



The Corporation of the City of Sault Ste. Marie
Special Meeting of City Council
Agenda

Monday, July 27, 2020

4:30 pm

Council Chambers

Civic Centre

Pages

1. Approve Agenda as Presented

Mover Councillor L. Dufour

Seconder Councillor R. Niro

That the Agenda for the 2020 07 27 Special City Council Meeting as presented be approved.

2. Declaration of Pecuniary Interest

3. Declaration of Mutual Commitment and Friendship

Improving the Quality of Life of Indigenous People across Ontario's Municipalities

Mover Councillor L. Vezeau-Allen

Seconder Councillor M. Bruni

Whereas in Ontario, over 85 percent of Indigenous people live in municipalities; and

Whereas the growing percentage of Indigenous people living in municipalities and the Friendship Centres that serve them participate in and contribute to municipal community life; and

Whereas the Friendship Centres have existed in Ontario municipalities for over half a century and have vital roles to play in community development, social cohesion, and improving the quality of life for Indigenous people living in urban and rural areas; and

Whereas the Friendship Centres receive their mandate from their communities and are inclusive of all Indigenous people; and

Whereas municipal governments have a growing and critical role in human and social services and community development and many have shown leadership in working in partnership with Indigenous organizations; and

Whereas the Truth and Reconciliation Commission defines reconciliation as “an ongoing process of establishing and maintaining respectful relationships”; and

Whereas strengthening relations between Indigenous and non-Indigenous people is essential to municipal governments, Friendship Centres, and communities across Ontario; and

Whereas municipal governments play an important role in providing and delivering valuable programs and services to meet the needs of their residents, as well as being responsible, in all or some part, for over two hundred and eighty (280) pieces of provincial legislation that impact daily life of all who live in Ontario; and

Whereas many municipal governments and Friendship Centres have taken up the responsibility to collaborate on a variety of initiatives that improve Indigenous quality of life and have had tangible community impacts; and

Whereas municipal governments are on the front-lines working directly with all individuals to support and determine social determinants of health, demonstrating a notion of direct responsibility contributing to community wellbeing and prosperity; and

Whereas the Association of Municipalities of Ontario (AMO) has developed the Indigenous Relations Task Force to advise the AMO Board of Directors on municipal-Indigenous relationship building; and

Whereas the Ontario Federation of Indigenous Friendship Centres (OFIFC) was founded in 1971 and works to support, advocate for and build the capacity of member Friendship Centres across Ontario; and

Whereas the Friendship Centre Movement is the largest Indigenous service network in the province supporting the vibrant and quickly growing Indigenous population through programming, research, education, and policy advocacy; and

Whereas AMO and OFIFC are partnering on a variety of initiatives to improve collaboration and information sharing amongst our membership, not limited to the work of the AMO-OFIFC Indigenous Relations Working Group and an AMO – OFIFC Memorandum of Understanding; and

Whereas this declaration is a living document that municipal governments and Friendship Centres can sign onto or use as a framework for the development of local or regional declarations that can be added to this declaration;

Now Therefore Be it Resolve that the Council of the City of Sault Ste. Marie

recognizes:

- That Indigenous people reside and build community and resilience in municipalities across Ontario;
- The value of Indigenous knowledge and expertise to design, plan, implement, and evaluate public policy and programs that impact the wellbeing of Indigenous people is paramount;
- The responsibility taken up by Indigenous Friendship Centres to meet Indigenous community need;
- The value of building relationships and partnerships with Friendship Centres to improve the quality of life of Indigenous people in their municipality; and
- That the exchange of information and skills within and between municipal governments and related associations contribute to improved understanding in the area of Indigenous relations.

That signatory Ontario Indigenous Friendship Centres recognize:

- That they are and have been leaders in urban Indigenous community development and in reflecting and responding to the needs of Indigenous people in municipalities for over half a century;
- That they are engaged in local and regional affairs and that they contribute to municipal life and that they lead the Indigenous social, community, economic, and cultural development of municipalities across Ontario;
- The responsibility taken up by municipal governments to meet and serve Indigenous communities;
- That municipal governments provide essential services that Friendship Centre community members rely on to thrive;
- That municipal governments are leaders in Ontario in meeting community needs through local programs, services and community development, be they in human and social services, public safety or public works/infrastructure, and are integral to community well-being and the social determinants of health;
- That the development and maintenance of good relationships and partnerships with municipal governments is essential to achieving long-term positive impact on Indigenous communities; and
- That Friendship Centres acknowledge that they operate in a municipal landscape and rely on municipal governments.

