

The Corporation of the Municipality of Brockton



By-Law 2020-087

Being a By-Law to Amend the Municipality of Brockton's Procedural By-Law.

Whereas Section 238 (2) of the *Municipal Act, 2001* S.O. 2001, c.25, 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 Section 238 (2.1) of the *Municipal Act, 2001* S.O. 2001, c 25, as amended requires that the Procedural By-Law provides for public notice of meetings;

And Whereas The Council of The Corporation of the Municipality of Brockton deems it advisable to enact a new By-Law to govern the proceedings of Council, the conduct of its members and the calling of meetings and to provide for procedures and statutory requirements in accordance with the Act, and to amend the previous By-Law 2018-092 and By-Law 2020-038;

And Whereas Section 1 of the *Municipal Emergencies Act, 2020*, S.O. 2020, c. 4, provides that members of municipal councils may participate electronically in meetings and be counted when determining quorum during any period when an emergency has been declared to exist in all or part of the municipality;

And Whereas, the Council of The Corporation of the Municipality of Brockton is desirous in establishing the ability to hold electronic meetings regardless of whether an Emergency is declared; therefore, the Council wishes to amend the Procedural By-Law to allow for such electronic participation;

Now Therefore the Council of The Corporation of the Municipality of Brockton enacts as follows:

- 1.0 That The Corporation of the Municipality of Brockton Council hereby amends the Municipality of Brockton's Procedural By-Law 2018-092 and By-Law 2020-038 to include the following clauses:
 - 1.1 **2.6** In the event of a declared emergency by the Head of Council or any other Lead Agency in relation to a set of circumstances that meets the definition of "emergency" in the *Emergency Management and Civil Protection Act*, R.S.O. 1990, c. E.9, the Council shall be asked to meet at an identified location accessible by Members of Council, which may include by electronic means such as telephone or video conferencing.
 - 1.2 **2.7** Special Meetings of Council shall be held in the Municipal Office or any other location otherwise designated, which may include by electronic means such as telephone or video conferencing from time to time for such purposes. The location shall be identified in the notice of the meeting and/or on the meeting Agenda.
 - 1.3 **2.41** Closed Session Meetings will not be recorded, streamed or otherwise communicated using a Recording/Electronic Device, but may be held via electronic means such as telephone or video conferencing. Members of Council or others in attendance at a Closed Session Meeting may be required to close all laptops and remove all Recording/Electronic Devices from the room, at the discretion of the Mayor. Exceptions will be made for to allow electronic participation ~~at a meeting held during an Emergency, at any meeting regardless of whether or not the meeting is held during an Emergency. Electronic participation will be allowed during any Closed Session Meeting.~~
 - 1.4 **4.8** To be considered as part of Quorum for a meeting the Council member must be physically present for the meeting, ~~unless participating electronically via telephone or video-conferencing, except for during periods when an emergency has been declared to exist in all or part of the Municipality under section 4 or 7.1 of the Emergency Management and Civil Protection act, in which case shall be permitted to participate electronically in a meeting.~~ Any such member of Council participating electronically shall be counted in determining quorum for the meeting and shall be permitted to participate fully in the meeting, including casting a vote.

- 1.5 **4.13** In the event an Emergency has been declared as described in section 4.8 and the Rules of Procedure conflict with the need to facilitate electronic participation, **or that an electronic meeting is required regardless of an Emergency being declared**, the Chair, in consultation with the Clerk, shall have the authority to modify the Rules of Procedure to ensure members can effectively participate in the meeting. Otherwise, the Clerk, in consultation with the Chair, shall establish practices and procedures for electronic participation.
- 1.6 **4.14** In the event an Emergency has been declared as described in section 4.8 and a meeting is being held electronically, **or in the event that a meeting will be held electronically regardless of an Emergency being declared**, the Clerk and Employees shall also be permitted to participate electronically.
- 1.7 **4.18 (s)** ~~In the event of a long term emergency as described in paragraph 4.8 that necessitates meetings being held electronically for an extended period of time, or that an electronic meeting is required regardless of an Emergency being declared~~ Delegations may be scheduled to address via video-conferencing or in-person. In the event that a connection is dropped **when a delegation is appearing via video-conferencing or telephone**, the Clerk shall attempt to re-connect the delegation once, after which time if a successful connection is not available, the next delegation shall present. Delegations that do have the capacity to connect by electronic means shall submit the delegation in writing for Council's consideration.

2 That By-Law 2018-092 **and 2020-038** are hereby amended.

3 This By-Law shall come into full force and effect upon final passage.

4 This By-Law may be cited as the "Amend Procedural By-Law".

Read, Enacted, Signed and Sealed this 25th day of August, 2020.

Original Signed By
Mayor – Chris Peabody

Original Signed By
Clerk – Fiona Hamilton