

BY-LAW NUMBER 195-2021
OF
THE CORPORATION OF THE CITY OF BRANTFORD

*Being a By-law to amend By-law 70-2010 by Adopting Corporate Policy – 050
(Electronic / Virtual Meeting Operation Procedures Policy)*

WHEREAS Section 8(1) of the Municipal Act, 2001, S.O., 2001, c.25, as amended, (the “Act”) the powers of a municipality shall be interpreted broadly so as to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality’s ability to respond to municipal issues; and

WHEREAS, at its meeting of June 7, 2010, City Council passed By-law 70-2010, being a By-law to adopt various policies of the City of Brantford and to create a Corporate Policy Manual, which policies are attached as Appendix “A” to By-law 70-2010; and

WHEREAS, at its meeting held on September 28, 2021 City Council adopted the recommendations set out in Item 13.1 of City Council to adopt Corporate Policy – 050 to establish an Electronic / Virtual Meeting Operation Procedures Policy within the City of Brantford;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF BRANTFORD HEREBY ENACTS AS FOLLOWS:

1. THAT By-law 70-2010 is hereby amended by amending Appendix “A” attached thereto by adopting Corporate Policy – 050 (Electronic / Virtual Meeting Operation Procedures Policy), attached hereto as Schedule “A”; and
2. THAT the Clerk be directed to update the Corporate Policy manual to reflect the amendment to said Policy approved herein; and
3. This By-law shall come into force effective immediately.

READ A FIRST TIME: September 28, 2021

READ A SECOND TIME: September 28, 2021

PASSED: September 28, 2021

MAYOR

CLERK

Appendix “A”



Policy Manual

Policy Number: CORPORATE – 050

Subject: Electronic / Virtual Meeting Operation Procedures

Policy Statement:

To establish rules and procedures governing the process for participating and conducting Council and it's Committees Meetings in electronic format.

Purpose / Objective

The Policy applies to all Council and its Committee meetings, both open and closed sessions, where an element of electronic participation is present which creates a hybrid meeting format. The Policy is created to establish guidelines for electronic participation of meetings in accordance with The Municipal Act.

Policy Statement Details

The City of Brantford's Municipal Code Chapter 15 – Procedure (Procedure By-Law), as amended, still applies to all meetings and must be followed in addition to this Policy. This Policy is intended to work in conjunction with the Procedure By-Law and clarify additional procedures that are deployed in a hybrid meeting operation.

All Council and/or Committee Members that are participating in hybrid meetings have the same rights and responsibilities. Members participating off-site (virtually) shall count towards quorum of members, shall be able to vote, and shall be permitted to participate in any portion of a meeting which is closed to the public.

Attendees, including Delegates and those attending Statutory Public Hearings, that register with the Clerk prior to the meeting, will be permitted to attend through the established conference system.

It is recognized that technology is not perfect and electronic participants may experience technological issues.

Definitions

Clerk	The City Clerk and/or designate.
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Conference System	The system chosen by the Clerk for the purposes of joining meeting participants via electronic means.
Delegate	A person or persons attending to address Council or its Committees. This may also include those providing Presentations in accordance with the Procedure By-Law or those attending for Statutory Hearings.
Electronic Meeting	A meeting called and held in full or part via electronic means, including but not limited to audio teleconference, video conference and may include in-person attendance.
Electronic Participation/Participants	Meeting attendance not in-person.
Host Computer	The Staff person and computer that has the scheduled start, stop of the meeting, and can share presentation or other materials as needed.
Hybrid Meeting	A type of in-person meeting operation that also includes virtual (off-site) attendance.
Meeting Management Software	The chosen technology to support meeting facilitation. This may include agenda, minutes and voting processes.
Procedure By-Law	Municipal Code Chapter 15 - Procedure

Related Policy Guidelines

1.0 General

1.1.1 Technology

The Clerk, based on available resources and the advice of the Director of IT Services, shall determine the Conference System method and technology to be used for an Electronic Meeting.

Virtual backgrounds, where permitted, shall be in compliance with the Procedure By-Law and used in limited capacity. The Chair may request the virtual background to be removed if they feel the background is not in compliance or if the use of backgrounds may be the cause of any technical concerns (i.e. bandwidth).

It is the responsibility of those choosing Electronic Participation to ensure there is nothing preventing their participation within the meeting or the internet conductivity required to join the Conference System effectively. Clerks staff will be available a minimum of 15 minutes before the start of the meeting to test technology and assist, where possible in conjunction with IT Services Support Staff, any connection issues that arise.

