

Authority: Item CC20.1, adopted as amended, by City of Toronto Council on April 30, 2020

## CITY OF TORONTO

### BY-LAW 340-2020

**To amend City of Toronto Municipal Code Chapter 27, Council Procedures, and Municipal Code Chapter 19, Business Improvement Areas, to enable remote electronic participation in Council and Council Committee meetings, and in Business Improvement Area board meetings during an emergency.**

Whereas section 190 of the City of Toronto Act, 2006 (COTA) requires that meetings of City Council, local boards and committees of each of them will be open to the public unless an exception under subsection 190(2), (3) or (3.1) applies; and

Whereas subsections 189(4) and (4.1) of COTA state that the a procedure by-law may provide that a member can participate electronically in a meeting which is open to the public to the extent and in the manner set out in the by-law provided that any such member shall not be counted in determining whether or not a quorum of members is present at any point in time, and cannot participate electronically in a meeting which is closed to the public; and

Whereas on March 19, 2020, Bill 187, Municipal Emergency Act, 2020 (Bill 187), was enacted by the Legislative Assembly of Ontario and received Royal Assent; and

Whereas Bill 187 amended COTA to provide that, where an emergency has been declared to exist in all or part of the City under section 4 or 7.0.1 of the Emergency Management and Civil Protection Act (the Act), a procedure by-law may provide that (a) despite subsection 189(4), a member who is participating electronically in a meeting may be counted in determining whether or not a quorum of members is present at any point in time; and (b) despite subsection 189(4.1), a member can participate electronically in a meeting that is closed to the public; and

Whereas Bill 187 further amended COTA to provide that Council and local boards may hold a special meeting to amend their procedure by-law for the purposes of permitting electronic participation in meetings as described above during any period where an emergency has been declared to exist in all or part of the City under section 4 or 7.0.1 of the Act, and despite subsection 189(4), a member participating electronically in such a special meeting may be counted in determining whether or not a quorum of members is present at any time during the meeting; and

Whereas COVID-19 is present within the City of Toronto, and COVID-19 is a disease that is readily communicable from person to person, carries a risk of serious complications potentially result in death, and has been declared a pandemic by the World Health Organization; and

Whereas, on March 17, 2020, an emergency was declared, by means of Order in Council 518/2020 for purposes of section 7.0.1 of the Act, due to the health risks to Ontario residents arising from COVID-19; and

Whereas, on March 23, 2020 an emergency was declared by the Mayor of the City of Toronto for purposes of section 4 of the Act and section 59-5.1 of City of Toronto Municipal Code Chapter 59, Emergency Management, due to the risk to the health of the residents of the City of Toronto arising from spread of COVID-19; and

Whereas on March 28, 2020, an Order was made by the Lieutenant Governor in Council under Subsection 7.0.2 (4) of the Act – Organized Public Events, Certain Gatherings, O. Reg. 52/20, prohibiting attendance at any organized public event of more than five people; and

Whereas Council wishes to hold its meetings and meetings of its committees electronically and wishes to allow the City's local boards, including the boards of business improvement areas, to hold their meetings electronically, in order to comply with Ontario Regulation 52/2020 and to minimize risk to members and the public in accordance with advice from the City of Toronto's Medical Officer of Health, who has recommended physical distancing measures to prevent the spread of COVID-19, including maintaining a distance of at least two metres from other individuals who are not members of the same household; and

Whereas Council, local boards and committees continue to ensure their meetings are open to the public in accordance with section 190 of COTA through the provision of notice of the meetings to the public, the live streaming of the electronic meeting, and the provision of access to interested persons to depute where permissible under the relevant procedures using the same tele-conferencing system as is being used to facilitate the meeting; and

Whereas subsection 27-3.6B of City of Toronto Municipal Code Chapter 27, Council Procedures, provides that City Council will only consider amendments of its procedure by-law at a Council meeting if a previous Council meeting received notice of the amendment or if a Council Committee has already considered the amendment; and

Whereas in light of the declared COVID-19 emergency, it is currently impossible to give the notice required by subsection 27-3.6B of Chapter 27, Council Procedures, at a previous meeting of Council or a Council Committee prior to amending the procedure by-law to facilitate electronic participation; and

Whereas Bill 187 takes priority over this notice requirement of subsection 27-3.6B of Chapter 27, Council Procedures, by allowing for the Council procedural by-law to be amended at a special meeting at which electronic participants are counted toward determining quorum during a declared emergency; and

Whereas Council has authorized amendments to City of Toronto Municipal Code, Chapter 27, Council Procedures, and to Chapter 19, Business Improvement Areas, to enable remote electronic participation in Council and committee meetings and in meetings of business improvement area boards, in accordance with the provisions of Bill 187;

The Council of the City of Toronto enacts:

1. City of Toronto Municipal Code Chapter 27, Council Procedures, is amended by adding the following as new section 27-5.16:

**27-5.16. Electronic Participation in Meetings**

During any period where an emergency has been declared to exist in all or part of the City of Toronto under section 4 or 7.0.1 of the Emergency Management and Civil Protection Act:

- A. Despite any other provision of this Chapter, Council and Committees may hold a meeting where some or all of the members participate electronically; and
- B. Where a meeting is being held in accordance with this section:
  - (1) any member participating in the meeting electronically shall be deemed present for the purposes of determining whether a quorum is present under §27-5.12A, and for the purposes of voting on any matter put to a vote under § 27-12.2A, and for all other purposes.
  - (2) any member participating in the meeting electronically shall be entitled to participate in any portion of the meeting closed to the public in accordance with § 27-5.15.
  - (3) where no quorum is present or where quorum is lost during a meeting, the Clerk continues to ring the bells or calls for a quorum under § 27-5.13A and B, as the case may be, for 30 minutes or until a quorum is present, whichever is sooner.
  - (4) this By-law shall apply with any other minor modifications as may be required.

2. City of Toronto Municipal Code Chapter 19, Business Improvement Areas, is amended by adding the following new section 4.1 to Schedule B, Business Improvement Area Board of Management Procedures:

4.1 During any period where an emergency has been declared to exist in all or part of the City of Toronto under section 4 or 7.0.1 of the Emergency Management and Civil Protection Act:

- A. A Board may hold a meeting where some or all of the Directors participate electronically; and
- B. Where a meeting is being held in accordance with subsection A:
  - (1) any Director participating in the meeting electronically shall be deemed present for the purposes of determining whether a quorum is present under subsection 19-3.10 of City of Toronto Municipal Code Chapter 19, Business Improvement Areas, and for the

purposes of voting on any matter put to a vote under section 5, and for all other purposes.

- (2) any Director participating in the meeting electronically shall be entitled to participate in any portion of the meeting closed to the public.

**3.** This by-law shall come into force on the date it is enacted and passed.

Enacted and passed on April 30, 2020.

Frances Nunziata,  
Speaker

Ulli S. Watkiss,  
City Clerk

(Seal of the City)