

THE REGIONAL MUNICIPALITY OF NIAGARA

BY-LAW NO. <>

A BY-LAW TO AMEND BY-LAW 120-2010, THE
PROCEDURAL BY-LAW TO PERMIT ELECTRONIC
MEETING PARTICIPATION

WHEREAS subsection 238(2) of the *Municipal Act, 2001*, S.O. 2001, Chapter 25, as amended, provides that every municipality shall pass a procedure by-law for governing the calling, place and proceedings of meetings;

WHEREAS By-law 2020-16, being a by-law to amend the Procedural By-law 120-2010 was passed on March 26, 2020 to allow electronic participation in meetings during the Provincial Declaration of Emergency pursuant to the *Emergency Management and Civil Protection Act, 2020*;

WHEREAS on July 21, 2020, *Bill 197, COVID-19 Economic Recovery Act*, received royal assent and included provisions to amend the *Municipal Act 2001*, to allow members of municipal councils to continue to participate electronically in both open and closed meetings and be counted towards quorum, even in the absence of an emergency;

WHEREAS subsection 238(3.1) of the *Municipal Act, 2001*, S.O. 2001, Chapter 25, as amended, provides that the applicable procedural by-law may provide that a member of council can participate electronically in a meeting to the extent and in the manner set out in the by-law;

WHEREAS Regional Council deems it advisable to amend By-Law 120-2010, The Procedural By-Law to allow for electronic participation in meetings for a one-year period in consideration of public health advice to limit the spread of COVID-19.

NOW THEREFORE the Council of The Regional Municipality of Niagara enacts as follows:

1. That section 2.8 of The Procedural By-law be amended to read as follows:

A Council **or Committee** member who participates in a **Standing** Committee or Council meeting remotely via electronic means (e.g. audio and/or video), will have the same rights and responsibilities as if he or she were in physical attendance, including the right to vote.

2. That Section 2.10 of The Procedural By-law be deleted and the following be added:

~~Electronic Participation shall only be permitted during the period of the emergency declared by the Province of Ontario pursuant to section 7.0.1 of the Emergency Management and Civil Protection Act, related to the COVID-19 pandemic.~~

Electronic Participation shall only be permitted for a one-year period from the termination of the Provincial Declaration of Emergency being July 24, 2020 in consideration of the public health advice to limit the spread of COVID-19.

3. That section 2.11 of The Procedural By-law be amended to read as follows:

Electronic Participation during the period shall **only** be permitted for all **Standing** Committee meetings and any special, emergency or regular Council meeting.

4. That section 2.12 of The Procedural By-law be amended to read as follows:

The Regional Chair and/or **Standing** Committee Chair shall not be permitted to participate electronically **at any meeting over which they are presiding**.

- (a) **A Committee Chair (Co-Chair) may participate electronically at any meeting subject to consultation with Clerk's staff and the staff representative for that Committee in advance to ensure appropriate procedures are in place for electronic participation.**

5. That section 2.13 of The Procedural By-law be amended to read as follows:

The member ~~of Council~~ who wishes to participate in a meeting electronically shall provide the Clerk a minimum of 24 hours' notice in advance.

6. That this by-law shall come into force and effect on the day upon which it is passed.

7. The amendments effected by this By-law shall be deemed repealed and no longer in force and effect at 12:01 a.m. on July 24, 2021 unless otherwise extended or repealed by resolution of Council.

THE REGIONAL MUNICIPALITY OF NIAGARA

James Bradley, Regional Chair

Ann-Marie Norio, Regional Clerk

Passed: <date>

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