



Making Electronic Participation for the TTC Permanent

Date: May 8, 2023
To: TTC Board
From: Director - Commission Services

Summary

At its meeting on March 29-31, 2023, City Council adopted Item 2023.EX3.7 entitled [Making Electronic Participation for Council and its Local Boards Permanent](#) from the City Clerk and thereby made electronic participation at City Council and its Committees permanent. In doing so, City Council has authorized local boards to amend their rules of procedure to permit electronic participation by board members and the public, and to change the time required to achieve quorum from 15 minutes to 30 minutes on a permanent basis.

City Council also amended the report's recommendations and adopted a motion encouraging Council members to attend meetings in person except when there is a rationale to participate electronically.

The purpose of this report is to seek approval to amend the Toronto Transit Commission Bylaw to Govern Board Meeting Proceedings (Procedures Bylaw) in response to the authorization provided by City Council.

Recommendations

It is recommended that the TTC Board:

1. Amend the Toronto Transit Commission Bylaw to Govern Board Proceedings, to permit electronic participation in all meetings and provide that:
 - a. Any member participating in the meeting electronically to be deemed present for the purposes of determining whether a quorum is present under Section 23 and for the purposes of voting on any matter put to a vote under Section 25 and for all other purposes; and
 - b. Any member participating in the meeting electronically to be entitled to participate in any portion of the meeting closed to the public in accordance with Section 29.
2. Repeal Section 22.1 – Electronic Participation of the Toronto Transit Commission Bylaw to Govern Proceedings.

3. Subject to the approval of Recommendation 1, and despite any procedural rules permitting electronic participation, encourage TTC Board Members to attend meetings in person except where there is a rationale to participate electronically.
4. Amend the Toronto Transit Commission Bylaw to Govern Board Proceedings to change the time required to achieve quorum from 15 minutes to 30 minutes.

Implementation Points

Upon adoption of the report recommendations by the TTC Board, a consolidated version of the Procedures Bylaw will be posted on the TTC's website, www.ttc.ca, and shared with Board Members.

Financial Summary

There are no financial impacts as a result of adopting the recommendations.

The 2023 Operating Budget, approved by the TTC Board on January 9, 2023 and City Council on February 15, 2023 includes funding of \$89,500 for broadcasting services required to support hybrid meetings.

The Chief Financial Officer has reviewed this report and agrees with the financial summary information.

Equity/Accessibility Matters

TTC Board and Committee meetings are currently being conducted using a hybrid approach, whereby they are held at Toronto City Hall or at TTC Head Office (1900 Yonge St.) and simultaneously by video conference. City and TTC administrative facilities are accessible and attendant support services are on-hand to assist members of the public with personal care needs. Hybrid meetings provide greater accessibility to board members and the public who may or may not have accessibility needs.

TTC staff are in regular communication with the Advisory Committee on Accessible Transit (ACAT) Communications Subcommittee on means to enhance the public's accessibility to meetings.

Decision History

At its Special meeting of May 13, 2020, the TTC Board considered a report entitled Amendments to the Bylaw to Govern TTC Board Meeting Proceedings to Enable Electronic Participation During an Emergency and approved bylaw amendments that permit a member participating electronically to be counted for quorum and to attend a closed session during an emergency as provided for under Section 4 or 7.0.1 of the Emergency Management and Civil Protection Act.

[Amendments to the Bylaw to Govern TTC Board Meeting Proceedings to Enable Electronic Participation During an Emergency](#)

On July 21, 2020, the Province enacted the COVID-19 Economic Recovery Act, 2020 (Bill 197), which amended the City of Toronto Act, 2006 (COTA) by making permanent amendments that were made through the enactment of the Municipal Emergency Act, 2020 (Bill 187) with respect to electronic meetings. Section 4.2 of the COTA permits members of local boards who are participating electronically in any part of a meeting to count towards quorum and to participate electronically in a meeting that is open or closed to the public.

<https://www.ontario.ca/laws/statute/06c11>

At its meeting of July 28 and 29, 2020, City Council authorized its local boards to extend or adopt remote electronic meeting rules for a period of one year following the later of the termination of the Provincial emergency or the termination of the municipal emergency related to COVID-19.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.EX15.21>.

The TTC Board approved amendments to the TTC's Bylaw to Govern Board Meeting Proceedings in response to the authorization provided by City Council.

[Extension of Electronic Meetings of the TTC Board and its Committees](#)

At its meeting on March 29-31, 2023, City Council amended its procedures to permit electronic participation at City Council and its Committees on a permanent basis. In doing so, City Council has authorized local boards to amend their rules of procedure to permit electronic participation by board members and the public, and to change the time required to achieve quorum from 15 minutes to 30 minutes on a permanent basis. Despite any procedural rules that may allow electronic participation in meetings of Council, its committees or boards, Council nevertheless encouraged Council members to attend meetings in person except when there is a rationale to participate electronically.

