



Corporation of the Municipality of Temagami

Memo No.  
2018-M-012

Memorandum to Council

Staff  
 Committee

<b>Subject:</b>	Options for remote attendance in Procedure By-law
<b>Agenda Date:</b>	March 13, 2018
<b>Attachments:</b>	(1) Table showing Council direction; (2) Recommended wording for by-law amendment.

**RECOMMENDATION**

That Council receive Memo 2018-M-012 - Options for remote attendance in Procedure By-law and provide direction on the extent and manner that Council would like to see incorporated in changes to our by-law.

**INFORMATION**

Bill 68 amended the Municipal Act to allow electronic participation in Council and/or Committee meetings. Section 238, leaves it up to each individual council to determine the extent and manner of such electronic participation. Some items for consideration are as follows:

At which meetings will electronic participation be allowed: Regular Council, Special Meetings, Committee of the Whole?

How often should each Member of Council be allowed to participate electronically?

Will there be a limit on the number of consecutive meetings that a Member can participate in electronically?

Do Council Members get to vote when participating remotely?

If so, how do you count the votes? [If it is not clear how many voted in favour or against, the results of any vote could be contested, since this is new legislation that has not yet been tested in court.]

Would there be restrictions on when they can vote? [For example: If Council goes into closed session, to receive legal advice prior to the vote, those attending electronically cannot participate. Information might be shared in closed session that might have affect the opinion of a Member if they had been present to participate. If a vote is taken after returning from closed session, would Council Members who did not participate in the closed session be able to vote on an item resulting from information/ discussion they were not privy to?]

What would be the process to move an amendment? Or call a point of order? [There is no ability to show a raised hand-would they be allowed to interrupt? Must the Chair ask for amendments?].

How many can participate electronically at one time? [At least a quorum must be present in person, but does Council want to allow 3 Members to participate electronically, or less than that?]

How do you decide who gets to participate electronically if more than the allowed number wish to do so?

How much notice would have to be given to the Clerk?

Should advance notice be provided to the public that certain Member(s) will be participating electronically?

How do you deal with electronic connections/service interruptions? [This could happen even by telephone. Will there be a limit, for example: “after 10 minutes not connected, the meeting will resume, no more efforts will be taken to reconnect”]

Would the Head of Council, or Acting Head, be allowed to chair the meeting if participating remotely? [Council this be done effectively?]

How will electronic participation be handled when someone has declared a conflict on an item?

Will Council use conference calling (could be a substantial cost) or add additional phone lines to use with the “bat” phone?

How will this affect the ability of people who want to make telephone delegations?

There may be additional questions that Members of Council would like to add to the above list.

**Prepared by:**

Elaine Gunnell, Municipal Clerk

QUESTIONS	SUMMARY OF COUNCIL RESPONSES
At which meetings will electronic participation be allowed?	Electronic participation shall be allowed at all regular, special and committee of the whole meetings of Council that are open to the public.
How often should each Member of Council be allowed to participate electronically?	There shall be no restriction on how often each Member of Council shall be allowed to participate electronically.
Will there be a limit on consecutive meetings that a Member can participate in electronically?	There shall be no limit on the number of consecutive meetings that a Member of Council can participate in electronically.
Do Council Members get to vote when participating remotely?	Council Members shall be permitted to vote when participating electronically.
If so, how do you count the votes?	When the question is called on a motion, a Member or Members participating by telephone may state verbally whether they are for or against, rather than by a show of hands, as required by section 14.8.1. [Note: 14.8.1 should also be amended to address voting by telephone.
Would there be restrictions on when they can vote? [See example in memo)	No. Although Members participating electronically are not permitted to participate in a closed session, if following the consideration of a matter in closed session a vote is taken in open session, they shall be permitted to vote on the matter, or they may choose to abstain from voting having not been privy to the closed session discussion.
What would be the process to move an amendment? Or call a point of order? [There is no ability to show a raised hand by phone].	When participating by telephone, a Member may call a point of order or move an amendment verbally. The Chair shall ensure that Members participating electronically are given the same opportunity to speak to each questions as they would have if participating in person.
How many can participate electronically at one time? [At least a quorum must be present in person]	A maximum of three (3) Members of Council may participate electronically at a meeting, provided that a quorum of Council is present in person at the meeting.
How do you decide who gets to participate electronically if more than the allowed number wish to do so?	Any Member wishing to participate electronically in a meeting shall send a request to do so by email to the Municipal Clerk. The ability to participate electronically shall be allocated on a first-come-first-serve basis.
How much notice would have to be given to the Clerk?	In order for a Member to participate electronically in an afternoon/evening meeting, the request shall be sent by 4:30 pm on the business day before the meeting. In order to participate electronically in a morning meeting, the request shall be sent by noon on the business day before the meeting. The Municipal Clerk may, at his or her sole discretion, accept a request submitted later than the prescribed time due to unanticipated circumstances (including, but not limited to weather or road conditions).
Should advance notice be provided to the public that certain Member(s) will be participating electronically?	No. This is not necessary.
How do you deal with electronic connections/service interruptions?	In the event of connection/service interruptions, the Chair may recess the meeting to allow for attempts to reconnect. After 10 minutes not connected, the meeting shall resume and no more efforts shall be taken to reconnect.
Would the Head of Council, be allowed to chair the meeting if participating remotely?	No. A Member must be present at the meeting in order to chair the meeting.
How will electronic participation be handled when someone has declared a conflict on an item?	A Member who is participating in a meeting electronically may email the declaration form to the Municipal Clerk in advance of the meeting and shall verbally state their conflict when the Chair calls for declarations.
Will Council use conference calling (could be a substantial cost) or add additional phone lines to use with the “bat” phone?	The municipality may use telephone conference calling, or other technology to facilitate electronic participation. The municipality shall pay the cost of the conference calling or technology option and where direct dialing is used the municipality shall initiate the call, so that the cost goes to the municipality.
How will this affect the ability of people who want to make telephone delegations?	This may be affected by the type of technology option selected, but the municipality will endeavor to find an option that still maintains this option for the public.
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**Recommended wording for a procedure by-law amendment to be brought for Council's consideration at a future meeting.**

