



Subject: Hybrid Attendance Model at Meetings

To: Council

From: Development and Legislative Services Department

Report Number: 2022-116

Meeting Date: May 24, 2022

Recommendation:

That Development and Legislative Services Report 2022-116 be received;

That Council approve a hybrid attendance model at Council, Board, and Committee meetings;

That Council approve an amendment to the Procedural By-law to include a protocol to stand when addressing Council during Council meetings; and

That Staff be directed to bring the amended Procedural By-law for approval at a future meeting of Council

Purpose:

This report provides an overview of long-term considerations for a hybrid attendance model at Council and Committee meetings and seeks approval to amend the Procedural By-law to allow for Hybrid Meetings.

Background:

In 2020, the *Municipal Act* was amended through *Bill 197, COVID-19 Economic Recovery Act* to allow members of Council, of a local board, or of a committee to participate electronically in both open and closed meetings and be counted toward quorum, even in the absence of an emergency. During the pandemic, changes have been made to the City's Procedural By-law to allow for electronic attendance at Council meetings.

On March 8th, Council adopted a new Procedural By-law # 6979/17/22 which allows for electronic participation at Council meetings in accordance with the following provisions:

Electronic Participation

16.1 Electronic participation will be permitted by Members of Council and Committees only in circumstances deemed extraordinary by the Clerk.

16.2 A Member of Council shall be present in person at the meeting in order to Chair the meeting. If all Members are participating electronically then the Chair would be appointed as prescribed in this by-law.

16.3 The Member of Council who wishes to participate in a meeting electronically shall provide the Clerk a minimum of 24 hours' notice in advance.

16.4 Members participating electronically will count towards quorum in accordance with Section 238 (3.3) of the Municipal Act.

On March 15th, the Mayor signed the City's order to terminate a state of emergency. At the time of this report, the province remains under a Section 22 Class Order for facial coverings. All other health measures have been lifted including capacity limits.

A gradual return to in person Council meetings began April 26, 2022, in adherence to the City's Reopening Framework.

Discussion:**Council, Committee, and Public Meetings**

A jurisdictional scan of other municipalities revealed that rules governing electronic attendance for meetings vary. The City of Port Colborne has successfully held meetings with electronic participation for approximately two years which has allowed City business to advance in a safe manner.

Through the pandemic, the City's Committees have undergone numerous changes to how they meet. Most recently, due to the pandemic, Committees at times met virtually, and during the lockdowns had their meetings cancelled. Through direction from the Chief Administrative Officer (CAO) and Emergency Control Group (ECG), the Clerks Division is currently preparing guidelines to allow the Committees to meet in person safely once again.

Due to the benefits of electronic meetings, staff are recommending that a hybrid model for attendance at meetings be permitted moving forward for Council members, committees, staff, delegates, consultants, and presenters. Allowing virtual attendance demonstrates flexibility in the ways in which residents and the community may engage with Council. Staff do recommend a phased in approach for a hybrid attendance model

for Committees to ensure meeting spaces can facilitate the hybrid model of participation.

Allowing staff to attend meetings virtually confirms Council commitment to employee wellness to reduce the amount of time staff attend City Hall for meetings. The Chief Administrative Officer and Directors will attend meetings in person unless circumstances arise that require electronic participation.

The current Procedural By-law provides that Council may attend a meeting virtually in circumstances deemed extraordinary by the Clerk. The By-law does not define “extraordinary” circumstances and is left to interpretation by the Clerk, the By-law also requires a minimum of 24 hours' notice in advance if these circumstances arise.

