THE CITY OF WINNIPEG

BY-LAW NO. 115/2022

A By-law of THE CITY OF WINNIPEG to amend the Procedure By-law to accommodate remote participation in Council and Council committee meetings

WHEREAS section 79 of The City of Winnipeg Charter provides as follows:

Special meetings of council

79(1) *A special meeting of council*

(a) may be called when the mayor considers it appropriate to do so; and

(b) must be called if the city clerk receives a written request from the majority of the total number of members of council stating the purpose of the meeting.

AND WHEREAS section 74 of The City of Winnipeg Charter provides as follows:

Procedures by-law

74 *Council may by by-law establish rules governing*

….

(b) the circumstances under which meetings of council, or of its committees or subcommittees, may be conducted by means of electronic or other communication devices as permitted under section 81 (use of communication devices).

AND WHEREAS section 81 of The City of Winnipeg Charter provides as follows:

Meeting through communication devices

81(1) *Council may, in circumstances under which it is permitted by by-law to do so, conduct a meeting by means of electronic or other communication devices if the devices enable the members to hear and speak to each other and the public to hear the members.*

Participating member deemed present

81(2) *A member of council who participates in a meeting of council conducted by means of communication devices is deemed to be present at the meeting.*

Meetings of committees

81(3) *Where council has provided for a meeting of a committee of council or a subcommittee thereof to be conducted by means of electronic or other communication devices, subsections (1) and (2) apply, with necessary changes, to the meeting and to members of the committee or subcommittee.*

NOW THEREFORE THE CITY OF WINNIPEG, in Council assembled, enacts as follows:

Section 7 of Procedure By-law amended
1 The Procedure By-law No. 50/2007 is amended by adding the following subsections immediately following subsection 7(5):

7(6) *In addition to the scheduling and rescheduling of meetings referred to in subsections 7(3), (4) and (5), additional meetings of Executive Policy Committee, Standing Policy Committees and Community Committees which are not scheduled in the Schedule of Meetings adopted by Council*

(a) may be called when the Mayor considers it appropriate to do so; and

(b) must be called if the City Clerk receives a written request from the majority of the total number of members of Council stating the purpose of the meeting.

7(7) *For the purpose of ensuring operational feasibility, the City Clerk is delegated authority to determine the date, time and location of meetings of committees other than Council, Executive Policy Committee, Standing Policy Committees and Community Committees and shall notify Council of their scheduling.*

Subsections 9(21) to (23) of Procedure By-law repealed
2 Subsections 9(21), (22) and (23) of the Procedure By-law No. 50/2007 are repealed.

Section 9.1 added to Procedure By-law
3 The following section is added immediately following subsection 9(20) of the Procedure By-law No. 50/2007:

PARTICIPATION IN COUNCIL AND COMMITTEES BY COMMUNICATION DEVICES

9.1(1) For the purposes of this section,

"participating"*, in the context of a meeting, for members of Council, means carrying out the function of a member of Council, including voting, and for member of the public, means appearing in delegation;*

"remote meeting" *means a meeting of Council or a committee of Council in which members of Council and the public have the capacity to participate in person or through remote communication technology;*

"remote communication technology" *means electronic or other communication devices and applications or other software which make remote communication possible.*

9.1(2) In this section,

(a) references to Council apply equally to committees of Council;

(b) references to members of Council apply equally to members of those committees of Council which are meeting remotely; and

(c) references to Presiding Officer apply equally to the Chair of the committee of Council which is meeting remotely.

9.1(3) Subject to subsection (4), meetings of Council shall be conducted as remote meetings.

9.1(4) Prior to a scheduled remote meeting, the City Clerk shall

(a) identify a remote communication technology which will enable members of Council and the members of the public who are appearing in delegation to hear and to be heard by each other; and

(b) communicate to all members of Council and to the public which remote communication technology will be used and the means by which the remote communication technology can be used to participate in the meeting.

If it is not possible to identify remote communication technology which meets the requirements of clause (a), the Clerk must so advise all members of Council and the public and the meeting may then be held in person.

9.1(5) At the beginning of a remote meeting, the Presiding Officer must satisfy themselves that the remote communication technology being used by the City is functioning to a standard that will enable members of Council and the members of the public who are appearing in delegation to hear and to be heard by each other.

9.1(6) If, at any point during a remote meeting,

(a) members of Council or members of the public are participating remotely; and

(b) the remote communication technology being used by the City ceases to function to a standard that will enable members of Council and the members of the public who are participating in the meeting to hear and to be heard by each other,

the Presiding Officer may suspend the meeting until the remote communication technology used by the City is again functioning and, after reasonable but unsuccessful efforts have been made to achieve functionality of the remote communication technology, the Presiding Officer may adjourn the meeting.

9.1(7) Subject to subsection (11), if the video function on the remote communication technology used by the City to conduct a remote meeting is not operating in a manner which allows a member of Council to be seen by and to see other members, the member of Council may not participate in the meeting unless the Presiding Officer approves the member's participation by way of the audio function alone.

9.1(8) Subject to this By-law, members of the public who are registered to speak in delegation at Council meetings may do so either in person or remotely.

9.1(9) A member of Council (including the Presiding Officer) may not participate remotely in a meeting of Council unless Council adopts a motion authorizing the member's remote participation. The member whose participation is at issue is entitled to make the motion, participate in the debate on the motion and vote on the motion. However, if the motion is defeated, the member is not permitted to participate further in the meeting unless they attend in person.

9.1(10) Subject to subsection (11), if the remote communication technology used to conduct a remote meeting includes a video function, members of Council participating remotely in a meeting must

(a) do so from their City office or home office unless the Presiding Officer gives approval for their participation from another appropriate location;

(b) ensure that the video function of the communication device is enabled and kept enabled so that their presence and involvement in the meeting can be seen by other participants in the meeting; and

(c) ensure that a neutral background is displayed on their video screen without signs, symbols or messages visible.

9.1(11) Subject to this section, where the Presiding Officer wishes to participate in the meeting by way of a communication device which contains a video function and requires approval either

(a) to participate in the meeting from a location other than their City office or home office, or

(b) to participate in the meeting despite the fact that the video function of their remote communication technology is not functioning properly or at all;

the approval may be given only by a majority vote of the members of Council participating in the meeting.

9.1(12) The other provisions of this By-law apply to remote meetings with such changes as are reasonably required to facilitate the conduct of the meeting.

9.1(13) For greater certainty, subsection 9(19) of this By-law – which requires that members must receive permission from the Presiding Officer before leaving the meeting – applies to remote meetings.

Meetings of Council by Communication Device repealed
4 The Meetings of Council by Communication Devices By-law No. 41/2020 is repealed.

Coming into force
5 This By-law comes into force when it receives third reading by Council.

DONE AND PASSED this day of , 2022.

Mayor

City Clerk

Approved as to content:

City Clerk

Legally reviewed and certified as to form:

for Director of Legal Services
and City Solicitor