

THE CORPORATION OF THE TOWNSHIP OF LAKE OF BAYS

BY-LAW 2020-033

BEING A BY-LAW TO AMEND BY-LAW 2018-015, A BY-LAW TO GOVERN THE CALLING, PLACE AND PROCEEDINGS OF MEETINGS FOR THE TOWNSHIP OF LAKE OF BAYS TO PERMIT ELECTRONIC MEETINGS DURING A DECLARED 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 Township of Lake of Bays enacted Procedural By-law 2018-015, as amended, on March 20th, 2018;

AND WHEREAS on March 17, 2020, the Government of Ontario declared an Emergency under section 7.01(1) of the *Emergency Management and Civil Protection Act, 1990* due to the COVID-19 pandemic as declared by the World Health Organization on March 11, 2020;

AND WHEREAS on March 19, 2020 the Government of Ontario passed the *Municipal Emergency Act, 2020*, and Bill 187, an Act to Amend the *Municipal Act, 2001* and the *City of Toronto Act, 2006* received royal assent enacting section 238 (3.3) and 238 (3.4) to permit members of council to participate in electronic meetings and to count towards quorum requirements during an emergency;

AND WHEREAS The Corporation of the Township of Lake of Bays considers it desirable to be able to hold Council meetings electronically during a declared emergency;

NOW THEREFORE the Council of The Corporation of the Township of Lake of Bays ENACTS AS FOLLOWS that Procedural By-law 2018-015, be amended by inserting the following:

ELECTRONIC MEETINGS DURING A DECLARED EMERGENCY

1. **Interpretation** – The following definitions shall be in addition to the definitions section of the Procedure By-law:

“Emergency” means any period of time during which an emergency has been declared to exist in all or part of the Township of Lake of Bays or all or part of the Province under sections 4 or 7.0.1 of the *Emergency Management and Civil Protection Act, R.S.O. 1990, Chapter E.9*;

“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;

“Emergency Management Act” means the *Emergency Management and Civil Protection Act, R.S.O. 1990, Chapter E.9*, as amended;

2. **Electronic Meetings** may be conducted during emergencies declared in accordance with section 238 of the *Municipal Act, 2001* in accordance with this section and the Procedures for the Conduct of Electronic Meetings during Declared Emergencies, as developed and amended as necessary, by the Clerk.
3. **Quorum and Voting for Electronic Meeting** – Members participating in an Electronic Meeting, either in person or by electronic means, 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.

4. **Closed Session** – An Electronic Meeting may include a Closed Session, which shall be conducted in the absence of the public and in accordance with this Section.
5. **Public Notice of Electronic Meeting** – 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.
6. **Delegations** – Shall only be permitted at the discretion of the CAO/Clerk and must be specific to the emergency or a pressing matter of municipal business. Delegations in writing are recommended during declared emergencies.
7. **Invited and Ceremonial Presentations** – Persons may participate in an Electronic Meeting at the request of and in a matter determined by the Mayor or CAO.
8. **Procedures for the Conduct of Electronic Meetings during Emergencies** - The Clerk shall establish and amend procedures dependent upon the type and scope of the declared emergency.
9. **Application and Conflict** – Notwithstanding the foregoing, the Procedural By-law shall continue to apply to an Electronic Meeting held pursuant to this Section. Where there is a conflict between this section and another section of this By-law, this section including the Procedures for the Conduct of Electronic Meetings during Emergencies shall prevail.

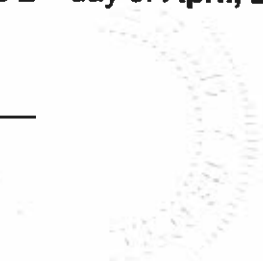
READ a FIRST, SECOND and THIRD time and finally passed this 2nd day of April, 2020.



