

## Electronic Participation in Meetings

With the onset of the COVID 19 Pandemic, the Province enacted provisions to allow for electronic participation by municipal councils in times of declared emergencies. The City of Greater Sudbury has taken advantage of these provisions and amended the City's Procedure By-law on March 24<sup>th</sup>, 2020. The amendment limited electronic participation to circumstances where emergencies are declared by the Province or the municipality. Since March 24<sup>th</sup>, 2020, the City has held all of its meetings electronically.

This report responds to a request by Council to provide information regarding the potential for continued use of electronic participation once the current declared emergencies have terminated.

In 2018, the *Municipal Act, 2001* was amended by the *Modernizing Ontario Municipal Legislation Act, 2017*. In addition to numerous other changes involving accountability and transparency measures, the Province provided the ability for municipalities to permit partial electronic participation by members in meetings of Council and Committees of Council. Subsections 238(3.1) and (3.2) are attached for ease of reference. It should be noted that these provisions are more limited than the broad powers for electronic participation recently enacted during the pandemic. Any continued use of electronic participation is subject to the following restrictions:

- The provisions enacted by the Province provide that members participating electronically are not to be counted for determining quorum. This means that a majority of members are required to be physically present in order for a meeting to proceed or continue. This brings about certain questions such as how a determination would be made as to which members would be permitted to participate electronically in the event a majority declared interest in participating electronically. It is proposed that, should a majority of members express their wish to participate electronically for any given meeting, the respective Chair would be responsible for determining which members can participate electronically with priority given to medical or health concerns; and,
- Members participating electronically are not permitted to participate in a closed session of Council or a Committee. This may lead to situations where members participating electronically are not able to assist in essential discussions in closed session which are permitted by the *Municipal Act, 2001*, which information or advice members may at times require regarding important decisions in open session.

The proposed by-law amendment provides the ability for Council to use partial electronic participation for open meetings of Council and its Committees once the declared emergencies have terminated. The amendment further amends the provision in the Procedure By-law regarding petitions to allow for petitions to be prepared and submitted electronically.

## **Subsections 238(3.1) and (3.2) of the *Municipal Act, 2001***

### **Electronic participation**

(3.1) The applicable procedure by-law may provide that a member of council, of a local board or of a committee of either of them, can participate electronically in a meeting which is open to the public to the extent and in the manner set out in the by-law provided that any such member shall not be counted in determining whether or not a quorum of members is present at any point in time. 2017, c. 10, Sched. 1, s. 25 (2).

### **Same**

(3.2) The applicable procedure by-law shall not provide that a member of council, of a local board or of a committee of either of them, can participate electronically in a meeting which is closed to the public. 2017, c. 10, Sched. 1, s. 25 (3).