

BILL BOLTON ARENA

MINUTES FOR MEETING OF BOARD OF MANAGEMENT Monday, June 8, 2020 – 7 pm Meeting #3 a (Special) - conducted virtually via WebEx FINAL-APPROVED

Directors: Craig Cameron (Chair), Shelley Hopkins; Sharon Bider, Richard Borne; Stephen Longstaff, Ellen McNeil, Caralyn Quan

Manager: Mario Carpino (Manager)

Other Attendees: Chris Quinn (Program Coordinator)

ABSENT: Jan Hughes, James Lam, Councillor Mike Layton

Quorum: Chair / Meeting called to order 7:05 pm

1. Approval of Agenda/Conflicts – Monday, June 8, 2020 Agenda

MOTION: To ACCEPT Monday June 8 – Meeting 3A Agenda

ALL APPROVED (1 page)

2. Review and Approval of Procedural By-Law Change to Permit Electronic Meetings During Declared City of Toronto Emergencies

Review of documents:

- The chair reviewed two documents provided by the City Manager's office related to changing the procedural by-laws of the Board of Management of Bill Bolton Arena to permit meetings via electronic conferencing software during city emergencies.
- Document 1: **By-Laws - Bill Bolton Amendment and Electronic Meetings Report** was a summary report to be signed and returned to the City of Toronto outlining the reasons for the by-law change and the process for conducting the meeting to approve the changes.

- Document 2: **BBA-By-Law Amendment 2020-1 Electronic Meetings** contained the wording of the motion to be voted on by the Board to approve changes to the procedural by-laws for Bill Bolton Board of Management meetings. (see below)

Full text of the By-Law Amendment below:

Authority: Board of Management of William H. Bolton Arena Item 06-01, adopted on (June 8, 2020)

BOARD OF MANAGEMENT OF WILLIAM H. BOLTON ARENA
BY-LAW No. 2020-1

To amend the William H. Bolton Arena Procedure By-law to enable remote electronic participation in board meetings during an emergency.

WHEREAS the Board of Management of William H. Bolton Arena (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. 355-76; 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 the Procedural By-law for the Board of Management of William H. Bolton Arena effective as of November 19, 2015 to govern the calling, place and proceedings of the Board's meetings; and

WHEREAS section 190 of 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; and

WHEREAS on April 30, 2020 City Council adopted Item CC 20.1 with amendments, being Amendments to Procedures to Enable Remote Electronic Participation in Meetings during an Emergency, authorizing local boards governed by COTA to amend their own rules of procedure

consistent with City Council's procedures to permit electronic participation by board members during an emergency 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, including such local boards as have already made such amendments, without the need for further Council approval; and

WHEREAS the Board wishes to hold its meetings electronically to comply with Ontario Regulation 52/2020 and to 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 William H. Bolton Arena facilities are currently closed to the public; and

WHEREAS the Board continues 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 Bill Bolton website and posted notice on the front door of the arena and use of WebEx conferencing software); and

WHEREAS subsection 9-1 of the Procedural By-law requires that motions to amend by-laws shall require 28 days notice; and

WHEREAS subsection 10-1 of the Procedural By-law requires that an amendment of any by-law shall not pass unless the motion to amend is approved by a two thirds majority vote of the Arena Board members and that notice has been provided; and

WHEREAS in light of the declared COVID-19 emergency, it is currently impossible to give such notice to amend the Procedural By-law prior to amending it to facilitate electronic participation; and

WHEREAS Bill 187 takes priority over this notice requirement of subsection 9-1 of the Procedural By-law 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 Board has authorized amendments to the Procedural By-law for the Board of Management of William H. Bolton Arena to enable remote electronic participation in Board meetings in accordance with the provisions of Bill 187 and City Council Item CC 20.1;

The Board of Management of William H. Bolton Arena enacts:

1. The Procedural By-law for the Board of Management of William H. Bolton Arena is amended as follows:

A. A new subsection 5-6 is added as follows:

5-6. 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:

a) The Arena Board may hold a meeting where some or all of the Arena Board members participate electronically and no physical meeting is held at the premises of the Arena.

b) Where a meeting is being held in accordance with subsection a):

i) notice of that Arena Board meeting will be posted on the arena website (billbolton.ca) and posted on the front door of the arena building;

ii) any Arena Board Member participating in the meeting electronically will be deemed present for the purposes of quorum under section 7 and will have the right to vote on any business before the Board in accordance with section 8;

iii) any Arena Board Member participating in the meeting electronically will be entitled to participate in any portion of the meeting closed to the public; and

iv) the Procedural By-law will apply to the meeting, with any other minor modifications as may be required.

B. A new subsection 4-9 is added as follows:

iv) 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:

1) A Committee of the Board may hold a meeting where some or all of the members of the committee participate electronically and no physical meeting is held at the premises of the William H. Bolton Arena (the "Arena").

2) Where a meeting is being held in accordance with subsection 1:

a) notice of that committee meeting will be posted on the arena website (billbolton.ca) and posted on the front door of the arena building;

- 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;
- 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 Procedural By-law will apply to the meeting, with any other minor modifications as may be required.

C. A new subsection 10-3 is added as follows:

Despite sections 9 and 10, where a special meeting of the Board is held under subsection 189(4.3) of the City of Toronto Act, 2006 to amend this By-law to allow for electronic participation in Board meetings during a declared emergency, no notice of the proposed amendment is required as set out in subsection 9-1.

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

Enacted and passed on June 8, 2020.

- Discussion/Questions:
 - Does this apply to any future meetings or only during emergencies?
 - The by-law applies only when there is a declared emergency within the City of Toronto 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.
- **MOTION:** To ACCEPT Procedural By-Law changes to allow electronic meetings during a declared City of Toronto emergency
 - **Moved: Ellen; Seconded: Stephen; APPROVED** (unanimous)

ACTION ITEM # 1: Chair to provide signed copy of report document to the City of Toronto

ACTION ITEM # 2: Chair to update BBA Procedural By-Laws document to include the changes approved and file with City of Toronto.

- **MEETING ADJOURNED at 7:20 pm**

Next Meeting to immediately follow at 7:21 pm (Special Meeting 3b)