

The Corporation of the Municipality of Brockton



By-Law 2020-038

Being a By-Law to Amend the Municipality of Brockton's Procedural By-Law.

Whereas Section 238 (2) of the *Municipal Act, 2001* S.O. 2001, c.25, as amended states that every municipality and local board shall pass a procedural By-Law for governing the calling, place and the proceedings of meetings;

And Whereas Section 238 (2.1) of the *Municipal Act, 2001* S.O. 2001, c 25, as amended requires that the Procedural By-Law provides for public notice of meetings;

And Whereas The Council of The Corporation of the Municipality of Brockton deems it advisable to enact a new By-Law to govern the proceedings of Council, the conduct of its members and the calling of meetings and to provide for procedures and statutory requirements in accordance with the Act, and to amend the previous By-Law 2018-092;

And Whereas Section 1 of the *Municipal Emergencies Act, 2020*, S.O. 2020, c. 4, provides that members of municipal councils may participate electronically in meetings and be counted when determining quorum during any period when an emergency has been declared to exist in all or part of the municipality;

Now Therefore the Council of The Corporation of the Municipality of Brockton enacts as follows:

- 1.0 That The Corporation of the Municipality of Brockton Council hereby amends the Municipality of Brockton's Procedural By-Law 2018-092 to include the following clauses:
 - 1.1 **1.23 "Emergency"**

Shall mean a situation that poses, in the opinion of Council, an immediate threat to the residents of Brockton, **or a declaration of emergency in accordance with s. 4 or 7.1 of the Emergency Management and Civil Protection Act, R.S.O, 1990, c. E.9.**
 - 1.2 **1.24 "Ex-Officio"**

Shall mean the Mayor who by virtue of office, shall be a member of all Committees and shall have the same rights and privileges as other members of the respective Committee, who is entitled to vote but does not form part of the quorum **of the Committee.**
 - 1.3 **1.56 "Recording/Electronic Device"**

Shall mean any device used for the purpose of recording or streaming whether it be analogue, digital or other means of recording, including but not limited to ~~MP3~~, computers, cell phones, voice recorders, **video streaming software**, and cameras.
 - 1.4 **2.2** The Inaugural Meeting of Council shall be held at 7:00 p.m. on the first **Tuesday** in December following a regular election.
 - 1.5 **2.5** Each Regular Council Meeting shall be held in the Council Chambers, except as otherwise provided for in this By-Law, and shall be held in accordance with the Meeting Schedule of Council as prepared by the Clerk and adopted by resolution of Council. Council Meetings shall take place on the second and fourth **Tuesday** of each month, unless a Meeting falls on a Statutory Holiday, in such case it will be on the **next day** immediately following the Statutory or other holiday. Council meetings will be held at 7:00 p.m.
 - 1.6 **2.6** In the event of a declared emergency by the Head of Council or any other Lead Agency in relation to a set of circumstances that meets the definition of "emergency" in the *Emergency Management and Civil Protection Act*, R.S.O. 1990, c. E.9, the Council shall be asked to meet at an identified location accessible by Members of Council, **which may include by electronic means such as telephone or video conferencing.**
 - 1.7 **2.41** Closed Session Meetings will not be recorded, streamed or otherwise communicated using a Recording/Electronic Device. Members of Council or others in attendance at a Closed

Session Meeting may be required to close all laptops and remove all Recording/Electronic Devices from the room, at the discretion of the Mayor. **Exceptions will be made for to allow electronic participation at a meeting held during an Emergency.**

- 1.8 **2.47** Council shall consider planning applications at Council Meetings that shall be held in the Council Chambers or as provided in the Public Notice, except as otherwise provided for in this By-Law, and shall be held in accordance with the Meeting Schedule as prepared by the Clerk at 7:00 p.m. based on applications received unless it falls on a Statutory or other Holiday in such case it will be held on the immediately following **day**.
- 1.9 **4.8** To be considered as part of Quorum for a meeting the Council member must be physically present for the meeting, **except for during periods when an emergency has been declared to exist in all or part of the Municipality under section 4 or 7.1 of the Emergency Management and Civil Protection act, in which case a member of Council shall be permitted to participate electronically in a meeting. Any such member of Council participating electronically shall be counted in determining quorum for the meeting and shall be permitted to participate fully in the meeting, including casting a vote.**
- 1.10 **4.9** A member of Council may only participate electronically by means of telephone or video conferencing.
- 1.11 **4.10** In the event that the meeting is being held electronically, the meeting shall commence with a roll call with all members of Council identifying themselves audibly, unless members can otherwise be visually identified.
- 1.12 **4.11** Members of Council participating by video-conferencing shall dress as though in attendance in person and shall be responsible for ensuring there is no background noise that would interfere with the meeting. If a closed session is held, members of Council shall verbally indicate to the Chair that they have taken reasonable steps to ensure that no other person is in the same room, unless that person would also be entitled to attend the Closed Session, and have adopted all other measures necessary to ensure the discussion remains confidential.
- 1.13 **4.12** Members who are participating electronically must connect to the meeting no later than 15 minutes prior to the commencement of the Council meeting. Members attending electronically may leave a meeting early, however, members must announce their departure prior to leaving the meeting. If electronic connection is lost during a meeting, no effort will be made by the Clerk to reconnect and the member attending electronically shall be considered to have left the meeting at the point of disconnection. This does not prevent the member from rejoining and announcing they have rejoined the meeting.
- 1.14 **4.13** In the event an Emergency has been declared as described in section 4.8 and the Rules of Procedure conflict with the need to facilitate electronic participation, the Chair, in consultation with the Clerk, shall have the authority to modify the Rules of Procedure to ensure members can effectively participate in the meeting. Otherwise, the Clerk, in consultation with the Chair, shall establish practices and procedures for electronic participation.
- 1.15 **4.14** In the event an Emergency has been declared as described in section 4.8 and a meeting is being held electronically, the Clerk and Employees shall also be permitted to participate electronically.
- 1.16 **4.18 (s)** In the event of a long-term emergency as described in paragraph 4.8 that necessitates meetings being held electronically for an extended period of time, delegation may be scheduled to address via video-conferencing. In the event that a connection is dropped, the Clerk shall attempt to re-connect the delegation once, after which time if a successful connection is not available, the next delegation shall present. Delegations that do have the capacity to connect by electronic means shall submit the delegation in writing for Council's consideration.
- 2.0 That By-Law 2018-092 is hereby amended.
- 3.0 This By-Law shall come into full force and effect upon final passage.
- 4.0 This By-Law may be cited as the "Amend Procedural By-Law".

Read, Enacted, Signed and Sealed this 7th day of April, 2020.