Mayor – Terry Glover



Clerk – Carrie Sykes



APPENDIX 'A'

Procedures for the Conduct of Electronic Meetings during Declared Emergencies

1. Calling an Electronic Meeting/Provision of Notice

- 1.1. The Mayor/Chair may consider calling an electronic Council meeting when:
 - a) Time is of the essence; and
 - b) There is a key matter to consider; and
 - c) An emergency has been declared under section 4 or 7.0.1. of the *Emergency Management and Civil Protection Act, R.S.O. 1990, c.E.9, as amended*
- 1.2. Meeting notice shall be provided in accordance with the Township's procedural by-law.
- 1.3. All electronic meetings shall be webcast. Where possible the Mayor/Chair, CAO and Clerk should be present in the Municipal Council Chambers.
- 1.4. A notice regarding how members of the public may observe the electronic meetings shall be included on the agenda.

2. Participation/Call to Order/Roll Call

- 2.1. All members may participate electronically using technology as determined by the Clerk in consultation with the CAO, Mayor/Chair and Information Technology staff.
- 2.2. Appropriate staff, as determined by the CAO, may also participate electronically using technology as determined by the Clerk in consultation with the CAO, Mayor/Chair and Information Technology staff.
- 2.3. Members and staff participating electronically shall make sure they are electronically present a minimum of twenty (20) minutes prior to the published meeting start time. The Clerk or designate may verify audio and/or video connections or provide other instructions relevant to the meeting and its format.
- 2.4. At the published meeting start time, the Mayor/Chair shall call the meeting to order noting the meeting is taking place as per section 238 of the *Municipal Act, 2001*. The Clerk shall call the roll and record those Members present and those staff present. If anyone is not acknowledged they shall ensure they are recognized by interrupting the proceedings.
- 2.5. The Mayor/Chair shall lead the meeting and take up the business on the agenda in any order necessary to expedite the business of the meeting.

3. Closed Session Meetings

- 3.1. Closed session electronic meetings shall not be webcast or made available to the public.
- 3.2. Members shall be called upon by the Mayor/Chair to confirm that they are in a confined area without any other person present.
- 3.3. Members who declare a conflict of interest must withdraw from the closed session, including electronic/audio participation, for the entire discussion of the matter about which they have declared a conflict.

4. Motions/Rules of Debate

- 4.1. As done in regular Council meetings, Members who are present are pre-determined to move and second motions to expedite the efficiency of the meeting process. Should the pre-determined Member be absent due to technical difficulties, the Mayor/Chair shall call upon the Members present to either move or second the motion.
- 4.2. All motions shall be read aloud by the Mayor/Chair. The Mayor/Chair will ask Members if there are any questions. By a show of hand, the Mayor/Chair will ask the Member to proceed with the question. Follow up questions will be at the discretion of the Mayor/Chair. Immediately following any discussion on the motion, the Mayor/Chair shall summarize any discussion and call for any amendments to the motion.
- 4.3. Where possible, amendments shall be discussed with the Clerk prior to the meeting so that they may be prepared in advance. Where an unanticipated amendment is to be presented the Member shall ensure they are duly recognized by the Mayor/Chair prior to moving the amendment. When recognized by the Mayor/Chair, the member shall state their amendment and the Mayor/Chair shall request a seconder who shall make themselves known by a show of hands/verbally. The Clerk shall prepare the amendment which will be dealt with as outlined as above.
- 4.4. All members can participate in debate in keeping with the rules of procedure. Members participating by audio and visual participation shall raise their hand to indicate they wish to speak. Members participating by audio only shall recite their name when they wish to speak on a matter and wait to be recognized by the Mayor/Chair.

5. Voting

- 5.1. Each Member present shall vote by raising their hand identifying either "yes" if they are in favour of the motion, or "no" if they are opposed.
- 5.2. The Clerk shall record each vote and note the same in the minutes.
- 5.3. The Clerk shall announce the result of the vote.

6. Electronic Meeting Etiquette

- 6.1. During Electronic Meetings, the following etiquette shall be followed:
 - a) **Dress appropriately** as the proceedings and Member's video image will be webcast.
 - b) **Control audio quality** by testing audio before the meeting, situate yourself in a quiet indoor location and if possible, use a good quality headset with microphone.
 - c) **Consider lighting** by checking the video quality before the meeting and not sitting too close to a bright light source.
 - d) **Consider your background** to ensure a neutral backdrop free from personal items.
 - e) **Speak to the camera** not the screen.
 - f) **Mute your microphone** when you are not speaking to cut down background noise.