

# THE CORPORATION OF THE TOWNSHIP OF PERRY

## BY-LAW No. 2022-90

Being a By-law to amend the 2017-06 Procedural By-law of the Council of the Corporation of the Township of Perry

**WHEREAS** Section 238(2) of the *Municipal Act* 2001, S.O. 2001, as amended, states that every municipality and local board shall pass a procedure by-law governing the calling, place and proceedings of meetings;

**AND WHEREAS** Section 238(3.1) of the *Municipal Act* 2001, S.O. 2001, as amended, provides that the applicable procedure by-law may provide that a member of council, of a local board or of a committee of either of them, can participate electronically in a meeting to the extent and in the manner set out in this by-law;

**AND WHEREAS** Section 238(3.3) of the *Municipal Act* 2001, S.O. 2001, as amended further states a member of 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 can participate electronically in a meeting that is closed to the public;

**AND WHEREAS** the municipal Council of the Corporation of the Township of Perry deems it expedient to enact a By-law to govern and regulate the proceedings of Council, local boards and committees via electronic measures; and to amend Section 3.1 Inaugural Meetings to be consistent with the *Municipal Elections Act*;

**NOW THEREFORE** the Council of the Corporation of the Township of Perry enacts as follows:

### 1 ELECTRONIC MEETINGS

- 1.1 Members may participate electronically by phone or internet. Other forms of electronic communication may be permitted at the time by Council resolution. The Municipality shall pay costs associated with conference calling required for electronic participation. In the event there is a service interruption, the Chair shall call on recess for ten (10) minutes to rectify the situation.
- 1.2 There is no restriction to the number of meetings that an individual Member of Council may participate through electronic means.
  - a. The applicable procedure by-law may provide that,
    - i. Subsection 238.(3.3)(a), of the *Municipal Act*, 2001, as amended, 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
    - ii. Subsection 238.(3.3)(b), 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.

(2) Same, procedure by-law

- a. Subsection 238.(3.4) of the *Municipal Act*, as amended, authorizes a municipality or local board may hold a special meeting to amend an applicable procedure by-law for the purposes of subsection (3.3).

1.3 Electronic participation is permitted for any Session of Council whether it is Open or Closed.

**“Electronic Meeting”** means a meeting called and held in full or in part via electronic means (including, but not limited to, audio teleconference, video teleconference, or via means of the internet), and with or without in person attendance.

1.4 Members participating electronically in the meeting are included when determining quorum.

All members of council who participate in a meeting through electronic means in accordance with this By-law and the *Municipal Act, 2001*, as amended, shall be deemed to be present at the meeting for the purposes of every Act.

All members of council can participate in both open and closed meetings and that all members participating electronically count towards quorum.

Members of council can participate either electronically or be physically present in the council chambers so long as a quorum can still be met.

A public notice of an Electronic Meeting shall include sufficient information as to provide the public with a means to electronically access the open session of such Electronic Meeting.

An Electronic Meeting shall not permit public delegations, except by way of electronic submission received in advance of the meeting, which shall be submitted to the Clerk-Administrator prior to the Friday before the next Regularly Scheduled Council meeting.

Municipal staff shall ensure that said electronic means shall permit the members of council and the public to hear and be heard by all other participants in the meeting.

1.5 The Chair of the meeting may be physically present or participating electronically. The Chair may make meeting specific requirements to maintain order in the meeting based on the mix of physically and electronically present participants.

1.6 The Chair shall ensure that Members participating electronically are given the same opportunity to speak to each question as they would have been given if present in Council Chambers.

Electronic means shall include

- i) teleconferencing, or
- ii) videoconferencing (including GoToMeetings, Webex, Skype, etc.)



During the meeting proceedings, all members of council microphones and municipal staff will remain on. Where members of the public are participating in conference calls or videoconferencing, those microphones shall be muted and only unmuted when the Head of Council requests public comment or feedback.

1.7 All other privileges, rights and obligations contained in the Procedural By-law apply whether a Member is physically present in Council Chambers or is participating through electronic means.

1.7.1 A public notice of an Electronic Meeting shall include sufficient information as to provide the public with a mean to electronically access the open session of such Electronic Meeting.

## 2 DEFINITION

2.1 "Electronic Meeting" means a meeting called and held in full or part via electronic means (including, but not limited to, audio teleconference, video teleconference, or via means of the internet) and with or without in person attendance.

## 3 PROCEDURES

3.1 The Township of Perry shall ensure that, in respect of meetings that are open to the public, electronic means will be posted on the Township of Perry website: [www.townshipofperry.ca](http://www.townshipofperry.ca) with the meeting participation instructions and shall be provided to the public.

3.2 A roll call for all those who are in attendance via electronic means shall state their full name and will be recorded by the Clerk-Administrator or his or her designate and be maintained with the Meeting Minutes.

3.3 Any member of council who is declaring a pecuniary interest must do so by stating their full name, the date of the pecuniary interest and the reason for the declaration.

3.4 An Electronic Meeting shall not permit public delegations, except by way of electronic submission received in advance of the meeting, which shall be submitted to the Clerk-Administrator prior to the Friday before the next regularly scheduled Council Meeting.

## 4 VOTING AT ELECTRONIC MEETINGS

4.1 In preparation of council meeting motions, council members must indicate their willingness to let their name stand as mover and seconder. Prior to the vote, the Head of Council will read each motion and request a mover and seconder. The mover and seconders' name shall be recorded on the motion.

The Head of Council will call the vote for:

- i) those in favour of the motion
- ii) those opposed to the motion

4.2 The Head of Council shall ensure all members of council attending electronically are polled for each vote.

4.3 All resolutions will be considered to be carried after the Head of Council has polled each vote or defeated, whatever the case may be, and each resolution shall be maintained with the Minute Meetings.

5 INAUGURAL MEETING OF COUNCIL

5.1 The inaugural meeting of Council shall be held at 7:00 p.m. in the Council Chambers at the Municipal Office on the first Wednesday in December following a regular municipal election, or the first Wednesday after the Council term commences, pursuant to the *Municipal Elections Act*, 1996, S.O. 1996, c.32, Sch.

5.2 The Mayor Elect and Clerk shall be responsible for the format, agenda content, and arrangements for the inaugural meeting, but the agenda shall include the declaration of office, pursuant to Section 232 of the *Municipal Act*.

**AND THAT** By-law No. 2020-54 is hereby repealed.

**READ** a First, Second, and Third Time and Finally Passed and Enacted in Open Council this 5<sup>th</sup> day of October, 2022.



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Norm Hofstetter, *Mayor*



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Beth Morton, *Clerk-Administrator*