



Corporation of the Municipality of Temagami

Memo No.
2020-M-074

Memorandum to Council

Subject: Procedural By-Law Amendments

Agenda Date: July 16, 2020

Attachments:

RECOMMENDATION

BE IT RESOLVED THAT Council direct Staff to make appropriate amendments to the Procedural By-Law to be considered at a Special Meeting of Council called by the Mayor once Ontario Bill 197 – The COVID Economic Recovery Act, 2020 receives Royal Assent.

INFORMATION

On July 8 the Provincial Government introduced Bill 197 The COVID Economic Recovery Act, 2020. This Act would amend several pieces of legislation. As this moves through the Legislature and receives Royal Assent we will no doubt be highlighting other changes as it alters legislation from the Municipal Act to the Environmental Assessment Act to the Planning Act, to name but three.

Regarding changes to the Municipal Act, the change would permit electronic participation similar to the liberties that were extended at the start of the Provincial Emergency Declaration in that Members participating electronically in meetings can be counted towards quorum and that Members are able to participate in closed sessions electronically. The act does require municipalities adjust their Procedural By-Laws to permit this. This change can be made at a Special Meeting of Council, which can be held electronically.

Earlier, we had created Schedule H to the Procedural By-Law which permitted electronic meetings of Council during a declared emergency. With the changes introduced by Bill 197, this schedule can be removed and the areas in the By-Law that deal with electronic participation can be altered to provide a new standard that is in line with the Legislation as amended.

At the same time, Schedule G – Audio Recording Policy of the Procedural By-Law can be altered should Council wish. While Staff will be altering the format of electronic participation to include Zoom, or other similar electronic meeting services, unless Council wants to move from the standard of recording audio only and making the audio recording available via the website, Schedule G may not have to change. At the last meeting of Council it appeared to be the case that most were comfortable with the present standard of recording and posting audio to the website rather than moving to the standard of streaming and/or recording and posting the video record of the meeting. Some also expressed concern that the intent of sharing these audio meeting records is not always respected as sound bites have been reported to be created, manipulated and shared rather than the audio record being used to inform the Public of the proceedings of Council in a full and unaltered fashion.

Assuming Council moves to a more permanent electronic meeting it could be considered that the Public has greater access to view the proceedings of Council as they would have the same ability by logging in to the meeting as they would have attending a meeting in person in the Council Chambers. They would still be able to address Council as unregistered delegations and ask questions during the question period at the end of the meeting provided the topics of either appear on the agenda for that meeting. While no change needs to be made to Schedule G, Council is free to consider whether making attendance at virtual Council meetings removes the barriers that the audio recording was trying to resolve.

Also, assuming at some point that Council meetings will be hosted in the Council Chambers, the By-Law presented for Council's consideration will be adjusted to include the use of Zoom, or other similar electronic meeting services, so that even if all Members are present in the Chamber the Public will still be able to access the meeting and view the proceedings from the comfort of their home.

As it relates to electronic participation and the new legislation that has been introduced into the Legislature, apart from incorporating what is now Schedule H (electronic participation during a declared emergency) into the other parts of the Procedural By-Law nothing else needs to change.

One other change that Council could consider is the addition of the ability for a Member who will be absent for a meeting to appoint a proxy. There are some rules in the draft legislation as well as the requirement for the Clerk to develop municipal specific rules should Council wish to incorporate the use of proxies in this fashion. With the move to a more electronic meeting the need for proxy voting to be considered may not be warranted.

Respectfully Submitted:
Craig Davidson
Treasurer/Administrator