

# **CORPORATION OF THE COUNTY OF DUFFERIN**

## **BY-LAW NUMBER 2020-57**

### **A BY-LAW TO AMEND BY-LAW 2015-24, A BY-LAW TO GOVERN THE PROCEEDINGS OF COUNCIL AND ITS COMMITTEES. (Permit Meetings to be held Electronically)**

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 Section 238 (3.1) of the Municipal Act provides that a member of council, of a local board or of a committee of either of them, can participate electronically in a meeting to the extent and in the manner set out in the by-law;

AND WHEREAS Section 238 (3.3) of the Municipal Act provides a Procedural By-law to provide:

- (a) a member of a council, of a local board or of a committee of either of them 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) a member of a council, of a local board or of a committee of either of them can participate electronically in a meeting that is open or closed to the public;

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 the definitions in Section 1 be amended to include:

“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 or other interactive methods;

2. That Section 4.1.1 be deleted.

3. That Section 4.7 be deleted and replaced with the following:

#### 4.7 Electronic Meetings

- (a) Electronic meetings in whole or part for Council and Committee is permitted.
- (b) 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.

- (c) 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 as if they were attending the meeting in person.
- (d) An Electronic Meeting may include a Closed Session, which shall be conducted in the absence of the public and in accordance with this Section.
- (e) 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.
- (f) Notwithstanding the foregoing, the Procedural By-law shall continue to apply to an Electronic Meeting held pursuant to this Section (Appendix 1).

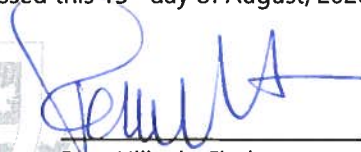
#### 4.8 Electronic Participation

- a) Members can participate electronically in both open and closed meetings.
  - b) Electronic participants will be counted in determining quorum.
  - c) A Member who participates electronically shall have the same rights and responsibilities as if they were in physical attendance, including the right to vote.
  - d) Member(s) participating electronically will be deemed to have left the meeting when they are no longer electronically connected to the meeting
4. That Appendix 1 of By-Law #2015-24 (Procedural By-law) be replaced with the attached.
5. This by-law shall come into effect immediately upon passing.

READ a first, second and third time and finally passed this 13<sup>th</sup> day of August, 2020.

  
John Creelman, Acting Warden



  
Pam Hillock, Clerk

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

### **Electronic Meeting Protocol**

The Procedural By-law shall continue to apply to an Electronic Meeting held pursuant to this Protocol.

#### **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.

**Voting**

- The Chair will read out the motion and ask all members if they are opposed, if there is no response to indicate opposition, it will be deemed as a vote in favour.
- Any member can call for a recorded vote at any time.
- The recorded vote will be conducted by the Clerk.
- Clerk to call each name of Member to record vote (calling out each Member in alphabetical order starting with the member that requested the vote)
- 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.
- Clerk to announce results.

**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 direction from the Chair in order to facilitate an effective, efficient and orderly meeting.