Electronic Council, Committee and Board Meetings:
A Guide for Ontario's Municipalities

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On March 19th, 2020 the Ontario Government made amendments to the *Municipal Act, 2001* in response to COVID-19. Bill 187, the *Municipal Emergency Act, 2020* allows municipalities to update the procedure by-laws for meetings of municipal councils, committees and local boards under sections 238 and 239 of the *Municipal Act.*

In response to increasing demands for physical distancing as part of Ontario's COVID-19 pandemic response, municipalities may update their procedure by-law for council, committee, and local board meetings in order maintain regular council proceedings while not confined to physical meeting locations.

This document provides a brief overview of the legislative context for changes to a procedure by-law, as well as further considerations for optimal electronic governance.

Legislative Considerations

Bill 187, The Municipal Emergency Act
While Bill 68, *Modernizing Ontario's Municipal Legislation*, allows the electronic participation of municipal councils, local boards and committees, Bill 187 specifically provides municipalities the authority to quorum during a declared state of emergency.

Bill 187 applies to sections of the *Municipal Act and the City of Toronto Act, 2006* that govern the creation and application of procedure by-laws. The amendment allows for a municipality's procedure by-law to be updated in a special meeting to allow members of councils, committees and boards who choose to participate electronically to "be counted in determining whether or not a quorum of members is present".

The *Emergency Management and Civil Protection Act, 1990* requires municipalities to prepare for emergency declarations, and may be referenced for further information regarding the role of the Province in emergency situations. The nature of a pandemic as an emergency has created a set of conditions for which no municipality could have reasonably been prepared, as fully electronic meetings have not been contemplated previously.

Given that Bill 187 provides municipalities the option to implement electronic meetings at their discretion, a number of challenges have arisen, such as agenda management, chairing of the meeting, voting, facilitating public participation, and meeting records retention. The degree of unprecedented legislative and technical considerations has created a unique situation for municipalities. Due to the limited best practices available, collaboration and cooperation are encouraged at this time.

Bill 189, Coronavirus (COVID-19) Support and Protection Act
On April 14th, 2020 the Ontario Government passed Bill 189. This Act amends the *Development Charges Act*, the *Education Act*, the *Ministry of Training, Colleges and Universities Act*, the *Planning Act*, and the *Police Services Act*.

With regard to the proceeding of electronic meetings, Bill 189 amends timelines for meeting that would have occurred under the *Development Charges Act*, the *Planning Act*, and the *Police Services Act.*

The amendments to the *Development Charges Act* extend the expiration date of a municipal development charges by-law to "six months after the day" of the declared emergency. The amendment notes the declaration occurring on March 17th, 2020, therefore extending the expiration date to September 17th, 2020.

The amendments to the *Planning Act* allow the Minister to make regulations regarding timeline provisions noted in the *Planning Act*. The regulations may include provisions regarding appeal processes for decisions or notices of decisions not made by municipal councils, or regarding by-law expiry extensions. Municipal planners will be allowed to proceed with development applications should they choose to do so, and they may also hold electronic public meetings and make decisions.

The amendments to the *Police Services Act* pertain to the preparation and adoption of a Community Safety and Well-Being Plan by municipal councils. The amendment allows the Lieutenant Governor in Council to regulate a new prescribed date for the adoption of a Community Safety and Well-Being Plan.

Information Technology Considerations

Security

Security concerns have become heightened in recent weeks with the fast and unexpected digitization of municipal services and operations. Considerations for municipal security may include:

- Staff awareness of how data is secured and how they can protect themselves from potential malicious actors;
- The security of the online meeting platform your municipality chooses to run; and
- How to protect municipal information on personal staff devices through end-to-end encryption.

Compatibility

The compatibility of the electronic meeting platform used by a municipality must be considerate of the users and the technical capability. Municipalities should choose a platform that is accessible to all staff and councillors and does not require extensive training. Personal technical capability will vary among staff and council, however the training and learning period should be considered.

Municipalities may also consider the risk associated with delaying procedural amendments. Councils, committees and boards should understand that there may not be a "perfect" platform for 100% of users, but that there may be a suitable platform for the majority of users at the time.

Technical compatibility is dependent on the size, location, and digital literacy of a municipality. Municipalities are encouraged to assess their needs regarding technical capability and electronic compatibility. Municipalities may already be equipped with conferencing software with other products, such as Teams conferencing software through Microsoft 365. Some municipalities should consider teleconferencing platforms as opposed to video conferencing, should technical compatibility be limited.

