

The Corporation of The Township of East Garafraxa

By-law Number 11- 2020

Being a By-Law to amend By-Law 5-2019 to govern the proceedings of the Council of The Corporation of The Township of East Garafraxa

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 East Garafraxa has enacted Procedural By-Law 5-2019;

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 (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 on March 27, 2020 a Declaration of Emergency was made by the Corporation of the Township of East Garafraxa related to the COVID-19 health pandemic;

AND WHEREAS it is necessary to amend By-Law 5-2019, being a by-law to govern the proceedings of Council and its Committees;

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF EAST GARAFRAXA ENACTS AS FOLLOWS:

1. That Section **18. Special/Emergency Meetings** be amended by adding the following:

18.7. Electronic Participation During a Declared Emergency

- a) Electronic meetings shall be permitted when an emergency has been declared to exist in all or part of the Township of East Garafraxa by the Head of Council or the Province of Ontario under Sections 4 or 7.0.1 of the *Emergency Management and Civil Protection Act, R.S.O. 1990, c. E. 9, as amended*.
- b) Electronic meeting shall be held in full or in part by electronic means including, but not limited to, audio teleconference, video teleconference, or other electronic means, and with or without in person attendance.
- c) Council members participating electronically in such meeting shall be counted in determining whether a quorum exists at the commencement and at any point in time during the meeting.
- d) Council members may participate electronically in such meeting, including voting which shall be in accordance with the following:
 - i. All votes shall be a recorded vote conducted by the Clerk commencing with the Deputy Mayor, council members in alphabetical order, and the Mayor shall vote last.
 - ii. 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, unless directed otherwise by the Chair.

- iii. The Clerk shall announce results to the Chair and Council.
- e) Delegations/Presentations, Public Question Period and other means of public participation shall be at the discretion of Council.
- f) Statutory Public Meetings shall be at the discretion of Council and in accordance with applicable legislative requirements.
- g) An electronic meeting may include a closed session, which shall be conducted in accordance with Section 10. Closed Meetings (In Camera).
- h) Recording of an electronic meeting by the Clerk shall be permitted.
- i) An electronic meeting shall be available in such manner that the public may observe the meeting remotely as it is conducted, when feasible. If circumstances do not permit live electronic access to the meeting, a recording of the audio, or both the audio and video, shall be made available to the public as soon as practical, if feasible.
- j) In the case of a loss of connection, or any connection issue(s) 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 unless quorum is compromised.

2. That Section **13. Place of Meetings** be replaced by the following:

Meetings of Council shall be held in the Council Chambers and/or the Municipal Facility situated at 065371 Dufferin County Road 3, East Garafraxa or at such other place as is specified in the agenda, and in a location that is accessible pursuant to the requirements of the Accessibility for Ontarians with Disabilities Act.

3. In all other respects the provisions of By-Law 5-2019 shall remain in effect.

4. That this By-Law shall take effect and come into force on the date of passing.

BY-LAW READ A FIRST AND SECOND TIME THIS 8th DAY OF APRIL 2020

BY-LAW READ A THIRD TIME AND PASSED THIS 8th DAY OF APRIL 2020

Susan Stone (Original Signed)

Clerk

Guy Gardhouse (Original Signed)

Head of Council