



REPORT

To: ONE Joint Investment Board
From: Denis Kelly, Secretary
Date: September 16, 2020
Re: Amendment of the Procedure By-law
Report: 20-O23

1. RECOMMENDATIONS

It is recommended that ONE JIB amend its procedure by-law to: (i) permit electronic participation of members in meetings of the Board, whether they are open or closed to the public, when there is no declared state of emergency; (ii) provide that members of the Board who participate electronically in such meetings of the Board are counted in determining quorum; and (iii) permit amendments to the procedure by-law so long as notice of the proposed amendment is given at a previous meeting of the Board.

A copy of the proposed amending by-law is attached.

2. SUMMARY

Recent amendments to the *Municipal Act, 2001* provide that whether or not a state of emergency has been declared a member of a local board may participate electronically in both open and closed meetings and be counted in determining quorum, so long as the Board's procedure by-law contains such provisions. ONE JIB's procedure by-law does not contain such provisions and should therefore be amended as recommended.

3. BACKGROUND

On March 17, 2020, pursuant to Ontario Regulation 50/20 made under the *Emergency Management and Civil Protection Act*, the Province of Ontario declared that a state of emergency existed in the Province due to the COVID-19 pandemic. At that time the *Municipal Act, 2001* was amended to permit municipalities and their local boards, during the declared state of emergency, to provide that a member could participate electronically in both open and closed meetings and could be counted in determining quorum. Before that time a member participating electronically could only do so in a meeting that was open to the public and could not be counted in determining quorum.

In response to the declaration of emergency, the Board passed its procedure by-law on May 19, 2020 providing that during the period of any declared emergency members of the Board are

entitled to participate electronically in both open and closed meetings and shall be counted in determining quorum.

The procedure by-law also provides that the Board shall only consider amendments of such by-law at a meeting if notice of the proposed amendment was given at a previous meeting.

The declared state of emergency ended on July 24, 2020. Around the same time the *Municipal Act, 2001* was amended again to permit members participating electronically in open and closed meetings to be included in determining quorum, even in the absence of a declared emergency, so long as the local board's procedure by-law contained such provisions. These amendments to the *Municipal Act, 2001* were made after the Board's last meeting on July 14, 2020 and the procedure by-law has not yet been amended to reflect this legislative change.

Notwithstanding the termination of the declared state of emergency, concerns over the continuing pandemic remain and members require the flexibility to continue participating in meetings electronically. Accordingly, in order to conduct properly constituted meetings the current procedure by-law needs to be amended to permit those members to be included in the determination of quorum.

4. ANALYSIS

Compliance with the applicable legislation is of paramount importance to ONE JIB. Under the current procedure by-law, in exceptional circumstances members of the Board can participate electronically in open meetings only and cannot be counted in determining quorum. As mentioned, the recent legislative changes authorize members to participate electronically, whether the meeting is open or closed to the public, and to count in determining quorum so long as the procedure by-law permits them to do so. The recommended amendments will put ONE JIB in compliance with the current legislation in that regard.