

Municipality of Lakeshore

By-law 18-2023

Being 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 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 to the extent and in the manner set out in the by-law;

And whereas section 238(3.3) of the *Municipal Act, 2001* states that a procedure by-law may provide that,

- (a) a member of a 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
- (b) a member of a council, of a local board or of a committee of either of them can participate electronically in a meeting that is open or closed to the public;

And whereas it is deemed necessary to amend By-law 94-2017 to allow for virtual participation in Council meetings and electronic voting, as recommended by the Corporate Leader – Strategic & Legal Affairs at the February 14, 2023 Council meeting;

Now therefore the Council of the Municipality of Lakeshore enacts as follows:

1. Section 1.1 of By-law 94-2017 is repealed and replaced with the following:

“Abstain” means to refrain from voting. Abstentions are recorded as a vote in the negative unless the member is not participating in the vote due to a declared conflict on a matter before Council.

“Adjourned meeting” means the continuation of a Regular Meeting or Special Meeting which deals with unfinished business of the Regular Meeting or Special Meeting.

"Administration" shall mean, the Chief Administrative Officer and their designates which shall be a member of the Senior Management Team.

"Agenda" means the written Order of Business.

"Chair" means the person presiding over a meeting, who is charged with the responsibility to decide questions and points of order or practice, preserve order and maintain decorum in the proceeding. The Chair (except where disqualified) shall vote on all questions.

"Chief Administrative Officer" means the Chief Administrative Officer of the Municipality of Lakeshore or their designate.

"Civic or Public Holiday" means those listed as holidays in the *Interpretation Act*, R.S.O. 1990 c.l. 11 Section 29.

"Clerk" means the Clerk of the Municipality of Lakeshore or their designate.

"Closed Session" means a Council or Committee meeting or portion thereof, which is closed to the public in accordance with the *Municipal Act, 2001* S.O. 2001, C. 25.

"Committee" means a Special Committee of Council which has been duly appointed to deal with specific matter and provides advice and/or recommendations to Council. It shall also include any advisory or other committee, subcommittee or similar entity.

"Communications" includes but is not limited to the following: letter, memorandum, report, notice, electronic mail, facsimile, petition, brochure, newspaper or magazine article.

"Consent Agenda" means a listing of items of business of a routine nature which do not require substantial discussion and/or debate

"Council", in the context of the Municipality of Lakeshore, is comprised of eight members and includes a Mayor and Deputy Mayor elected at large and one Councillor elected from each ward in the Municipality of Lakeshore.

"Councillor" is the term consistent with the *Municipal Act, 2001* and is the title assigned to a Member elected to represent electors of a specific Ward.

"Delegations" means any person or group of persons who wish to appear before Council to speak on matters listed on the Agenda.

“Division of the Question” means a request by a Member to have a motion divided into parts which are capable of standing alone, so that these parts may be considered separately.

“Electronic Attendance” means attendance at a meeting by use of video-enabled technology that:

- i. enables all of the meeting’s participants to see, hear and speak with each other when permitted, and
- ii. enables the public to hear the statements and hear or see the votes of the Council Members during the part of the meeting that is open to the public.

“Emergency” means an emergency existing in the Municipality and declared in accordance with the *Emergency Management and Civil Protection Act*.

“Emergency Governance Committee” means a standing committee responsible for making binding decisions of Council when quorum cannot be achieved due to an Emergency.

“Hybrid Meeting” means a Meeting conducted in a manner that permits both Electronic and in person attendance by Members of Council, members of Administration and members of the public.

“Improper Conduct” means conduct which offers any obstruction to the deliberations of proper action of Council.

“Local Board” includes any body performing any public function prescribed by regulation but does not include a police services board.

“Majority” means more than half of the votes cast by Members entitled to vote.

“Mayor” is the head of Council who is elected at large by general vote and is the ex-officio of all Committees of Council.

“Meeting” means any regular or special meeting of a Council, or of a Local Board or of a Committee of either of them, where a quorum of Members is present, and Members discuss or otherwise deal with any matter in a way that materially advances the business or decision making of the Council, Local Board or Committee.

“Member of Council” means a person duly elected or appointed to serve on the Council for the Municipality of Lakeshore.

“Municipality” shall mean the Municipality of Lakeshore. In this by-law, the term “Corporation of the Town of Lakeshore” or “Town of Lakeshore” shall have the same meaning as Municipality.

“Notice of Motion” means an advance notice to Members on a matter which Council will be asked to take a position.