Access

Accessibility must be considered in the digitization process. Staff and council must have access to physical technology, such as laptops, tablets, or phones, as well as access to a stable internet connection or telephone signal. Resident access must also be considered for public meetings and streaming. Many municipalities have closed or limited access to libraries and public spaces, potentially limiting resident access to technology. Municipalities should consider who has access to the information being shared and how any accessibility gap might be reduced.

Additionally, municipalities are encouraged to comply with AODA best practices for web content. You can find a guide on Web Content Accessibility Guidelines (WCAG) here.

Timeline of Considerations

Pre-Meeting
Procedural By-law Amendments

- Per Bill 187, amendments to your procedure by-law can and must be made at the first electronic meeting that you hold. If amendments to your procedure by-law to enable electronic meetings are not the first item of business at your first electronic meeting and/or are not adopted, the remainder of the electronic meeting is not legal.

- Amendments should include:
  - Allowing the use of electronic participation at meetings.
  - Stating whether members can participate in both open meetings and closed meetings. The amendment may also address whether electronic meeting participation will be permitted only during emergencies.
  - Electronic participants can vote and count towards achieving quorum. The amendment may also include procedure for regaining quorum if a member of the meeting is lost due to technical difficulties.
  - If your existing procedure by-law already enables electronic participation and/or voluntarily sets conditions or limitations on its use, consider adding a new provision specifically for use of electronic participation during emergencies that alleviates any voluntary limitations.
  - Detailed roles for council, committee, or board members during the meeting. For example, include who will read motions, who will ask for movers and seconders, who manages the discussion and who calls the vote.

Providing Notice

- Per section 239 of the *Municipal Act*, notice must be given for public meetings even when they are held electronically. Formal guidelines or best practices for electronic notification have not yet been established, however accessibility and digital literacy should be considered when preparing and providing any public meeting notification. Many municipalities currently publish agendas and provide notice on the websites well in advance of the date of a meeting.
- In your notice, be sure to note if the meeting will be held electronically, either partially or fully, and if public attendance is permitted or not. If the meeting is fully electronic, provide as much detail as possible about where residents may watch the meeting if livestreamed, view a copy afterwards, and find the agenda and minutes for the meeting.

Security

- As municipal governance shifts primarily online, digital security measures should be heightened. Considerations for phishing emails with links to online meetings (such as Zoom Meeting ID links), sharing of electronic invites to meetings, and participation in municipal governance on a personal device (such as a home desktop or tablet) should be discussed prior to any electronic meeting.
- When in closed session, municipalities may choose to ask meeting attendees to use headsets to provide further confidentiality. Along with practicing electronic meeting etiquette, meeting members should be mindful of their surroundings, what is visible on-screen and in the background of videos, and what can be heard.

Connectivity and Accessibility
- Considerations for connectivity and accessibility are dependent on the internet capabilities and levels of digital literacy in a given municipality. Consult with councillors and respective committees to assess internet access and troubleshoot electronic meeting software.
- Connectivity issues may be resolved through teleconferencing and in instances where video conferencing is not necessary. Established quorum and voting regulations should be considered throughout the call as tracking meeting members through teleconference may be challenging.
- To ensure connectivity and accessibility, municipalities may choose to hold practice meetings where members can test software and hardware. If practice meetings are held, municipalities should ensure that quorum is NOT met during testing.

During Meeting

Agenda and Minutes Management
- The Clerk and/or Chair of a meeting must be considerate of agenda items and meeting management. Municipalities may "stream" the agenda (present the document in a video-conferencing manner) so that all meeting members are able to follow along.
- Agenda items and meeting minutes should account for connectivity and accessibility concerns. For example, voting methods for both video and audio conferencing may be established regardless of format to ensure that if video is lost, the meeting member is still accounted for. Any speaker should clearly identify themselves as well, regardless of format, again for clarity.
- Should a meeting member become disconnected for any reason, proceedings must stop if quorum is lost, unless other procedures have been established in a procedure by-law.

Etiquette
- Consider clothing, lighting, and general optics of the on-screen area and support elected members by providing best practices in this regard.
- Ensure all meeting attendees are able to mute and unmute and are able to see themselves and others during the call, if video conferencing.
- For clarity, allow only one member to speak at a time.
- Be present in the electronic meeting the same way you would be present in an in-person meeting.

