



Town of Newmarket
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Hybrid Meeting Policy Staff Report to Council

Report Number: 2021-58

Department(s): Legislative Services

Author(s): Andrew Walkom, Legislative Coordinator

Meeting Date: August 23, 2021

Recommendations

1. That the report entitled Hybrid Meeting Policy dated August 23, 2021 be received; and,
2. That Council approve the Hybrid Meeting Policy attached as **Attachment 1** and rescind the Electronic Participation in Meetings Policy; and,
3. That the proposed amendment to the Town of Newmarket's Procedure By-law 2020-12 to permit electronic participation after December 31, 2021 as outlined in **Attachment 2** of this report be approved; and,
4. That the Town Clerk be authorized to administer the Hybrid Meeting Policy and develop the necessary Procedures to implement the Policy, as required; and,
5. That staff be directed to report back to Council in 2023 with a review of the Hybrid Meeting Policy, as part of the Procedure By-law Review; and,
6. That beginning with the Committee of the Whole meeting of October 25, 2021 or as determined by the Mayor and Chief Administrative Officer, staff be directed to facilitate meetings in a hybrid manner with in-person and remote Members of Council, Staff and the public; and,
7. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Executive Summary

This report outlines the development of a draft Hybrid Meeting Policy for the Town of Newmarket, by examining the principles which make the foundation of effective hybrid meetings and the experience of Newmarket Council throughout the pandemic. The

report provides an overview of the benefits of allowing remote participants to join a hybrid meeting, such as improving the accessibility of meetings and increasing attendance. Finally, the report outlines the proposed approach for Council members to resume in-person attendance in Council Chambers in the transition to hybrid meetings.

Purpose

The purpose of this report is to seek Council's approval for the draft Hybrid Meeting Policy, to permit electronic participation through hybrid meetings.

Background

Newmarket Council has been meeting remotely through electronic meetings since April 27, 2020 due to the COVID-19 pandemic. On July 21, 2020, the COVID-19 Economic Recovery Act, 2020 ("Bill 197") received Royal Assent, which allowed for municipalities to continue to meet electronically with no requirement for a state of emergency. Newmarket Council updated the Procedure By-law to allow for continued electronic participation at Council meetings, until December 31, 2021.

As the Province of Ontario's reopening plan under the Roadmap to Reopen continues to progress, the Town of Newmarket has begun to reopen its facilities to the public. The Town will continue to follow this phased approach in resuming in-person Council and Committee meetings for Councillors, staff and members of the public.

Discussion

Hybrid Meeting Principles

There are a number of principles which have been developed to support effective hybrid meetings throughout the transition from fully electronic meetings during the COVID-19 pandemic to hybrid meetings with participants who join remotely and in-person.

- 1. Meeting participants should be able to participate using multiple methods.**

The ability to participate in a meeting through multiple methods, such as by attending Council Chambers in-person or by joining remotely, is the key to effective hybrid meetings. The ability for the participant to choose their method of participation is important to ensure that their needs are met, which encourages participation and increases accessibility.

- 2. Meeting participants should have an equitable experience regardless of their method of participation.**

Hybrid meetings will be set up to ensure that participants are treated equitably regardless of which method they use to join. The audiovisual technology will be used to help the in-person and remote options provide as similar an experience as possible for both the participants and members of the public.

3. Meeting participation should be in alignment with prevailing public health guidance.

As the Town transitions through the COVID-19 pandemic period and continues to reopen its facilities, the hybrid meeting approach will allow for the most flexible response to the changing public health guidelines. Hybrid meetings allow for future public health measures to be addressed quickly and responsively.

4. Future changes should be based on best practices.

Hybrid meetings represent a new approach to municipal Council meetings in Ontario. All municipalities have the opportunity to learn from the experience gained throughout the pandemic and develop best practices on hybrid meetings going forward. The hybrid meeting approach will continue to evolve and be reviewed as best practices are developed.

Effectiveness of Electronic Meetings

Council Experience during COVID-19 Pandemic

During the COVID-19 pandemic, Council meetings were held in a fully electronic fashion, due to the public health restrictions prohibiting gatherings. While meetings were held electronically out of necessity, Council was able to continue to conduct its meetings effectively and the advantages of allowing electronic participation during Council meetings became clear. Despite the significant barriers posed by the public health measures, Council meetings continued on a regular schedule with high levels of attendance from Councillors and also high levels of public participation.

