



RE: Remote Meeting Attendance

Explanation

Section 31 of the **City of Corner Brook Act**, section 31 of the **City of Mount Pearl Act**, section 39 of the **City of St. John's Act**, and sections 24 and 51 of the **Municipalities Act, 1999** have been amended to authorize the following:

"... council may allow a councillor to participate in a meeting by electronic means where the electronic means enables the councillor to listen to the proceedings and to be heard "

These various sections have also been amended so that a councillor participating by electronic means is considered to be in attendance at the meeting. Furthermore, the ability to remotely attend by electronic means applies to public, privileged, and special meetings. The ability to attend meetings remotely is only applicable for councillors.

This now means that councils may permit councillors to participate in council meetings remotely rather than in-person. This will allow greater flexibility for councillors to attend meetings while juggling other commitments and should assist councils with continuing to conduct business even when council members are not able to attend in-person.

Implementation

Councils that wish to allow remote meeting attendance for their councillors should take the following steps, with consideration to the identified best practices below:

1. Develop a policy which outlines how the process will work, including notice requirements and participation limits;
2. Ensure technology requirements are met allowing anyone who participates remotely to listen and to be heard; and
3. Communicate policy to councillors, administrative staff and residents.



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Best Practices

A jurisdictional scan has identified the following best practices for remote meeting attendance:

(a) In-person Attendance vs. Remote Meeting Attendance

Remote meeting attendance should only occur when in-person attendance is either impossible or impractical. It would be useful for councils to clearly outline under what circumstances remote meeting attendance will be allowed. As examples, councils may require: that the Chair must always attend in-person; and/or limiting the number of times a councillor may attend meetings remotely in a given year.

It is also important for councils to determine whether remote meeting attendance is allowed for special and privileged meetings, as well as public meetings. While the amendment applies to all meeting types, councils can determine when remote meeting attendance is permissible. As examples, councils may want to consider: requiring in-person attendance for any resolution where a 2/3 majority is required (e.g., appointing or suspending a town manager and/or clerk); and/or not allowing remote meeting attendance for privileged meetings.

(b) Technology Requirements, Options and Associated Costs

The legislation requires that anyone attending meetings remotely must be able to listen to the proceedings and to be heard by all in attendance.

Technology options can include videoconferencing. However, a simple telephone with a speaker feature at the meeting location will allow the person attending remotely to be heard by everyone in attendance. The only additional requirement being that the person attending remotely must be able to hear the proceedings.

Any capital or operational costs associated with technology used to allow remote meeting attendance will be borne by the municipality.

If the municipality offers a per diem for attendance at meetings, the council will need to determine whether the per diem will apply to remote meeting attendance as well as in-person attendance, or if a reduced rate will be applied for remote meeting attendance.



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(c) Procedures for Remote Meeting Attendance

Materials should be provided in advance for anyone attending by electronic means. If materials are of a private nature, council may need to use encryption technologies to protect confidentiality. For example, Microsoft Office offers the ability to protect Word and Excel documents using password protections. Anyone wishing to participate remotely should be required to notify the clerk within a specified period of time (e.g., 3 days before the meeting). This will allow time to organize the necessary logistics (e.g., meeting materials and the necessary technology are both available).

Councils should also determine how technical difficulties will be addressed. For example, if communication is lost to one or more electronic participants during a meeting, a 10 minute recess is called to try and re-establish the link. If the link cannot be re-established after the recess, the electronic participants are deemed to have left the meeting. If this means there is no longer a quorum of councillors in attendance, then the meeting is adjourned.

(d) Declaration of Vacancy

Section 20 of the **City of Corner Brook Act**, section 20 of the **City of Mount Pearl Act**, section 9 of the **City of St. John's Act**, and section 206 of the **Municipalities Act, 1999** continue to apply when determining whether a councillor's seat has become vacant. This means that, regardless of the ability to attend meetings remotely, a councillor's seat is still vacated in the following circumstances:

- he/she has been absent from the municipality for more than one year;
- he/she stops being ordinarily resident in the municipality (not applicable in the City of St. John's);
- without leave of council, he/she does not attend regular public meetings of council, either in person or remotely, for three successive months (not applicable in the City of St. John's).

(e) Adoption of Remote Meeting Policy and/or Amendment to Rules of Procedure

Prior to allowing remote meeting attendance, councils should develop a policy specifically addressing remote meeting attendance (or amend their rules of procedure accordingly).