

Authority: Board of Management of The 519 Church Street Community Centre Item #5.1, adopted on June 8, 2020

**BOARD OF MANAGEMENT OF THE 519 CHURCH STREET COMMUNITY CENTRE BOARD OF
MANAGEMENT
BY-LAW AMENDMENT No. 01-2020**

**To amend The 519 Church Street Community Centre By-laws/Constitution to enable remote
electronic participation in board meetings during an emergency.**

WHEREAS the Board of Management of The 519 Church Street Community Centre (the "Board") is a city board and local board of the City of Toronto continued under the authority of section 141 of the *City of Toronto Act, 2006* ("COTA"), former City of Toronto Municipal Code Chapter 25, Community and Recreation Centres and former City of Toronto by-law No. 263-75; and

WHEREAS subsection 189(2) of COTA requires that the Board pass a procedure by-law for governing the calling, place and proceedings of meeting; and

WHEREAS the Board adopted its By-laws/Constitution, last amended in April 2010, to govern the calling, place and proceedings of the Board's meetings; and

WHEREAS section 190 of the COTA requires that meetings of the Board will be open to the public unless an exception under subsection 190(2), (3) or (3.1) applies; and

WHEREAS subsection 189(4) of COTA states that a procedure by-law of a local board may provide that a board member can participate electronically in a meeting which is open to the public to the extent and in the manner set out in the by-law provided that any such member shall not be counted in determining whether or not a quorum of members is present at any point in time; and

WHEREAS subsection 189(4.1) of COTA states that a procedure by-law of a local board shall not provide that a member of the local board can participate electronically in a meeting which is closed to the public; and

WHEREAS on March 19, 2020, Bill 187, *Municipal Emergency Act, 2020* ("Bill 187"), was enacted by the Legislative Assembly of Ontario and received Royal Assent; and

WHEREAS Bill 187 amended COTA to state that where an emergency has been declared to exist in all or part of the City under section 4 or 7.0.1 of the *Emergency Management and Civil Protection Act* (the "Act"), a procedure by-law of a local board may provide that (a) despite subsection 189(4), a member of a local board who is participating electronically in a meeting may be counted in determining whether or not a quorum of members is present at any point in time; and (b) despite subsection 189(4.1), a member of a local board can participate electronically in a meeting that is closed to the public; and

WHEREAS Bill 187 further amended COTA to state that a local board may hold a special meeting to amend its procedure by-law for the purposes of permitting electronic participation in meetings as described above during any period where an emergency has been declared to exist in all or part of the City under section 4 or 7.0.1 of the Act and despite subsection 189(4), a member participating electronically in such a special meeting may be counted in determining whether or not a quorum of members is present at any time during the meeting; and

WHEREAS COVID-19 is present within the City of Toronto, and COVID-19 is a disease that is readily communicable from person to person, carries a risk of serious complications such as pneumonia or kidney failure, and may result in death; and

WHEREAS the spread of COVID-19 has been declared a pandemic by the World Health Organization; and

WHEREAS, on March 17, 2020, an emergency was declared, by means of Order in Council 518/2020 for

purposes of section 7.0.1 of the Act, due to the health risks to Ontario residents arising from COVID-19; and

WHEREAS, on March 23, 2020 an emergency was declared by the Mayor of the City of Toronto for purposes of section 4 of the Act, and section 59-5.1 of 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 spread of COVID-19 and its presence within the City of Toronto; and

WHEREAS on March 28, 2020, an Order was made by the Lieutenant Governor in Council under Subsection 7.0.2 (4) of the Act – Organized Public Events, Certain Gatherings, O Reg 52/20, prohibiting attendance at any organized public event of more than five people;

WHEREAS the Board wishes to hold its meetings electronically to comply with Ontario Regulation 52/2020 and minimize risk to its board members and the public in accordance with advice from the City of Toronto's Medical Officer of Health, who has recommended physical distancing measures to prevent the spread of COVID-19, including maintaining a distance of at least two metres from other individuals who are not members of the same household; and

WHEREAS The 519 Church Street Community Centre facilities are currently closed to the public; and

WHEREAS the Board will continue to ensure its meetings are open to the public in accordance with section 190 of COTA through the provision of notice to the public via The 519's website including the meeting agenda and information on how to participate in the electronic meeting.

