

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 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;
2. Bill 197, COVID-19 Economic Recovery Act, 2020 Schedule 12 amending Section 238 of the Municipal Act, received Royal Assent on July 21, 2020. The Schedule amends several provisions of the Municipal Act, 2001 to allow the Procedural By-law to provide for full electronic participation in meetings.
3. The Procedural By-law as amended may provide that, 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 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.
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 Sections 5.06 and 5.07 be deleted and replaced in By-law 2020-001 as follows:

5.06 Electronic Participation:

The following procedural rules are established for electronic participation meetings:

1. City Council, Local Board or Committee members may participate in an open or closed session by electronic participation and be counted for the purpose of establishing quorum.
2. In the case of an interruption in the communication link to the member(s) participating electronically, Council will recess to a maximum of 15 minutes until it is determined whether or not the link can be re-established. If communications are not re-established, the meeting will resume without the electronic participant(s).
3. A Member participating by Electronic Means shall inform the Chair about their intentions to leave the meeting either on a temporary or permanent basis.
4. A Member participating by Electronic Means will be deemed to have left the meeting when they are no longer electronically connected to the meeting.
5. 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.
6. All votes shall be by show of hands or by verbal consent (yes or no).
7. 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;

8. 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;
9. Members 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.
10. 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.
11. All electronic meetings will be available on Livestreaming or other video technology.
12. Close Sessions - 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 **July 28, 2020**.

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

Andy Letham, Mayor

Cathie Ritchie, City Clerk