

DATE: March 28, 2022
TO: Mayor and Council
FROM: Municipal Clerk
SUBJECT: For your decision: Procedural By-Law - Electronic Participation

Issue

For Council to consider and discuss electronic participation during Council meetings

Facts

- Council previously approved an amendment to the Procedural By-Law to permit Electronic participation to provide for members participating electronically to be counted toward quorum and to be permitted to participate in closed session when the Municipal Emergency is lifted. This was a last-minute change to the procedural by-law, though it is not practice and should not be the expectation moving forward it is important to note unfortunately this has been the norm of this pandemic. With very quick turnaround from received information to apply changes from provincial legislative changes to health unit requirement to workplace policies and procedures etc.. Alternatively failing to make this short notice amendment Council would have been required to return to the Chambers once the Municipal Emergency was lifted.
- The changes provided for electronic participation focused around an urgent situation as follows:
 - declared emergency by any level of government.
 - Restrictions or guidelines set out by the Northwestern Health Unit, the Ontario Provincial Police, Province of Ontario and the Municipal Emergency Control Group.
 - Permitting participation in a closed session
 - Deputations \ delegations being permitted in the same circumstance
- Council highlighted a desire to review a more permanent change that would permit electronic participation in a more permanent fashion without a focus on an urgent matter.
- This report was created to generate the general discussion about Council's vision relating to how Council would like to proceed, understanding that should the Health Unit decide to lift any current recommendation, Council will be in a position to physically attend the meetings per procedural By-Law as it currently reads.

Analysis

- The benefits of electronic participation:
 - Reduce travel time / cost
 - Increased flexibility of meetings for both Staff and Council
 - Increase participation from the Public
 - Increase in accessibility requirements
 - Cost savings when consultants present virtually
 - Increase in ability to have a variety of presenters
 - Electronic meetings have proven to be successful surrounding an emergency to ensure the Council business continues
- Potential challenges
 - Start up costs to have both the Council Chambers and Committee Room with appropriate technology (e.g. video-conferencing) set up
 - Technology / connection issues
 - Effective meeting management is it challenging for the Mayor to effectively manage a meeting virtually (more interruptions)?
 - Loss of “non-verbal cues” / body language
 - Impact to transparency / public confidence in local democracy if this practice is used too liberally as one example there has been concerns in other municipalities where members who snowbird for 3-5 months of the year participate virtually which was not been received well by either the Council or by the public. How can we confirm who the council member is sitting with and could be perceived that someone else may be dictating how the member is voting? Though Council may not anticipate issues there are other municipalities that have had reports of misuse that ultimately left Council having to address the issue and found it challenging to deal with or even to change once adopted
 - Deputations and or Public Hearings where public notices are released inviting the public to attend in person or virtually. Though in person participation has been minimal in the past, public meetings can generate the public to attend in person. Does Council want to greet the public attending the chambers by way of a virtual screen or does Council prefer to be physically in attendance at the Civic Centre?
 - Should technical issues arise, and the member is prevented from voting but still deemed to be present, section 246 (1) or (2) of the Municipal Act provides that when a vote is called and failing to vote is deemed to be a negative vote.
 - Closed meeting security concerns, how can we confirm who is in the room with virtual participation?
 - Post meeting signatures are also a concern when records are not signed immediately following the session this does pose delays to post council business (by-laws, motions, minutes). We may need to consider electronic signatures.

- Other things to consider Microsoft Teams provides for the ability to record meetings. Having the ability to record both closed and open meetings which is strongly advocated by the Ombudsman would enable the municipality to provide for an archive link to our meetings online that would increase our transparency. With respect to closed meetings, it helps to provide for true accounts of the deliberations during the closed session, should we be subject to another closed meeting investigation (would need to confirm how data is secured)
- Should Council choose a virtual model will it apply to Staff to have the ability to participate electronically?

RECOMMENDATION

For Council to consider and discuss how to proceed with electronic participation within its procedural by-law while addressing the needs of Council, Staff and the Public. And based on the discussion the Clerk will compile the information and bring back proposals at a later meeting.