

COUNCIL REPORT

M&C No.	2019-14
Report Date	January 23, 2019
Meeting Date	January 28, 2019
Service Area	Corporate Services

His Worship Mayor Don Darling and Members of Common Council

SUBJECT: Procedural Bylaw Amendment Respecting Electronic Participation in Meetings and Submissions/Representations made Subsequent to a Public Hearing

OPEN OR CLOSED SESSION

This matter is to be discussed in open session of Common Council.

AUTHORIZATION

Primary Author	Commissioner/Dept. Head	City Manager
<i>Jonathan Taylor</i>		<i>John Collin</i>

RECOMMENDATION

It is recommended that council give 1st and 2nd reading to the attached Procedural bylaw amendment, and further, direct staff to add to the bylaw prior to 3rd reading a provision which allows Council members to participate using electronic means of communication for Committee of the Whole closed meetings.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with a draft procedural by-law amendment which:

- Permits remote participation for Council members via tele conference for special meetings, emergency meetings and Committee of the Whole closed session
- Provides a formal process for managing submissions or representations received by the City subsequent to a legislated public hearing held by Council

PREVIOUS RESOLUTION

February 16, 2018 Council resolution:

RESOLVED that Council allow for remote participation using teleconference for special or emergency meetings of council; and further, that Council not proceed

at this time with changing its procedural by-law to allow for remote electronic participation in regular open session meetings of Council, Committee of the Whole or other committee meetings until reliable technological solutions have been identified.

August 8, 2017 Council resolution:

RESOLVED that Common Council direct the City Solicitor to amend the *Bylaw Respecting Procedures of the Common Council* to incorporate the resolution of Common Council made on October 27th, 2014 respecting submissions and representations made subsequent to a public hearing, with the deletion of the following phrase “and further that the author of any such submission/representations be advised by the Common Clerk of the foregoing direction”; and further that the City Solicitor consolidate the *Procedural Bylaw* to incorporate all amendments.

REPORT

Electronic Meetings

The new Local Governance Act contains provisions (s 69) which allow Council members to participate in Council and Committee of Council meetings remotely using technology, such as tele conference or video conference, if the following conditions are met:

- Members of Council can hear and speak to each other
- The public can hear the member if the meeting is open to the public
- Only a member of council who, at the time of the meeting, is outside of the local government or is physically unable to attend the meeting may participate using electronic means
- In a one-year period members of Council shall not participate in a meeting using electronic means more than 25% of the regular meetings, or more than four special meetings, except for reasons of disability
- A member of Council must provide sufficient notice to the Clerk
- A member of Council who participates electronically in a closed meeting shall, at the beginning of the meeting, confirm that her or she is alone
- If the meeting is open to the public, notice of the meeting must be given to the public advising of the location of the meeting and that electronic means of communication will be used at the meeting

In order to permit the participation in a meeting using electronic means of communication, the legislation requires an amendment to the Council procedural bylaw.

Council discussed the topic of electronic meetings on February 16, 2018 and subsequently adopted a resolution to permit remote participation for members of Council via tele conference for Special or Emergency meetings of Council. Staff was directed to prepare the bylaw amendment and report back to Council.

The attached bylaw amendment has been prepared by the Solicitor's office and submitted to Council for consideration of 1st and 2nd reading. Staff recommends that Council consider adding a further provision to the bylaw to permit the electronic participation of Council members in Committee of the Whole closed session meetings. Should Council wish to proceed with this addition, it can be added to the bylaw amendment prior to Council giving 3rd reading.

Staff is currently investigating technological options for remote meeting participation while the permanent Council Chamber undergoes renovations as part of the City Hall project. Many of the audio and visual components in the Chamber were installed in 2002 and require upgrades/replacement. Staff is exploring various options, such as remote electronic voting connected to the Council Chamber meeting management software, video conferencing, and web streaming. It is recommended that a reliable technological solution be in place prior to Council considering electronic participation for regular open session meetings.

Submissions/Representations made subsequent to a public hearing

At its meeting of August 8, 2017, Council directed the City Solicitor to prepare an amendment to the procedural bylaw regarding submissions/representations received by the city subsequent to a legislated public hearing held by Common Council.

Specifically, in the event of submissions or representations being received subsequent to the conclusion of a statutorily mandated public hearing held by Council, the Common Clerk shall retain those submissions or representations in the Clerk's records but not make them available to Council members until Council's final decision on the subject matter of the public hearing, unless the City Solicitor advises that providing such submissions or representations prior to Council's final decision is appropriate from a legal perspective and the author of such submissions or representations is advised by the Clerk of the foregoing direction.

It is recommended that Council give 1st and 2nd reading to the bylaw, and further, that staff be directed to add a provision to the bylaw which allows for remote meeting participation in Committee of the Whole closed session meetings.

SERVICE AND FINANCIAL OUTCOMES

Estimated cost for conference phone: \$500 - \$1000

INPUT FROM OTHER SERVICE AREAS AND STAKEHOLDERS

The City Manager was consulted. The Solicitor's Office drafted the bylaw.

ATTACHMENTS

Procedural bylaw amendment.