

THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

BY-LAW NO. 2020-96

BEING A BY-LAW TO AMEND BY-LAW 2013-58 WHICH ADOPTED RULES FOR PROCEDURES OF COUNCIL AND COMMITTEES THEREOF, THE CONDUCT OF ITS MEMBERS AND THE CALLING OF MEETINGS, TO PERMIT CONTINUED ELECTRONIC MEETING PARTICIPATION.

WHEREAS Section 238(2) of the Municipal Act, 2001, S.O. 2001, c. 25, requires every municipality and local board to pass a procedural by-law governing the calling, place, and proceedings of meetings; and,

WHEREAS the Council of the Township of West Lincoln has enacted Procedural By-law 2013-58, as amended, and,

WHEREAS on March 17, 2020, a province-wide emergency was declared by the Premier of Ontario under Order in Council 518/2020 (Ontario Regulation 50/20) pursuant to Section 7.0.1 of the Emergency Management and Civil Protection Act and subsequently renewed on a repeat basis under the same authority in response to the global public health pandemic surrounding the 2019 Novel Coronavirus (COVID-19); and

WHEREAS on March 19, 2020, the Municipal Emergency Act, 2020 (Bill 187) received Royal Assent from the Legislature of Ontario; and,

WHEREAS Section 238(3.3) of the Municipal Act, 2001, S.O. 2001, c.25, as amended by the Municipal Emergency Act, 2020 (Bill 187), allowed for a member of Council, a local board, or a committee of either of them to participate electronically in a meeting of the municipality which was open or closed to the public and be counted towards quorum during a period in which an emergency had been declared to exist in all or part of the municipality under Section 4 or Section 7.0.1 of the Emergency Management and Civil Protection Act, provided that the municipality's procedural by-law so allowed; and,

WHEREAS on March 24, 2020, the Council of the Township of West Lincoln enacted By-law 2020-26 to amend Procedural By-law 2013-58 to authorize members of Council, its committees, and its local boards to participate in meetings that are open or closed to the public and be counted towards quorum during a period in which an emergency has been declared to exist in all or part of the municipality under Section 4 or Section 7.0.1 of the Emergency Management and Civil Protection Act; and,

WHEREAS on July 23, 2020, the COVID-19 Economic Recovery Act, 2020 (Bill 197) received Royal Assent from Legislature of Ontario; and

WHEREAS Section 238(3.1) of the Municipal Act, 2001, S.O. 2001, c.25, as amended by the COVID-19 Economic Recovery Act, 2020 (Bill 197), allows for a member of Council, a local board, or a committee of either of them to participate electronically in a meeting of the municipality which is open or closed to the public and be counted towards quorum, provided that the municipality's procedural by-law so allows, and that such authority is no longer limited to periods in which an emergency is declared to exist in all or part of the municipality under Section 4 or Section 7.0.1 of the Emergency Management and Civil Protection Act; and,

WHEREAS the province-wide emergency declared by the Premier of Ontario under Order in Council 518/2020 (Ontario Regulation 50/20) pursuant to Section 7.0.1 of the Emergency Management and Civil Protection Act in response to the COVID-19 pandemic was permitted to expire on July 29, 2020, and it has been resolved that a province-wide emergency will not be further declared at this time; and,

WHEREAS the Council of Township of West Lincoln considers it necessary to continue to conduct meetings of Council, its committees, and its local boards by electronic communications to ensure the continuity of municipal operations and the provision of

essential municipal services while observing the recommendations of public health authorities in relation to the COVID-19 pandemic;

NOW THEREFORE the Council of the Corporation of the Township of West Lincoln enacts as follows:

1. THAT Procedural By-law No. 2013-58 be, and is hereby amended by deleting the following to the **DEFINITIONS** section of the by-law:

“**Emergency**” means any period of time during which an emergency has been declared to exist in all or part of a municipality by the Head of Council or the Lieutenant Governor in Council or by the Premier, under sections 4 or 7.0.1 of the Emergency Management and Civil Protection Act.”