1. That the following definition be added as subsection 1.14, with the remaining subsections to be renumbered accordingly: *“Electronic Participation” shall mean participation in a meeting from a location other than that at which the meeting is physically being held by means of telephone, internet, or other electronic as may be decided upon by Council from time to time.*
2. That the following be added as section 2.7: *“Subject to the provisions of the Municipal Act, 2001, as amended, the Municipality of Temagami shall allow electronic participation by Members of Council and Committees in the manner and to the extent set out in section 6 of this by-law.”*
3. That the following be added as section 6, with the remaining subsections to be renumbered accordingly:

**6. ELECTRONIC PARTICIPATION:**

**6.1. Extent:**

- a. *Electronic participation shall be allowed at all Regular, Special and Committee of the Whole meetings of Council that are open to the public.*
- b. *There shall be no restriction on how often each Member of Council shall be allowed to participate electronically.*
- c. *There shall be no limit on the number of consecutive meetings that a Member of Council can participate in electronically.*
- d. *A maximum of three (3) Members of Council may participate electronically at a meeting, provided that a quorum of Council is present in person at the meeting.*
- e. *Council Members shall be permitted to vote when participating electronically.*
- f. *In order to Chair a meeting, a Member of Council shall be present in person at the meeting. When the Head of Council is participating in a meeting electronically, another Member shall chair the meeting as set out in Section 3 of this By-law.*
- g. *Although Members participating electronically are not permitted to participate in a closed session, if following the consideration of a matter in closed session a vote is taken in open session, they shall be permitted to vote on the matter, or they may choose to abstain from voting having not been privy to the closed session discussion.*

**6.2. Manner:**

- a. *When the question is called on a motion, a Member or Members participating by telephone may state verbally whether they are for or against, rather than by a show of hands, as required by section 15.8.1.*
- b. *When participating by telephone, a Member may call a point of order or move an amendment verbally. The Chair shall ensure that Members participating electronically are given the same opportunity to speak to each question as they would have been given if participating in person.*
- c. *A Member who is participating in a meeting electronically may declare a conflict of interest by emailing the declaration form to the Municipal Clerk in advance of the meeting and shall verbally state their conflict when the Chair calls for declarations.*

6.3. Process:

- a. *Any Member wishing to participate electronically in a meeting shall send a request to do so by email to the Municipal Clerk. The ability to participate electronically shall be allocated on a first-come-first-serve basis.*
  - b. *In order for a Member to participate electronically in an afternoon/evening meeting, the request shall be received by 4:30 pm on the business day before the meeting. In order to participate electronically in a morning meeting, the request shall be received by noon on the business day before the meeting. The Municipal Clerk may, at his or her sole discretion, accept a request submitted later than the prescribed time due to unanticipated circumstances (including, but not limited to weather or road conditions).*
  - c. *The municipality may use telephone conference calling, or other technology to facilitate electronic participation. The municipality shall pay the cost of the conference calling or technology option and where direct dialing is used the municipality shall initiate the call, so that the cost goes to the municipality.*
  - d. *In the event of connection/service interruptions, the Chair may recess the meeting to allow for attempts to reconnect. After 10 minutes not connected, the meeting shall resume and no more efforts shall be taken to reconnect.*
4. That the following be added to the end of section 7.2 *“If the Mayor and/or Deputy Mayor is/are present at the meeting, but is/are participating electronically, this section applies with regard to who will chair the meeting; however, those participating electronically shall be counted as present for the purpose of choosing an alternate Chair.”*
5. That the following be added to the end of section 15.8.1: *“Notwithstanding this provision, a Member or Members participating electronically may state verbally whether they are for or against a motion.”*