“Order of Business” means the sequence of business under consideration at a meeting that has been duly called and constituted.

“Pecuniary Interest” means a direct or indirect interest within the meaning of the *Municipal Conflict of Interest Act*, R.S.O. 1990, c. M.50.

“Point of Order” means a matter that a Member considers to be departure from or contravention of the rules, procedures or generally accepted practices of the Council.

“Point of Personal Privilege” means a matter that a Member considers to impugn his/her integrity or the integrity of the Council.

“Public Meeting” means any meeting of Council that is not closed to the public pursuant to provisions of the *Municipal Act, 2001* and this by-law.

“Quorum” means the number of members of Council who must be present in the meeting in order that business can be legally transacted. (The quorum for the purpose of Council Meetings shall be 5 Members of Council.) For Committees, quorum means the majority of the whole number of appointed members who are present.

“Recorded Vote” means recording in the Council Minutes, the names of each Member present and the manner of their respective votes on a matter or question before the Council. In the case of a Member who has declared a conflict on the matter or question, the minutes shall so reflect that action. In the event that a Member abstains or otherwise does not indicate their vote, it shall be recorded as a vote in the negative.

“Regular Meeting” means a scheduled Council meeting held in accordance with the approved calendar/schedule of meetings.

“Rules of Procedure” means the applicable procedural rules and rules of conduct contained in this by-law.

“Special Meeting” means a meeting not scheduled in accordance with the approved calendar/schedule of meetings.

“Special Purpose Committee” means a Committee established by Council if deemed necessary to consider a specific matter. Council shall establish the composition, mandate and timelines for a final report from the Special Purpose Committee.”

2. Section 3.2 of By-law 94-2017 is repealed and replaced with the following:

“a) All Regular and Special meetings of Council shall be held as Hybrid Meetings, unless an emergency dictates otherwise, in which case notice should be issued to the public in whatever means is practicable in the circumstance.”

3. Section 3.6.1 of By-law 94-2017 is repealed and replaced with the following:

“Electronic Attendance by Council Members at Meetings

- a) In the event that a Member is disconnected from a meeting while in Electronic Attendance, the Chair shall announce a recess until it is determined whether or not the electronic connection can be re-established, at which time the Clerk shall attempt to contact the Member by an alternative method of communication and permit the Member time to re-establish the connection.
- b) In the event that a disconnection impacts more than one Council Member, the meeting shall be deemed recessed until such time as the connections are re-established.
- c) In the event that the Chair is disconnected while in Electronic Attendance, the Vice-Chair shall act in the place of the Chair.
- d) In the event that a Member has been disconnected while in Electronic Attendance and confirms with the Clerk that the connection cannot be re-established, the Chair shall:
 - i. Continue the meeting and treat the interruption in the same manner as if a Member who is physically present leaves the meeting room; or
 - ii. Recess the meeting until such time as the Member is able to establish a different connection, including connection by audio only, to continue attendance at the meeting; or
 - iii. Adjourn the meeting; or
 - iv. Any combination of i, ii or iii.”

4. Section 7.3.1 of By-law 94-2017 is repealed and replaced with the following:

“Members of the Public may attend the meeting in person, or by use of telephone, video or a combination of both. In the event that a Member of the public is disconnected, the Chair may do any one or a combination of the following:

- a) call a recess to permit the member of the public time to reconnect;
- b) move to the next item on the agenda, while allowing time for the member of the public to reconnect; and
- c) having provided sufficient opportunity for the member of the public to reconnect, proceed with the matter; and
- d) take any other measures necessary to ensure a fair and transparent process.”

5. Section 7.3.2 of By-law 94-2017 is repealed and replaced with the following:

“Members of the Public shall:

- a) Respect the decorum of Council;
- b) Where possible, mute their microphones while not speaking;
- c) Refrain from public outbursts, shouting, or behaviour intended to disrupt the debate, discussion and/or general proceedings of the meeting; and
- d) When attending the meeting virtually, ensure that they have a stable connection to facilitate attending in a virtual manner.”

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

“a) 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.

b) A Member shall indicate their vote by selecting the option in the Electronic Voting Tool, where available. If the Electronic Voting Tool is not available for any reason, the Member shall advise the Chair and audibly state if “in favour” or “opposed” to the motion.”

7. This By-law comes into force and effect upon passage.

Read and passed in open session on February 14, 2023.

**Mayor
Tracey Bailey**

**Clerk
Kristen Newman**