

City of Mississauga

Corporate Report



9.1.

Date: July 24, 2020

To: Mayor and Members of Council

From: Gary Kent, CPA, CGA, ICD.D, Commissioner of
Corporate Services and Chief Financial Officer

Originator's files:

Meeting date:
August 5, 2020

Subject

Bill 197 and the Resumption of Council and Committee Meetings

Recommendation

1. That the report from the Commissioner of Corporate Services dated July 24, 2020 entitled "Bill 197 and the Resumption of Council and Committee Meetings" be received.
2. That Council and Committee meetings resume with their regular schedule effective September 8, 2020.
3. That the Council Procedure By-law 193-2013 be amended to allow for electronic participation at all Council and Committee meetings until August 1st 2021.
4. That the Committee of Adjustment Procedure By-law 0350-2007 be amended to allow for electronic participation until August 1st 2021.
5. That the Rules of Practice and Procedure for Property Standards and Mississauga Appeal Tribunal be amended to allow for electronic participation until August 1st 2021.
6. That prior to the August 1st 2021 expiry date of the extension of electronic participation at Council and Committee meetings, that staff report back to Governance Committee on the option of continuing with the provision of electronic participation at Council and/or Committee meetings and Quasi-Judicial Hearings.
7. That Council provide direction related to implementing proxy voting for Council meetings.

Report Highlights

- Bill 197 has introduced legislation that would allow Council to amend their Procedure By-law to allow for electronic participation in Council, local boards and committee meetings on a permanent basis.
- Bill 197 also introduces the option of allowing proxy voting during Council meetings.
- Electronic participation at Council and Committee meetings during the post-COVID transition period provides flexibility in the resumption of Council, Standing and Advisory Committee meetings and the Committee of Adjustment.
- By extending the electronic participation provisions in the Procedure By-laws until August 1, 2021, it allows Council and staff to review the desire and appropriateness of making these provisions permanent.

Background

The *Municipal Emergency Act, 2020*, allowed municipalities to allow for electronic participation in open and closed meetings and for those participating electronically to be counted for purposes of quorum. Council adopted By-law 50-2020, which amended the Council Procedure By-law to implement these changes during a declared emergency for Council and its Standing Committees (Audit, Budget, General Committee and Planning and Development Committee).

Since the declaration of the Provincial Emergency, all meetings have been held virtually, including Council, which has met on a weekly basis, Audit and Budget Committees. Planning and Development Committee and the Committee of Adjustment have resumed with virtual participation of Committee members, applicants and the public. All other Committees and Quasi-judicial tribunals were cancelled during this period.

Bill 197, *the COVID-19 Economic Recovery Act, 2020*, which received Royal Assent on July 21, 2020, amends among other Acts, the Municipal Act, 2001 by allowing municipal councils, committees and boards to determine whether they choose to amend their procedure bylaws to:

- allow the use of electronic participation at meetings on a permanent basis;
- state whether members can participate electronically in both open meeting and closed meetings;
- state whether members participating electronically count towards quorum;
- allow the use of proxy voting

Appendix 1 and 2 are the Ministry of Municipal Affairs and Housing Information Guides related to the legislative changes.

Comments

Resumption of Council and Committees and Electronic Participation

As we move towards recovery, the resumption of the regularly scheduled Council, Standing and Advisory Committees and Quasi-Judicial Tribunals is appropriate.

Bill 197, *the COVID-19 Economic Recovery Act*, 2020, amends the Municipal Act, 2001 to allow municipalities to amend their procedure by-laws to allow for electronic participation in open and closed meetings and allows those members of Council participating electronically be counted towards quorum outside of an emergency declaration period. Currently, the Procedure By-law 139-2013 only permits electronic participation during a declared emergency period; however it is recommended that the Procedure By-law be amended to allow for an extension of this provision until August 1, 2021 to provide greater flexibility during this transition period. Staff should report back prior to the extension period expires to determine whether to allow electronic participation a permanent provision in the By-law and where it should be subject to certain conditions such as medical leave, parental leave or business travel purposes. The flexibility of electronic participation allows for the resumption of Council and all committee meetings as originally scheduled from September 8th onward.