To move to a permanent hybrid model for attendance, staff is recommending the following provisions be added/amended in the Procedural By-law:

- Definition of “Electronic Participation” amended to include members of Committees and Boards.
- Delete requirement for member electronic participation in extraordinary circumstances only.
- Add provision that: a Council, Committee, or Board member who participates in a Board, Committee, or Council meeting remotely via electronic means will have the same rights and responsibilities as if he or she were in physical attendance, including the right to vote.
- Add provision that: the Chair will canvass Members participating electronically about their intention to speak to a matter on the floor and will notify each Member when it is his or her turn to speak.
- Add provision that: the Clerk or designate shall be required to be physically present in the location where any meeting with electronic participation takes place.
- Add provision that: each member participating in a meeting electronically shall be available at least fifteen (15) minutes before the beginning of the meeting to establish the electronic connection.
- Add provision that: where a conflict of interest is declared in Closed Session, the Member shall disconnect from the meeting but may reconnect when the matter is finished.
- Add provision that: the Clerk is authorized to adjust any provisions of this By-law made impossible by the features and functionality of the electronic means or service used to permit electronic participation.
- Add provision that: delegates, presenters and staff will be permitted to participate electronically.

Technological and Human Resource Factors

The City is planning to implement camera and recording capabilities within the 2022 Boardroom Technology Upgrade capital project. The camera and recording capabilities being implemented would provide sufficient production value for staff functions (such as training events) and smaller meetings, such as statutory public meetings and Committee of Adjustment.

Contracted services have been providing streaming services for Council meetings since the onset of the pandemic. It is recommended that the City continue to use contracted services for Council meetings as they provide hybrid capabilities and quality production value. For all other meetings (i.e., Committee of Adjustment, statutory public meetings) these could be facilitated with the City's capabilities.

A hybrid attendance model for meetings does require additional planning and logistic requirements to run smoothly. Challenges do present themselves in managing a hybrid attendance model, the Clerk's division will continue to track and monitor the impact to their workload and technical concerns they have and provide best practice solutions moving forward.

Council could consider allowing meetings in one format only, in person or electronic participation only, however that is not recommended by staff.

Other Procedural Matters

At a recent Council Meeting, discussion took place surrounding procedure when addressing Mayor and Council. In the past, Council members, staff, delegates, and presenters, when able, rose when addressing Council. With the return to in person meetings, direction was sought on whether this procedure should continue. Consideration should be given to accessibility concerns, and technological factors to ensure those speaking can be heard through the Council Chambers microphone system.

To include this meeting protocol, the City's Procedural By-law would be amended to include the following provision:

- Any Member who wishes to speak must raise his or her hand and be recognized by the Chair. Once recognized, the Member, if able, shall stand to speak to the matter.

Internal Consultations:

The Corporate Leadership Team and Manager of Information Technology were consulted and concur with the recommendations for a hybrid attendance model for all meetings.

Financial Implications:

Council has approved a total of \$60,000 in the capital budget for technological upgrades for Council Chambers and Committee Room 3.

Contracted services to stream Council meetings is approximately \$30,000 annually.

If it is determined that additional staff or equipment is required to facilitate a hybrid model of attendance at Council meetings, a request will be brought forward for consideration in the 2023 proposed budget.

Public Engagement:

The City has provided communications to the public on the return of in-person meetings, if approved, options for hybrid model of attendance for delegates and presenters will be communicated to those wishing to appear before Council.

Strategic Plan Alignment:

The initiative contained within this report supports the following pillar(s) of the strategic plan:

- Service and Simplicity - Quality and Innovative Delivery of Customer Services
- Governance: Communications, Engagement, and Decision-Making

Conclusion:

As the province and City transition out of the pandemic, many lessons and new ways of doing business have presented themselves. Allowing for virtual attendance at meetings and broadcast of City meetings provides an enhanced level of transparency and accountability that allows an opportunity for the public to engage with Council in person or virtually. This model also encourages those feeling ill to remain home to participate in meetings, maintaining the health and safety of others in attendance.

Staff continue to monitor the current COVID-19 situation, if new regulations or health measures are enacted, the CAO, in consultation with the ECG will communicate changes to the current colour stage under the City's Reopening Framework.

Staff recommends approval of a Hybrid attendance model for meetings, if approved staff will bring an amendment to the Procedural By-law at a future meeting of Council.

Respectfully submitted,

Nicole Rubli
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Report Approval:

All reports reviewed and approved by the Department Director and also the City Treasurer when relevant. Final review and approval by the Chief Administrative Officer.