

The Corporation of the Town of Lakeshore

By-law 30-2020

A By-law to Amend By-law 94-2017 being a Comprehensive By-law to Provide Rules Governing the Proceedings of the Council of the Town of Lakeshore and the Conduct of its Members

Whereas By-law 94-2017 was passed on December 12, 2017 pursuant to the *Municipal Act, 2001* for governing the calling, place and proceedings of meetings;

And whereas the Town of Lakeshore's business must continue to proceed during times of Emergency;

And whereas Council members may not be able to attend Council meetings in person during times of Emergency;

And whereas section 238(3.1) of the *Municipal Act, 2001* states that a procedure by-law may 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 provided that any such member shall not be counted in determining whether or not a quorum of members is present at any point in time;

And whereas the Council of The Corporation of the Town of Lakeshore considers it necessary and desirable to allow for the electronic participation of members in open Council meetings during times of Emergency;

And whereas circumstances during times of Emergency may result in times where members of Council may not be able to attend Council meetings but Town business must continue;

Now therefore, the Council of The Corporation of the Town of Lakeshore enacts as follows:

1. Section 1.1 of By-law 94-2017 is amended by inserting the following after paragraph (n) and before paragraph (o):

- "(n.1) "Electronic Attendance" means attendance at a meeting by use of telephone or digital means that:
 - i. enables all of the meeting's participants to hear and speak with each other, and
 - ii. enables the public to hear the statements and votes of the Council Members in electronic attendance during the part of the meeting that is open to the public;
- (n.2) "Emergency" means an emergency existing in the Town and declared in accordance with the *Emergency Management and Civil Protection Act*;
- (n.3) "Emergency Governance Committee" means a standing committee responsible for making binding decisions of Council when quorum cannot be achieved due to an Emergency."

2. Section 3.6 of By-law 94-2017 is amended by inserting the following immediately after section 3.6 and before section 3.7:

“3.6.1 Electronic Attendance by Council Members at Meetings

- a) Electronic Attendance by Council Members at meetings shall only be permitted:
 - a. For Council meetings during an Emergency or where the Member’s health or the health of others will be threatened by the attendance of the Council Member at a meeting; or
 - b. For Emergency Governance Committee meetings.
- b) Electronic Attendance by Members will not be permitted in a meeting closed to the public, unless otherwise permitted by law.
- c) If a Member intends to attend the meeting by Electronic Attendance, the Member shall provide the Clerk of notice of the Member’s intention 6 or more hours prior to the time at which the meeting is scheduled to commence.
- d) Members attending the meeting through means of Electronic Attendance may be included the calculation of quorum as and where permitted by the *Municipal Act, 2001*.
- e) A Member attending through means of Electronic Attendance shall not preside over a meeting.
- f) In the event of an interruption in the communications’ link to a Member in Electronic Attendance, the Chair may:
 - a. decide to take a short recess until it is determined whether or not the link can be re-established, or
 - b. continue the meeting and treat the interruption in the same manner as if a member who is physically present leaves the meeting room.”

3. Section 8.2 of By-law 94-2017 is repealed and replaced with the following:

“8.2 No Member shall speak to a question or motion until the Member has been recognized by the Mayor or Chair. A Member shall signal his/her/their desire to speak by verbally requesting the floor when the Member opens the floor to discussion.”

4. Section 9.1 of By-law 94-2017 is repealed and replaced with the following:

“9.1 Every Member present at a meeting of the Council or Committee when a question is put, shall vote, unless prohibited by statute. If prohibited, the Clerk shall record the name of the Member and the reason that he or she is prohibited from voting. A Member attending the meeting through means of Electronic Attendance shall vote by audibly stating “in favour” or “opposed”.”

5. Section 13 of By-law 94-2017 shall be amended by inserting the following after 13.3 and before the heading for Part 14:

“13.4 No decision of any Committee shall be binding on Council and, with the exception of the Emergency Governance Committee, no action shall be taken from that decision, unless Council adopts the Committee's recommendations.”

- 6. By-law 94-2017 is amended by inserting the attached Schedule “A” which shall form Schedule “A.1” to By-law 94-2017, shall form part of By-law 94-2017 and shall have the same effect as if it comprised part of the body of the by-law.
- 7. This By-law shall come into force and effect upon passage.

Read and passed in open session on March 19, 2020.

Tom Bain
Mayor

Kristen Newman
Clerk

Schedule “A” to By-law 30-2020

Schedule “A.1” to By-Law 94-2017 being a By-law to Provide Rules Governing the Proceedings of The Town of Lakeshore and the Conduct of its Members



The Corporation of the Town of Lakeshore

Terms of Reference

Emergency Governance Committee

1.0 Purpose

- 1.1** The Emergency Governance Committee shall be responsible for making binding decisions of Council when quorum of Council cannot be achieved due to a state of emergency.

2.0 Membership

- 2.1** The Committee shall be composed of a minimum of three and a maximum of four members of Council and shall not include citizen appointments.
- 2.2** The Mayor shall be the chairperson of the meeting. If the Mayor is unable to attend, the Deputy Mayor shall be the chairperson of the meeting. If the Mayor and Deputy Mayor are unable to attend, the Acting Mayor shall be the chairperson of the meeting. If the Mayor, the Deputy Mayor and the Acting Mayor are unable to attend the meeting, the members shall elect a chairperson from the members present.

3.0 Responsibilities

- 3.1** The Emergency Governance Committee is authorized to carry out all of the duties and responsibilities of Council that may be lawfully delegated provided that the following conditions exist:
- a) An Emergency; and
 - b) Council is unable to achieve quorum.
- 3.2** Decisions shall be limited to matters of immediate concern for the purpose of business continuity. Long-term governance decisions shall not be considered by the Committee.

4.0 Meetings

- 4.1** The Emergency Governance Committee will meet at the call of the Clerk.
- 4.2** The Emergency Governance Committee will operate pursuant to the Town’s Procedure By-law and is not subject to the Town’s Committee Guidelines.

5.0 Resources

- 5.1** The Clerk is the Municipal Liaison with the support of the Deputy Clerk.

6.0 References

- 6.1** *Emergency Management and Civil Protection Act*, R.S.O. 1990, c. E.9