

CITY OF WHITEHORSE
SPECIAL Council Meeting #2020-08
PIONEER HERITAGE ROOM at City Hall

DATE: April 2, 2020

TIME: 4:30 p.m.

Mayor Dan Curtis
Deputy Mayor Dan Boyd
Reserve Deputy Mayor Laura Cabott

AGENDA

CALL TO ORDER 4:30 p.m.

AGENDA Adoption

NEW AND UNFINISHED BUSINESS

Adjust Meeting Practices During the Public Health Emergency

ADJOURNMENT

ADMINISTRATIVE REPORT

TO: Mayor and Council
FROM: Administration
DATE: April 2, 2020
RE: Adjust Meeting Practices During the Public Health Emergency

ISSUE

Temporary adjustment of Standing Committee and Council Meeting practices in response to COVID-19

REFERENCE

Municipal Act Council Procedures Bylaw 2016-47
Appendix A – Meeting Practices During the Public Health Emergency

HISTORY

On March 18, 2020, the Yukon's Chief Medical Officer of Health (CMOH) declared a public health emergency under section 4.3 of the *Public Health and Safety Act*. The CMOH had previously banned gatherings of more than 50 people and subsequently modified that directive to apply to gatherings of more than ten. On March 27th, 2020, the Government of Yukon declared a state of emergency pursuant to section 6(1) of the *Civil Emergency Measures Act*.

To respect the CMOH's recommendations for social distancing, the City of Whitehorse has adopted new practices for meetings of Standing Committee and Council, beginning with the March 23rd Standing Committee.

ALTERNATIVES

1. Confirm the adjusted meeting practices by Council resolution.
2. Refer back to Administration

ANALYSIS

Section 213 of the *Municipal Act* sets out a requirement that all meetings of Council and Council committees will be open to the public. Section 215 of the Act prescribes processes for those meetings to be conducted electronically:

- 215 (1) *A council or a council committee meeting may be conducted by electronic or other communication facilities.*
- (2) *If a meeting is open to the public, the meeting may only be conducted by electronic or other communication facilities if*
- (a) *notice is given to the public of the meeting, including the way it is to be conducted;*
 - (b) *the facilities enable the public to watch or listen to the meeting at the place specified in the notice and a designated municipal officer is in attendance at that place; and*

(c) *the facilities enable all the meeting's participants to watch or hear each other.*

This section of the Act appears to be outdated given technologies currently available, including those currently used by the City, i.e., televising meetings and live-streaming them online. Nevertheless, the wording of section 215 stands, thereby raising a degree of risk for the City regarding Council decisions made under the adapted meeting practices.

Fortunately, the *Municipal Act* enables a solution to address this risk at section 265.02:

265.02 Despite any other provisions of this Act, a council may take any temporary measure necessary to respond to and deal with an emergency.

The City's legal counsel is recommending that Council confirm those practices by Council resolution, retroactive to March 23rd, 2020. The proposed practices are intended to be temporary and to apply from that date until the CMOH rescinds his declaration of a public health emergency, or until further recommendations issued by the CMOH otherwise permit.

RECOMMENDATION

THAT temporary practices for the conduct of Standing Committee and Regular and Special Council meetings during the public health emergency be adopted as presented; and

THAT the said temporary practices are deemed to have been in full force and effect as of March 23, 2020.

APPENDIX A – TEMPORARY MEETING PRACTICES

The following practices are deemed to have been in effect as of March 23rd, 2020 and shall remain in effect until the public health emergency declared by the Chief Medical Officer of Health for the Yukon on March 16th, 2020 is rescinded, or until future directions issued by the Chief Medical Officer of Health otherwise permit:

1. The public gallery in Council chambers at City Hall will be closed to the public.
2. The Mayor or other presiding officer (e.g., Deputy Mayor, Reserve Deputy Mayor in the Mayor's absence) will be present at the Council table to chair the meeting. Additional Council members will participate electronically (e.g., by teleconference).
3. Staff and representatives of the media who are present in Council chambers will be expected to practice social distancing measures as recommended by the Chief Medical Officer of Health. The Council chambers will be reconfigured and furnished to enable that to occur.
4. Delegates are asked to provide their comments in writing ahead of the meeting. Their written submissions will be read into the record by a staff person.
5. Public hearing or public input submissions may be submitted via email to PublicInput@whitehorse.ca. All submissions received at that address are received by Mayor and Council, will be posted on the City of Whitehorse website as they are received and will be summarized in a public hearing report to Council after the public hearing or public input session has been declared closed.
6. The public will continue to be informed of the opportunities to watch the meetings via the City of Whitehorse website or on WHTV Cable Television Channel 209.