



The Municipal Corporation of the Town of Fort Erie

By-law No. 45-2020

Being a By-law to Amend Council Rules of Procedure By-law No. 36-2016, as amended Emergency Electronic Meetings - Local Boards

Whereas subsection 238(2) of the *Municipal Act, 2001*, S.O. 2001, C.25, as amended, (the “Act”) provides that every municipality shall pass a procedure by-law for governing the calling, place and proceedings of meetings, and

Whereas Council Rules of Procedure By-law No. 36-2016 was passed by the Municipal Council of the Town of Fort Erie on March 29, 2016, and provides for the calling, place and proceedings of meetings of Council and Council-in-Committee, and local boards (excluding BIA Boards of Management); and

Whereas in response to the COVID-19 pandemic, the Province of Ontario enacted the *Municipal Emergency Act, 2020* to amend Section 238 of the *Act* to give municipalities the ability to fully conduct both open and closed meetings of Council and local boards electronically when an emergency has been declared pursuant to the *Emergency Management and Civil Protection Act*, in order to respond quickly and continue to function when in-person meetings cannot be held and Council decisions need to be made; and

Whereas the amended Section 238 of the *Act*, at subsection 3.3 provides that the procedure by-law may provide that during any period where an emergency has been declared to exist by the head of Council of a municipality for all or any part of the municipality, or where an emergency has been declared to exist throughout Ontario by the Lieutenant Governor in Council or the Premier, a member 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 can participate electronically in a meeting that is closed to the public; 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* to slow the spread of COVID-19 amidst a global pandemic outbreak; and

Whereas By-law No. 39-2020 was passed by the Municipal Council of the Town of Fort Erie to amend Council Rules of Procedure By-law No. 36-2016 to permit electronic participation in meetings by members of Council where a Declaration of Emergency has been declared; and

Whereas it is deemed expedient to further amend Council's Rules of Procedure By-law No. 36-2016, as amended, to also permit members of local boards to participate electronically in meetings where a Declaration of Emergency has been declared;

Now therefore the Municipal Council of The Corporation of the Town of Fort Erie enacts as follows:

1. **That** Rules of Procedure By-law No. 36-2016, as amended, is further amended by repealing subsection 4.4 c) and replacing it with the following:

"4.4 c) Electronic Participation – State of Emergency Declared

- i) 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*, as amended, any members of Council or of a local board may participate electronically in an open meeting and in a meeting that is closed to the public;
 - ii) Members of Council or of a local board participating electronically shall be counted in determining whether or not a quorum of members is present at any point in time, and shall have the same rights and responsibilities as if he or she were in physical attendance, including the right to vote recorded by the Clerk where necessary;
 - iii) Public delegations shall not be permitted electronically, except by way of electronic submission received in advance of the meeting, which shall be submitted to the Clerk's office via email prior to the start of the meeting and shall be provided to members at the meeting.
2. **That** the Clerk of the Town is authorized to effect any minor modifications, corrections or omissions, solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

Read a first, second and third time and finally passed this 20th day of April, 2020.

Mayor

Clerk

I, Carol Schofield, the Clerk, of The Corporation of the Town of Fort Erie certifies the foregoing to be a true copy of By-law No. 45-2020 of the said Town. Given under my hand and the seal of the said Corporation, this _____ day of _____, 20 .