

The Corporation of the Municipality of South Huron

By-Law # 20-2020

Being a By-Law to amend Procedural By-Law #79-2015, being a By-Law to establish rules of procedure for the meetings of Council, Council Committees and Boards of the Corporation of the Municipality of South Huron.

Whereas Section 238(3.1) of the *Municipal Act*, 2001, S.O. 2001, Chapter 25, as amended, the applicable procedure by-law may provide that a member of council, of a local board or of a committee of either of them, 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 Section 238 (3.2) of the *Municipal Act*, 2001, S.O. 2001, Chapter 25, as amended, provides that the applicable procedure by-law shall not provide that a member of council, of a local board or of a committee of either of them, can participate electronically in a meeting which is closed to the public; and

Whereas Section 238(3.3) of the *Municipal Act*, 2001, S.O. 2001, Chapter 25, as amended, the applicable procedure by-law may provide that, during any period where an emergency has been declared to exist in all or part of the municipality under section 4 or 7.0.1 of the *Emergency Management and Civil Protection Act*,

- a) despite subsection (3.1), 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) despite subsection (3.2), 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 closed to the public. and

Whereas Section 238(3.3) of the *Municipal Act*, 2001, S.O. 2001, Chapter 25, as amended, a municipality or local board may hold a special meeting to amend an applicable procedure by-law for the purposes of subsection (3.3) during any period where an emergency has been declared to exist in all or part of the municipality under section 4 or 7.0.1 of the *Emergency Management and Civil Protection Act* and despite subsection (3.1), 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

Schedule A to By-Law 20-2020 (Amendment to Procedural By-Law 79-2015)

Whereas Council of The Corporation of the Municipality of South Huron deems it desirable to amend the Procedural By-Law to incorporate these changes;

Now therefore be it resolved that the Council of the Corporation of the Municipality of South Huron hereby enacts as follows:

1. That Section 2 of By-Law #79-2015, South Huron Procedural By-Law be amended by the addition of definitions for “Electronic Meeting” and “Electronic Means” as attached hereto as Schedule “A” to this By-law.
2. That Section 3.8 of #79-2015, South Huron Procedural By-Law be amended by the addition of the work “Public” and replace the section as attached hereto as Schedule “A” to this By-law.
3. That South Huron Procedural By-Law be amended by the addition of Section 4.6 Electronic Meeting during an Emergency provisions as attached hereto as Schedule “A” to this By-law.
4. That this By-Law takes effect upon the date of final passing.

Read a first and second time this 25th day of March, 2020

Read a third time and passed this 25th day of March, 2020

George Finch, Mayor

Rebekah Msuya-Collison, Clerk

Schedule A to By-Law 20-2020 (Amendment to Procedural By-Law 79-2015)
Municipal Act, 2001, section 238

1. Addition to Section 2. Definitions alphabetically as follows:

“Electronic Meeting” shall mean a meeting where any member is not physically present but participates via electronic means of communication, adhering to legislative requirements.

“Electronic Means” shall mean participation in a meeting from a location other than that at which the meeting is physically being held by means of telephone, video or audio conferencing or other interactive method whereby members, staff and the public are able to hear the member(s) participating.

2. Amendment to Section 3.8 General Rules as follows:

3.8 “Public videotaping, video streaming or audio recording or streaming during a meeting requires a resolution of Council in advance of the meeting.”

3. Addition of Section 4.6 Electronic Meeting Provisions as follows:

4.6 Electronic Meeting during an Emergency

4.6.1 Subject to the provisions of Section 238 of the *Municipal Act*, 2001, as amended, and/or current South Huron Procedural By-law, the Municipality of South Huron shall allow electronic participation by Members of Council, Boards and Committees during an Emergency in the manner and to the extent set out in section 4.6 of this by-law.

4.6.1.1 Extent:

- (1) Participation by electronic means shall be allowed at all Council, Board, Committee meetings that are open to the public, provided Council provides authority by resolution.
- (2) There shall be no restriction on how often each member shall be allowed to participate by electronic means.
- (3) A member participating in a meeting by electronic means shall be considered to be present at such meeting and be counted towards quorum as permitted by legislation.
- (4) Members shall be permitted to vote when participating by electronic means.
- (5) The Chair and Clerk or designate must be present in person at a meeting located as per section 4.2.1.
- (6) When the Chair is participating in a meeting by electronic means, another member shall chair the meeting as set out in Section 8 of this Bylaw.
- (7) Members may participate in closed sessions by electronic means as permitted by legislation.

4.6.1.2. Process:

The Clerk has the delegated authority to amend these processes as required. Members may participate in meetings by electronic means subject to the following:

- 1) Each member participating in a meeting by electronic means shall be available at least fifteen (15) minutes before the beginning of the meeting to assist staff in establishing the electronic connection.
- 2) Each member participating by electronic means will mute his or her electronic device when he or she is not speaking.
- 3) The Chair will canvass members participating by electronic means about their intention to speak to a matter on the floor and will notify each member when it is his or her turn to speak.
- 4) After putting a motion to a vote, each member participating by electronic means will be required to identify how he or she wishes to vote.
- 5) Each member participating by electronic means shall inform the Chair about his or her intentions to leave the meeting either on a temporary or permanent basis.
- 6) A member(s) participating by electronic means will be deemed to have left the meeting when they are no longer electronically connected to the meeting.
- 7) 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.
- 8) When participating by electronic means, a member may move a motion or move an amendment verbally. The Chair shall ensure that members participating by electronic means are given the same opportunity to speak to each question as they would have been given if participating in person.
- 9) A member who is participating in a meeting by electronic means may declare a conflict of interest by emailing the declaration form to the Clerk in advance of the meeting and shall verbally state their conflict when the Chair calls for declarations.
- 10) A member who is participating in a meeting by electronic means may present a notice of motion by emailing the Clerk in advance of the meeting and shall verbally state their notice of motion at the meeting.

4.6.1.3 Time Limited – Electronic Participation, Emergencies

Despite Section 4.6.1.1, provided the counting of electronic participants for quorum purposes and allowing electronic participation in closed meetings is available during emergencies through legislation, once the emergency has ended, regular meeting rules will apply.