-19 and to enact, amend and repeal various statutes, including amendments to the *Municipal Act, 2001* to permit meetings to be held electronically on an ongoing basis outside an emergency declared pursuant to the *Emergency Management and Civil Protection Act*, R.S.O. 1990, Chapter E.9;

AND WHEREAS the Council of The Corporation of the City of London considers the protection of the health and safety of the public to be a paramount concern;

AND WHEREAS The Corporation of the City of London considers it desirable to be able to provide for the electronic participation of Council Members at Council and Standing Committee meetings when it is deemed necessary to do so;

AND WHEREAS the Council of The Corporation of the City of London deems it desirable to make anti-racism a strategic priority;

AND WHEREAS The Corporation of the City of London considers it desirable to demonstrate the Corporation's commitment to end racism by amending the mandate of the Strategic Priorities and Policy Committee to include "anti-racism, diversity, inclusion and anti-oppression" as a new bullet point under Strategic Initiatives;

NOW THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

1. Section 5.0 MEETINGS is hereby amended by adding the following new subsection:

**5.12 Meetings – Electronic Participation**

A Council or standing committee meeting may include electronic participation of members in accordance with Council Policy "Electronic Participation of Council Members at Council and Standing Committee meetings".

2. Section 15.0 COUNCIL – IN CLOSED SESSION, is hereby amended by adding the following new subsection:

**15.12 – Meeting In Closed Session – Electronic Meeting Participation**

Any part of a meeting held in closed session shall allow for electronic meeting participation by members in accordance with Council Policy “Electronic Participation of Council Members at Council and Standing Committee meetings”.

3. Part 4 – STANDING COMMITTEES, is hereby amended by adding the following new subsection, to Section 26 – MEETINGS:

**26.5 – Meetings – Electronic Meeting Participation**

All provisions of Sections 5.11 and 15.12 shall apply to Standing Committee Meetings.

4. Schedule “E” – Mandate – Strategic Priorities and Policy Committee, is hereby amended by adding the following matters under “Economic Strategies, Initiatives and Emerging Issues:

- ❖ Anti-racism
- ❖ Diversity
- ❖ Inclusion
- ❖ Anti-oppression

5. This by-law comes into force and effect on the day it is passed.

PASSED in Open Council on August 25, 2020.

Ed Holder  
Mayor

Catharine Saunders  
City Clerk

First Reading – August 25, 2020  
Second Reading – August 25, 2020  
Third Reading – August 25, 2020

APPENDIX "B"

Bill No. \_\_\_\_  
2020

By-law No. CPOL.-\_\_\_\_\_

A by-law to enact a Council Policy entitled  
"Electronic Participation of Council  
Members at Council and Standing  
Committee meetings."

WHEREAS section 5(3) of the *Municipal Act, 2001*, S.O. 2001, C.25, as amended, provides that a municipal power shall be exercised by by-law;

AND WHEREAS section 9 of the *Municipal Act, 2001*, S.O. 2001, C.25, as amended, provides a municipality with the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority;

AND WHEREAS the Council of The Corporation of the City of London wishes to enact a Council Policy entitled "Electronic Participation of Council Members at Council and Standing Committee meetings" to set out the parameters for the electronic participation of Council Members at Council and Standing Committee meetings, for both open and closed sessions as provided for in the *Municipal Act, 2001*;

NOW THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

1. The policy entitled "Electronic Participation of Council Members at Council and Standing Committee meetings", attached hereto as Schedule "A" is hereby adopted.
2. This by-law shall come into force and effect on the date it is passed.

PASSED in Open Council on August 25, 2020

Ed Holder  
Mayor

Catharine Saunders  
City Clerk

First Reading – August 25, 2020  
Second Reading – August 25, 2020  
Third Reading – August 25, 2020



London  
CANADA

**Policy Name: Electronic Participation of Council Members at Council and Standing Committee meetings**

**Legislative History: n/a**

**Last Review Date: August 10, 2020**

**Service Area Lead: City Clerk**

**1. Policy Statement**

1.1 This policy sets out the parameters for the electronic participation of Council Members at Council and Standing Committee meetings, for both open and closed session. The Council Procedure By-law sets out the parameters for the electronic participation of Elected Officials at Council and Standing Committee meetings during a period of a declared state of emergency.

**2. Definitions – in accordance with the Council Procedure By-law**

2.1 **Electronic Participation** – shall mean the participation of a Council member remotely, via electronic means including telephone, who shall have the same rights and responsibilities as if the Member was in physical attendance.

2.2 **Closed Session** – shall mean any portion of a Council or Standing Committee meeting that is not open to the public, and held in accordance with Section 239 of the *Municipal Act 2001*.

2.3 **Member** – shall mean a member of the Council.

2.4 **Meeting** – shall mean a regular, special or other meeting of the Council or standing committee and shall include meetings in closed session.

**3. Applicability**

3.1 This policy applies to Council Members.

**4. The Policy**

4.1 Members may be permitted to participate in Council and Standing Committee by electronic participation, when they are unable to attend the meeting in person.

a) A member requiring to participate electronically shall be required to provide the City Clerk with a minimum of 24 hours' notice of their intention.

b) The meeting Chair shall not be permitted to participate electronically.

c) The permitted participation in meetings electronically shall include closed session for Council and Standing Committees.

d) Meeting record(s) shall reflect which members attended electronically and which members attended physically.

4.2 The administration of electronic participation shall be at the discretion of the City Clerk, recognizing that technology and requirements will vary from time-to-time. This shall include the means by which Members shall vote.