Electronic Participation, Voting and Maintaining Quorum
- Considerations on the type of platform are necessary for participation. Consider the requirements of a meeting when choosing an electronic meeting platform.
- The information that is available to members through the meeting platform will determine how stringent the Clerk and Chair need to be when conducting the meeting and calling votes. For example:
  - Most stringent: all votes are treated as recorded votes. You may need to use this if you are using a teleconference line only and have a larger council.
  - Least stringent: ordinary show of hands. You may be able to use this if all council members are participating by audio and video and can be seen by each other and any livestream observers during a vote.
- Consider whether members should be required to verbally declare if they are exiting the meeting, as it may not be clear on an audio-only meeting if quorum has been maintained.

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Post-Meeting

Records management

- The *Municipal Freedom of Information and Protection of Privacy Act* does not mention electronic or digital meeting protocol. Video recordings of meetings, electronic copies of agendas and minutes, and voting records may be managed in accordance with existing records management procedures.
- If there are any aspects of your records management procedures for meetings that are ordinarily handled by way of physical copy (e.g. signing of by-laws, minutes, etc.), consider whether you will temporarily use electronic formats for such documents until such a time as physical originals can be executed.

Moving Forward

The unprecedented nature of the current situation means that not every decision made will be the best decision. Municipalities must make the best decision based on the available information at the time. This means that as the COVID-19 pandemic progresses, practices will be updated.

Municipal Case Studies

Municipality	County of Middlesex	City of Peterborough	County of Perth	City of Guelph
Software	Zoom	Microsoft Teams	Pragmatic with Streamlabs and GoToMeeting	Webex with Facebook
Software Medium and Overview	Zoom is an internet-enabled meeting software that allows up to 100 participants in an online meeting. Visually, Zoom allows users to view multiple meeting members at once in a conference-style setting and is enabled with features that allow for typed chat conversations, screen sharing, and sub-meeting breakout rooms. Zoom allows users to record video and sound of the meeting and save a transcript of the chat.	Microsoft Teams is an internet-enabled meeting software being used by approximately 700 City staff and council members. Microsoft teams is part of the Office 365 E1, E3, or E5 bundle. Meeting members are able to video conference or call-in to meetings.	Pragmatic is a teleconference meeting software that Perth County uses in conjunction with Streamlabs video streaming that is connected to the County's YouTube channel. Perth's first meeting was held with audio only, however GoToMeeting will be used in the future to allow the agenda or other documents to be streamed during the meeting with which members can follow along. A dedicated workstation will be setup to stream this live to YouTube as well.	Webex is a Cisco product that allows for video conferencing, chat and document sharing. The platform allows users to record video and sound and can provide a transcript of a typed chat. Streaming to Facebook is enabled through a Webex plug-in.

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Software	Zoom	Microsoft Teams	Pragmatic with Streamlabs and GoToMeeting	Webex with Facebook
Support and Connectivity	Zoom seems to work well for those who have poor internet connections when tested against the use of other similar platforms. Those who host meetings, and who are participants of meetings have been trained to ensure risk mitigation and usability of the video conferencing application.	Due to the circumstances, little training was provided for new users. However instructional videos and one-on-one training was provided for those needing assistance. A minimum of 1.2mbs is required to have a video and audio call.	The call-in tele-conference format accommodates varying locations and internet connections. In addition, GoTo-Meeting allows for toll-free audio-only connecting.	Live streaming is available via Facebook plugin. The stream can also be embedded on a municipality's website.
Live Streaming Capability	Zoom meetings can be recorded and uploaded to the County's YouTube channel in addition to live stream functionality through Zoom via YouTube. There is roughly a 20 second delay in the Live Stream.	Live streaming is available through the Live Events function. There is a 20 second delay between the meeting and the live stream.	Video of teleconference is enabled through Streamlabs software.	Live streaming is available via Facebook plugin. The stream can also be embedded on a municipality's website.

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Municipality	County of Middlesex	City of Peterborough	County of Perth	City of Guelph
Software	Zoom	Microsoft Teams	Pragmatic with Streamlabs and GoToMeeting	Webex with Facebook
Participation, Voting and Quorum	The Host role is assigned to and monitored by IT to ensure response to technical challenges throughout the meeting, including enabling Live Streaming to YouTube. For voting, if all councilors are video-enabled, they raise their hand. For those councilors who call in to the Zoom meeting, they must state their name and verbally cast a vote.	Microsoft Teams does not have a "raise hand" function so the typed chat function allows meeting members to join the conversation. Chat etiquette is an issue, with some private chats being more suited to private email. Quorum is handled by the Clerks being able to see who is in attendance and audibly confirming they are in attendance for the public to hear. Voters are taken by the Clerk who calls each councillor by name to record their vote.	A verbal roll call was completed to account for all meeting members. Voting has not yet been tested, but will likely be handled in the same verbal/audio manner.	The meeting Host, delegated to the Clerk in Guelph, oversees all meeting functions. The host can mute, call on, and lock down the meeting and/or the members. Voting is completed by hand raising.

