

THE REGIONAL MUNICIPALITY OF NIAGARA

BY-LAW NO. <>

A BY-LAW TO AMEND BY-LAW 120-2010, THE PROCEDURAL BY-LAW  
AND TO REPEAL BY-LAW 2020-11

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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 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 which is open to the public to the extent and in the manner set out in the by-law;

WHEREAS on March 19, 2020 the Province of Ontario enacted the *Municipal Emergency Act, 2020*, to amend the *Municipal Act, 2001* to provide for full electronic participation by a member of council in meetings, including in being counted in determining whether or not a quorum of members is present and during meetings that are closed to the public, during any period where an emergency has been declared to exist in all or part of the municipality pursuant to the *Emergency Management and Civil Protection Act*;

WHEREAS By-law 2020-11, being a by-law to amend the Procedural By-law 120-2010 was passed on March 18, 2020 to allow electronic participation in meetings;

WHEREAS Regional Council deems it advisable to amend By-Law 120-2010, The Procedural By-Law to allow for electronic participation in meetings during the COVID-19 (Novel Coronavirus) Pandemic;

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

1. That the following wording be added to By-law No. 120-120 in Section 1.1 - Definitions:
  - (ee) "Electronic Participation": means participation in a Meeting from a remote location by such electronic means or service as determined and provided by the Clerk.

2. That the following wording be added to Section 2 – General:
  - 2.8 A Council 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.
  - 2.9 The method and technology used for Electronic Participation in open or closed session meetings and the procedure for voting shall be determined by the Clerk and Chief Administrative Officer, in consultation with the Regional Chair, based on advice and resources available from Information Technology staff and the prevailing circumstances.
  - 2.10 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.
  - 2.11 Electronic Participation during this period shall only be permitted for Standing Committee meetings and any special, emergency or regular Council meeting.
  - 2.12 The Regional Chair and/or Committee Chair shall not be permitted to participate electronically at any meeting.
  - 2.13 The member of Council who wishes to participate in a meeting electronically shall provide the Clerk a minimum of 24 hours' notice in advance.
  - 2.14 Members who are participating electronically in a closed session meeting must ensure that no other person is in the location from which they are taking part in the meeting, or make appropriate arrangements so that any other persons cannot see or hear any of the confidential deliberations taking place. If this is not possible, the Member must withdraw from the meeting until it has reconvened into open session.
3. That By-law 2020-11 is hereby repealed.

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

THE REGIONAL MUNICIPALITY OF NIAGARA

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James Bradley, Regional Chair

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Ann-Marie Norio, Regional Clerk

Passed: < date >