



Report to Council

Department: Office of the CAO
Division: Office of the CAO
Date: September 21, 2020
Prepared by: Chris Nepszy, Chief Administrative Officer
Report Number: Office of the CAO-2020-07
Subject: Hybrid Council Meetings
Number of Pages: 5

Recommendation(s)

That Office of the CAO Report -2020-07 entitled Hybrid Council Meetings prepared by Chris Nepszy, Chief Administrative Officer be received; and

That Council approve a hybrid form of regular council meeting in the form and manner outlined in this report, commencing October 5, 2020, with such meetings to be based from and held in the County of Essex Council Chambers.

Purpose

To provide the Town of Essex Council with options regarding the transition to conducting Regular Council Meetings at the County Council Chambers.

Background and Discussion

In March 2020 municipalities were forced to move to electronic meetings for their Council meetings as a result of COVID-19. Since that time (and continuing during the period of the Provincial and Municipal Declared Emergencies) Council has conducted all meetings via

Zoom allowing delegates to participate electronically and the public to view the meeting by way of livestream via YouTube. The ability to conduct Council meetings electronically first became permissible back in 2018. However the Municipal Act at that time stated that those members participating electronically would not count towards quorum. However on March 19, 2020, and in response to the COVID-19 Pandemic, the Ontario Legislature passed and gave Royal Assent and force to Bill 187 (the *Municipal Emergency Act*). This legislation amended and added to Section 238 of the *Municipal Act, 2001* by permitting expanded electronic participation capability during emergencies such that those members participating electronically shall count as quorum for the purposes of the meeting. Accordingly the Town of Essex on March 23, 2020 amended its procedural by-law to provide for electronic meetings by Council and its Committees during a time of Declared Emergency.

While the current pandemic continues the Provincial Government has now brought the Province to Stage 3 of its Reopening Plan which eases some of the necessary restrictions that were put into place to contain the spread of the COVID-19 outbreak. In particular Stage 3 now allows for indoor gatherings of up to 100 people but with the requirement to maintain the appropriate physical distancing and related safety measures.

As a result the capability to return to a traditional Council Chamber setting in full or in part now exists provided 1) the appropriate physical distancing and related safety measures are and remain in place and 2) the technology capability is in place and functioning and 3) the appropriate permissions and arrangements with the County of Essex have been made with respect to holding the Council meetings in County Chambers.

Given that we are still in a time of pandemic it is suggested that for now a hybrid form of Council meeting be considered during the interim of the pandemic such that Regular Council Meetings be based from and held in the County of Essex Council Chambers but with members of Council and Administration having the opportunity to participate in the meeting either in-person or electronically together with members of the public continuing to be able to view the meetings via livestream and participate as delegates electronically. The formality

of a meeting in a physical Council Chambers provides for and encourages decorum and adherence to rules of decorum. While electronic meetings also adhere to democratic principles and decorum through adherence to the rules of procedure it is suggested that the “look and feel” of a meeting in a physical Council Chambers helps contribute further to assuring the public that the business of the municipality is being conducted in a formal, fair and democratic fashion.

To that end Town Staff has been working diligently testing various ways of transitioning Council back into the formal setting of the Chambers by conducting mock meetings and researching various options that will accommodate both in-person and electronic participation by Council, staff and delegates. The presentation attached hereto as Schedule ‘A’ to this report outlines some of the issues that staff have been working through and outlines various options available. At this time we have the consent of the County of Essex to use County Chambers and arrangements have and continue to be made in order to ensure proper physical distancing and safety measures are in place.

While the attached presentation provides for a number of options the most expedient and cost effective method at this time would be to move to a hybrid model where Council and staff would participate either in-person or electronically and delegates would participate electronically. However each attendee, whether participating in-person or electronically, would continue to log into Zoom. This ensures that each attendee of the meeting (whether in person or electronic) is easily visible to the public while live streaming the meeting. A “room view” will be added to Zoom that will provide an overall view of the County Council Chambers and in-person attendees enhancing the experience for those who choose to participate electronically. Under this scenario Town Staff, as opposed to an outside service provider, would be responsible for streaming the meetings to the public via YouTube.

It is proposed that commencing October 5th, 2020, Regular Council Meetings be based from and held in the County of Essex Council Chambers with initially just the Mayor and Administration attending in-person and the Councillors and delegates participating

electronically. This transition will allow staff to continue to work through any initial issues that may arise.

After the initial roll out in the month of October, it is proposed that commencing November 2nd, 2020 all members of Council and staff could attend Regular Council Meetings in-person, and/or continue to participate electronically if necessary. Delegates and members of the public would continue to observe or participate electronically until such time as a return to County Council Chambers would be permissible.

As Council and staff work through this transition, staff will re-evaluate and modify as needed to ensure the safety of all Council, staff and delegates.

As a final note, the Province in July 2020 passed Bill 197, the *COVID-19 Economic Recovery Act* 2020, an omnibus piece of legislation which amends various statues but which in particular further amends the electronic meeting provisions of the Municipal Act to provide that (provided the procedural By-law provides for same) electronic meetings can continue to be permissible post emergency in circumstances such that any Council members participating electronically shall continue to count towards Quorum. This is a significant change from the March 2020 legislation that amended the Municipal Act in that the March legislation only provided for the ability to count towards quorum during the time of a provincial or municipal Declared Emergency. Bill 197 further provides for the option to allow proxy votes for Council Members who will be absent from a meeting. Both the expanded electronic meeting capability and ability to allow proxy voting are subject to certain limitations in the legislation and such rules of procedure as may be recommended by the Clerk and approved by Council. Accordingly a Report with recommendations as it relates to Bill-197 and its electronic meeting and proxy provisions is forthcoming likely in October 2020.

Financial Impact

There will be a cost savings of approximately \$650 per meeting by moving to Zoom and streaming live to the Town's YouTube channel.

Should Council decide to proceed with the recommended hybrid model, the Initial costs incurred would include the purchase of microphones, webcams and speakers. The amount required will depend entirely on the amount of equipment required. The IT department is currently working with staff to determine individual needs however it is expected to not exceed \$1,000 at this time. Further, additional staff resources will be required to manage/moderate this hybrid method of delivering council meetings.

Consultations

Jack Barron. Manager, Information Technology

Robert Auger. Town Solicitor, Legal and Legislative Services/Clerk

Link to Strategic Priorities

- Manage, invest and plan for sustainable municipal infrastructure which meets current and future needs of the municipality and its citizens.
- Create a safe, friendly and inclusive community which encourages healthy, active living for people of all ages and abilities.
- Provide a fiscal stewardship and value for tax dollars to ensure long-term financial health to the municipality.
- Manage responsible and viable growth while preserving and enhancing the unique rural and small town character of the community.
- Improve the experiences of individuals, as both citizens and customers, in their interactions with the Town of Essex.
- Improve the Town's capacity to meet the ongoing and future service needs of its citizens while ensuring the corporation is resilient in the face of unanticipated changes or disruptions.

Report Approval Details

Document Title:	Hybrid Council Meetings - Office of the CAO-2020-07.docx
Attachments:	- Covid Council.pptx
Final Approval Date:	Sep 15, 2020

This report and all of its attachments were approved and signed as outlined below:

A handwritten signature in black ink, appearing to read "Chris Nepszy". The signature is written in a cursive, flowing style.

Chris Nepszy, Chief Administrative Officer - Sep 15, 2020 - 4:47 PM