WHEREAS Article X of the Board's By-laws/Constitution requires that the By-laws/Constitution shall be amended only by a two-thirds majority vote of the members present in person at the Annual Meeting or any Special Meeting and only after the provision of notice for such an amendment; and

WHEREAS in light of the declared COVID-19 emergency, it is currently impossible to meet the procedural requirements of Article X of the Board's By-laws/Constitution prior to amending the Board's By-laws/Constitution to facilitate electronic participation; and

WHEREAS Bill 187 takes priority over the procedural requirements of Article X of the Board's By-laws/Constitution by allowing for procedural by-laws of local boards to be amended at a special meeting at which electronic participants are counted toward determining quorum during a declared emergency; and

WHEREAS the amendments contained in this by-law will be reported to the next Annual Meeting or Special Meeting in accordance with Article X of the Board's By-laws/Constitution; and

WHEREAS the Board wishes to amend its By-laws/Constitution to enable remote electronic participation in Board meetings and meetings of its Committees in accordance with the provisions of Bill 187;

The Board of Management of The 519 Church Street Community Centre enacts:

1. The 519 Church Street Community Centre By-laws/Constitution is amended as follows:
 - A. Article V, Section 8 is amended by adding a new subsection e) as follows:
 - e) During any period where an emergency has been declared to exist in all or part of the City of Toronto under section 4 or 7.0.1 of the *Emergency Management and Civil Protection Act*:
 - i. The Board may, despite subsection 8 a), hold a meeting where some or

all of the Board members participate electronically and no physical meeting is held at 519 Church Street.

- ii. Where a meeting is being held in accordance with subsection i):
 - A) notice of that Board meeting and agenda will not be posted at The 519, but, despite subsection 8 b), will be posted publicly via The 519's website and include information on how to participate in the electronic meeting; and
 - B) any Board member participating in the meeting electronically will be deemed present for the purposes of quorum under section 9 and will have the right to vote on any business before the Board under section 10;
 - C) any Board member participating in the meeting electronically will be entitled to participate in any portion of the meeting closed to the public in accordance with section 8; and
 - D) the By-laws of The 519 will apply to the meeting, with any other minor modifications as may be required.

B. Article VII, Section 5 is amended by adding a new subsection d) as follows:

- d) During any period where an emergency has been declared to exist in all or part of the City of Toronto under section 4 or 7.0.1 of the *Emergency Management and Civil Protection Act*:
 - i) A Committee of the Board may, despite subsection 5 a), hold a meeting where some or all of the members of the committee participate electronically and no physical meeting is held at 519 Church Street.
 - ii) Where a meeting is being held in accordance with subsection i):
 - a) notice of that Committee meeting and agenda will not be posted at The 519, but, despite subsection 5 b), will be will be posted publicly via The 519's website and include information on how to participate in the electronic meeting;
 - b) any Committee member participating in the meeting electronically will be deemed present and will have the right to vote on any business before the Committee under section 7;
 - c) any committee member participating in the meeting electronically will be entitled to participate in any portion of the meeting closed to the public; and
 - d) the By-laws of The 519 will apply to the meeting, with any other minor modifications as may be required.

C. Article X is amended by adding a new section 4 as follows:

- 4) Despite sections 1 and 2, where a special meeting of the Board is held under subsection 189(4.3) of the *City of Toronto Act, 2006* to amend the

By-laws of The 519 to allow for electronic participation in Board meetings during a declared emergency, such amendments may be adopted at such a special meeting under that section and not at an Annual Meeting or Special Meeting or as otherwise required in this Article. Any amendment adopted in accordance with this provision will be presented to the membership at the next Annual Meeting or Special Meeting.

- 2.** This amendment will come into force on the date it is enacted and passed.

Enacted and passed on June 8, 2020.

David Morris
Chair