

Staff Report



To	City Council
Service Area	Corporate Services
Date	Thursday, April 16, 2020
Subject	Procedural By-law Update

Recommendation

1. That the proposed Procedural By-law, included as Attachment-1 to the report titled Procedural By-law Update, dated April 16, 2020, be approved and that By-law (2019)-20432 be repealed.
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Executive Summary

Purpose of Report

To update the Procedural By-law to clarify rules surrounding Special City Council meetings held on emergency or extraordinary occasions, per Section 8.1 (d) of the Procedural By-law, and to clarify rules surrounding electronic meetings held during a declared emergency.

Key Findings

At an Emergency City Council meeting held on March 23, 2020 a motion was passed to amend the [Procedural By-law](#) in response to the Province of Ontario's enactment of Bill 187, the [Municipal Emergency Act](#). This Act provides that, during emergencies, members of councils, local boards and committees who participate electronically in open and closed meetings, should they choose to, may be counted for the purposes of determining quorum. Upon further review of the Procedural By-law, staff are recommending additional changes to clarify rules surrounding meetings held in an emergency or extraordinary circumstance as well as electronic meetings held during a declared emergency. These changes also address the handling of delegation requests and the deadline for written correspondence for Special City Council meetings held on emergency or extraordinary occasions.

Financial Implications

There are no financial implications resulting from this report.

Report

On March 17, 2020 a declaration of emergency was made by the Province of Ontario pursuant to Section 7.0.1 of the [Emergency Management and Civil Protection Act](#) related to the COVID-19 pandemic.

On March 26, 2020 a state of emergency for the City of Guelph was declared by Mayor Guthrie in response to COVID-19.

On March 19, 2020 the Province of Ontario passed Bill 187, the Municipal Emergency Act, which amends the [Municipal Act](#) and the [City of Toronto Act](#) to provide that, during emergencies, should they choose to, members of councils, local boards and committees who participate electronically in open and closed meetings may be counted for purposes of quorum.

At an Emergency City Council meeting held on March 23, 2020 the following motion was passed:

That By-law (2019)-20432 (the Procedural By-law) be amended as follows:

Insert definition of Emergency City Council Meeting:

“Emergency City Council Meeting” means any meeting of City Council called under Section 8.1 (d).

Insert Section 4.1 (e):

4.1 Public Notice of Meetings

e) Section 4.1 (d) shall not apply to emergency meetings called under Section 8.1 (d). The Clerk shall give public notice for emergency meetings called under Section 8.1 (d) by inclusion on the City’s website as soon as possible after the meeting is called.

Insert Section 8.3:

8.3 Emergency City Council Meetings

a) Where an emergency has been declared in all or part of the City of Guelph under Section 4 or 7.0.1 of the Emergency Management and Civil Protection Act:

i. any member of City Council may participate in any open or closed City Council meeting electronically and be counted for the purpose of establishing quorum;

ii. all votes shall be by show of hands or by verbal consent (yes or no); and

iii. City Council shall have the discretion to consider any items previously considered by any committee of City Council, but not yet confirmed by City Council at the time the emergency was declared, as part of an emergency meeting called under Section 8.1 (d).

The intent behind these amendments to the Procedural By-law passed on March 23, 2020 was to allow City Council to meet electronically during the declared emergency in order to move necessary business forward.

Staff have undertaken a further review of the Procedural By-law and are recommending additional changes to clarify rules surrounding meetings held in an emergency or extraordinary circumstance as well as electronic meetings held during a declared emergency. Section 8.1 (d) of the Procedural By-law permits the calling of Special City Council meetings on emergency or extraordinary occasions. To maintain consistency, it is recommended that meetings called under Section 8.1 (d)

are referred to as Special City Council meetings rather than Emergency City Council Meetings.

Regular public notice provisions for Special City Council meetings do not apply to meetings called under Section 8.1 (d). As a result, the Procedural By-law is currently silent on the handling of delegation requests and the deadline for written correspondence for these types of meetings. Staff is therefore recommending the addition of Sections 4.8 (r) and (s) to stipulate that for Special City Council meetings called under Section 8.1 (d), delegations may be permitted at the discretion of the Mayor or Chair in consultation with the City Clerk and that the deadline to register as a delegate and/or to submit written correspondence will be posted on the City's website and/or included on the meeting agenda.

Finally, it is recommended that Section 8.3 of the Procedural By-law be amended to clarify that the rules in this section apply to electronic meetings held during a declared emergency rather than Emergency City Council meetings.

The following is a summary of the proposed changes:

- Definition of "Emergency City Council Meeting" removed.
- Definitions of "Declared Emergency" and "Electronic Meeting" added.
- Section 4.8 (r) added to permit delegations for Special City Council meetings called under Section 8.1 (d) at the discretion of the Mayor or Chair in consultation with the City Clerk.
- Section 4.8 (s) added to clarify the deadline for delegations and written submissions for Special City Council meetings called under Section 8.1 (d).
- Section 4.9 (a) amended to include the deadline for written submissions added in Section 4.8 (s).
- Section 8.3 amended to replace "Emergency City Council Meetings" with "Electronic Meetings during a Declared Emergency".
- Section 8.3 (a) (i) amended to include Special City Council and Committee meetings.
- Section 8.3 (a) (iv) added to address declarations of pecuniary interest during an electronic meeting.
- Section 8.3 (a) (v) added to permit delegations at an electronic meeting via telephone, videoconferencing software and/or other technology methods deemed appropriate by the City Clerk's Office.

Financial Implications

There are no financial implications resulting from this report.

Consultations

Not applicable.

Strategic Plan Alignment

This report aligns with the Working Together for our Future pillar by improving services through the greater use of technology and data by permitting members of City Council to participate in any open or closed City Council, Special City Council and Committee meetings electronically during a declared emergency. This will ensure that the City can continue to move forward with necessary business in emergency situations.

Attachments

Attachment-1 Proposed Changes to the Procedural By-law

Departmental Approval

Dylan McMahon, Manager, Legislative Services/Deputy City Clerk

Report Author

Lindsay Cline, Council and Committee Coordinator

This report was approved by:

Stephen O'Brien
General Manager, City Clerk's Office/City Clerk
Corporate Services
519-822-1260 extension 5644
stephen.obrien@guelph.ca

This report was recommended by:

Trevor Lee
Deputy Chief Administrative Officer
Corporate Services
519-822-1260 extension 2281
trevor.lee@guelph.ca