Council, General Committee, Budget, Audit, Planning and Development Committee and the Committee of Adjustment meetings are held in the Council Chambers. The Chambers are being modified to address physical distancing requirements, including the installation of plexi-glass dividers, seating decals and directional signage. The Chambers will be ready for in-person meetings effective September 8th, 2020 subject to delivery of materials. Should Council support the continuation of electronic participation in meetings, a member could chose to participate in these meetings electronically, a hybrid model could be used to allow for in-person and electronic participation in the meeting. Given the physical distancing requirements, the capacity of the Chambers is significantly reduced; however overflow for the public could be accommodated in the Great Hall. It is also recommended that the Committee of Adjustment Procedure By-law 350-2007 be amended to allow for an electronic or hybrid model. Electronic or hybrid meetings require additional staff resources and are more costly to run.

Legislative Services staff will work with committee members of all the advisory and quasi-judicial committees on a resumption plan. Most advisory committees meet in various committee rooms in the Civic Centre, given the need for physical distancing and space constraints of the meeting rooms, it may be difficult to accommodate the advisory committees. It is most appropriate to meet electronically for the foreseeable future. Over the past few months, it has been demonstrated that electronic meetings can be effective and have allowed for participation by all interested parties.

It is recommended that the current electronic meeting provisions be extended until August 1, 2021. This would give Council and Committees more experience with these types of meetings to determine whether this should be allowable on a permanent basis. Staff would report to Governance Committee prior to July 2021.

Proxy Voting

The COVID-19 Economic Recovery Act, 2002 amendments to the Municipal Act, 2001, allows a member of Council to appoint another member of Council as a proxy to act in their place when they are absent subject to certain rules:

1. A member shall not appoint a proxy unless the proxyholder is a member of the same council as the appointing member.
2. A member shall not act as a proxy for more than one member of council at any one time.
3. The member appointing the proxy shall notify the clerk of the appointment in accordance with the process established by the Clerk
4. For the purpose of determining whether or not a quorum of members is present at any point in time, a proxyholder shall be counted as one member and shall not be counted as both appointing member and the proxyholder
5. A proxy shall be revoked if the appointing member or the proxyholder requests that the proxy be revoked and complies with the proxy revocation process established by the Clerk
6. Where a recorded vote is requested, under section 246, the Clerk shall record the name of each proxyholder, the name of the member of Council for whom the proxyholder is voting and the vote cast on behalf of that member
7. A member who appoints a proxy for a meeting shall be considered absent from the meeting for purposes of determining whether the office of the member is vacant under clause 259(1)(c).

Proxy voting allows Members of Council the ability to participate in votes when absent from meetings subject to the provisions of Municipal Act. Should Council wish to investigate proxy voting for Council meeting purposes, staff should be requested to report back to Governance Committee in the fall on options for proxy voting such as general or specific proxies, rules and processes for its implementation.

Financial Impact

N/A

Conclusion

The ability for Council and Committee members to participate in meetings electronically and be counted towards quorum will ensure the continuity and/or resumption of meetings and the business of the City. This will allow for greater flexibility for advisory committees where physical distancing may not be feasible. By extending the electronic provisions in the Council and Committee and Committee of Adjustment Procedure By-laws flexibility is granted through the post COVID transition period and allows a review of the appropriateness and conditions by which this provision could be used on a more permanent basis.

The ability to have a proxy vote when unable to attend a meeting allows Council members to participate in votes however requires further review to determine the appropriate processes and implementation options.

Attachments

Appendix 1 - Information Sheet Electronic Participation in Municipal Meetings

Appendix 2 - Information Sheet Proxy Voting for Municipal Council Members



G. Kent.

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