

Remote Participation at Council, Standing Committee and Council Committee Meetings

Waiving of Rules Set Out in the Council Procedures Bylaw

Recommendation

That the following sections of Bylaw 18155, Council Procedures Bylaw, be suspended until amendments to Bylaw 18155 are considered by City Council in Q1 2022:

- a) Sections 13 and 36
- b) Schedule A, sections 2 to 6

Clerk's Note: A special resolution is required to pass the above motion. A special resolution means a vote where at least two-thirds of all members of Council (9 of 13) vote in favour of the motion.

Previous Council Direction

At the March 13, 2020, Special City Council meeting, the following motion was passed:

1. That until midnight on April 30, 2020, the operation of the following sections of the Council Procedures Bylaw 18155 be suspended until further notice:

14(3) Councillors participating in a Standing Committee meeting using communication facilities will only be counted towards quorum if another Councillor is present at the meeting location to act as an alternate if the communication facility fails.

Schedule A, section 2:

A Councillor may only participate in a Council, Standing Committee, or Council Committee meeting using a communication facility if:

- a. the Councillor is in a location outside of Edmonton for any reason; or
- b. the Councillor is located in Edmonton, but is unable to attend a meeting for medical reasons of the Councillor or their immediate family;

and the City Manager is present at the location specified in the meeting notice to ensure that Councillors participating by communication facility can be heard by all those present at the meeting.

At the March 20, 2020, Special City Council meeting, the following motion was passed:

4. That until midnight on May 31, 2020, the operation of the following sections of the Council Procedures Bylaw 18155 be suspended until further notice:

14(3) Councillors participating in a Standing Committee meeting using communication facilities will only be counted towards quorum if another Councillor is present at the meeting location to act as an alternate if the communication facility fails.

Schedule A, section 2:

A Councillor may only participate in a Council, Standing Committee, or Council Committee meeting using a communication facility if:

- a. the Councillor is in a location outside of Edmonton for any reason; or
- b. the Councillor is located in Edmonton, but is unable to attend a meeting for medical reasons of the Councillor or their immediate family; and

the City Manager is present at the location specified in the meeting notice to ensure that Councillors participating by communication facility can be heard by all those present at the meeting.

At the May 25/27, 2020, City Council meeting, the following motion was passed:

3. That the operation of the following sections of Council Procedures Bylaw 18155 be suspended until midnight on July 31, 2020:

14(3) Councillors participating in a Standing Committee meeting using communication facilities will only be counted towards quorum if another Councillor is present at the meeting location to act as an alternate if the communication facility fails.

Schedule A, section 2:

A Councillor may only participate in a Council, Standing Committee, or Council Committee meeting using a communication facility if:

- a. the Councillor is in a location outside of Edmonton for any reason; or

- b. the Councillor is located in Edmonton, but is unable to attend a meeting for medical reasons of the Councillor or their immediate family; and

the City Manager is present at the location specified in the meeting notice to ensure that Councillors participating by communication facility can be heard by all those present at the meeting.

Executive Summary

This report provides for the suspension of certain rules set out in the Council Procedures Bylaw to allow for greater flexibility around remote participation at Council, Standing Committee, and Council Committee meetings.

Report

Section 199 of the *Municipal Government Act* (MGA) allows for Council, Standing Committee and Council Committee (“Council”) meetings to be conducted by means of electronic facilities (“electronic meetings”):

199(1) A council meeting or council committee meeting may be conducted by means of electronic or other communication facilities if

- (a) notice is given to the public of the meeting, including the way in which it is to be conducted,
- (b) the facilities enable the public to watch or listen to the meeting at a place specified in that notice and a designated officer is in attendance at that place, and
- (c) the facilities enable all the meeting’s participants to watch or hear each other.

(2) Councillors participating in a meeting held by means of a communication facility are deemed to be present at the meeting.

Bylaw 18155, Council Procedures Bylaw, while confirming the ability to hold electronic meetings set out in the MGA, places restrictions on participation at such meetings. For example, a Councillor may only participate in an electronic meeting if the Councillor is outside of Edmonton or is unable to attend the meeting because of medical reasons. Similar restrictions are placed on speakers at Council meetings. In addition, the Bylaw does not allow for public speakers to participate remotely in statutory public hearings.

At the start of the pandemic, City Council suspended some rules related to electronic meetings set out in Bylaw 18155 to allow for greater flexibility around remote participation at electronic meetings of Council. In addition, the province approved the Meeting Procedures (COVID-19 Suppression) Regulation (AR 50/2020) in March of 2020 to provide further detail on remote participation options for Council and Committee meetings.

At this time, Administration feels it would be prudent to suspend most of the restrictions on participation at electronic meetings set out in Bylaw 18155 (see Attachment 1) to allow Council to continue holding electronic meetings in the manner in which it has become accustomed to.

Administration is not putting forward for suspension the following sections of Schedule A, Bylaw 18155:

1. In this Schedule, “communication facility” means (a) telephone; or (b) any other technology approved for use by the City Manager.

7. Council, Standing Committee, or Council Committee may direct exceptions to this Schedule, and Council, Standing Committee, Council Committee, or the City Manager may refuse a request to participate in a meeting using a communication facility if the costs or other circumstances of permitting remote participation would be unreasonable.

In accordance with section 4 of Bylaw 18155, City Council may waive or modify the application of any part of Bylaw 18155 by special resolution, provided that such waiver or modification does not conflict with the Municipal Government Act or other enactment. A special resolution means a vote where at least two-thirds of all members of Council vote in favour of the motion (9 of 13).

Attachment

1. Proposed Rules for Suspension

Others Reviewing this Report

- K. Fallis-Howell, Acting City Solicitor