

HL19.1 Attachment 1

Authority: Board of Health Item HL19.1, as adopted by the Board of Health on September 21, 2020

Board of Health for the City of Toronto Health Unit

By-Law No. -2020

To amend By-law No. 2-2019 to extend remote electronic participation in Board meetings beyond the period of an emergency.

WHEREAS the Board of Health for the City of Toronto Health Unit (the "Board") is established under the authority of the Health Protection and Promotion Act and is a local board of the City of Toronto as defined in section 3(1) of the City of Toronto Act, 2006 ("COTA"); and

WHEREAS on March 19, 2020, the Municipal Emergency Act, 2020 (the "MEA") 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 of a local board may provide that despite previous prohibitions, a member of a local board 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 meeting of May 7, 2020, the Board amended By-law No. 2-2019, to govern the calling, place and proceedings of meetings of the Board, to allow for members of the Board 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

WHEREAS on July 21, 2020, the COVID-19 Economic Recovery Act, 2020 received Royal Assent, which Act further amends COTA to allow local boards 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 at its meeting of July 28 and 29, 2020 City Council authorized local boards to extend remote meeting rules for a period of one year following the later of the termination of the Provincial emergency or the termination of the municipal emergency; and

WHEREAS the Provincial emergency was terminated on July 24, 2020; and

WHEREAS the Board wishes to continue to allow itself to hold its meetings for a period of one year following the termination of the municipal emergency; and

WHEREAS the Board continues to ensure its meetings are open to the public in accordance with section 190 of COTA through the provision of notice of the Board meetings to the public, the

live streaming of the electronic meeting, and the provision of access to interested persons to depute to the Board where permissible under the relevant procedures using the same teleconferencing system as is being used to facilitate the meeting; and

WHEREAS subsection 53(2) of By-law 2-2019 requires that notice to amend it must have been received at a previous meeting;

WHEREAS the COVID-19 Economic Recovery Act, 2020 takes priority over the procedural requirements of subsection 53(2) of By-law 2-2019 by allowing for procedural by-laws of local boards to be amended at a special meeting at which electronic participants are counted toward determining quorum; and

WHEREAS the Board has authorized changes to By-law 2-2019 to enable remote electronic participation in Board meetings in accordance with the provisions of the COVID-19 Economic Recovery Act, 2020 and the City Council authorization;

The Board of Health for the City of Toronto Health Unit enacts:

1. By-law 2-2019 of the Board of Health of the City of Toronto Health Unit is amended by adding the following new subsection 31.1(3):

(3) Subsection (1) shall continue to apply for the period ending one year from the termination of the COVID-19 emergency declaration under section 4 of the Emergency Management and Civil Protection Act.

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

Enacted and passed on September 21, 2020.

Chair