Municipality	County of Middlesex	City of Peterborough	County of Perth	City of Guelph
Software	Zoom	Microsoft Teams	Pragmatic with Streamlabs and GoToMeeting	Webex with Facebook
Security	Once all meeting members have entered the meeting, Zoom allows users to "lock" the meeting. Screensharing and Meeting IDs are permitted only by the Host of the meeting. The meeting is also password enabled for further security. To further secure Zoom meetings, consider disabling file sharing and making use of the waiting room function.	Only a producer can invite people into the meeting. Moreover, the Clerk (as the meeting producer) has full authority on what is shared in the live video stream and can mute all members of the meeting. The Clerk is the individual that can provide access.	Access to the conference call was only provided to the members or council and required staff. In the future, when GotoMeeting is used, meeting access will require a link and password, and once all have joined, the meeting will be locked.	Only those invited to the meeting can participate. The meeting can be locked; however, timeliness can be an issue in securing members. Meetings can be password enabled and the password is sent to specified and known invitees. The lobby feature allows meeting members to remain on the call without having access to the meeting, which is useful for closed meetings. No known security breaches at this time.

Appendices

Cisco Webex User Guide

Get Started with Cisco Webex Meetings for attendees

Webex Meetings makes joining and collaborating hassle free. You can meet anyone in the world online, talk to them over the phone or your computer, see each other's video and share content.

Join a Meeting

If someone invites you to a Webex meeting, you receive an invite with instructions on how to join in an email invitation. You can click the Join link to join the meeting.

You might be asked to enter meeting password. The password will be included in the meeting invitation email.

The Webex user interface is simple. Meeting options are located in the centre of the screen and participants and other panels will be on the righthand side of the screen.

Connect Audio

Before you join a meeting you can choose the audio settings you prefer for the meeting
1. Click the audio connection options in the Webex Meeting app.
2. Choose how you want to hear the audio in the meeting.
   Use computer for audio (default) – use your computer with a headset or speakers
   Call me – enter or select the work or home phone number that you'd like the meeting to call
   Call in – dial in from your phone when the meeting starts. A list of global call-in numbers is available once you join the meeting
   Don't connect audio – you won't hear any audio in the meeting through your computer or phone. Use this option if you're in the meeting room but want to use your computer to share content in the meeting
3. If you want to join the meeting with your audio muted, click **Mute my microphone**. The microphone icon will turn red when your microphone is muted. Click **Unmute my microphone** when you want to speak.

Start Your Video

Before joining a meeting, you can choose the video setting you prefer for the meeting.
1. If you want to join the meeting with your video turned off, click **Turn off my video**. The camera icon will turn red when the video is turned off. Click **Turn on my video** when you want to show your video.
2. By default, your self-view video shows in mirror view. You can turn off mirror view if you want to see yourself in your self-view video the same way that other meeting participants see you.

Share Content

You can share content during a Webex meeting. In the **Participants** panel, grab the Webex icon (blue circle) with your mouse and drop it next to your name. You will become the presented. Select **Share content** and start sharing. For more sharing options, visit the **Share** menu.

Zoom User Guide

Joining Zoom Meetings
Join by Link (link will contain the password in most cases):
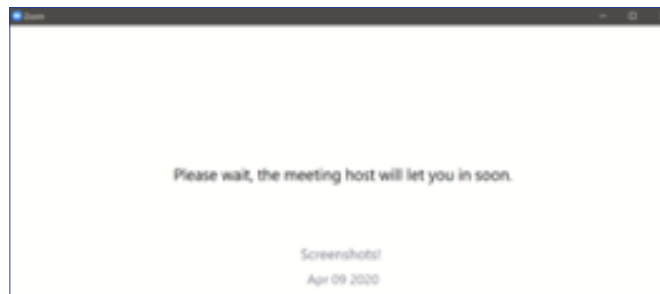https://zoom.us/j/196665173?pwd=Ti92d3hLQWY1bWNSS3cyV2o3SzdHZz09

Join by Meeting ID:
Enter the meeting ID and your name and click/tap "Join".
On the next screen enter the meeting password and click/tap "Join Meeting"

Waiting Room:
When joining a meeting you will be presented with this screen until the host allows entry

Joining Audio
Click or tap the following icon to be presented with options to join audio. This icon will be at the top of the screen on iPad and the bottom left of the screen on a laptop.

