

APPENDIX “A”

THE CORPORATION OF THE TOWN OF KINGSVILLE

BY-LAW 36 - 2020

Being a By-law to amend By-law 55-2016, being a By-law to Govern the Calling, Place and Proceedings of Council and Committees

WHEREAS Subsection 238 (3.1) of the *Municipal Act, 2001* allows that a municipality’s procedure by-law (for governing the calling, place and proceedings of meetings) may also provide that a member of council, of a local board or of a committee of either of them, can participate electronically in a meeting which is open to the public to the extent and in the manner set out in the by-law;

AND WHEREAS the *Municipal Emergency Act, 2020* amends the *Municipal Act, 2001* by adding subsections 3.3 and 3.4 to the *Municipal Act, 2001*, which sections expand on the ability of municipal councils to conduct electronic meetings in the wake of a declared emergency under sections 4 or 7.0.1 of the *Emergency Management and Civil Protection Act*;

AND WHEREAS the Council of The Corporation of the Town of Kingsville hereby deems it expedient to amend its procedure By-law 55-2016, for the reason of electronic participation during an emergency.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF KINGSVILLE ENACTS AS FOLLOWS:

1. **THAT** By-law 55-2016 is hereby amended under Section 1 – **Definitions**, to add the following definition:

“1.t) “Electronic Participation” shall mean participation in a Meeting by means of telecommunication instruments including but not limited to telephone and video conferencing.”

2. **THAT** By-law 55-2016 is hereby amended on page 4 by the addition of a Subheading titled Electronic Participation to include the following:

“Electronic Participation

14.1. During any period where 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* Members of Council may participate in Meetings electronically, subject to the following:

- a) Notification for Electronic Participation must be given to the Clerk 8 hours prior to the meeting unless the circumstances do not permit such notice, at which point the Member shall provide the Clerk with notice of his/her need for Electronic Participation as soon as possible;
- b) Members participating electronically shall be counted in determining quorum;
- c) Members may participate electronically in a Meeting that is closed to the public;
- d) Members participating electronically in a Meeting closed to the public must ensure that they are participating from a location that ensures the privacy and confidentiality of the closed meeting discussion;
- e) The chair of the Meeting, regardless of whether open or closed to the public, may not participate electronically and must be present in the meeting room scheduled for the Meeting with the Clerk;
- f) The Meeting chair, in consultation with the Clerk, shall rule on and determine the applicable meeting processes as may be adapted to a meeting with electronic participants, which processes shall be

consistent with the Procedure By-law and in accordance with the Act.”

3. THAT By-law 55-2016 is hereby amended on page 8 under the heading **Conduct of Members** to include the following:

“50.1. The following practices will be followed when a Member is participating in a Meeting electronically:

- a) The Member shall be available at least thirty (30) minutes before the beginning of the meeting to assist staff in establishing the necessary electronic connection;
 - b) The Member will mute his or her electronic device when he or she is not speaking;
 - c) The Chair will canvass the Member about their intention to speak to a matter on the floor and will notify the Member when it is his or her turn to speak;
 - d) After putting a motion to a vote, the Member will be required to identify verbally how he or she wishes to vote;
 - e) A member shall inform the Chair about his or her intentions to leave the meeting either on a temporary or permanent basis;
 - f) A member will be deemed to have left the meeting when they are no longer electronically connected to the meeting;
 - g) In the case of a loss of connection, or any connection issue which impedes the ability of a Member to participate in the meeting in real time, the meeting will continue without attempts by either staff or the member(s) to reconnect, reconnection efforts by staff or the Member may be made during a recess.”
4. THAT all other terms set out in said By-law 55-2016 of The Corporation of the Town of Kingsville shall remain in full force and effect.
5. THAT this By-Law shall come into effect upon third reading and being finally passed.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 23RD DAY OF MARCH, 2020.

MAYOR, Nelson Santos

CLERK, Jennifer Astrologo