

Report to Council

Report Title: Procedural By-law Amendments for Electronic Meetings
Prepared By: Fiona Hamilton, Clerk
Department: Clerk's
Date: August 11, 2020
Report Number: CLK2020-26 **File Number:** C11CL, P03
Attachments: Proposed Amendments to Procedural By-law

Recommendation:

That the Council of the Municipality of Brockton hereby approves Report Number CLK2020-26 - Procedural By-law Amendments for Electronic Meetings, prepared by Fiona Hamilton, Clerk and in doing so approves the proposed amendments to the Procedural By-law coming forward at the next meeting.

Report:

Background:

The *Covid-19 Economic Recovery Act, 2020* received Royal Assent and was declared into force on July 21, 2020 (the "Recovery Act"). The Recovery Act made amended a number of different Acts, but also amended the Municipal Act, 2001 to allow municipal councils, committees and local boards to participate electronically in council meetings permanently, not just when an emergency had been declared in the municipality. Prior to the declaration of the emergency related to Covid-19, members of municipal councils could participate electronically but could **not** be counted towards quorum. The Recovery Act allows the municipality's Procedural By-law to allow electronic participation for council and committee members and allows the member to be counted towards quorum as well.

Another significant change is that the Recovery Act also allows members of council and/or committees to participate electronically in closed session meetings as well.

Council amended Brockton's Procedural By-law on April 7, 2020 to allow for electronic participation in council and committee meetings when an emergency existed in the municipality to align with the permitted scope applicable in the legislation at that time. It is recommended that the Procedural By-law be amended again at the next meeting (to allow time to provide notice to the public) to allow for electronic participation in both council and committee meetings on a permanent basis. The proposed amendments have been attached in draft form.

The Recovery Act also introduced a new regime allowing for proxy voting, subject to some restrictions such as:

- A proxy holder can only vote for one other member;
- A proxy holder only counts as one person for purposes of establishing quorum;
- A proxy holder shall notify the Clerk of the appointment according to the process established by the Clerk.

Analysis:

Electronic Participation

Despite some initial challenges and technical glitches, there have been numerous benefits to allowing electronic participation at Council meetings aside from infection control. Electronic participation would allow members and staff to participate without driving in poor weather conditions or when on vacation. It can also assist in reducing costs by allowing engineers and other delegations to appear electronically and avoid incurring travel fees.

The electronic meeting platform has also resulted in increased civic engagement, with the number of YouTube views of Council meetings ranging from 75- 150 plus.

The recommendation at this time is to proposed amendments to the Procedural By-law to allow for electronic meetings permanently that would be adopted at the next Council meeting to allow time for sufficient notice to the public.

A separate report will be brought forward with proposals for broadcasting the council meetings with consideration given to facilitating the ability for members to participate electronically. The report will also outline recommendations for electronic meeting for committees of council and local boards.

Proxy Voting

As noted above, the electronic participation rules provide more flexibility to members of Council to participate when on vacation, at a cottage etc., such that the proxy voting rules may not need to be used as often. As noted above, there are more restrictions for the use of proxy voting, and the fact that the proxy holder only counts as one person for quorum may pose more of a challenge to smaller municipalities than larger centres.

At this time, staff are recommending not adopting the use of proxy voting. As the regime is new for municipal councils, the proposal would be to wait until the practice has been adopted in other locations to better evaluate the benefits and potential challenges. If proxy voting was introduced in the future, delaying its implementation would allow staff to adopt the “best practices” that have been developed and tested and in other locations.

Sustainability Checklist:

What aspect of the Brockton Sustainable Strategic Plan does the content/recommendations in this report help advance?

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| • Do the recommendations help move the Municipality closer to its Vision? | Yes |
| • Do the recommendations contribute to achieving Cultural Vibrancy? | Yes |
| • Do the recommendations contribute to achieving Economic Prosperity? | Yes |

- Do the recommendations contribute to Environmental Integrity? Yes
- Do the recommendations contribute to the Social Equity? Yes

Financial Impacts/Source of Funding:

- Do the recommendations represent a sound financial investment from a sustainability perspective? Yes

The budget implications of implementing electronic participation measures will be outlined in the broadcasting council meetings report.

Reviewed By:

Trish Serratore, Chief Financial Officer

Respectfully Submitted by:

Fiona Hamilton, Clerk

Reviewed By:

Sonya Watson, Chief Administrative Officer