



# The Municipal Corporation of the Town of Fort Erie

## By-law No. 50-2022

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### Being a By-law to Amend Council Rules of Procedure By-law No. 36-2016, as amended Electronic Meetings & Participation

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**Whereas** subsection 238(2) of the *Municipal Act, 2001*, S.O. 2001, C.25, as amended, (the “Act”) provides that every municipality shall pass a procedure by-law for governing the calling, place and proceedings of meetings, and

**Whereas** Council Rules of Procedure By-law No. 36-2016 was passed by the Municipal Council of the Town of Fort Erie on March 29, 2016, and provides for the calling, place and proceedings of meetings of Council and Council-in-Committee, and local boards (excluding BIA Boards of Management); and

**Whereas** in response to the COVID-19 pandemic, the Province of Ontario enacted the *Municipal Emergency Act, 2020* to amend Section 238 of the *Act* to give municipalities the ability to fully conduct both open and closed meetings of Council, committees (as defined in the *Act*) and local boards electronically when an emergency has been declared pursuant to the *Emergency Management and Civil Protection Act*, in order to respond quickly and continue to function when in-person meetings cannot be held and Council decisions need to be made; and

**Whereas** By-law No. 39-2020 was passed by the Municipal Council of the Town of Fort Erie to amend Council Rules of Procedure By-law No. 36-2016 to permit electronic participation in meetings by members of Council where a Declaration of Emergency has been declared; and

**Whereas** on July 21<sup>st</sup>, 2020, Bill 197, the *COVID-19 Economic Recovery Act, 2020*, was enacted to further amend Section 238 of the *Act* to provide that the Procedural By-law may provide that a member of Council, local board or a committee (as defined in the *Act*), can participate electronically in an open or closed meeting to the extent and in the manner set out in the by-law, and the member may be counted in determining quorum; and

**Whereas** By-law No. 95-2020 was passed by the Municipal Council of the Town of Fort Erie to further amend Council Rules of Procedure By-law No. 36-2016 to permit members of Council, local boards and committees (as defined in the *Act*), to hold and participate in electronic meetings under certain circumstances, including delegations; and

**Whereas** at the Council Meeting held on April 25<sup>th</sup>, 2022, Resolution No. 11 was passed to authorize further amendments to Council Rules of Procedure By-law No. 36-2016 to broaden electronic participation; and

**Whereas** it is deemed expedient to further amend Council's Rules of Procedure By-law No. 36-2016, as amended, in accordance with the said Resolution No. 11;

**Now therefore** the Municipal Council of The Corporation of the Town of Fort Erie enacts as follows:

1. **That** Rules of Procedure By-law No. 36-2016, as amended, is further amended by repealing subsection 4.4 c) and replacing it with the following:

**"4.4 c) Electronic Participation**

- i) All members of Council, of a local board, or of a committee of either of them as defined in the *Municipal Act, 2001*, as amended, or replaced, may participate electronically in an open meeting when and as permitted by the *Municipal Act, 2001*, as amended or replaced, or any other provincial statute.
- ii) Members of Council, of a local board, or of a committee of either of them as defined in the *Municipal Act, 2001*, as amended, or replaced, may participate electronically in an open meeting if they:
  - a) are ill,
  - b) have a disability which makes it difficult to attend in person,
  - c) need to care for a sick family member,
  - d) due to inclement weather, or
  - e) are required to work out of Town,subject to advance notice being provided to the Clerk of the need to attend electronically, and the reason.
- iii) Members of Council, or of a local board, or of a committee of either of them as defined in the *Municipal Act, 2001*, as amended, or replaced, participating electronically, shall be counted in determining whether or not a quorum of members is present at any point in time, and shall have the same rights and responsibilities as if he or she were in physical attendance, including the right to vote.
- iv) Delegations registered to present to Council are permitted to participate electronically in meetings upon providing notice to the Clerk by noon on the Friday prior to the meeting. All other rules pertaining to delegations in Section 9 of this by-law shall be adhered to.
- v) Members of Town Staff may participate electronically in an open meeting, in the discretion of the Chief Administrative Officer.
- vi) Statutory Public Meetings under the *Planning Act*, as amended, or replaced, and any other Public Meetings legislated by statute, shall be held as hybrid meetings permitting both in person and electronic participation by the public.

vii) For greater clarity, meetings that are not open to the public may not be held electronically except where an emergency has been declared by the Head of Council.”

**2. That** Rules of Procedure By-law No. 36-2016, as amended, is further amended by repealing subsection 9.1 (c) and replacing it with the following:

“(c) Anyone wishing to appear electronically as a delegation before Council at an in-person meeting, may request the Clerk to permit an electronic delegation in a manner made available by the municipality, provided that notice is given to the Clerk by noon on the Friday prior to the meeting.

**3. That** the Clerk of the Town is authorized to effect any minor modifications, corrections or omissions, solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

**Read a first, second and third time and finally passed this 9<sup>th</sup> day of May, 2022.**

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Mayor

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Clerk

I, Carol Schofield, the Clerk, of The Corporation of the Town of Fort Erie certifies the foregoing to be a true copy of By-law No. 50-2022 of the said Town. Given under my hand and the seal of the said Corporation, this \_\_\_\_\_ day of \_\_\_\_\_, 20 .

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