

# CORPORATION OF THE COUNTY OF DUFFERIN

## BY-LAW NUMBER 2020-35

### **A BY-LAW TO AMEND BY-LAW 2015-24, A BY-LAW TO GOVERN THE PROCEEDINGS OF COUNCIL AND ITS COMMITTEES. (Permit for Electronic Meetings during a Period of Emergency)**

WHEREAS the Municipal Act, 2001, S.O. 2001, c. 25, section 238 provides that a municipality shall establish a procedure by-law to govern meetings;

AND WHEREAS the Corporation of the County of Dufferin has enacted Procedural By-law #2015-24;

AND WHEREAS on March 19, 2020 the Province of Ontario enacted the Municipal Emergency Act, 2020 to amend the Municipal Act, 2001, to enact section 238 (3.3) and 238 (3.4) to permit meetings to be held electronically during an emergency declared pursuant to the Emergency Management and Civil Protection Act, R.S.O. 1990, Chapter E. 9.;

AND WHEREAS the World Health Organization has declared a worldwide pandemic regarding the Novel Coronavirus (COVID-19);

AND WHEREAS on March 17, 2020 a Declaration of Emergency was made by the Province of Ontario pursuant to section 7.0.1 of the Emergency Management and Civil Protection Act related to COVID-19;

AND WHEREAS it is necessary to amend By-Law 2015-24, being a by-law to govern the proceedings of Council and its Committees;

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE COUNTY OF DUFFERIN ENACTS AS FOLLOWS:

1. That a new section Section 4.1.1 be added to By-law 2015-24, as follows:

#### 4.1.1 Special Meetings of Council (during Emergency Declaration)

A special meeting of Council may be conducted by electronic means during a period of emergency and will be governed by the following parameters:

(a) In this section the following shall apply, in addition to the definitions in Section 1 of By-Law 2015-24:

**"Emergency"** means any period of time during which an emergency has been declared to exist within the municipality by the Head of Council or the Province of Ontario under sections 4 or 7.0.1 of the *Emergency Management and Civil Protection Act*;

**"Electronic Meeting"** means a meeting called and held in full or in part via electronic means (including, but not limited to, audio teleconference, video teleconference, or via means of the internet), and with or without in person attendance;

**"Electronic Participation"** includes telephone, video or audio conferencing of other interactive methods;

- (b) A special meeting of Council may be conducted by Electronic Meeting during an Emergency, in accordance with this section.
- (c) The method and technology used for an Electronic Meeting in Open Session or Closed Session shall be determined by the Clerk, in consultation with the Warden, based on advice and resources available at the time and the prevailing circumstances and context for a meeting.
- (d) Members attending and present during an Electronic Meeting shall be counted for purposes of quorum at the commencement and at any point in time during the meeting, and shall be entitled to vote through a vote recorded by the Clerk as if they were attending the meeting in person.
- (e) An Electronic Meeting may include a Closed Session, which shall be conducted in the absence of the public and in accordance with this Section.
- (f) A public notice of an Electronic Meeting shall include sufficient information as to provide the public with a means to electronically access the open session of such Electronic Meeting.

The County of Dufferin, taking into consideration the health and safety of all individuals; and access to and viewing of the meeting, shall provide operable solutions to facilitate public electronic participation in a meeting that would otherwise be facilitated in a meeting that was not conducted through electronic participation.

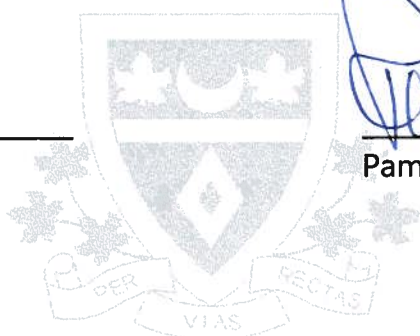
- (g) Notwithstanding the foregoing, the Procedural By-law shall continue to apply to an Electronic Meeting held pursuant to this Section, except that this Section and any Emergency Electronic Meeting Protocol approved by Council and any Provincial legislation or order shall prevail to the extent of any conflict.

