General Comments:

- The questions below were provided in advance of and through the chat function of the April 17, 2020 AUMA webinar on Running Effective Virtual Meetings.

- When it comes to questions of legislative interpretation, please consult your municipal counsel.

- Regulatory requirements are changing rapidly at the moment. What is not permitted may change over coming weeks. Much of it will likely change again when the Medical Officer of Health permits large gatherings.

Question 1 – Petitions

Question: Good afternoon: I asked this question during the AUMA town hall and was asked to delay the question to today's seminar.   My specific question is that after first reading of a borrowing bylaw it starts a time line that town citizens can if they choose to start a petition.   Under the MGA this petition needs to be signed and witnessed in order for it to be valid. How do communities allow or facilitate this when COVID regulation do not allow interactions between individuals?

Response: The MGA currently allows for petitions to be signed electronically. An excerpt of the relevant section appears here *(bolding added for emphasis)*:

226.1(1) *Despite sections 219 to 226 and 233(2), a council of a municipality may by bylaw do any or all of the following:*

(a) *reduce the percentage required under section 223(2)(a) or (b), whichever is applicable, for petitions to the council;*

(b) *allow petitioners to remove their names from petitions to the council by filing a statutory declaration with the chief administrative officer no later than 14 days after the petition is filed with the chief administrative officer;*

(c) ***provide for petitions to the council to be signed electronically and modify the requirements in sections 224(2) and (3) and 225(3) to the extent the council considers necessary or appropriate for that purpose****;*

Alternately, the municipality may choose to set out rules for how physical distancing may be incorporated into the signing of petitions. This could include the locations where the petition may be available for signing, the number of people allowed into the same location as the petition, how far apart the signer must be from the person presenting the petition for signing, and the like.

Unless council amends the rules for petitions, the default rules (i.e., in person signatures) continue to apply. The deadlines for signing and presenting petitions do not change with the new Regulation

Further information about petitions is available through Alberta Municipal Affairs' advisory service at 780-427-2225.

Question 2 – Involving the Public

Question: What do you recommend for inviting public to listen? Webinar/conference call info advertised on the municipal website? Ask residents to call/email admin to get link, phone number and access code?

Response: Your bylaws and policies should guide your approach to informing, and hence, inviting the public to listen to your meetings. According to section 3(2) of the *Meeting Procedures (COVID-19) Regulation*, the notice of the meeting "*must state the electronic means by which the meeting is to be held and give the information necessary for the public to access the meeting*".

The web-based and/or conference call information should be advertised on your municipal website and must include the necessary details to access the meeting including links, phone numbers and access codes.

If your municipality has policies on engagement that go over and above the Regulation's requirements, follow those.

You could also include information about how to access your meetings virtually in any newsletters, social media or other communications channels your municipality has in place.

Question 3 - Mute

Question: Small Municipalities with only one staff, who should have control of the mute etc. of the meeting. CAO or Mayor?

Question: is it advisable that the recording secretary is in charge of the mute button?

Response: It is advisable to have the Clerk, who may also be the CAO, act as the technical host for the meeting, meaning they would have control of the mute button and, if applicable, video functions.

The Mayor and other Council members should be focused on their governance role, with Administration managing the technology to enable and support their role.

Question 4 – In Camera or Closed Meetings

Question: One of the questions our municipality is currently facing with virtual meetings is how to go into a closed part of the meeting and then still have it revert back to the public once the closed part of the meeting is over?

We are currently using GoToWebinar to broadcast our Council meetings and we do not have a way to stop and start the broadcast of this webinar. While we could put the webinar on hold, host a separate virtual meeting with our Council, and then go back to the webinar, this is somewhat challenging for our Council members. We are also worried about security issues we have heard with other virtual meeting software (i.e. zoom) where people have been able to listen in on meetings even after the public has been kicked out or the broadcast has ended.

Any thoughts/ideas?

Question: How do you then ensure that *in camera* sessions have only the individuals that should be attending?

Response: For some municipalities, security of *in camera* sessions is not new because they already allow members to participate remotely if they're out of town during council meetings.

If you have a procedure already in place through your Meeting Procedure Bylaw that allows members to participate remotely, follow it. If you don't have a procedure, consider how to create it, either through policy or bylaw. It needs to be included in your Procedure Bylaw and could be integrated into your Code of Conduct bylaw.

It will be important to work with your information technology resource to research platform security options and identify the most appropriate web-based or teleconference for your needs. Most teleconference platforms do provide the 'host' with the option of placing people on hold and only allowing certain participants to hear and speak with one another.

There is also the option, through teleconference platforms, to use a different call in number and access code for *in camera* items. This would mean the public portion of the meeting would be conducted using one call in number and access code that is publicly advertised and a different

one, made available to the appropriate personnel, to discuss in camera items.

For web-based platforms, you could also use the same method for teleconference and have a separate link and access code for *in camera* sessions. Another alternative is to use a platform that offers breakout rooms, meaning it is possible to place members of Council and relevant personnel in a separate 'room' to engage in the session. Your information technology resource would be able identify those features for you and your Clerk (host) can set up this breakout room in advance to support a smooth transition.

Your information technology resource can also be of help with assurances of security. Using the web-based platform it is possible for the Clerk (host) to see who is 'in the room' through the dashboard feature which will also help mitigate security concerns.

Once the *in camera* meeting is activated, regardless of the platform, it is advisable to conduct a roll call to ensure the right people are present before proceeding.

Members of the virtual 'gallery' may not understand why the meeting they are watching or listening to has apparently ended while there is still business left on the agenda, so some explanation from the Mayor about why and how council is moving to a closed session is advisable.