In the event of a connection or service interruption with a voting member participating electronically in the meeting, the Chair may recess the meeting for up to 15 minutes. After 15 minutes of no connection with the member, the meeting shall resume.

1.1.2 Attendance, including Notice to Clerk

Where Electronic Participation is chosen, notice is required to the Clerk no less than 48 hours' before the meeting in order to facilitate participation, with exception for Delegations or persons attending a Statutory Public Meeting that register in accordance with the Procedure By-Law or attend as a representative at a Hearing. No notice being received, the in-person participation shall be the default.

Once notice is provided for Electronic Participation, a change to in-person cannot be facilitated unless supported by the Clerk.

The Chair of the Electronic Meeting shall, unless for Emergency or extenuating circumstance, attend at a designated meeting space supported by the Clerk.

Attendees on the Conference System shall be reserved to the Members of Council or Committee, as the case may be, Municipal Staff, and registered delegations or participants of a Statutory Hearing. All those wishing to view the meeting shall do so either by being present in-person or viewing broadcasted meetings on the City's Website or YouTube Channel. Where a meeting is not broadcasted but is open to the public, the Clerk may facilitate an invite to the Conference System.

The Clerk may remove any unauthorized person(s) joining the Conference System.

1.1.3 Quorum – Voting Members

Voting Members shall be required to have their videos on for Electronic Participation in order to count towards quorum. Voting Members, unless for extenuating circumstances approved by the Chair, shall not participate via tele-conference within a Hybrid Meeting.

1.1.4 Meeting Etiquette and Process

The following guidelines apply to Hybrid Meetings:

- All microphones shall remain muted for the duration of the meeting except for the individual speaking

- The Chair shall introduce each agenda item and, upon request, allow for Staff, Delegates, or other attendees to address Council or Committee where appropriate to do so.
- Presentations shall be displayed and controlled by the Host Computer.
- Members wishing to speak, shall utilize the speaking request (i.e. Raise Hand) function within the Conference System.
- Staff, Delegations, and other attendees shall keep their cameras / videos off except when acknowledged by the Chair.
- Electronic Participants are to be mindful that their video will be visible to the public and should review their background, lighting, camera angles and location with this in mind.

1.1.5 Voting and Speaking Rights of Members

Votes will be administered through the Meeting Management Software, where possible, and the results will be displayed by the Host Computer.

Where either the Meeting Management Software is not engaged or the vote is called by a show of hands from the Chair the following guidelines apply when a Hybrid Meeting is being conducted:

- In-person Council and Committee members to be recognized first for speaking, followed by virtual. The Chair will be required to maintain a list and monitor both types of participants;
- The votes of those attending in-person shall be confirmed first followed by Electronic Participants;
- If a Member participating virtually is called for their vote response and no response to indicate their vote is received, the Clerk will mark them absent for the vote.

2.0 Municipal Staff, Including Consultants retained by the City

The Executive Leadership Team (ELT) or the CAO, as appropriate, will make the decision on staff attendance location. Notice shall be provided to the Clerk in advance of the meeting the participation method.

3.0 Delegate Attendance

Delegates will be able to have Electronic Participation by registering with the Clerk in accordance with the Procedure By-Law. Such Electronic Participation shall constitute an appearance before Council or Committee in accordance with the Procedure By-Law. The Clerk will facilitate the Conference System invitation where needed. During the delegation portion, the Chair will invite those registered to

address Council and the Clerk shall facilitate the speaking opportunity along with any materials that were submitted in accordance with the Procedure By-Law.

Should the Delegate experience technical disruption, attempts will be made to either facilitate an alternative Electronic Participation. Where the attempts are unsuccessful, the meeting shall continue in absence of the Delegate.

4.0 Special City – Closed Session Meetings

Special City, where the possibility to have a Closed Meeting portion, will include the following guidelines:

- No virtual backgrounds are to be used;
- Those participating virtually are to complete a confidentiality oath. Said oath shall be reviewed and approved by the City Solicitor and the City Clerk. Anyone that does not complete the oath will be removed from the meeting.

Date of Enactment: September 28, 2021	Related by By-law Number/ Staff Report Number: 2021-433
Review Date: Amendment Dates:	Department Responsible for Review: Clerk's Services
Date of Next Review: August, 2022	Applicable Legislation/ Legislative Authority: The Municipal Act Municipal Code Chapter 15 - Procedure