

# **The Corporation of The Township of East Garafraxa**

## **By-Law Number 49-2021**

### **Being a By-Law to amend By-Law 5-2019, as amended by By-Law 11-2020, and By-Law 21-2020 to govern the proceedings of the Council of The Corporation of The Township of East Garafraxa**

**WHEREAS** Section 238(3.1) of the Municipal Act provides that a member of Council, of a local board or of a committee of either of them, can participate electronically in a meeting to the extent and in the manner set out in the by-law;

**AND WHEREAS** Section 238(3.3) of the Municipal Act provides a Procedural By-law to provide:

- a) A member of a Council, of a local board or of a committee or 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) A member of a Council, local board or of a committee of either of them can participate electronically in a meeting that is open or closed to the public;

**AND WHEREAS** it is necessary to amend By-Law 5-2019, as amended, being a by-law to regulate the proceedings of the Municipal Council of the Township of East Garafraxa and Boards and Committees thereof;

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

1. The Township of East Garafraxa Procedural By-Law No. 5-2019, as amended by By-Law 11-2020 and By-Law 21-2020, is hereby further amended by replacing the following Section:

#### **Section 16. Electronic Participation at a Meeting (outside of a declared emergency)**

- a) Electronic Council and/or Board and/or Committee meetings 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;
- b) The method and technology used for an electronic meeting in open session or closed session shall be determined by the Clerk, in consultation with the Mayor, based on advice and resources available at the time and the prevailing circumstances and context for a meeting;
- c) 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, and shall be entitled to vote as if they were attending the meeting in person;
- d) Voting may take place by way of roll call, or in an alternate method authorized by the Chair;
- e) Members shall advise the Clerk, or designate, as soon as practicable prior to the scheduled meeting of his/her intent to participate electronically. In all cases, staff will accommodate electronic participation on a best effort basis and subject to available resources;
- f) Members participating electronically are required to use their Township issued equipment or their own personal equipment (i.e. phone and/or computer) at their own expense;
- g) Delegations/Presentations, Public Question Period and other means of public

participation shall be at the discretion of Council;

- h) Statutory Public Meetings shall be at the discretion of Council and in accordance with applicable legislative requirements;
  - i) An electronic meeting may include a closed session, which shall be conducted in the absence of the public and in accordance with Section 10. Closed Meetings (In Camera), all members must attest to the fact that they recognize they will be in a closed session and are able to ensure confidentiality;
  - j) 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;
  - k) An electronic meeting shall be available in such manner that the public may observe the meeting remotely as it is conducted, when feasible.
  - l) Recording of an electronic meeting by the Clerk shall be permitted;
  - m) In the event of a technical failure during the meeting, a recess of not more than 15 minutes can be taken to allow staff to reinstate the electronic participation;
  - n) If a member can no longer participate by electronic means it will not affect the validity or continuation of the meeting or decisions;
  - o) If a quorum is lost, the meeting will be deemed to be adjourned;
  - p) Electronic Participation at a Meeting shall be in accordance with Municipal Act, 2001, S.O. 2001, provisions, as amended from time to time.
2. That Sections 16 to 61 of By-Law 5-2019, as amended, be renumbered accordingly.
  3. In all other respects the provisions of By-Law 5-2019, as amended, 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 10<sup>th</sup> DAY OF AUGUST 2021**

**BY-LAW READ A THIRD TIME AND PASSED THIS 10<sup>th</sup> DAY OF AUGUST 2021**

Susan Stone (Original Signed)

Clerk

Guy Gardhouse (Original Signed)

Head of Council