In most cases, you will want to use the "Call using Internet Audio" option – this will enable audio through your device. Alternatively, "Dial in" will provide you with a list of phone numbers to call.
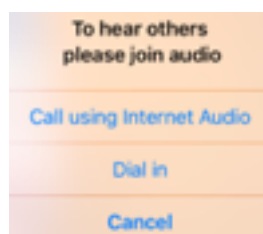
Meeting Controls

Along the top of the screen on iPad or the bottom of the screen on a laptop you will have a number of controls.
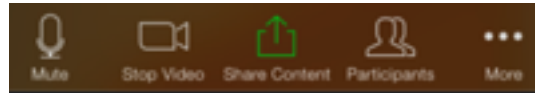

Mute/Unmute: Tapping/clicking this will mute your microphone, you will see the following when you are muted (there will also be the same icon over your participant window in the meeting). Tapping the icon again will unmute.

Stop/Start Video: Tapping/clicking this will stop your video. You will see the following when you video is stopped. Tapping the icon will show your video again.

Gallery/Speaker View: There are 2 views available in each meeting. One will show the active speaker, the other will show all participants (**note:** only 9 participants can be viewed on an iPad at one time, swiping the screen to the side will show the other participants). These controls are located at the top left on iPad at the top right on a laptop.
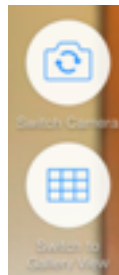
Share Content: If the meeting host has allowed sharing content (this is off by default) the "Share Content" option allows you to choose what you would like to share (**note:** this information is shared with all participants of the meeting).

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Head of Council

• Practice with the technology until there is a high comfort level
• Use a laptop to ensure larger screen real estate
  • Allows Head of Council to see all Council Members
  • Provides easier access to meeting tools menu
  • Ensure Participants Menu is open to see all participants and enable additional meeting tools

Managing the Speakers List

  • Be mindful of those who are on video and those who are not on video
  • Use Recorded Votes to your advantage when managing a meeting to ensure everyone is accounted for

Clerk

• Help the Head of Council manage the Meeting
• Voting/Procedural
  • If all Councillors are video-enabled , raise hand
  • If some Councillors are video-enabled and others are not, be sure to be mindful and attentive of those that have called in
• Be more prepared than usual - information provision to Council during meetings

Technical Considerations

• Local the meeting when all attendees have entered
• Enable and control live stream options
• Record the meeting locally to ensure continuity of electronic meeting - the recorded files can be uploaded to a file storage service like Dropbox, Google Drive or streaming service like YouTube

Closed Meeting Considerations

• Managing the Live Stream
• One person per physical room to minimize potential for reverb or feedback loops
  • Use headsets if you must be in the same physical space

Before your Meeting

• Control audio quality by situating yourself in a quiet space
• Adjust your lighting to ensure light is in front of you
• When possible, place the video camera 2-inches above eye-line

During your Meeting

• Look into the camera when speaking
• Pay attention when others are speaking
• Only one person speaks at a time to ensure clarity of meeting
• Mute yourself when not speaking
• Use the chat function to message entire group or an individual

Security Considerations

• Lock the meeting when all attendees have entered
• Don't screen capture and share the meeting with meeting ID embedded
• Don't share the meeting ID beyond the required attendees
• Treat the meeting ID as if it is a password. Do not share with anyone
• Let the Host share the Meeting ID
• Ensure every meeting is password enabled
• Only allow Host to share screen

Other features to consider as part of a Zoom meeting

• Invite more people to join by email, IM, SMS (mobile users) or meeting ID
• Screen share your desktop or specific application window
• Mute/unmute audio
• Stop/start video
• Configure your settings
• Leave or end the video meeting

You will find a series of buttons at the centre of the bottom of the screen which allows you to use these features. For more details please go to Zoom Help Pages.

Platform Resources

GoToMeeting:
https://blog.gotomeeting.com/5-best-practices-staying-secure-gotomeeting/

Microsoft Teams:
https://docs.microsoft.com/en-us/microsoft-365/security/top-security-tasks-for-remote-work?view=o365-worldwide

Technical Security Details:
https://docs.microsoft.com/en-us/microsoftteams/security-compliance-overview

WebEx:
https://help.webex.com/en-us/8zi8tq/Cisco-Webex-Best-Practices-for-Secure-Meetings-Hosts

Zoom:
https://zoom.us/docs/doc/Zoom-Security-White-Paper.pdf

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