

BY-LAW

2020

of the Corporation of the Municipality of Chatham-Kent

A By-law to amend Procedure By-law 109-2018 to permit Electronic Meetings during a period of
Emergency

Finally Passed the 23rd day of March 2020.

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 Municipality of Chatham-Kent has enacted Procedure By-law 109-2018;

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 19 (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 the Lieutenant Governor has issued Order-in-Council 520/2020, pursuant to the *Emergency Management and Civil Protection Act*, prohibiting all organized public events of over fifty people due to COVID-19;

AND WHEREAS The Corporation of the Municipality of Chatham-Kent considers it desirable to be able to hold Council meetings electronically during the COVID-19 emergency and any other emergency;

NOW THEREFORE the Council of the Corporation of the Municipality of Chatham-Kent amends Procedure By-law 109-2018 by adding the following section 3.10:

3.10 Electronic Meetings during a Declared Emergency

- a) Under this section, an “Electronic Meeting” is defined as any regular or special meeting of Council that utilizes remote electronic access for the Members during any period of time during which an emergency has been declared, either by the Head of Council or the Province, in all or part of the Municipality of Chatham-Kent, under sections 4 or 7.0.1 of the *Emergency Management and Civil Protection Act*;
- b) An Electronic Meeting will utilize either telephone, Voice over Internet Protocol, video, or any other technology that allows for audio and/or video electronic means of access by Members through the internet or other technology;

- c) An Electronic Meeting will be conducted, at the discretion of the Clerk, either by (i) electronic access for all Members or (ii) a combination of an in-person meeting and electronic access. Any problems, technical or others, arising from the electronic access for Members which prevents a Member from hearing, seeing, knowing, voting or otherwise participating in the meeting, shall not invalidate any vote unless quorum of the remaining Members is lost at the time of the vote;
- d) An Electronic Meeting will be open to the public, as required by the *Municipal Act, 2001*, except when closed to the public as permitted by law. A meeting open to the public shall include access and participation for the public to the meeting through electronic access or in-person attendance if applicable;
- e) Members attending and present during an Electronic Meeting shall be counted for the purpose of quorum and shall be entitled to vote through a vote recorded by the Clerk as if they were attending the meeting in person. Votes may be taken electronically. However, if any Member or the Clerk is unsure if the electronic voting is accurate, or questions the accuracy of the electronic vote, then a roll call vote shall be taken by the Clerk in which each Member's name is called and each Member responds verbally with their vote. Determining the result of any vote shall be determined by the Clerk and the Clerk's determination shall be final.
- f) The Clerk should provide notice of an Electronic Meeting, along with an agenda, as soon as possible to the Members and public. Notice should include sufficient information as to provide Members and the public with the means to electronically access the open session of the meeting;
- g) If the Chair so determines that the nature of the emergency requires a meeting forthwith, the timelines for Notice may be waived and the meeting held as soon as quorum can be established. In such an instance, the Clerk shall make reasonable efforts to notify the Members, staff, and public of the meeting before it is held. Section 3.4 of this Bylaw shall apply, as applicable;
- h) Unless otherwise approved by the Chair, an Electronic Meeting shall not permit public deputations, except by way of written submission received in advance of the meeting, which shall be submitted to the Municipal Clerk's office at ckclerk@chatham-kent.ca prior to the start of the Electronic Meeting, and shall be provided to members in advance of the meeting if possible. The Clerk shall verbally read out the written deputation at the beginning of the meeting;
- i) Unless otherwise approved by the Chair, Notices of Motion shall be submitted in writing to the Municipal Clerk's office at ckclerk@chatham-kent.ca prior to the start of the Electronic Meeting, and shall be provided to members in advance of the meeting if possible. The Clerk shall verbally read out the Notice of Motion during the meeting on behalf of the Member;
- j) The agenda shall be modified to allow for all items on the agenda to be voted upon at once, except for Planning Act matters and any others as determined by the Clerk. The Clerk shall first

ask if any Member wishes to have any item on the agenda voted upon separately in which instance that item shall be voted upon separately;

- k) Notwithstanding the foregoing, the Procedure By-law shall continue to apply to an Electronic Meeting held pursuant to this Section, except that the Clerk is authorized to adjust the manner in which the meeting is conducted to apply to the specific circumstances of the meeting and the electronic means of access and participation being utilized; and
- l) An Electronic Meeting under this section shall apply to Local Boards and Committees of Council, if permitted by law, and should be read and adapted accordingly.

2. This By-law is enacted at a special meeting held in accordance with section 238(3.4) of the Municipal Act, 2001, as amended, and shall hereby come into effect as of the date and time of its passing.

Read a First, Second, and Third Time, this 23rd day of March 2020.

Mayor – Darrin Canniff

Clerk - Judy Smith.