

THE CORPORATION OF THE TOWN OF MIDLAND

BY-LAW 2020-41

A By-law to amend the Procedure By-law 2018-62 to allow for Electronic Meeting Participation

WHEREAS Council of the Town of Midland enacted and passed By-law 2018-62, as amended, being a By-law to govern the proceedings of Council and its committees;

AND WHEREAS Bill 197, *COVID 19 Economic Recovery Act, 2020* which came into effect July 21, 2020 allows municipal procedure by-laws to provide for electronic participation in meetings;

AND WHEREAS Council is committed to providing transparent and accountable meetings while ensuring the health and safety of its members, staff and the public;

AND WHEREAS Council of the Town of Midland is desirous of exercising its authority to amend the Procedure By-law to include such provisions to permit electronic participation by members of council, local boards and committees;

NOW THEREFORE COUNCIL OF THE CORPORATION OF THE TOWN OF MIDLAND HEREBY ENACTS AS FOLLOWS:

1. That Procedure By-law 2018-62, as amended, is hereby further amended by replacing Section 6.7 paragraph one with the following:

6.7 Electronic Participation

A Member of Council is permitted to participate in a meeting electronically.

2. That Procedure By-law 2018-62, as amended, is hereby further amended by replacing the definition for "Electronic Meetings" under Section 6.7 b) with the following:

Electronic Meetings – A Regular Council Meeting, Special Meeting of Council, local board or committee may be conducted by Electronic Meeting during an Emergency, provided that the Member is not able to attend in person and that 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*.

Notwithstanding the above, a Regular Council Meeting, Special Meeting of Council, local board or committee may be conducted by Electronic Meeting provided adequate notice is given and so long as permitted under Section 238 of the *Municipal Act, 2001*. This applies to all regular, special, emergency and closed sessions of council, local board and committee meetings.

3. That Procedure By-law 2018-62, as amended, is hereby further amended by

replacing Section 6.7 d) Closed Session, with the following:

- d) **Closed Session** – A closed meeting session may only be conducted via an Electronic Meeting if, due to extenuating circumstances during an epidemic or pandemic, it is not possible or in not in the best interest of members for health and safety reasons to convene a quorum of members in person and the matter to be considered is of an urgent nature. The decision to exercise this option shall be decided at the discretion of the Mayor/Chair or a two-thirds vote of the members present at the meeting in-person and electronically.

Unless the above option is exercised by Council, members participating electronically shall not be permitted to participate in any portion of a meeting which is closed to the public

4. That Procedure By-law 2018-62, as amended, is hereby further amended by replacing Section 6.7 g) Application and Conflict, with the following:

- g) **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 Electronic Meeting Protocol approved by Council and any Provincial legislation or order shall prevail to the extent of any conflict.

5. That Procedure By-law 2018-62, as amended, is hereby further amended by replacing Section 6.7 h) When the Emergency Declaration has ended, with the following:

- h) **When the Emergency Declaration has ended** - Once the Emergency Declaration has been lifted, Council may continue to exercise its authority under Section 238 of *the Municipal Act* and this by-law to allow members of Council, local boards and committees to continue participate electronically in Regular, Special, emergency and closed session meetings.

6. That this By-law shall come into force and effect on the final passage thereof.

BY-LAW PASSED AND ENACTED THIS 29TH DAY OF JULY, 2020.

THE CORPORATION OF THE TOWN OF MIDLAND


STEWART STRATHEARN - MAYOR


SHERRI EDGAR - DEPUTY CLERK