

The Corporation of the Township of Killaloe, Hagarty and Richards

By-Law #20 -2020

BEING A BY-LAW TO AMEND BY-LAW 19-2008, AS AMENDED TO GOVERN THE CALLING, PLACE AND PROCEEDINGS OF MEETINGS OF THE MUNICIPAL COUNCIL AND COMMITTEES FOR THE TOWNSHIP OF KILLALOE, HAGARTY AND RICHARDS:

WHEREAS Section 238 of the Municipal Act, 2001, S.O. 2001, c25, provides that a municipality shall establish a procedure by-law to govern meetings;

WHEREAS THE Corporation of the Township of Killaloe, Hagarty and Richards enacted Procedural By-Law 19-2008, as amended;

WHEREAS on March 19, 2020 the Province of Ontario enacted the Municipal Emergency Act, 2020 (Bill 187) to amend the Municipal Act, 2001 to enact section 238 (3.3) and 238 (3.4) to permit meetings to be held electronically during an emergency declared pursuant to the Emergency Management and Civil Protection Act, R.S.O. 1990 Chapter E.9;

WHEREAS on March 11, 2020 the World Health Organization has declared a worldwide pandemic regarding the Novel Coronavirus 19 (COVID-19);

WHEREAS on March 17, 2020 a declaration was made by the Province of Ontario pursuant to section 7.0.1 of the Emergency Management and Civil Protection Act related to COVID-19;

WHEREAS the Lieutenant Governor has issued Order-in Council 520/2020, pursuant to the Emergency Management and Civil Protection Act, prohibiting all organized public events of 5 people due to COVID-19;

WHEREAS By-Law 19-2008 is silent on electronic meetings;

AND WHEREAS the Council of the Corporation of the Township of Killaloe, Hagarty considers it desirable to be able to hold Council meetings electronically during the COVID-19 emergency;

NOW THEREFORE the Council of the Corporation of the Township of Killaloe, Hagarty and Richards ENACTS AS FOLLOWS:

Procedural By-Law 19-2008, as amended, is hereby further amended as follows,

Under Part 1. Definitions adding the following definitions:

“Emergency” means any period of time during which an emergency has been declared to exist in all or part of a municipality by the Head of Council or the Province under section 4 or 7.0.1 of the Emergency Management Act;

“Electronic Meeting” means a meeting called and held in full or part via electronic means (including, but not limited to, audio teleconference, video teleconference, or another means as determined by the CAO/Clerk-Treasurer, and with or without in person attendance;

“Emergency Management Act” means the Emergency Management and Civil Protection Act, R.S.O. 1990 Chapter E.9, as amended.

Under Part 3 – Closed Meetings, Location, meeting times and Notice

Adding 3.8 Emergency Electronic Meetings

Electronic Meetings – Once an emergency is declared by the Premier, Cabinet or the municipal Head of Council under the Emergency Management Act, a special meeting of Council may be conducted by Electronic Meeting during an Emergency, in accordance with this section and any Emergency Electronic Protocol as may be approved by the Mayor and CAO Clerk-Treasurer.

Attendance at Electronic Meetings – Will be restricted to protect the health and safety of all individuals and members of the public or media will not be allowed to physically participate. All efforts will be made to allow participation by some electronic means to the public and the media.

Quorum and Voting for Electronic Meeting – Members of Council attending and present during an Electronic Meeting shall be counted for purposes of quorum at the commencement of the meeting, and shall be entitled to vote by show of hand recorded by the CAO Clerk-Treasurer as if they were attending the meeting in person.

Closed Session – An Electronic Meeting may include a Closed Session, which shall be conducted in the absence of the public and media and in accordance with this Section. All members will be asked to confirm that they are alone in the room to ensure confidentiality.

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.

Delegations in Writing – An Electronic Meeting shall not permit public delegations, except in extenuating circumstances, by way of electronic submission received in advance of the meeting, which shall be submitted to the CAO Clerk-Treasurer prior to the start of the Electronic Meeting, and shall be proved to the members at the meeting.

Application and Conflict – Notwithstanding the foregoing, the Procedural By-Law shall continue to apply to an Electronic Meeting held pursuant to the Section, except that this section and any Emergency Electronic Meeting Protocol approved by Council and any Provincial legislation or order shall prevail to the extent of any conflict.

1. All clauses of By-Law 19-2008 shall remain in effect.
2. This by-law repeals By-Law 18-2020
3. This By-Law shall come into effect on April 9, 2020.

Read a first and second time this 09th day of April 2020.

Read a third time and finally passed this 09th day of April 2020.

Mayor

CAO Clerk-Treasurer