As the Town continues to transition out of its COVID-19 pandemic measures, staff recommend the inclusion of electronic participation for meetings going forward, in addition to traditional in-person participation. This 'hybrid' approach will allow for the opportunities presented by electronic participation to be added to the in-person meeting format.

Increased Councillor Attendance due to Flexibility of Participation

Electronic participation allows for Councillors to join the Council meeting, even if they are not able to attend the meeting in-person in Council Chambers. While in-person attendance will remain the most common type of participation for Councillors, the option to join remotely potentially allows for greater attendance. Councillors who may not be able to attend meetings for periods of time due to illness, injury or recovery from surgery, for example, may be able to attend from home and not miss extended periods of meetings. Similarly, Councillors suffering from minor illnesses may attend the meeting if they are feeling well enough, but may stay home to avoid spreading an illness to other people. The COVID-19 pandemic has illustrated the importance of preventing the spread of illness through physical distancing. Electronic participation also allows for Council Members to join meetings from outside of Newmarket, such as during travel.

The flexibility provided by electronic participation allows Councillors to avoid missing meetings due to other commitments. For example, a Councillor who must attend a personal medical appointment during a meeting may have been unable to attend the entire meeting in-person. However, it may be possible for the Councillor to join for the remainder of the meeting through electronic participation. While Councillors are encouraged to avoid scheduling other commitments during meetings, Councillors may be able to attend more meetings that would ordinarily have been missed in their entirety.

Greater Accessibility of Meetings

Electronic participation also allows for greater accessibility for Council meetings. Previous to the pandemic, the ability to use electronic participation was a request from the Newmarket Accessibility Advisory Committee to improve access to meetings. For members with mobility or other accessibility issues, being able to attend a Council meeting electronically improves their ability to participate. Electronic participation may also increase the ability for members to participate in the case of long-term illnesses or recoveries. It also gives flexibility for members who may be expecting or planning to take parental leave, or who have young children, to be able to attend meetings more frequently and fit around their schedule.

The upcoming 2022 municipal election also underscores the importance of increasing accessibility of meetings. Allowing for hybrid meetings without restrictions may lead prospective candidates to run in the election who would not have considered it previously, given the higher level of accessibility that hybrid meetings provide. Potentially increasing the number of local residents who wish to participate in municipal government provides strong support for hybrid meetings. In-person meetings may present an accessibility barrier that hybrid meetings can help to reduce.

Public Participation

Throughout the COVID-19 pandemic, electronic Council meetings have seen continued public participation. Residents were able to provide comments through written correspondence, or by joining the meeting live through Zoom or by telephone. Staff provided testing and assistance for residents prior to the meeting to ensure they would be able to join successfully. Due to these options, public participation remained high during the pandemic and electronic participation even allowed for deputants to join from outside the Newmarket area.

Hybrid meetings will allow residents to join meetings electronically as deputants, which provide for the same accessibility and flexibility discussed for Council members. It also allows for residents to join a meeting without the same time commitment as attending in person. For example, residents who may commute for work outside Newmarket may be able to provide their deputation from their work location, without the need to take time off work and travel back to Newmarket. In addition, as the Town of Newmarket transitions towards reopening all of its facilities to the public, residents will again be able to attend Council meetings in-person and provide their feedback in the traditional way. Hybrid

meetings will provide the benefits of both in-person and electronic participation for residents.

Proposed Hybrid Meeting Policy

The attached draft Hybrid Meeting Policy sets out a formal structure to continue the practices developed throughout the COVID-19 pandemic, to create a hybrid meeting structure. Members of Council may choose to participate in meetings either by attending Council Chambers in-person, or by logging in to the meeting remotely. On occasion, meetings may be scheduled as in-person only, due to special circumstances as decided by the Chair. Also meetings may be scheduled as in-person only due to technical requirements, such as the meeting being held in a location which does not have the technology required to hold hybrid meetings.

Equal Participation

One of the goals of the Hybrid Meeting Policy is to ensure that Members are treated equally within a meeting, regardless of the method in which they join the meeting. The previous discussion on accessibility of meetings illustrates the importance of ensuring that Members have the same ability to participate in a meeting whether they are in-person or joining the meeting electronically. Previously, electronic participation was limited in the Municipal Act, as Members did not count towards quorum and could not join closed session meetings through electronic participation. As these legislated restrictions no longer remain in effect, there is no longer a legal distinction between in-person and electronic participation.