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

2. THAT the Township of West Lincoln Procedural By-law No. 2013-58 be, and is hereby amended by removing Sections 2.11 and 10.16 and replacing it with the following new Sections 2.11 and 10.16 to allow municipal Council and committees to participate in open and closed meetings electronically to be counted for purposes of quorum:
 - (i) Electronic Meeting – A regular meeting or special meeting may be conducted by Electronic Meeting, in accordance with this Section and the Electronic Meeting Protocol (Appendix C).
 - (ii) Quorum and Voting for Electronic Meeting – Members attending and present during an Electronic Meeting 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.
 - (iii) Closed Session – An Electronic Meeting may include a Closed Session which shall be conducted in the absence of the public and in accordance with the provisions of the Municipal Act, S.O. 2001, c.25, as amended, specifically Sections 239(2) and (3).
 - (iv) Appointment/Presentations – An Electronic Meeting shall permit appointments/presentations to attend an electronic meeting in accordance with rules and procedures outlined in Section 6 of the Township of West Lincoln Procedural By-law.
 - (v) Public Attendance Request in Writing – An Electronic Meeting shall permit public attendance electronically that requests to attend a meeting be received in advance of the meeting, which shall be submitted to the Clerk via email or by phone prior to 4:30 p.m. of the day of the meeting and shall be provided to members at the meeting.
 - (vi) Public Comments – An Electronic Meeting shall permit public comments in accordance with Section 6.7 (Council Meeting) or Section 10.13 (5) and (6) (Committees of Council) of the Township’s Procedural By-law. Public Comments shall be submitted to the Clerk either by (1) email or by submitting in person at the Township Administration Office prior to 4:30 p.m. of the day of the meeting; or (2) by providing advanced notice to the Clerk by email or by phone prior to 4:30 p.m. of the day of the meeting advising they wish to attend the electronic meeting to provide public comments at which time information will be provided for the public member to attend the electronic meeting. Any written comments will be read into the record by the Clerk and shall be provided to members at the meeting.
3. THAT all other provisions of By-law 2013-58, as amended, shall continue to apply.

4. THAT Appendix C (Emergency Electronic Meeting Protocol) to By-law 2013-58, as amended, be replaced with the attached new Appendix C (Electronic Meeting Protocol)
5. THAT this by-law be and is hereby enacted and shall come into force and effect as of the date and time of its passing.

**READ A FIRST, SECOND AND THIRD
TIME AND FINALLY PASSED THIS
26th DAY OF OCTOBER, 2020**

MAYOR DAVE BYLSMA

JOANNE SCIME, CLERK

**Electronic Meeting Protocol
Appendix C to By-law 2013-58**

The Township of West Lincoln Procedural By-law shall continue to apply to an Electronic Meeting held pursuant to this Protocol, and that amendments to this Protocol may be permitted to be made by simple majority vote of Council and committee members, known as Members, to accommodate an effective and efficient meeting, so long as any such amendments are consistent with the intent of the Procedural By-law and do not directly conflict with the Procedural By-law or are contrary to prevailing Provincial legislation or orders.

General:

- The method and technology used for an Electronic Meeting in Open Session or Closed Session shall be determined by the CAO and Clerk, in consultation with the Mayor or Acting Mayor, or by the majority vote of Council, based on advice and resources available from the Township's Information Technology staff and the prevailing circumstances and context for a meeting.
- The Mayor or Acting Mayor and Committee Chair or Vice Chair, or designate, shall lead the meeting and be present from a designated meeting location supported by the Clerk, or designate, where possible.
- Members shall follow meeting leadership of the Chair being the Mayor or Acting Mayor, Committee Chair or Vice Chair or his/her designate.
- The Chair is to announce each agenda item on the floor of the meeting and shall maintain an orderly meeting process keeping Members informed.

Request to Speak and Speaker's List:

- Any Member participating in-person or electronically shall indicate to the Chair or Clerk a request to speak by putting up their hand either electronically or by raising their hand towards the screen;
- Chair or Clerk are to maintain a speaker's list, based on the Chair's discretion, to ensure all members are able to participate in debate in keeping with meeting rules;
- Chair will call out the name of the Member assigned to speak.

Member Speaking:

- Time allotment may be used to speak, ask questions of staff and/or introduce a motion/amendment;
- Members to speak through the Chair.

Voting:

- A Member shall vote by one of the following methods:
 - (i) Through the Township's electronic meeting management system (eScribe) upon opening of the vote by the Clerk.
 - (ii) By raising their hand to the screen on their computer (must be in video mode) when the Chair calls for the vote.
 - (iii) Verbally when the Chair calls for the vote, if the video mode is unavailable.
 - (iv) Through a recorded vote, when a recorded vote is requested by a Member.
- When a recorded vote is requested by a Member, at the direction of the Chair the Clerk shall call the name of each Member deemed present;
- If Member is present in person or electronically and no response to indicate vote is provided, Clerk will ask one more time and if no indication of vote, the vote is recorded in the negative;
- The Clerk will announce the results to the Chair with respect to the voting done through the Township's electronic meeting management system (eScribe) or by recorded vote.

Member Conduct:

- Each Member shall remain silent and attentive to the proceeding when not assigned as the speaker;
- Each Member to listen for their name to be assigned as speaker or to vote;
- Each Member to take direction from the Chair in order to facilitate an effective, efficient and orderly Electronic Meeting.