And that all signatories recognize:

1. That we are uniquely positioned to improve community-wellbeing through local policy development, programs and services as we are well-equipped to be responsive to community needs;

2. That community-identified needs and priorities should provide the basis for policy and program development, and that we are uniquely positioned to improve the quality of life of Indigenous people living in municipalities;
3. That mutual respect, responsibility, trust, transparency and collaboration to meet common community priorities are key principles of relationship building between non-Indigenous and Indigenous organizations;
4. That the Friendship Centres and municipal governments play key roles in working against racism, inequality, discrimination, and stigma within and between communities;
5. That the goal of this declaration is to provide municipal governments and Friendship Centres with a framework for relationship-building to advance reconciliation in communities across Ontario;
6. That the goal of this declaration is to enhance social cohesion between Indigenous and non-Indigenous people and support closer cultural, social and civic ties between Indigenous and non-Indigenous people;
7. That we can play a leadership role and set a standard by advancing reconciliation locally and regionally through partnerships and collaboration;
8. That fostering local and regional partnerships is integral to improving the quality of life for all communities; and
9. That we establish and maintain an ongoing dialogue and working relationships at the local and provincial orders.

4. Procedure By-Law Amendment – Electronic Participation in Meetings 6 - 16

A report of the City Clerk is attached for the consideration of Council.

The relevant By-law 2020-144 appears under Agenda item 5 of the Agenda.

5. By-law 2020-144 – Amendment to Procedure By-law 2013-100 17 - 18

A report of the City Clerk is on the Agenda.

Mover Councillor L. Vezeau-Allen

Seconder Councillor M. Bruni

Resolved that By-law 2020-144 being a by-law to amend Procedure By-law 2013-100 to allow for electronic participation in open and closed meetings of City Council (and its boards and committees) and that members who participate in open or closed meetings electronically be counted for purposes of quorum be passed in open Council this 27th day of July 2020.

6. Adjournment

Mover Councillor L. Dufour

Seconder Councillor R. Niro

That this Council shall now adjourn.



**The Corporation of the
City of Sault Ste. Marie**

COUNCIL REPORT

July 27, 2020

TO: Mayor Christian Provenzano and Members of City Council
AUTHOR: Rachel Tyczinski, City Clerk
DEPARTMENT: Corporate Services
RE: Procedure By-Law Amendment – Electronic Participation in Meetings

PURPOSE

The purpose of this report is to recommend an amendment to Procedure By-law 2013-100 to allow for continued electronic participation in open and closed meetings of Council and its boards and committees after the provincial declared emergency ends.

BACKGROUND

On March 19, 2020 the Province enacted amendments to the *Municipal Act* to allow for electronic participation in Council (and board and committee) meetings during a period where an emergency has been declared to exist in all or part of a municipality under section 4.0 or 7.0.1 of the *Emergency Management and Civil Protection Act*. Council accordingly passed By-law 2020-76 on March 23, 2020 to amend Procedure By-law 2013-100.

On July 8, 2020 the Province introduced Bill 197 *COVID-19 Economic Recovery Act 2020* which amended a number of Acts, including the *Municipal Act*. On July 21, 2020 the Bill received Royal Assent and the Province thereby amended section 238 of the *Municipal Act* to allow for electronic participation in Council (and board and committee) meetings on a go-forward basis (not only during an emergency).

The July 21, 2020 amendments also allow municipalities to provide for proxy voting by members of Council.

Both of these provisions are optional.

ANALYSIS

The Provincial emergency order currently in place expires on July 29, 2020. In order to allow electronic participation in Council (and board and committee) meetings beyond July 29, 2020 an amendment to Procedure By-law 2013-100 is required.

In order to provide as much flexibility as possible, it is recommended that the Procedure By-law be amended to allow electronic participation in open and closed

meetings of Council (and its boards and committees) and that members who participate in open or closed meetings electronically be counted for purposes of quorum.

Council has the option to determine the extent to which members can participate electronically (i.e. whether all members may participate electronically, or whether some are still required to participate by being physically present in the Council Chamber); however, it is recommended that this option be explored during the next review of the Procedure By-law.