4. This by-law shall come into effect immediately upon passing.

READ a first, second and third time and finally passed this 1<sup>st</sup> day of April, 2020.

  
Darren White, Warden

  
Pam Hillock, Clerk



## Appendix 1 to By-law #2015-24

### Emergency Electronic Meeting Protocol (during Emergency declaration)

Note: The Procedural By-law shall continue to apply to an Electronic Meeting held pursuant to this Protocol, and that amendments to this Protocol may be permitted to be made by simple majority vote of Council to accommodate an effective and efficient meeting so long as any such amendments are consistent with the intent of the Procedure By-law and do not directly conflict with the Procedure By-law or are contrary to prevailing Provincial legislation or orders.

#### General

- The method and technology used for an Electronic Meeting in Open Session or Closed Session shall be determined by the Clerk, based on advice and resources available at the time and the prevailing circumstances and context for a meeting.
- The Warden or Acting Warden (or designate) shall lead the meeting and be present from a designated meeting location supported by the Clerk (or designate), where possible.
- The following practices will be followed for electronic participation by a Member:
  - Each Member participating in a meeting electronically shall be available at least fifteen (15) minutes before the beginning of the meeting to assist staff in confirming establishment of the electronic connection.
  - Each Member participating in a meeting electronically will mute their electronic device when not speaking and/or it will be muted by meeting support staff, depending on the technology used for the meeting.
  - The Chair will canvass Members participating electronically about their intention to speak to a matter on the floor and will notify each Member when it is their turn to speak.
  - Member(s) participating electronically will be deemed to have left the meeting when they are no longer electronically connected to the meeting.
  - In the case of a loss of connection, or any connection issue which impedes the ability of a Member(s) to participate in the meeting in real time, the meeting will continue without attempts by either staff or the Member(s) to reconnect.
- For any procedural or technology matters unforeseen and not clearly identified within these rules or the Procedural By-law, the matter shall be decided by the Warden, upon advice from the Clerk or County Staff, subject to an appeal to the Council.
- Members follow meeting leadership from the Warden as Chair.
- At the start of the meeting, the Clerk shall conduct a roll call by voice (calling out each Member in alphabetical order. After roll call, a Member participating electronically should advise verbally that they are leaving the meeting before ending their participation.
- The Chair is to announce each agenda item on the floor of the meeting and shall maintain an orderly meeting process keeping Members informed.
- A Member who participates electronically shall have the same rights and responsibilities as if they were in physical attendance, including the right to vote.

### **Member Speaking**

- Five-minute maximum (Clerk to time and provide warning at four minutes).
- Member can use time allotment to speak, ask questions of staff and/or introduce a motion.
- Each Member is provided only two opportunities to speak (five minutes each), subject to other meeting rules.
- Each Member speaks to Council through the Chair.
- After a Member finishes speaking, the Chair may confirm verbally the list of remaining speakers and calls out name of the next Member assigned the floor.

### **Motions**

- All motions must be germane to the declared Emergency
- All motions to be in writing with mover/seconder identified (except procedural motions) and provided to Chair/Clerk in advance of Member speaking by email.
- Any introduced motion accepted by the Chair is to be read by the Chair and/or Clerk.

### **Voting**

- All votes shall be a recorded vote conducted by the Clerk, as directed by the Chair, unless Council decides otherwise.
- Clerk to call each name of Member to record vote (calling out each Member in alphabetical order)
- If a Member is present in-person or electronically, and their name is called and there is no response to indicate the vote provided, the Clerk will ask one more time, and if there is no indication of a vote, and the Member is present in-person or electronically, the vote is recorded as negative, unless directed otherwise by the Chair.
- Clerk to announce results to Chair and Council

### **Member Conduct**

- Each Member shall remain silent and attentive to the proceeding when not assigned the floor by the Chair.
- Each Member to listen for their name to be assigned the floor to speak or to vote.
- Each Member takes directions from the Chair in order to facilitate an effective, efficient and orderly meeting