

Electronic Participation in Meetings

Shortly after the Province of Ontario declared an emergency on March 17, 2020, it passed the *Municipal Emergency Act, 2020* which included enhanced means for members of municipal councils to meet electronically in declared emergencies pursuant to the *Emergency Management and Civil Protection Act*. On March 24, 2020 at a Special Meeting of the Council, City Council considered and passed By-law 2020-69, which By-law amended the City's Procedure Bylaw 2019-50 to permit electronic participation by Members in meeting of Council and its committees during declared emergencies.

Since that time, meetings of City Council and its Committees have occurred with almost all members participating electronically via videoconference. As the COVID-19 pandemic remains a continuing threat and faced with concerns of having to return to in-person meetings should the declared emergencies be terminated, City Council, by resolution CC2020-146, requested that the Clerk present a further amendment to permit, to the full extent permitted by the *Municipal Act, 2001* as it then read, partial electronic participation by members in open meetings outside of declared emergencies. As a result, By-law 2020-107 was considered and passed on June 23, 2020 permitting for partial electronic participation by Members in open meetings outside of declared emergencies. Pursuant to this amendment, members participating electronically may not be counted towards quorum nor may they participate in closed meetings.

Most recently on July 21, 2020, the Province passed Bill 197 entitled the *COVID-19 Economic Recovery Act, 2020*. Amongst the numerous legislative reforms to multiple statutes, further changes were made to the provisions in the *Municipal Act, 2001*, that relate to electronic participation in meetings of municipal Councils, their committees and local boards. In particular, the amendments modify section 238 of the Act to allow for full electronic participation in meetings of Council, committees and local boards. In other words, members participating electronically may now be counted towards quorum and may participate in closed meetings if permitted in the municipality's procedure by-law.

As a result, the ability to participate electronically more fully as envisioned by Bill 197 requires a further amendment. The amendment revises the previous amendments to reflect the ability for Council to continue to meet electronically outside of declared emergencies and provides that members participating electronically shall be counted towards quorum and may participate in closed meetings.

Resources Cited

Report presented at the Special City Council meeting of March 24, 2020:

<https://agendasonline.greatersudbury.ca/index.cfm?pg=feed&action=file&agenda=report&itemid=2&id=1549>

Bylaw 2020-69:

<https://agendasonline.greatersudbury.ca/index.cfm?pg=feed&action=file&attachment=30147.pdf>

Report presented at the City Council meeting of June 23, 2020

<https://agendasonline.greatersudbury.ca/index.cfm?pg=feed&action=file&agenda=report&itemid=22&id=1472>

Bylaw 2020-107:

<https://agendasonline.greatersudbury.ca/index.cfm?pg=feed&action=file&attachment=30635.pdf>

Bill 197: <https://www.ola.org/en/legislative-business/bills/parliament-42/session-1/bill-197>