



The Municipal Corporation of the Town of Fort Erie

By-law No. 95-2020

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

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, committees 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 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, which was subsequently revoked effective July 24, 2020; and

Whereas on April 3, 2020, the Head of Council declared that an emergency exists within the boundaries of the municipality, pursuant to the *Emergency Management and Civil Protection Act*, which remains in force; 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 on July 21st, 2020, Bill 197, the *COVID-19 Economic Recovery Act, 2020*, was enacted to further amend Section 238 of the *Act* to provide that the Procedural By-law may provide that a member of Council, local board or a committee, can participate electronically in an open or closed meeting to the extent and in the manner set out in the by-law, and the member may be counted in determining quorum; and

Whereas at the Council-in-Committee meeting held on September 14, 2020, Report No. COS-04-2020 was considered and approved, authorizing amendments to Rules of Procedure By-law No. 36-2016, as amended, with respect to electronic meetings and participation; and

Whereas it is deemed expedient to further amend Council's Rules of Procedure By-law No. 36-2016, as amended, to permit members of Council, local boards, and committees, to hold and participate in electronic meetings whenever necessary, including delegations;

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

- i) All members of Council, of a local board, or of a committee of either of them as defined in the *Municipal Act, 2001*, as amended, or replaced, may participate electronically in an open meeting and in a meeting that is closed to the public, when and as permitted by the *Municipal Act, 2001*, as amended or replaced, or any other provincial statute.
- ii) Members of Council, of a local board, or of a committee of either of them as defined in the *Municipal Act, 2001*, as amended, or replaced, may participate electronically in an open meeting and in a meeting that is closed to the public, if they are ill, have a disability which makes it difficult to attend in person, need to care for a sick family member, or due to inclement weather. The Clerk shall be given at least 48 hours notice of the need to attend electronically and the reason. In the event a shorter notice is needed due to an unexpected situation, it will be in the Clerk's discretion whether the late calling of an electronic meeting is warranted and if time permits to arrange the electronic meeting and give notice to all participants.
- iii) Members of Council, or of a local board, or of a committee of either of them as defined in the *Municipal Act, 2001*, as amended, or replaced, 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.
- iv) Public delegations shall be permitted to participate electronically in meetings being held electronically, by a means made available by the municipality. All other rules pertaining to delegations in Section 9 of this by-law, shall be adhered to.”

2. That Rules of Procedure By-law No. 36-2016, as amended, is further amended by adding the following Subsection to Subsection 9.1 “Request to appear”, immediately following Subsection 9.1 (b):

“(c) Anyone wishing to appear electronically as a delegation before Council at an in-person meeting, may request the Clerk to permit an electronic delegation in a manner made available by the municipality, if they are ill, have a disability which makes it difficult to attend in person, need to care for a sick family member, or due to inclement weather. The Clerk shall be notified at the time that the delegation request is made, or, given at least 48 hours notice of the need to attend electronically and the reason. In the event a shorter notice is needed due to an unexpected situation, it will be in the Clerk’s discretion whether the late calling of an electronic meeting is warranted and if time permits to arrange the electronic meeting and give notice to all participants.”

3. 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 21st day of September, 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. 95-2020 of the said Town. Given under my hand and the seal of the said Corporation, this _____ day of _____, 20 .
