

RA15.1 Attachment 1

Authority: Board of Directors of CreateTO Item [insert Item no], as adopted by the Board of Directors of Create TO on [insert date]

Board of Directors of CreateTO

By-Law No. -2020

To amend By-law No. 1-2018 to extend remote electronic participation in Board and Board Committee 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 of a local board 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 on April 24, 2020 the Board Directors amended By-law 1-2018 to provide for the participation of a member in a meeting of the Board or any committee thereof electronically in both open and closed meetings and to allow for such participation to count toward the calculation of a quorum during an emergency 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; 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 the Board of Directors of CreateTO 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 declaration pursuant to section 7.01 of the Act was terminated on July 24, 2020; and

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

WHEREAS the Board of Directors continues to ensure its 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 Section 45(1) of the By-law requires that the by-law shall be amended only by a two-thirds majority vote of the voting members and that notice to amend must be given a previous meeting; and

WHEREAS the Economic Recovery Act 2020 takes priority over the procedural requirements of Section 45(1) of the By-Law 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 the By-law to enable remote electronic participation in Board meetings in accordance with the provisions of the Economic Recovery Act 2020 and the City Council authorization;

The Board of Directors of CreateTO enacts:

1. By-law 1-2018 is amended by adding the following as 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 will come into force on the date it is enacted and passed.

Enacted and passed on , 2020.

, Chair

, Secretary