

# The Corporation of the Township of Huron-Kinloss



## BY-LAW

### 2020-88

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#### Being a By-Law to Amend By-Law No. 2019-155 being the Procedural By-Law for the Township of Huron-Kinloss

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**WHEREAS** Section 238 (2) of the Municipal Act, 2001, as amended states that every municipality and local board shall pass a procedural by-law for governing the calling, place and the proceedings of meetings;

**AND WHEREAS** the Corporation of the Township of Huron-Kinloss has enacted By-Law No. 2019-155 being the Procedural By-Law for the Township of Huron-Kinloss;

**AND WHEREAS** On May 30, 2017, the Province of Ontario enacted the Modernizing Ontario's Municipal Legislation Act, 2017 to amend the Municipal Act, 2001 to permit members of council, committee and certain local boards to participate in an open meeting electronically to the extent and in the manner set out in the by-law provided that the member is not counted for quorum.

**AND WHEREAS** on March 19, 2020 the Province of Ontario enacted the Municipal Emergency Act, 2002 to amend the Municipal Act, 2001 to permit members of council, committee and certain local boards who participate in open and closed meetings electronically to be counted for purposes of quorum during emergencies declared by the Province or a local Head of Council.

**AND WHEREAS** on July 24, 2020, the Province of Ontario enacted the COVID-19 Economic Recovery Act, 2020 amending the Municipal Act, 2001 to allow, under the municipality's procedural by-law, members of municipal councils to participate electronically in both open and closed meeting and counted towards quorum, even in the absence of the declaration of an emergency.

**AND WHEREAS** The Council of the Corporation of the Township of Huron-Kinloss deems it advisable to amend the Procedural By-Law for the Township of Huron-Kinloss to permit members of council, committee and certain local boards to participate in meetings electronically that are open to the public and in open and closed meetings during any period where deemed advisable by the Mayor, CAO and Clerk.

**NOW THEREFORE** the Council of The Corporation of the Township of Huron-Kinloss **ENACTS** as follows:

1. That Schedule "A" to By-Law No. 2019-155 be amended to include:

#### Definitions

1.22 "Electronic Meeting" shall mean a meeting called and held in full or in part via electronic means (including, but not limited to, audio teleconference, video teleconference, or via means of the internet), and with or without in person attendance.

1.23 "Electronic Participation" shall mean participation in a meeting where a Member is not physically present but participates via electronic means of communication.

### Electronic Meeting

2.5 When it is determined by the Mayor, CAO and Clerk that electronic participation will be required, the meeting may be held electronically and all or some members may participate electronically.

### Council and Committee of the Whole

2.6 Each Regular Council Meeting and Committee of the Whole Meeting shall be held in the Council Chambers at the Municipal Office, except as otherwise provided for in this By-Law which may include electronic meetings and shall be held in accordance with the Meeting Schedule of Council and the Committee of the Whole as prepared by the Clerk and adopted by resolution of Council.

2.7 In the event of a declared emergency by the Head of Council or any other Lead Agency as identified with the “Emergency Management Act” within the confines of a declared emergency, where the Municipal Office is not accessible, the Council shall be asked to meet at an identified location which may include electronic meetings accessible by Members of Council.

2.8 Special Meetings of Council and Committee of the Whole shall be held in the Council Chambers at the Municipal Office or any other location otherwise designated from time to time for such purposes which may include electronic meetings. The location shall be identified in the notice of the meeting and/or on the meeting Agenda.

### Notice to Members

2.14 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.

### Meetings Open to the Public

2.24 All Meetings including electronic meetings shall be open to the public except as provided for in Section 2.25.

### Educational or Training Sessions

2.26 A Closed Session may be held in full or in part via electronic means (including, but not limited to audio teleconference, video teleconference, or via means of the internet), and with or without in person attendance.

2.27 Members may participate electronically in a Closed Session and shall be entitled to vote as if they were attending the meeting in person.

2.29 The Clerk and/or Deputy-Clerk shall remain in the room attendance for all Closed Session Meetings.

### Public Meetings, Hearings, or Information Sessions

2.48 Council shall consider planning applications at Council Meetings that shall be held in the Council Chambers at the Municipal Office or by electronic means as provided in the Public Notice, except as otherwise provided for in this By-Law, and shall be held in accordance with the Meeting Schedule as prepared by the Clerk. at 7:00 p.m. based on applications received unless it falls on a Statutory Holiday in such case it will be on a Wednesday.

2.46 Despite paragraph 3.11(a), a Delegation may address Council on a Planning application without prior notice on issues designated as a public meeting under the Planning Act. 2.47 Members of the public attending a public meeting physically or electronically pursuant to this Section, shall respect the decorum of Council and refrain from public outburst, shouting, or behaviour intended to disrupt the debate, discussion and/or general proceedings of the meeting.

Education and Training Sessions

2.54 An Education & Training Session may be held at any place designated by the Council which may include an electronically, at which it makes its decision to convene the session, whether or not within the boundaries of the Township or any adjacent municipality.

Quorum

3.7 A member participating by electronic means in a meeting may be counted in determining whether a quorum of members is present.

Delegations

3.11

d) An electronic meeting may limit public delegations except in accordance with legislation that requires public participation i.e. Planning Act, Drainage Act, etc.

2. That By-Law No. 2020-36 is hereby repealed.
3. That this By-law shall come into full force and effect upon its final passage.
4. This By-law may be cited as the “Township of Huron-Kinloss Procedural By-Law (2019) Amendment (2)”.

**READ a FIRST and SECOND TIME** this 21<sup>st</sup> day of September, 2020.

**READ a THIRD TIME and FINALLY PASSED** this 21<sup>st</sup> day of September, 2020

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Mitch Twolan, Mayor

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Emily Dance, Clerk