



REPORT TO COUNCIL

To: **Mayor and Councillors**

Subject: Temporary Exclusion of Public from Open Meetings

File #: 7130-03

Doc #:

From: Kelly Kenney
Corporate Officer

Date: April 21, 2020

RECOMMENDATION:

THAT as permitted under Ministerial Order No. M083, open meetings of Council be held in the absence of the public until such time as the provincial declaration of state of emergency has been lifted.

PURPOSE:

The purpose of this report is to propose Council pass a motion to hold open meetings in the absence of the public until such time as the provincial declaration of state of emergency has been lifted.

POLICY:

Open meeting provisions are legislated under the Community Charter.

COMMENTS/ANALYSIS:

Section 89 of the Community Charter - General Rule That Meetings Must be Open to the Public, requires that, with limited exceptions, meetings of Council must be open to the public. This requirement also pertains to committee meetings and board of variance meetings per section 93 of the Community Charter - Application of Rules to Other Bodies.

Due to the Covid-19 pandemic the province issued a declaration of state of emergency on March 18, 2020.

In order to reduce the threat of COVID-19 to the health and safety of Council members and employees of local governments and related bodies and members of the public, the province subsequently issued Ministerial Order No. M083 which temporarily allows local government to hold open meetings in the absence of the public until such time as the provincial declaration of state of emergency has been lifted.

Under Section 122(1) of the Community Charter, a council may only exercise its authority by resolution or bylaw. Accordingly, it is appropriate that Council pass a resolution to hold open meetings in the absence of the public until such time as the provincial declaration of state of emergency has been lifted..

It should be noted that Ministerial Order No. M083 does not permit the holding of Public Hearings in the absence of the public. Local Governments have requested guidance from the Province in this regard; however, limited guidance has been received to date. Thus in the short term staff may recommend, on a case-by-case basis, that Council waive the Public Hearings for proposed Zoning Bylaw amendment applications.

Section 464(2) of the Local Government Act enables a Council to waive a Public Hearing for a Zoning Bylaw amendment if:

- a) an official community plan is in effect for the area that is subject to the zoning bylaw, and
- b) the bylaw is consistent with the official community plan.

Should the Provincial Health Orders remain in effect into June 2020 and beyond, staff will develop a modified Public Hearing process that complies with these orders, and report back to Council on this proposed modified process.

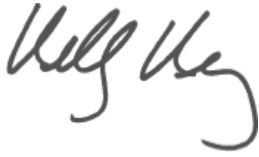
BUDGET IMPLICATIONS:

None at this time.

ALTERNATIVES:

Council may provide alternate direction to staff regarding allowing the public to attend council, committee, and board of variance meetings while adhering to Provincial Health Orders.

Respectfully Submitted,



Kelly Kenney
Corporate Officer

CHIEF ADMINISTRATIVE OFFICER'S COMMENTS:

I support the recommendation.



Francis Cheung, P. Eng.
Chief Administrative Officer

Attachment:

1. Ministerial Order No. M083