

The Corporation of the City of Kawartha Lakes

By-Law 2020-XXX

A By-law to Amend By-law 2020-001, being a By-law to Govern and Regulate the Proceedings of the Council of the City of Kawartha Lakes

Recitals

1. Section 236(1) of the Municipal Act, 2001, S.O. 2001, C. 25, as amended from time to time (the “Municipal Act”), requires the council of a municipality to hold its meetings within the municipality or an adjacent municipality at a place set out in the municipality’s procedure by-law; however, in the case of an emergency, it may hold its meetings at any convenient location within or outside the municipality.
2. Section 238(2) of the Municipal Act, requires that every municipality and local board pass a procedural by-law for governing the calling, place and proceedings of meetings;
3. Subsection 238(3.3) of the Municipal Act permits a procedural by-law to provide for full electronic participation in council, local board or committee meetings, including in being counted in determining whether or not a quorum of members is present and during meetings that are closed to the public, 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, R.S.O. 1990, c. E.9, as amended from time to time; and
4. The Council of the City of Kawartha Lakes adopted By-law 2020-001, being a By-law to Regulate Govern and Regulate the Proceedings of the Council of the City of Kawartha Lakes, at the January 28, 2020 Regular Council Meeting

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2020-XXX.

Section 1.00: Definitions and Interpretation

1.01 Definitions:

All defined terms in this amending by-law take their meaning from By-law 2020-001 of the City of Kawartha Lakes with the addition of the following:

“Electronic Participation” includes telephone, video or audio conferencing or other interactive method whereby members, staff and the public are able to hear the member(s) participating by electronic means and the member(s) participating by electronic

means are able to hear other members, staff and other meeting participants.

1.02 Interpretation Rules:

(a) The words “include” and “including” are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

1.03 Statutes: References to laws in this by-law are meant to refer to the statutes, as amended from time to time, that are applicable within the Province of Ontario.

1.04 Severability: If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law shall be considered to be severed from the balance of the by-law, which shall continue to operate in full force and effect.

Section 2.00: Amendment Details

2.01 Amendment: That a new Section 5.06 be inserted after section 5.05 in By-law 2020-001 as follows:

5.06 Electronic Participation:

Where an emergency has been declared by the Head of Council or Premier of Ontario in all or part of the City of Kawartha Lakes under Section 4 or 7.0.1, respectively, of the Emergency Management and Civil Protection Act, and an Emergency Meeting or Special Council Meeting has been summoned by the Head of Council, the following procedural rules are established about electronic participation in such meetings for the duration of the emergency:

1. City Council, Local Board or Planning Advisory Committee members may participate in an open or closed session by electronic participation and be counted for the purpose of establishing quorum;
 - a. If a member loses electronic connection temporarily to the meeting, that member shall be treated as if they left the physical room of a traditional meeting and the time noted by the City Clerk or Recording Secretary.
2. All votes shall be by show of hands or by verbal consent (yes or no);
3. City Council shall have the discretion to consider any items previously considered by the Committee of the Whole, Planning Advisory Committee, any other Committee of Council, but not yet confirmed by City Council at the time the emergency was declared, as part of an emergency meeting called under Section 5.02;
4. That subject to direction from the Head of Council or Chair to the City Clerk or Recording Secretary, the meeting will proceed

without deputations. Written correspondence received from the public may be circulated to Council members prior to the start of the meeting electronically;

5. For public notice purposes, the location of the meeting published on the agenda shall be the physical location of the City Clerk or Recording Secretary during the meeting; If the location of the City Clerk can not be open to the public, the City Clerk shall provide notice to the electronic location of where the meeting can be viewed;
 - a. Members I shall be provided instruction by the City Clerk, Recording Secretary, Chief Administrative Officer, or their delegate how to access the meeting by means of electronic participation;
6. A recording of the open session of the meeting shall be preserved for a period of time determined by the Records Retention by-law for the public record; and
7. All members participating electronically in a Closed Session of Council shall declare to the Head of Council and the City Clerk, following the adoption of the Closed Session Agenda, that they are in a private room, where:
 - a. No other persons can overhear the deliberations; and
 - b. The internet connection is secure and not publically accessible.

Section 3.00: Administration and Effective Date

3.01 **Administration of the By-law:** The City Clerk is responsible for the administration of this by-law.

3.02 **Effective Date:** This By-law shall come into force on **April 28, 2020**.

By-law read a first, second and third time, and finally passed, this 28th day of April, 2020.

Andy Letham, Mayor

Cathie Ritchie, City Clerk