

Enabling Electronic Hearings of the Compliance Audit Committee and to Remove Public Presentations

Date: July 8, 2021

To: Compliance Audit Committee

From: City Clerk

Wards: All

SUMMARY

The purpose of this report is to recommend amendments to the Compliance Audit Committee Rules of Procedure to allow for electronic hearings for a period of one year following the termination of the municipal emergency related to the issue of COVID-19 and to remove public presentations.

RECOMMENDATIONS

The City Clerk recommends that:

1. The Compliance Audit Committee enact the By-law in Attachment 1 to this report, to amend the Compliance Audit Committee Rules with respect to electronic participation and the removal of public presentations.
2. The Compliance Audit Committee adopt the electronic hearing requirements and operational guidelines in Attachment 2 to this report.

FINANCIAL IMPACT

The City Clerk will identify any financial impacts in excess of what has been approved in the 2021 budget.

DECISION HISTORY

At its meeting of July 28 and 29, 2020, City Council authorized its local boards to extend or adopt remote electronic 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 related to COVID-19.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.EX15.21>

COMMENTS

COVID-19 measures in the City of Toronto

On March 17, 2020, the Premier of Ontario declared a state of emergency under section 7.0.1(1) of the Emergency Management and Civil Protection Act in response to the novel coronavirus (COVID-19). On July 16, 2021, the City of Toronto will enter Step 3 of the Province of Ontario's Roadmap to Reopen. Under the Reopening Ontario Act – Stage 3 Rules, organized indoor public events and gatherings are limited to a maximum of 25 people.

As part of the City of Toronto's ongoing response to COVID-19, all City buildings, including City Hall, are presently closed to the public.

Amendments to the Rules of Procedure to allow for electronic hearings will provide the Committee with flexibility while City buildings are closed to the public, and the limitations on the assembly of people remain in effect.

Electronic Hearing possible under the City of Toronto Act and Statutory Powers Procedure Act

Subsection 88.37(1) of the Municipal Elections Act, 1996 requires municipal councils to establish a Compliance Audit Committee on or before October 1 in the year of an election. The Compliance Audit Committee was established by the City on May 22, 2018 to make decisions on applications for compliance audits of campaign finances for Council candidates and registered third party advertisers in a municipal election or by-election.

Bill 197, the COVID-19 Economic Recovery Act, 2020 has amended the City of Toronto Act, 2006 to permit City Council and its local boards to amend their procedures to permit a member of City Council, of a local board of the City or of a committee of either of them, to participate electronically in a meeting at any time as follows:

- 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
- a member can participate electronically in a meeting that is open or closed to the public.

City Council has authorized its local Boards to extend or adopt these remote electronic 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.

Additionally, the Statutory Powers Procedure Act permits a tribunal to establish an electronic hearing process.

Electronic Hearing Requirements and Guidelines

Meeting participants, including Members of the Committee, Applicants, Candidates, and Third Party Advertisers will use the City's video conference technology as the platform for electronic meetings.

In order to ensure that meetings of the Compliance Audit Committee continue to be open to the public, the public can watch the meeting live by joining the WebEx session.

Detailed electronic meeting requirements and operational guidelines are outlined in Attachment 2 to this report.

Removal of Public Participation in Hearing

This report also recommends that the Procedure By-law for the Compliance Audit Committee be amended to remove the process for public deputations during a hearing. While the hearing will remain open to the public, an important aspect of fairness is that the Compliance Audit Committee receive and deliberate on relevant information only. The parties are in the best position to determine what information they wish to provide the Compliance Audit Committee and what witnesses, if any, they wish to call to do this.

Any eligible elector will still be afforded the opportunity to file a Compliance Audit Application and participate as a party if they believe a candidate or third-party advertiser has contravened a relevant provision of the Municipal Elections Act, 1996.

Recognizing that some members of the public may have anticipated that they would have an ability to speak at the scheduled July 21, 2021 hearing dates, this report recommends that the amendment to remove public presentations come into effect on August 1, 2021.

CONTACT

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SIGNATURE

John D. Elvidge
City Clerk

ATTACHMENTS

Attachment 1 - Draft By-law - Amendments to the Compliance Audit Committee Rules
with respect to electronic participation and removal of public presentations

Attachment 2 - Electronic Hearing Requirements and Operational Guidelines