Similarly, it is recommended that Council not adopt amendments to allow proxy voting by members at this time, but to explore the option during the next review of the Procedure By-law.

FINANCIAL IMPLICATIONS

There are no financial implications.

STRATEGIC PLAN / POLICY IMPACT

This is an administrative matter not articulated in the corporate Strategic Plan.

RECOMMENDATION

It is therefore recommended that Council take the following action:

The relevant By-law 2020-144 is listed under item 5 of the Agenda.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Rachel Tyczinski', with a horizontal line extending to the right.

Rachel Tyczinski

City Clerk

705.759.5391

r.tyczinski@cityssm.on.ca

**Ministry of
Municipal Affairs**

Ministry of Housing

Municipal Services Office
North (Sudbury)
159 Cedar Street, Suite 401
Sudbury ON P3E 6A5
Telephone: 705 564-0120
Toll-Free: 1 800 461-1193
Facsimile: 705 564-6863

**Ministère des
Affaires municipales**

Ministère du Logement

Bureau des services aux municipalités
du Nord (Sudbury)
159, rue Cedar, bureau 401
Sudbury ON P3E 6A5
Téléphone : 705 564-0120
Sans frais : 1 800 461-1193
Télécopieur : 705 564-6863



July 22, 2020

Dear CAO and Clerk

I am writing to inform you of recent changes to the *Municipal Act, 2001* to provide municipalities with new permissive authority.

The Government has made changes to expand the authority for municipalities to amend their procedure by-law to provide that electronic participation in open and closed municipal meetings may count towards quorum beyond times when an emergency declaration is in place. Extending the ability for municipalities to hold electronic meetings responds to feedback we have heard from municipalities that the ability to participate electronically in municipal meetings during the past months has been beneficial to continue the important work that municipalities do and has led to increased engagement with members of the public.

In addition, the Government has also passed changes to the legislation to give municipalities the authority to amend their procedure by-law to allow members of council who are unable to attend a meeting to appoint a proxyholder to act on their behalf, subject to certain limitations.

For more information on these amendments, please see the attached information sheets.

Both initiatives are optional, and it is up to your municipality to decide whether to provide for electronic participation in meetings and/or proxy appointments and what arrangements are suitable for your municipality.

Kind Regards

A handwritten signature in black ink that reads "K Horgan".

Kathy Horgan
Manager, Local Government and Housing



Electronic Participation in Municipal Meetings

July 2020

This document is intended to give a summary of complex matters. It does not include all details and does not take into account local facts and circumstances. This document refers to or reflects laws and practices that are subject to change. Municipalities are responsible for making local decisions that are in compliance with the law such as applicable statutes and regulations. This document applies only to those municipalities whose meeting rules are governed by the Municipal Act, 2001.

This document replaces previous guidance released in March 2020 regarding electronic participation in municipal meetings during emergencies.

This document, as well as any links or information from other sources referred to in it, should not be relied upon, including as a substitute for specialized legal or other professional advice in connection with any particular matter. The user is solely responsible for any use or application of this document.

Overview

The province has made changes to the *Municipal Act* to allow members of councils, committees and certain local boards who participate in open and closed meetings electronically to be counted for purposes of quorum (the minimum number of members needed to conduct business at a meeting).

These provisions are optional. Municipalities continue to have the flexibility to determine if they wish to use these provisions and incorporate them in their individual procedure bylaws.

Municipalities may wish to review their procedure bylaws to determine whether to allow members to participate in meetings electronically, and whether to take advantage of the new provisions based on their local needs and circumstances.

What a municipality can do

A municipality can choose to hold a special meeting to amend their procedure bylaw to allow electronic participation. During this special meeting, members participating electronically can be counted for the purposes of quorum.

Municipal councils, committees and boards can choose to amend their procedure bylaws to:

- allow the use of electronic participation at meetings
- state whether members can participate in both open meeting and closed meetings
- state whether members participating electronically count towards quorum

It is up to municipalities to determine:

- whether to use these provisions
- the method of electronic participation
- the extent to which members can participate electronically (for example, it is up to municipalities to decide whether all council members participate electronically or whether some still participate when physically present in council chambers)

Technology to use for electronic meetings

Municipalities, their boards and committees can choose the technology best suited to their local circumstances so:

- their members can participate electronically in decision-making
- meetings can be open and accessible to the public

Municipalities may want to engage with peers who have electronic participation in place to find out about best practices as they revise their procedure bylaws. Some municipalities may choose to use teleconferences while others may use video conferencing.

