

THE CORPORATION OF THE
TOWN OF PELHAM
BY-LAW # ##### (2020)

Being a by-law to amend By-law No. #4107(2019), as amended, being a by-law to govern the proceedings of the Town of Pelham Council, its Committees, the conduct of its members and the calling of meetings, to provide for Electronic Meeting Participation for the Council of the Town of Pelham, the Committee of Adjustment and Advisory Committees, and to Repeal and Replace By-laws 4231(2020) and By-law 4269(2020).

WHEREAS the *Municipal Act, 2001*, S.O. 2001, c. 25, section 238 provides that a municipality shall establish a procedure by-law to govern meetings;

AND WHEREAS The Corporation of the Town of Pelham has enacted Procedure By-law #4107(2019), as amended;

AND WHEREAS on July 21, 2020, *Bill 197, COVID-19 Economic Recovery Act*, received royal assent and includes provisions to amend the *Municipal Act 2001*, to allow members of municipal councils to continue to participate electronically in both open and closed meetings and be counted toward quorum, even in the absence of an emergency;

AND WHEREAS Section 239(3.1) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that the applicable procedure by-law may provide 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 The Corporation of the Town of Pelham considers it desirable to be able to continue to hold Council meetings electronically for the foreseeable future;

NOW THEREFORE the Council of The Corporation of the Town of Pelham **ENACTS** as follows:

1. THAT Procedure By-law #4107(2019), as amended, be and is hereby amended, as follows:

Section 13 (v) to (viii) inclusive be repealed and replaced with the following:

- v) A Council or Committee member who participates in a Committee or Council meeting, remotely via electronic means (e.g. audio and/or video), will have the same rights and responsibilities as if he or she were in physical attendance, including the right to vote, whether it is open to the public or convened in closed session, and shall be counted in the Quorum;
- vi) Electronic participation by more than one Member/member shall only be permitted **until August 31, 2020** in consideration of the public health advice to limit the spread of COVID-19;

Section 27 (viii) – Recorded Vote be amended, by adding the following:

- e) Where a meeting is convened through electronic participation, the Clerk shall record the vote taken on any matter through a recorded vote, and shall conduct the votes using a rotating call in alphabetical order by surname so as not to call upon the same member first for each separate recorded vote;

2. THAT By-law No. 4217(2020) be and is hereby amended as follows:

- 1) Electronic Meetings – A regular meeting or special meeting of **Council, Committee, Committee of Adjustment or any Advisory Committee to Council**, may be conducted by Electronic Meeting in accordance with this Section and the Emergency Electronic Meeting Protocol as may be approved by Council. Appended as Appendix 1.

- 2) 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.
 - 3) Closed Session – An Electronic Meeting may include a Closed Session which shall be conducted in the absence of the public and in accordance with this Section.
 - 4) Public Notice of Electronic Meeting – 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.
 - 5) Delegations in Writing – An Electronic Meeting shall not permit public delegations, except by way of electronic submission received in advance of the meeting, in accordance with Section 18, or as may be otherwise approved by By-law.
 - 6) Public Access to Viewing – The Clerk shall make every effort during an Electronic Meeting to ensure that public access to the meeting is provided through the Town’s Information Technology staff, and where practical the Clerk shall accept questions submitted during the meeting via email to clerks@pelham.ca.
 - 7) Notwithstanding Section 11, that Section 8(iv) of By-law 4107(2019) is amended to provide that the Agenda and supporting material for any meeting convened up to and including **August 31, 2021** be provided no later than 4:30 p.m. five (5) business days prior to the Meeting, including the date of the meeting (e.g. for a Monday meeting, agenda released on the Tuesday prior); and that the agenda be limited to a 300 maximum page capacity, save and except instances where a single report or attachment exceeds 200 pages.
 - 8) Application and Conflict – notwithstanding the foregoing, the Procedure By-law shall continue to apply to an Electronic Meeting held pursuant to this Section, except that this Section and any Emergency Electronic Meeting Protocol approved by Council and any Provincial legislation nor order shall prevail to the extent of any conflict.
3. THAT By-law #4107(2020) as amended by By-law #4269(2020) and By-law #4231(2020) be amended to repeal and replace all reference to December 31, 2020, with “**August 31, 2021**”;
4. This By-law is enacted accordance with section 238(3.4) of the *Municipal Act, 2001*, as amended, and shall hereby come into effect as of the date and time of its passing, and shall be deemed repealed and no longer in force at 12:01 a.m. on **September 1, 2021**, unless otherwise extended or repealed by Council.

Enacted, signed and sealed this 6th day of December, 2020 A.D.

MAYOR MARVIN JUNKIN

CLERK NANCY J. BOZZATO

Emergency Electronic Meeting Protocol
Appendix to By-law ####(2020), Amending
Appendix 1 to By-law 4217(2020) As Amended

The Procedure 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 to accommodate an effective and efficient meeting, so long as any such amendments are consistent with the intent of the Procedure By-law and do not directly conflict with the Procedure By-law or are contrary to prevailing Provincial legislation or orders.

General:

- a) 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, based on advice and resources available from the Town's Information Technology staff and the prevailing circumstances and context for a meeting.
- b) The Mayor or Deputy Mayor, or designate, shall lead the meeting and be present from a designated meeting location supported by the Clerk, or designate, where possible.
- c) Members follow meeting leadership from the Mayor as Chair.
- d) The Chair **or designate** 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:

- a) Any Member participating in-person shall indicate to the Chair or Clerk a request to speak;
- b) Chair to ask each remote participant Member by name to confirm if they wish to speak on current item, or through an alternative means as advised by the Clerk, e.g. Member texting the Clerk or using a "raise hand";
- c) Chair/Clerk to maintain a speaker's list, based on Chair's discretion, to ensure all Members are able to participate in debate in keeping with meeting rules;
- d) Chair will call out the name of the Member assigned to speak.

Member Speaking:

- a) 5 minute maximum, to be timed by the Clerk with 4-minute warning, based on current Procedural By-law rules;
- b) Time allotment may be used to speak, ask questions of staff and/or introduce a motion/amendment;
- c) Members to speak through the Chair.

Voting:

- a) All votes shall be by recorded vote conducted by the Clerk, as directed by the Chair, unless Council decides otherwise;
- b) Clerk to call each name of Members deemed present to record vote;
- c) 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;
- d) Clerk to announce results to Chair and Council.

Member Conduct:

- a) Each Member shall remain silent and attentive to the proceeding when not assigned as the speaker;
- b) Each Member to listen for their name to be assigned as speaker or to vote;

- c) Each Member to take direction from the Chair in order to facilitate an effective, efficient and orderly Electronic Meeting.

Where Pecuniary Interest Declared:

- a) For discussion, debate and/or voting on any agenda matter for which a Member has disclosed a pecuniary interest, and where the Member is participating in the meeting electronically, the Member having so disclosed shall mute audio and disable their video capabilities for the duration of the discussion, and shall not participate in any way so as to influence the vote before, during or after the matter has been decided.

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