<https://secure.toronto.ca/council/agenda-item.do?item=2023.EX3.7>

Issue Background

On March 17, 2020, due to the growing public health concerns surrounding the novel coronavirus (COVID-19), the Premier of Ontario declared a province-wide emergency under Section 7.0.1 of the Emergency Management and Civil Protection Act. The Ontario government terminated the provincial declaration of emergency in response to the COVID-19 Pandemic emergency on July 24, 2020 and with the enactment of the Reopening Ontario (A Flexible Response to COVID-19) Act.

On March 23, 2020, Mayor John Tory declared an emergency in Toronto under Section 4 of the Emergency Management and Civil Protection Act and Section 59-5.1 of the City of Toronto Municipal Code Chapter 59, Emergency Management, due to the risk to the health of the residents of the City of Toronto arising from the spread of COVID-19 and its presence within the City. Mayor Tory terminated the City of Toronto COVID-19 emergency on May 9, 2022.

Comments

In response to the COVID-19 pandemic emergency, the TTC implemented electronic meetings

Since May 2020, meetings of the TTC Board and its Committees have been conducted with members of the Board, staff and the public connecting using electronic means. This approach enabled the TTC Board to meet in an open and accessible way utilizing video conference technology and online livestreams when City and TTC administrative facilities were closed to the public.

From May 2020 to June 2022, the TTC conducted 33 meetings using a fully electronic meeting model.

	Number of Meetings (May 1, 2020 to June 30, 2022)	Number of Speakers
TTC Board	23	134
Audit & Risk Management Committee	8	0
Human Resources Committee	2	0
Total:	33	134

The TTC transitions to hybrid meetings

In July 2022, meetings of the TTC Board moved to a hybrid model providing Board members, staff and the public the option to participate in person in a meeting room or remotely via video conference. The hybrid meeting model ensures that meeting participants have an equitable experience regardless of their method of participation. For example, remote public speakers are permitted to turn on their video cameras and their speaking time is shared in the video conference application so it can be seen by remote and in-person participants. The TTC continues to support speakers by offering call options, whereby speakers are called on their phones into the meeting by TTC staff.

From July 2022 to May 1, 2023, there were five hybrid meetings of the TTC Board, with meeting participants attending both virtually and in-person.

The Audit & Risk Management and Human Resources Committees have not transitioned to hybrid meetings, and have met electronically to-date. The TTC has the infrastructure in place at its Head Office to support hybrid Committee meetings and plans to host the next Audit & Risk Management Committee on June 1, 2023 using the hybrid model.

The public has expressed that having the option to participate remotely allows for improved access and limits issues around childcare, time off work and other factors that may have previously limited their ability to attend a meeting in person. The hybrid meeting model allows the public to choose how they wish to address the Board, encouraging participation and increasing accessibility. A total of 53 members of the

public spoke at hybrid meetings since July 2022, with just over half doing so via video conference.

	Number of Meetings (July 1, 2022 to April 30, 2023)	Number of Speakers – In Person	Number of Speakers – Virtual
TTC Board	5	24	29

Proposed amendments to permit electronic participation on a permanent basis

In 2020, Section 22.1 – Electronic Participation was added to the Procedures Bylaw in order to respond to the emergency declaration and provide for electronic participation, as a subordinate section to the Emergency Meetings provisions contained within the Bylaw. Should the Board proceed with making electronic participation permanent, this section is no longer required, as the provisions contained within it will be included in the relevant sections of the bylaw (Sections 23 and 29).

City Council at its meeting of March 29-31, 2023, further adopted a motion encouraging Council members to attend meetings in person except when there is a rationale to participate electronically. In alignment with the City Council direction, this report recommends the same approach.

To provide for consistency with Council Procedures and additional time to resolve any technology issues for electronic participants, the report recommends extending the period of time to obtain quorum to 30 minutes from 15 minutes.

Potential provisions or limitations on electronic participation

If the Board chooses not to permit electronic participation on a permanent basis, it should continue to permit electronic participation for the Board and its Committees during a declared emergency in order to ensure that the TTC Board can meet in an emergency without having to amend the Procedures Bylaw. The language in the bylaw currently permits electronic participation during any period in which an emergency has been declared in all or part of the City under Section 4 or 7.0.1 of the Emergency Management and Civil Protection Act or for such additional period of time as determined by City Council after the termination of an emergency in all or part of the City under Section 4 or 7.0.1 of the Emergency Management and Civil Protection Act. In addition, the Board should continue to permit public speakers to address the Board either in person or by electronic means, as this approach better encourages participation and provides a more accessible experience overall.

Meeting modernization and next steps

Electronic and hybrid meetings have a reliance on technology and as a result, meeting processes and procedures need to consider the tools required to operate successfully. Hybrid meetings rely on physical in-room infrastructure and technology, as well as video conference software and livestreams. All elements need to function for the meeting to operate smoothly. The Director of Commission Services is working with the City Clerk’s

Office to explore options for improvements and modernization of meeting management processes and tools, and will update the Board on any significant changes.

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