



THE CORPORATION OF THE TOWN OF ERIN

By-Law #20 – 13

Being a by-law to Amend By-law number 16-21

WHEREAS the Legislature of the Province of Ontario introduced Bill 187, an Act to amend the *Municipal Act, 2001*, S.O. 2001, c. 25, being the *Municipal Emergency Act, 2020*, which received Royal Assent on March 19, 2020;

AND WHEREAS the section 238 of the *Municipal Act, 2001* authorizes Municipal Councils and Committee to hold electronic meetings and participate electronically;

AND WHEREAS the *Emergency Management and Civil Protection Act*, R.S.O. 1990, c. E.9 authorizes measures to protect the health, safety, and welfare of the inhabitants of the emergency area;

AND WHEREAS in order to be able to implement these provisions, Council must amend Procedural By-law no. 16-21;

AND WHEREAS it is deemed advisable to pass this by-law for the purposes aforesaid;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF ERIN ENACTS AS FOLLOWS:

1. Definitions

That the following shall be added as Sections 1.31 and 1.32 to Procedural By-law no. 16-21:

1.31 “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 Province under sections 4 or 7.0.1 of the *Emergency Management and Civil Protection Act*, as amended;

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

2. General

That the following shall be added as Section 3.7 to Procedural By-law no. 16-21:

3.7 Electronic Meetings

Notwithstanding the other provisions of this Procedural By-law, during any period where an emergency has been declared to exist in all or part of the municipality under section 4 or 7.0.1 of the *Emergency Management and Civil Protection Act*, the following meeting provisions shall apply:

a) Electronic Participation

- i. Members of Council or Committees may participate electronically in a Meeting that is either open or closed to the public and in doing so may be counted in determining whether or not a quorum of members is present at any point in time.
- ii. Electronic Meetings are those held by means of telecommunications instruments including but not limited to telephones, video conferencing, computers with internet access and conferencing programming.
- iii. Members must provide sufficient notice to the Clerk, or delegate, of their intent to participate electronically in a meeting to ensure the proper technology is enabled to make electronic participation available.
- iv. All votes during a meeting where some or all Members are participating electronically shall be recorded votes.
- v. Where the Rules of Procedure conflict with the need to facilitate electronic participation, the Chair shall have the authority to modify the Rules of Procedure to ensure Members can effectively electronically participate in the meeting.
- vi. The Clerk may provide for the electronic participation of Staff, including electronic participation of the Clerk.

- vii. In the event that members of the public are not permitted to attend a Regular Meeting of Council or Committee due to the emergency and electronic deputations by the public cannot be facilitated, the public will be requested to provide their comments in writing to the Clerk prior to the Meeting. The Meeting shall be livestreamed. Any Special Council meetings called in contravention of the regular notice requirements, will not allow for public comments via email submission.
- viii. Delegations will not be permitted during a state of emergency

b) Notice of Emergency Meeting

Any notice requirement under section 4 of this By-law, as amended, may be waived by the Mayor for any Meeting held during an Emergency.

c) Attendance by the Public at Emergency Meetings

Attendance at a Meeting by members of the public shall be in person unless an Emergency is declared by the Premier, Cabinet or the Head of Council under the *Emergency Management and Civil Protection Act*, whereby attendance may be restricted by the Mayor to protect the health, safety, and welfare of all individuals.

d) Meetings of Council

Regular and special Meetings of Council may be held outside of the Town of Erin Council Chambers or the Town Municipal Building in order to provide space for social distancing insofar as the location chosen is fully accessible to persons with disabilities.

e) The Cancellation of Meetings

The Mayor, CAO, or Clerk may cancel any scheduled meetings as necessary during the declared state of emergency.

f) Critical and Non-Critical Items

All non-critical items to be considered by Council, as defined by the CAO, shall be held in abeyance until the state of emergency has been terminated, while all critical items, as defined by the CAO, proceed directly to meetings scheduled from time to time to ensure critical business of the municipal continues.

3. Effective Date

That this By-law shall come into full force and effect on the date of its enactment.

Passed in Open Council on April 21st, 2020

Mayor, Allan Alls

Clerk, Lisa Campion