

Meetings Guidance for Heads of Council COVID-19

Your Role as Leader

Life has become more complex.

As the Head of Council you are required to lead. You are expected to provide leadership to Council and your community every day. This is even more true in times of crisis. Members of Council and those in your community are looking to you for thoughtful and effective leadership in this time of crisis. You lead by example; you lead by decisive action to protect your residents; you lead by getting people working together.

Brief Summary of the Legislation

This week the Province has enacted Bill 187, *Municipal Emergency Act, 2020*. This legislation makes changes to the quorum requirements in the *Municipal Act*. It authorizes every municipal council to amend its Procedure By-law after an emergency has been declared under the authority of the *Emergency Management and Civil Protection Act*. The changes permitted will allow members to electronically attend council, committee and local board meetings and be counted in quorum.

This quorum provision will remain in effect for the duration of the declared emergency. Council has the discretion as to whether it intends to amend its Procedure By-law. Once amended, members may attend meetings electronically and be counted in quorum as your amended by-law permits. This applies to both open and closed meetings.

Your role as Chair of the meeting will change in some significant ways. Meetings will feel very

different. Keep in mind that these changes will apply to council, its committees and some local boards.

What is an “emergency”?

The definition is in the *Emergency Management and Civil Protection Act*. It reads,

“emergency” means a situation or an impending situation that constitutes a danger of major proportions that could result in serious harm to persons or substantial damage to property and that is caused by the forces of nature, a disease or other health risk, an accident or an act whether intentional or otherwise;”

What other rules change?

Bill 187 impacts the quorum requirements. Rules in the *Municipal Act* and the Procedure By-law continue. The expectation is the council will continue to be transparent in its decision-making.

Technological and Location Challenges with Electronic Participation

There is wide variation in technological capacity in Council Chambers, or other public locations where a meeting may be held.

Please note, the *Municipal Emergency Act, 2020* does not change the location of your meetings nor the ability of the public to attend. It primarily provides for local discretion to deal with quorum provisions for the duration of the declared Emergency.

The Procedure By-law still governs the location of the meeting, and the *Municipal Act 2001* the ability of the public to attend and observe. You can change the location by amending your procedure by-law, but the Act still prevails with respect to public attendance and notice of all meetings, open or closed.

Some Council Chambers, or other locations, will have the capacity for audio and video conferencing already. On the other hand, some may be limited to a single speakerphone. Most municipalities will be somewhere in between.

Practically, the meeting will at least have the Chair and the Clerk present in the Council Chambers.

All members of Council need to be able to participate equally, and the public in attendance (practicing appropriate distancing in accordance with local Board of Health guidelines) needs to be able to observe all that Council members can hear and see at the meeting. This Act does not change transparency requirements.

Any technology should be tested prior to a meeting and simplicity of operations for members is essential. The best advice is to start simple and as time passes, add sophistication if you can be sure the technology is reliable.

While audio recordings of meetings may not be a current practice, consider creating them and making them available on the municipal webpage in the spirit of transparency.

Your First Meeting with an Electronically Achieved Quorum

This meeting will require all of the formality provided by your procedure by-law if it is to be effective.

Members need to be recognized by the chair, speak within time limits and Council should not be debating or discussing matters without a motion duly moved and seconded before them. Your Clerk will be able to provide you with the relevant sections of your by-law.

Staff recommendations, crafted in the form of motions, should be presented for every issue that Council needs to consider and circulated in advance.

The Chair and the Clerk should rehearse as to how it is going to work. In a crisis, leaders need to be prepared and seen to be prepared.

Prepared for AMO by
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We would appreciate your feedback as to what worked and didn't work in your first meeting(s) under the new rules so that we can reference them in future materials that we might send out. Email us at covid19@amo.on.ca.