Open meeting requirements

If a municipality chooses to amend their procedure bylaw to allow people to participate electronically, meetings would still be required to follow existing meeting rules, including that the municipality:

- provides notice of meetings to the public
- maintains meeting minutes
- continues to hold meetings open to the public ([subject to certain exceptions](#))

The *Municipal Act* [specifies requirements for open meetings](#) to ensure that municipal business is conducted transparently, and with access for and in view of the public. There are limited circumstances under the *Municipal Act* when municipal meetings can be conducted in closed session.

Rules for local boards

Local boards subject to the meeting rules in the *Municipal Act* include:

- municipal service boards
- transportation commissions
- boards of health
- planning boards
- many other local boards and bodies

Some local boards may not be covered. For example, police services, library and school boards have different rules about their meetings, which are found in other legislation.

Municipalities are best positioned to determine whether a local entity is considered a local board. If in doubt whether a local entity is covered under these rules, municipalities can seek independent legal advice regarding the status of local entities and whether these new provisions would apply to them.

Contact

If you have questions regarding how these new provisions might impact your municipality, contact your [local Municipal Services Office](#).

- **Central Municipal Services Office**
Telephone: 416-585-6226 or 1-800-668-0230
- **Eastern Municipal Services Office**
Telephone: 613-545-2100 or 1-800-267-9438
- **Northern Municipal Services Office (Sudbury)**
Telephone: 705-564-0120 or 1-800-461-1193
- **Northern Municipal Services Office (Thunder Bay)**
Telephone: 807-475-1651 or 1-800-465-5027
- **Western Municipal Services Office**
Telephone: 519-873-4020 or 1-800-265-4736

Additional Resources

- Municipal Act, 2001: <https://www.ontario.ca/laws/statute/01m25>
- The Ontario Municipal Councillor's Guide: <https://www.ontario.ca/document/ontario-municipal-councillors-guide-2018>



Proxy Voting for Municipal Council Members

July 2020

This document is intended to give a summary of complex matters. It does not include all details and does not take into account local facts and circumstances. This document refers to or reflects laws and practices that are subject to change. Municipalities are responsible for making local decisions that are in compliance with the law such as applicable statutes and regulations. This document applies only to those municipalities whose meeting rules are governed by the Municipal Act, 2001.

This document, as well as any links or information from other sources referred to in it, should not be relied upon, including as a substitute for specialized legal or other professional advice in connection with any particular matter. The user is solely responsible for any use or application of this document.

Overview

The province is providing municipalities with the flexibility to choose to allow proxy votes for municipal council members who are absent. This power helps ensure continuing representation of constituents' interests on municipal councils when a member is unable to attend in person due to, for example, illness, a leave of absence, or the need to practice physical distancing.

Municipalities that wish to allow proxy voting must amend their procedure bylaws to allow a member of council to appoint another member of the same council to act in their place when they are absent.

Optional and Flexible

Allowing proxy voting is optional and it is up to each municipality to determine whether to allow proxies for council and under what circumstances. If a municipal council chooses to allow proxy voting, it is up to each member to decide whether they wish to appoint a member of that council as a proxy or not if they are to be absent.

Municipalities have the flexibility to determine the scope and extent of proxy appointments including, for example, any local rules or limitations, the process for appointing or revoking a proxy, and how proxyholders may participate in meetings. Municipalities may wish to consider:

- how proxies may be established and revoked;
- circumstances where proxies may or may not be used; and
- how a proxyholder may participate in a meeting including voting, speaking, or asking questions on behalf of the appointing member.

If a municipality chooses to allow proxy voting, it would be the role of the municipal clerk to establish a process for appointing and revoking proxies. Municipalities may also wish to consider addressing proxy voting in their code of conduct or other local policies to help ensure that votes are appropriately cast and that the local process is followed.

Once a proxy has been appointed, the appointing member could revoke the proxy using the process established by the municipal clerk.

