

# Amendment related to COVID-19

## The Corporation of the Township of Guelph/Eramosa

### By-law Number 16/2020

#### **A By-law to amend By-law 5/2018, being a By-law to provide rules governing the order and proceedings of Council and the Committees of Council of the Corporation of the Township of Guelph/Eramosa.**

**WHEREAS** it is necessary and expedient that there should be rules governing the order and proceedings of the Council and its Committees of Council;

**AND WHEREAS** the Township deems it appropriate to amend By-law 5/2018, being a by-law to provide rules governing the order and proceedings of Council and Committees of Council;

**AND WHEREAS** Bill 187, being an Act to amend the *Municipal Act, 2001*, received Royal Assent on March 19, 2020;

**AND WHEREAS** Bill 187 provides that during emergencies, should they choose to, members of council that participate electronically in open and closed meetings may be counted for the purposes of quorum;

**AND WHEREAS** section 238(3.4) of the *Municipal Act, 2001* provides that a municipality may hold a special meeting to amend an applicable procedure by-law for the purposes of subsection 238(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 238(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;

**NOW THEREFORE BE IT RESOLVED THAT** the Council of the Corporation of the Township of Guelph/Eramosa enacts as follows:

1. **THAT** Section 1.0 - Definitions of Procedural By-law 5/2018 is hereby amended by adding the following: "Electronic Participation" – shall mean participation in a meeting, during an emergency declared locally or provincially under the *Emergency Management and Civil Protection Act*, by means of any video or audio device such as telephone, video or audio conferencing or other interactive method.
2. **THAT** Section 4.0 - Meetings of Procedural By-law 5/2018 is hereby amended to include a new paragraph 4.3 as follows:

#### 4.3 Electronic Participation – During a Declared Emergency

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) That despite subsection 238(3.1) of the Municipal Act, a member of Council who is participating electronically in a meeting shall be counted in determining whether or not a quorum of members is present at any point in time; and
- b) That despite subsection 238(3.2) of the Municipal Act, a member of Council can participate electronically in a meeting that is closed to the public.

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## 4.3.1 Scope of Participation – Members of Council

Any Member who is not physically present in the location where a Meeting takes place is permitted to participate electronically in both Open and Closed Sessions and shall have the same rights to speak and vote as if the Member was physically present.

## 4.3.2 Electronic Participation – Clerk

The Clerk or designate shall be present electronically during any meeting in which all or some Members are participating electronically.

## 4.3.3 Electronic participation – Notice to Clerk

Members are encouraged to notify the Clerk twenty-four (24) hours in advance of any Meeting at which they intend to participate electronically.

## 4.3.4 Electronic participation – Motions in Writing

The provision requiring that all motions be made in writing in Section 15.1 shall not apply to meetings with electronic participation.

## 4.3.5 Electronic participation - Delegations

Delegates shall not be permitted to participate electronically. Any person wishing to delegate on an item shall submit a written submission to the Clerk no later than 48 hours prior to the start of the meeting, which will be distributed to members and will form part of the public record.

3. **THAT** all other provisions of By-law 5/2018, as amended, remain in full force and effect.
4. **AND THAT** this By-law shall come into force and effect and take on the date of its passing.

READ a three times and finally passed  
this **8th** day of **April, 2020**.

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Chris White, Mayor

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Amanda Knight, Clerk