

THE CORPORATION OF THE TOWN OF AMHERSTBURG

BY-LAW NO. 2022-047

By-law to amend By-law 2014-91 to permit Electronic Participation in meetings

WHEREAS the Municipal Act, 2001, S.O. 2001, c. 25, section 238 provides that a municipality shall establish a procedure by-law to govern meetings;

AND WHEREAS The Corporation of the Town of Amherstburg has enacted Procedure By-law 2014-91;

AND WHEREAS the Municipal Act, 2001, S.O. 2001, c.25, section 238 (3.1) provides that the municipality may include provisions within the procedure by-law that provide for a member of council, of a local board or of a committee of either of them, can participate electronically in a meeting to the extent and manner set out in the procured by-law;

AND WHEREAS the Municipal Act, 2001, S.O. 2001, c.25, section 238 (3.3) (a) and (b) indicates that the procedure by-law may provide that a member of council, of a local board or of a committee of either of them who is participating electronically in a meeting may be counted in determining whether or not a quorum of members is present at any point in time and that members may participate electronically in a meeting that is open or closed to the public;

AND WHEREAS The Corporation of the Town of Amherstburg considers it desirable to be able to hold Council meetings electronically;

NOW THEREFORE the Council of the Corporation of the Town of Amherstburg amends Procedure By-law 2014-91 by replacing the content in section 3.10 as follows:

3.10 Electronic Participation in Meetings

- a) Notwithstanding any other provision of this By-law, a Meeting may be conducted electronically. The Clerk, in consultation with the CAO and/or Mayor, shall determine the method and technology used for a meeting in which Members meet via Electronic Participation. Such determination shall be based on the resources available at the time, the prevailing circumstances of the Meeting, and any other factors that support the holding of an electronic meeting.
- b) A Member participating in a Meeting electronically shall:
 - i. Be counted for the purposes of determining Quorum;
 - ii. Log into the Meeting in advance of the start time to establish the necessary electronic connection before the Meeting is scheduled to begin;
 - iii. Ensure that their camera is on, as may be applicable;
 - iv. Mute their electronic device when they are not speaking;
 - v. Inform the Chair about their intention to leave the meeting either on a temporary or permanent basis; and,
 - vi. Have the same voting rights as if they were participating in the meeting in person. However, if any Member or the Clerk is unsure if the electronic voting is accurate, or questions the accuracy of the electronic vote, then a roll call vote shall be taken by the Clerk in which each Member's name is called and each Member responds verbally with their vote. The result of any recorded vote shall be determined by the Clerk, recorded in the Minutes and the Clerk's determination shall be final.
 - vii. Be limited to electronic participation from within Canada only.

- c) When a Meeting is “in person” (normally held at Council Chambers) a Member may make a request to participate electronically in a Meeting, subject to the following rules:
- i. The Member must provide the request in advance to the Clerk.
 - ii. A Member may not participate electronically in an “in-person” Meeting under this Section more than six times in a calendar year, except with Council approval in the event of extended illness or other extenuating circumstances.
 - iii. The Clerk shall determine the method of Electronic Participation of the Member after considering the resources available to both the Town and the Member, and any other factors necessary to give effect to the request.
- 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 shall rule on and determine the applicable in-meeting processes as may be adapted to a Meeting with Electronic Participation, which processes shall be consistent with this By-law and in accordance with the *Municipal Act*.
- f) 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, provided Quorum is maintained, the Meeting will continue. At the discretion of the Chair, a short recess may be taken to allow the Member to reconnect. A Member who is unable to connect electronically to a Meeting will not be able to participate or vote, shall be noted in the minutes as “not present” for that portion of the Meeting in which they are unable to connect, and any vote taken during the Member’s absence shall be valid.
- g) An Electronic Meeting will be open to the public, as required by the *Municipal Act*, 2001, except when closed to the public as permitted by law. A meeting open to the public shall include access and participation for the public to the meeting through electronic access or in-person attendance, where applicable.
- h) The Clerk may, from time to time, establish or amend procedures related to Electronic Participation, provided that such procedures do not conflict with the provisions of this By-law.

2. By-law 2020-029 is hereby repealed.

3. This By-law shall hereby come into effect as of the date and time of its passing.

Read a first, second, and third time this 25th day of April, 2022.



MAYOR – ALDO DICARLO



CLERK – VALERIE CRITCHLEY