

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 By-law 2020-51 being a by-law to amend By-law 120-2010, The Procedural By-law was passed on July 20, 2020, to enact a by-law to permit electronic meeting participation for a one-year period in consideration of public health advice to limit the spread of COVID-19;

WHEREAS Regional Council deems it advisable to amend By-Law 120-2010, The Procedural By-Law, to allow for the continuation of electronic participation in meetings for the duration of Niagara Region's declaration of emergency and for a period of three months thereafter in consideration of the ongoing COVID-19 pandemic and 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 deleted and replaced with the following:

A Council or Committee member who participates in a 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 replaced with the following:

Electronic Participation shall only be permitted during the period of the Niagara Region Declaration of Emergency and for a period of three months thereafter in consideration of public health advice to limit the spread of COVID-19.

3. That Section 2.11 of The Procedural By-law be deleted and replaced with the following:

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

4. That Section 2.12 of The Procedural By-law be deleted and replaced with the following:

The Regional Chair or Acting Regional Chair and/or Committee Chairs of the Budget Review Committee of the Whole, Corporate Services Committee, Planning and Economic Development Committee, Public Health and Social Services Committee and Public Works Committee 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, other than those noted above, 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 deleted and replaced with the following:

Any Council or Committee member 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 three months after the date of the termination of the declaration of the state of emergency by Niagara Region.

THE REGIONAL MUNICIPALITY OF NIAGARA

James Bradley, Regional Chair

Ann-Marie Norio, Regional Clerk

Passed: <date>