

Appendix "A"

Legislative Amendments to the *Municipal Act*

Bill 187

Section 238 of the *Municipal Act, 2001* is amended by adding the following subsections:

Electronic Participation, emergencies

(3.3) The applicable procedure by-law may provide that, during any period where an emergency has been declared to exist in all or part of the municipality under section 4 or 7.0.1 of the *Emergency Management and Civil Protection Act*,

(a) despite subsection (3.1), 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

(b) despite subsection (3.2), 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 closed to the public.

Same, procedure by-law

(3.4) A municipality or local board may hold a special meeting to amend an applicable procedure by-law for the purposes of subsection (3.3) during any period where an emergency has been declared to exist in all or part of the municipality under section 4 or 7.0.1 of the *Emergency Management and Civil Protection Act* and despite subsection (3.1), a member participating electronically in such a special meeting may be counted in determining whether or not a quorum of members is present at any time during the meeting.

Draft By-law

BY-LAW NUMBER ##-2020

A BY-LAW TO AMEND BY-LAW 98-2011 AS AMENDED, BEING A BY-LAW TO PROVIDE RULES GOVERNING THE PROCEEDINGS OF WINDSOR CITY COUNCIL MEETINGS AND ITS COMMITTEES AND THE CONDUCT OF ITS MEMBERS.

Passed the ##TH day of ###, 2020.

Whereas Section 238(3.1) of the *Municipal Act, 2001, S.O. 2001, c. 25* (the “Act”), allows for a municipality’s procedural by-law to permit a member of council, or a committee, to participate electronically in a meeting which is open to the public to the extent and in the manner set out in the by-law; and,

Whereas Section 238(3.3) of the Act allows for a municipality’s procedural by-law to permit members participating electronically to be counted in determining quorum and to participate in meetings that are closed to the public during an emergency declared under section 4 or 7.0.1 of the *Emergency and Civil Protection Act*; and,

Whereas on March 17, 2020 a Declaration of Emergency was made by the Province of Ontario pursuant to Section 7.0.1 of the *Emergency Management and Civil Protection Act* related to COVID-19; and,

Whereas on March 20, 2020 Mayor Dilkens, as part of the City of Windsor’s ongoing response to COVID-19, officially declared a State of Emergency under s 4(1) of the *Emergency Management and Civil Protection Act*,

Therefore be it resolved that the City of Windsor Procedural By-law 98-2011, as amended, be further amended as follows:

1. Part 1 – Interpretation/Definition, be amended to add the following new definition:

“Electronic Participation” means a council member who participates in a council or committee meeting from a remote location by such electronic means or services as determined and provided by the Clerk has the same rights and responsibilities as if he or she were in physical attendance, including that they shall count towards a quorum of members and shall be permitted to participate in any portion of a meeting which is closed to the public.

2. Section 3.8 Electronic Participation be added as follows:

3.8 Electronic Participation

- a) Electronic Participation shall be available only in circumstances during a period where an emergency has been declared to exist in all or part of the City of Windsor under section 4 or 7.0.1 of the *Emergency Management and Civil Protection Act*, R.S.O 1990, c. E.9.
- b) Any Member who is not physically present in the location where a Meeting takes place is permitted to participate electronically in both Open and In-Camera session and shall have the same rights to speak and vote as if the Member were physically present.

- c) All Members who participate electronically shall be counted in determining whether a Quorum of Members is present.
- d) The Clerk shall be required to be physically present in the location where any meeting with electronic participation takes place;
- e) The Chair of the Meeting (for Council meetings: The Mayor, or Acting Mayor under By-law 176-2018) must moderate the meeting;
- f) Any Member intending to participate in a meeting electronically is encouraged to provide the City Clerk or the Deputy City Clerk a minimum of 24 hours' notice where possible;
- g) Each member participating in a meeting electronically shall be available at least fifteen (15) minutes before the beginning of the meeting to assist staff in establishing the electronic connection;
- h) Each member participating in a meeting electronically will mute his or her electronic device when he or she is not speaking;
- i) The Chair will canvass Members participating electronically about their intention to speak to a matter on the floor and will notify each Member when it is his or her turn to speak;
- j) Voting shall occur via the "recorded vote" process;
- k) Member(s) participating electronically will be deemed to have left the meeting when they are no longer electronically connected to the meeting;
- l) Where any conflict of interest is declared In-Camera pursuant to section 5.3, the Member shall disconnect from the meeting but may reconnect when the matter is finished;
- m) Delegates shall not be permitted to participate electronically. If circumstances do not allow a Delegate to appear in person, a written submission may be made in accordance with Section 10.11;
- n) Once a Member disconnects from the Meeting whether intentional or accidental, the Member is deemed to have left the Meeting and shall not rejoin.
- o) The Chair is authorized to adjust any provisions of this By-law made impossible by the features and functionality of the electronic means or service used to permit Electronic Participation.

This by-law comes into force and effect on the date of the final passage hereof.

DREW DILKENS, MAYOR

CITY CLERK

First Reading - March 24, 2020
Second Reading- March 24, 2020
Third Reading - March 24, 2020