Limitations

Limits to the proxy appointment process are set out in legislation. These include:

- A proxyholder cannot be appointed unless they are a member of the same council as the appointing member:
 - For upper-tiers, this means that a proxyholder has to be a member of the same upper-tier council as the appointee, regardless of lower-tier membership;

- A member cannot act as a proxyholder for more than one other member of council at a time;
- An appointed proxy is not counted when determining if a quorum is present;
- A member appointing a proxy shall notify the municipal clerk of the appointment in accordance with a local process established by the clerk; and
- When a recorded vote is taken, the clerk shall record the name and vote of every proxyholder and the name of the member of council for whom the proxyholder is acting.

Council member absence rules still apply. This means that a member's seat would become vacant if they are absent from the meetings of council for three successive months without being authorized to do so by a resolution of council.

Accountability and Transparency

Members appointing proxies or acting as proxyholders are required to follow existing accountability and transparency requirements. For example, a member may not appoint a proxy or serve as a proxyholder on a matter in which they have a pecuniary interest under the *Municipal Conflict of Interest Act*. Municipalities may also want to consider transparency measures such as:

- communicating to the public who has appointed a proxy and who is serving as a proxy;
- publishing meeting agendas in advance so that proxies can be appointed, if needed, and potential conflicts of interest can be identified; and
- allowing members to participate electronically when not able to attend meetings in person rather than appointing a proxy.

For more information about existing accountability and transparency requirements, including the Municipal Conflict of Interest Act, codes of conduct and the role of the local integrity commissioner, please see the [Municipal Councillor's Guide](#).

Contact

If you have questions regarding how these new provisions may impact your municipality, contact your local Municipal Services Office with the Ministry of Municipal Affairs and Housing.

- **Central Municipal Services Office**
Telephone: 416-585-6226 or 1-800-668-0230
- **Eastern Municipal Services Office**
Telephone: 613-545-2100 or 1-800-267-9438
- **Northern Municipal Services Office (Sudbury)**
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THE CORPORATION OF THE CITY OF SAULT STE. MARIE

BY-LAW 2020-144

COUNCIL PROCEDURE: A by-law to amend By-law 2013-100 being a by-law to regulate the proceedings of the Council of the City of Sault Ste. Marie.

The Council of The Corporation of the City of Sault Ste. Marie, pursuant to Section 238 of the Municipal Act, 2001, S.O. 2001, c. 25, and amendments thereto ENACTS as follows:

1. **PROCEDURAL BY-LAW 2013-100 AMENDED**

By-law 2013-100 is amended by:

(a) Deleting section 4.6.1

“4.6.1 Electronic participation, emergencies

(1) During any period where an emergency has been declared to exist in all or part of the municipality under section 4 or 7.0.1 of the *Emergency Management and Civil Protection Act*, RSO 1990, c. E.9, as amended,

(a) A regular, closed, or special meeting of City Council, a local board, or committee of council, may be conducted by electronic participation in accordance with section 4.6.1 of this by-law and any emergency electronic participation protocol as may be approved by City Council.

(b) despite subsection 237(1) and 238(3.1) of the *Municipal Act*, SO 2001 c.25, as amended, and any requirement for quorum under this by-law, a member of a council, of a local board or of a committee of either of them 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

(c) despite subsection 238 (3.2) of the *Municipal Act*, SO 2001 c.25, as amended, and any requirement for quorum under this by-law, a member of a council, of a local board or of a committee of either of them can participate electronically in a meeting that is closed to the public.

(d) City Council may hold a special meeting to amend this by-law for the purposes of subsection 4.6.1(1) as amended, during any period

where an emergency has been declared to exist in all or part of the municipality under section 4 or 7.0.1 of the *Emergency Management and Civil Protection Act*, RSO 1990, c. E.9, as amended, and despite subsection 238 (3.1) of the *Municipal Act*, SO 2001 c.25, as amended, and any requirement for quorum under this by-law, a member participating electronically in such a special meeting may be counted in determining whether or not a quorum of members is present at any time during the meeting.”

(b) by inserting section 4.6.1:

“4.6.1 Electronic participation

to allow for electronic participation in open and closed meetings of City Council (and its boards and committees) and that members who participate in open or closed meetings electronically be counted for purposes of quorum as per Subsections 238 (3.1) (3.3) (3.4) and (3.5) of the *Municipal Act*, SO 2001 c.25 as amended.”

2. EFFECTIVE DATE

This by-law takes effect on the day of its final passing.

PASSED in open Council this 27th day of July, 2020.

MAYOR - CHRISTIAN PROVENZANO

CITY CLERK – RACHEL TYCZINSKI