

Authority: Executive Committee Item EX15.21,
as adopted by City of Toronto Council on
July 28 and 29, 2020

CITY OF TORONTO

BY-LAW 649-2020

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

Whereas on March 19, 2020, the Municipal Emergency Act, 2020 (the "MEA") amended the City of Toronto Act, 2006 ("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, despite previous prohibitions, 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 can participate electronically in a meeting that is closed to the public; and

Whereas COVID-19 is a disease that is readily communicable from person to person carrying a risk of serious complications potentially result in death, and 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, and 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, all due to the risk to the health of the residents of the City of Toronto and the Province of Ontario arising from spread of COVID-19; and

Whereas at its special meeting of April 30, 2020, City Council amended City of Toronto Municipal Code Chapter 27, Council Procedures, to allow for members of City Council and its Committees to participate electronically in both open and closed meetings and to allow for such participation to count toward the calculation of a quorum, and amended City of Toronto Municipal Code Chapter 19, Business Improvement Areas to allow the boards of business improvement areas to do the same; and

Whereas on July 21, 2020, the COVID-19 Economic Recovery Act 2020 received Royal Assent, which Act further amends COTA to allow City Council to extend the electronic meeting provisions introduced by the MEA beyond the period when a provincial or municipal emergency declaration is in effect; and

Whereas Council wishes to continue to allow itself 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 continue to hold their meetings electronically after the emergency declaration has been lifted for the period of one year; 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 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, to continue after emergency declarations have been lifted, in accordance with the recent amendments to COTA for one year;

The Council of the City of Toronto enacts:

1. City of Toronto Municipal Code Chapter 27, Council Procedures, is amended by deleting § 27-5.16 and substituting the following:

§ 27-5.16. Electronic Participation in Meetings.

- A. 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:
 - (1) Despite any other provision of this Chapter, Council and Committees may hold a meeting where some or all of the members participate electronically; and
 - (2) Where a meeting is being held in accordance with this section:
 - (a) 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.
 - (b) 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.
 - (c) 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.
 - (d) this Chapter shall apply with any other minor modifications as may be required.

- B. Subsection A shall continue to apply for the period ending one year following the termination of the latter of the COVID-19 emergency declaration under section 4 of the Emergency Management and Civil Protection Act and the COVID-19 emergency declaration under section 7.0.1 of the Emergency Management and Civil Protection Act.
2. City of Toronto Municipal Code Chapter 19, Business Improvement Areas, is amended by deleting 4,1 to Schedule B, Business Improvement Area Board of Management Procedures and replacing it with the following:
- 4.1 A. 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:
- (1) A Board may hold a meeting where some or all of the Directors participate electronically; and
 - (2) Where a meeting is being held in accordance with subsection (1):
 - (a) 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.
 - (b) any Director participating in the meeting electronically shall be entitled to participate in any portion of the meeting closed to the public.
- B. Subsection A shall continue to apply for the period ending one year following the termination of the latter of the COVID-19 emergency declaration under section 4 of the Emergency Management and Civil Protection Act, and the COVID-19 emergency declaration under section 7.0.1 of the Emergency Management and Civil Protection Act.
3. This by-law shall come into force on the date it is enacted and passed.

Enacted and passed on July 29, 2020.

Frances Nunziata,
Speaker
(Seal of City)

Ulli S. Watkiss,
City Clerk