



MUNICIPALITY OF **West Elgin**

Staff Report

Report To: Council Meeting
From: Jana Nethercott, Clerk
Date: 2020-08-13
Subject: Changes to the Municipal Act from Bill 197

Recommendation:

That West Elgin Council hereby receives the report from Jana Nethercott, Clerk Re: Changes to the *Municipal Act* as part of Bill 197 for information purposes.

Purpose:

To provide Council with the background information about the changes to *Municipal Act* as part of Bill 197 and to receive direction on what changes, if any they wish to make to West Elgin's Procedural By-law as a result.

Background:

With the passage of Bill 197 on July 21, 2020 there were changes to many Acts as a result of the current pandemic. The changes to the *Municipal Act* include the ability to conduct electronic open and closed meetings beyond during declared emergencies and to allow for Council members to appoint a proxyholder to act on their behalf during a meeting, subject to certain limitations. In order to take advantage of these amendments West Elgin's Procedural By-law would need to be amended and rules and limitations created, as outlined below.

If Council wishes to continue to allow for electronic participation in both Council and Committee meetings, the Procedural By-law would need to be amended to allow for this outside of the declared emergency as that is all that is currently allowed in the by-law. Given the current state of the world and the threat of a second wave of the pandemic, staff believe that amending the by-law to allow for electronic participation in all Council supported meetings for the foreseeable future is a positive move, even in a non-pandemic situation and have maintained the subscription to Zoom for this reason. However staff will require direction as to any limitations Council wishes to impose on electronic participation.

Option 1: Full Electronic Meeting Participation

This is the option that West Elgin Council and staff have participated in since April 9, 2020. While there has often been a mix of staff and limited number of Council Members in attendance in the West Elgin Council Chambers, all have participated through the use of laptops and headphones. Council has the option when approving the amendment to the Procedural By-law to limit electronic participation to meetings that are called as electronic meetings only. All *Municipal Act* requirements are met with this option, through advertising a request for the link to the meeting. West Elgin currently has a subscription to Zoom, which has been maintained and could expand to broadcasting the meeting live to Youtube or Facebook live through Zoom as well as allowing

members of the public to request the link if they wish to listen to the meeting over the phone. No additional equipment would need to be purchased to continue with this style of meeting, however the on going cost of \$82.49 per month would be required. With this option not all meetings have to be electronic participation, but it does give the chair the option when the meeting is called and right up to the publishing of the agenda, to make the meeting electronic participation, which allows for flexibility due to availability and or current restrictions.

Option 2: Allow Electronic Participation Meetings Under Limited Circumstances

This option would allow Council to lay out parameters for allowing the call of an electronic participation meeting. This option could just limit the calling of electronic participation meetings during a Declared Emergency, which is what is already permitted and require no amendment to the Procedural By-law or could get as complicated as setting out the circumstances when electronic participation can be allowed. This option could get complicated, with options for partial in person and partial electronic participation as well. If Council wants this option, a further report to explore all of the options can be brought forward as there could be an extra cost for equipment to allow for some participants in person and some electronic, in order to meet the *Municipal Act* requirements for an open meeting.

Option 3: Do nothing right now

This option allows for electronic participation in all meetings as long as West Elgin has a Declared Emergency. Currently, the Emergency has not been declared over by the Mayor and therefore Council does not need to make any decisions regarding Electronic participation in meetings. Council has received a report at the June 25, 2020 Council regarding the expansion of the municipal office and a new Council Chambers, if this project goes forward in a timely manner, the technology to support electronic participation in meetings and to web broadcast meetings can be included in construction and design of the chambers and the Procedural By-law could be amended at that time to allow for electronic participation. However, if the Declared Emergency in West Elgin is ended, so does the ability to have an electronic participation meeting.

At the Council meeting on July 16, 2020 Council made the decision to return to in person meetings at the West Elgin Recreation Centre in Rodney to allow for physical distancing and notices have gone out for Meetings to Consider an Engineers Reports and Court of Revision for Drains for the August 27, 2020 meeting, which means Council has time to consider their options and a future report can be

The same amendment to the *Municipal Act* allows for Council Members who are unable to attend an official meeting to assign a proxy vote to another voting member of Council. Allowing proxy voting is optional and there are limitations set out in the legislation that limit the proxy appointment. These include:

- A proxyholder cannot be appointed unless they are a member of the same council
- A member cannot act as proxyholder for more than one other member of council at a time
- An appointed proxy is not counted when determining quorum
- A member appointing a proxy shall notify the municipal clerk of the appointment in accordance with a local process established by the clerk
- When a recorded vote is taken, the clerk shall record the name and vote of every proxyholder and the name of the member of council for whom the proxyholder is acting

- A proxy may not be appointed for an issue where the appointer or appointee has declared a pecuniary interest
- Council members absence rules still apply.

Council wishes to allow for Proxy Voting a procedure would need to be developed and brought forward for consideration at a future meeting, along with the amendment to the Procedural By-law.

Financial Implications:

Depending on what option for electronic participation is chosen, the costs would start at \$82.49 per month.

Policies/Legislation:

Bill 197, COVID-19 Economic Recovery Act, 2020
Municipal Act