Also advisable for those who don't currently do this, is to hold the *in camera* sessions either at the start or the end of the Council meeting for the convenience of the gallery. If you do expect to return to open session, posting a slide to the webcast indicating that council is in closed session and providing an approximate time that open session will reconvene will allow those watching to know when to expect the video to resume. This is more awkward on a teleconference of course, where there are no visual clues provided.

Question: Are there 'best practices' for distribution of Closed Meeting materials? When can they be distributed relative to the meeting time and is there a need to 'collect' materials back?

Response: Distribution of closed meeting materials should take place through your municipality's approved file sharing platform. To our

knowledge there is no requirement to 'collect' materials back. However, if you don't already have a policy and procedure regarding records and information management for elected officials, consider establishing one to support clarity of their role and responsibilities, transparency and accountability regarding records and information management, particularly for electronic materials provided during closed session.

Some municipalities provide elected officials with tablets or computers and require all municipal information to be kept on those municipally-owned tools. This makes it easier to add, remove and modify documents centrally and have those documents pushed out to the elected officials' computers. This also makes it easier to collect all municipally controlled information at the end of the council member's term when the laptop or tablet is returned to the municipality.

Question 5 – Public Hearings

Question: Are there recommendations for the conduct of public hearings?

Question: How to you organize Public Hearings and have the public participate (comment not just listen) in an orderly way?

Response: Public hearings continue to happen within the context of council meetings. The new *Meeting Procedures (COVID-19 Suppression) Regulation* speaks to advertising of the hearing and conducting the hearing. It is advisable to prepare an information sheet about the Public Hearing process that can be posted on your website to explain the process and what the public can expect when a public hearing takes place.

During the public hearing it will be important for the Mayor, or meeting Chair, to be very clear when Council is moving back and forth between the hearing and the regular Council meeting and, share why council is moving from one type of meeting to another and back again to help listeners understand the process.

The process of the public hearing requires that council receive written and verbal submissions. The reception of written materials would not change under the new Regulation. The reception of verbal submissions would only

change in that the submission would be conducted virtually and remotely.

For technical reasons, it may be necessary for individuals to sign up in advance to 'appear' at a public hearing. This way, the technology can be set up for the person to be able to speak (i.e., have access to an open microphone). A process could also be devised for individuals to identify themselves over the teleconference or webcast to indicate they too want to speak. This will only work if the selected tool allows the meeting's technical moderator to provide those people with an open microphone and (potentially) access to video.

Question 6 – Council Committee Meetings

Question: Does a virtual meeting of a Council Committee still need to have a Designated Officer in attendance at each virtual meeting, along with the members and any other required staff?

Response: The *Meeting Procedures (COVID-19 Suppression) Regulation* enacted by the province also applies to boards and committees and states that either the chair, vice-chair or, in case of composite or local assessment review board the presiding officer, must attend by electronic means.

The Regulation does not speak to designated officers being required to attend Council Committee meetings, though that would remain a wise practice. Because there is no definition of 'meeting' in the MGA, a meeting of a quorum of council members even in a Council Committee would still require the CAO or designate to be in attendance. This would presumably apply to committees like a Committee of the Whole, or Priorities Committee where most or all members of Council are in attendance.

Question 7 – Meeting recordings

Question: You spoke to retention around meeting recordings. Is it required that an electronic meeting be recorded?

Response: There is no requirement for an electronic meeting to be recorded. As per the MGA, the meeting minutes remain the official record

of the meeting. If you choose to record your meeting, it is advisable to review your Records Retention Policy to ensure this type of record is addressed.

Question 8 – Agenda provision

Question: Any idea of how we can provide copies of agenda to those who are not electronically connected now that our office is closed to the public? Are we obligated to do more than the above?

Response: The Regulation states that electronic means of providing meeting notice and material is acceptable, so long as a person could also request a package by email, mail or fax.

There may also be the possibility of providing hard copies of meeting material in a weather proof location, such as in a box outside the municipal office or perhaps on the counter of a local facility that remains accessible to the public.

Question 9 – Meeting Software

Question: Had questions with regards to virtual meetings. Just took part in a webinar from Escribe, which would be overkill for our municipality. We are looking for a method like zoom, however that would be secure. We already use electronic meeting packages, and basically just need a videoconferencing system so that everyone can see each other when we are talking.

We do not electronically record our meetings, so do not need that function either.

Question: Is there a specific software you would suggest for small municipalities to use for online meetings? I heard zoom mentioned during this session.

Response: We do not advocate for any particular platform, but we are familiar with the Zoom, Webex and GoToMeeting/Webinar and we know that others are also being used.

Each tool offers a variety of features that you have the option to use, such as recording your meeting or allowing a meeting host to turn on/off video

and audio. Security is a significant aspect of the tool for use during closed sessions. Each tool that is available will have relative advantages and disadvantages. Typically, the free version of the tool will not provide all the features that a municipality will require. Bandwidth can also be an issue for many communities in Alberta, so the use of streaming video may have to be restricted.

It is advisable to consider your typical meeting agenda and processes and work with your information technology resource to identify what you need to support the different aspects of your meetings as well as the security features you need to enable you to comply with your obligations for public involvement. Then, conduct a review of several platforms to see which ones best match your needs.

You may also want to connect with other municipalities to find out what platforms they are using and why. This will allow you to learn about their experiences including the pros and cons of their chosen platforms to help you find the best fit for your municipality.

Maria deBruijn, MA
Chief Executive Officer
Emerge Solutions, Inc.
maria@emergesolutions.ca
780-718-7328

Ian McCormack, CMC
President
Strategic Steps, Inc.
ian@strategicsteps.ca
780-416-9255