At this time, staff do not recommend setting limits regarding Members' electronic participation, such as a minimum number of members physically present, a maximum number of times per year a Member may join remotely, or a requirement to provide notice before participating remotely. Such restrictions place an administrative burden on staff to track for all meetings and Members. They also set electronic participation apart from in-person participation, which encourages a perception that electronic participation is not equivalent to in-person participation.

Advisory Committees, Boards and Task Forces

The Hybrid Meeting Policy will also apply to the Town's advisory committees, boards and task forces. Advisory committees, boards and task forces will be held in a hybrid format, with the ability of members to join in-person or remotely. The benefits of allowing hybrid meetings for these groups will have the same benefits for Council, while ensuring a consistent approach to the Town's meetings. The [recent survey](#) of Committee members showed that 59% of respondents agreed that electronic meetings should continue after the public health measures have ended. Hybrid meetings will allow for committee members to choose how they would like to join meetings, either in-person or electronically. Committee members are faced with the same challenges and busy

schedules as Councillors, and providing a flexible approach to their participation should encourage higher levels of attendance and help to attract new volunteers in the future.

Review by new term of Council with procedure by-law

Staff recommend that the draft Hybrid Meeting Policy be employed as a pilot, with a scheduled review at the beginning of the term of the 2022-2026 Council. As a best practice, Legislative Services undertakes a Procedure By-law review at the beginning of the term of a new Council. This review would allow the new Council to consider hybrid meetings in the broader context of the Procedure By-law, drawing upon the experience of the previous Council through the pandemic and hybrid meeting trial period. As hybrid meetings potentially change the dynamic of meetings, it is most effective to examine their effect on the Procedure By-law as a whole. Further, it will allow staff to draw on the best practices developed in York Region and other Ontario municipalities following the return to hybrid and in-person meetings.

Hybrid Meetings and Return to Council Chambers

In October of 2020, staff presented a phased approach to the return of Council Members to Council Chambers for hybrid meetings. Due to a resurgence in COVID-19 cases, the phased approach was never implemented and meetings have been held through the fully electronic method since the start of the pandemic. With the provincial government's Roadmap to Reopen plan and high levels of vaccination, public health measures will allow for Council Members to return to Council Chambers for in-person participation in hybrid meetings.

Staff recommend that the Committee of the Whole meeting of October 25, 2021 should be the first hybrid meeting to be facilitated with in-person participation. This meeting will be the first full Council meeting cycle after the Thanksgiving holiday. The date for the return of members of the public to Council Chambers is currently undetermined, as the Municipal Offices at 395 Mulock Drive remain closed to the public. Staff recommend that members of the public continue to join meetings remotely until the full resumption of in-person services at 395 Mulock Drive.

Municipal Comparison

There has been wide consultation between municipalities regarding hybrid meetings and the return to in-person participation, both throughout York Region and more broadly across Ontario. As of the date of this report, all York Region municipalities continue to meet through electronic meetings. Consultation with other York Region municipalities shows that most are in a planning phase to return to some form of in-person participation through hybrid meetings in Autumn 2021. However, many municipalities note that technology upgrades are required to facilitate hybrid meetings. The technology upgrades necessary to facilitate hybrid meeting in Newmarket's Council Chambers were completed in November of 2020 and have served as a model for other York Region municipalities in consideration of their own audiovisual upgrades.

Conclusion

Upon Council's approval of the draft Hybrid Meeting Policy, staff will develop procedures to support Council and Committee hybrid meetings. Staff will continue to monitor the effectiveness of Newmarket's hybrid meetings, and the experience of neighbouring municipalities.

Business Plan and Strategic Plan Linkages

This report aligns with all of Council's six Strategic Priorities for this term, as Council's decision points at meetings assists in fulfilling these Priorities for the Town.

Consultation

This report was reviewed by the members of the Strategic Leadership Team. Broad consultation was conducted across York Region and other Ontario municipalities.

Human Resource Considerations

None.

Budget Impact

None.

Attachments

Attachment 1 – Draft Hybrid Meeting Policy

Attachment 2 – Draft Procedure By-law Amendment

Approval

Lisa Lyons, Director of Legislative Services/Town Clerk

Esther Armchuk, Commissioner of Corporate Services

Contact

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