

## **Municipality Of Chatham-Kent**

### **Corporate Services**

### **Municipal Governance**

**To:** Mayor and Members of Council

**From:** Judy Smith, Director, Municipal Governance/Clerk

**Date:** July 28, 2020

**Subject:** Procedural By-law Amendments Regarding Electronic Council Meetings

---

### **Recommendations**

It is recommended that:

1. By-law 30-2020, a by-law to amend Procedure By-law 109-2018 to permit Electronic Meetings during a period of Emergency, be repealed;
2. A By-law to amend Procedure By-law 109-2018 to Extend Electronic Participation in Council Meetings be approved.
3. Administration return to Council by the end of 2020 with a consolidated Procedure By-law including recommendations relating to proxy voting, the type of electronic meetings going forward, amendments and housekeeping matters.

### **Background**

The purpose of this report is to update the Procedural By-law to allow for continued remote meetings of Chatham-Kent Council as well as advisory committees, local boards, agencies, and commissions after provincial and/or municipal declared emergencies end.

### **Comments**

On July 8, 2020, the Province of Ontario introduced Bill 197, the COVID-19 Economic Recovery Act. Following royal assent on July 21, 2020, Bill 197 amended the Municipal Act, 2001 to allow for the continuation of remote Council meetings outside of a declared provincial and/or municipal emergency.

The Municipality of Chatham-Kent Council has been meeting remotely since March 23, 2020.

On March 23, 2020, Council amended the Procedure By-law to allow for remote meetings in accordance with the Municipal Act, 2001. At the time, the Municipal Act,

2001 allowed for remote meetings of municipal councils only during declared emergencies made by the Province of Ontario or head of Council in accordance with section 7.0.1 and 4 (1) of the Emergency Management and Civil Protection Act respectively.

Bill 197 further amends the Municipal Act, 2001 to allow municipal councils to continue to meet remotely indefinitely. In order to comply with Bill 197, the Municipality of Chatham-Kent Procedure By-law needs to be updated to allow members of Council and committees, boards and commissions to participate remotely in meetings and be counted for the purpose of establishing quorum outside of declared emergencies. Approving the amending Procedure By-law (Appendix A) will ensure there will be continuity in Council's ability to meet remotely moving forward.

It is noted that there is one minor change from the previously amended Procedure By-law. Section 3.10 (g), regarding deputations, now has a deadline of 3 p.m. where previously the deputations could be received up to the start time of the Council meeting. This change is consistent with the other deputations outlined in the Procedure By-law allowing time for the Clerk to receive, copy to Council and prepare for the Council meeting.

In addition to the changes noted above, Bill 197 also introduces new rules regarding proxy voting at Council meetings. These changes represent a new policy direction within the Municipal Act, 2001 with significant governance implications. As a result, the Clerk's Office will undertake a thorough review of the rules and implications of proxy voting.

It is administration's intent to return to Council by the end of the year with a consolidated Procedure By-law including all amendments made in the past year, recommendations relating to proxy voting, the type of electronic meetings going forward and any housekeeping matters.

### **Areas of Strategic Focus and Critical Success Factors**

The recommendations in this report support the following areas of strategic focus:

- Economic Prosperity:  
Chatham-Kent is an innovative and thriving community with a diversified economy
- A Healthy and Safe Community:  
Chatham-Kent is a healthy and safe community with sustainable population growth
- People and Culture:  
Chatham-Kent is recognized as a culturally vibrant, dynamic, and creative community

- Environmental Sustainability:  
Chatham-Kent is a community that is environmentally sustainable and promotes stewardship of our natural resources

The recommendations in this report support the following critical success factors:

- Financial Sustainability:  
The Corporation of the Municipality of Chatham-Kent is financially sustainable
- Open, Transparent and Effective Governance:  
  
The Corporation of the Municipality of Chatham-Kent is open, transparent and effectively governed with efficient and bold, visionary leadership
- Has the potential to support all areas of strategic focus & critical success factors
- Neutral issues (does not support negatively or positively)

**Consultation**

Legal Services has reviewed the bylaw.

**Financial Implications**

There are no financial implications at this time.

Prepared by:

Reviewed by:

\_\_\_\_\_

\_\_\_\_\_

Judy Smith, CMO  
Director, Municipal Governance/Clerk

Cathy Hoffman, MPA, CHRL  
General Manager, Corporate Services/  
Chief Human Resource Officer

Consulted and confirmed the content of the consultation section of the report by:

\_\_\_\_\_

Dave Taylor  
Manager, Legal Services, Community Development

Attachments (Amending Procedure By-law)

p:\rtc\clerk\_municipal governance\2020\aug\_10 procedural by-law amendment.docx

**BY-LAW                      2020**

of the Corporation of the Municipality of Chatham-Kent

A By-law to amend Procedure By-law 109-2018 to Extend Electronic Participation in  
Council Meetings

**Finally Passed the 10th day of August 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 July 21, 2020 the Province of Ontario provided royal assent to Bill 197, the COVID-19 Economic Recovery Act to allow for the continuation of remote Council, Committee, Board and Commission meetings outside of a declared provincial or municipal emergency;

AND WHEREAS The Corporation of the Municipality of Chatham-Kent considers it desirable to be able to hold Council meetings electronically;

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**

- 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;
- 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 either be conducted wholly by electronic access for all Members or a combination of an in-person meeting and electronic access for those Members unable to attend in person. 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) Unless otherwise approved by the Chair, an Electronic Meeting shall not permit public deputations, except by way of electronic submission received in advance of the meeting, which shall be submitted to the Municipal Clerk's office at ckclerk@chatham-kent.ca prior to 3:00 p.m. the day of the 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;
- h) 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;
- i) 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;

2. This By-law is enacted at the date and time of its passing.

Read a First, Second, and Third Time, this 10th day of August 2020.

---

Mayor – Darrin Canniff

---

Clerk - Judy Smith.