

THE CITY OF VAUGHAN

BY-LAW

BY-LAW NUMBER 033-2020

A By-law to amend By-law 7-2011 (Procedure By-law) which governs the proceedings of Council and Committees of Council.

WHEREAS Section 238(2) of the *Municipal Act, 2001, as amended*, requires every municipality and local board to pass a procedure by-law for governing the calling, place and proceedings of meetings;

AND WHEREAS on March 19, 2020, the Province of Ontario enacted the *Municipal Emergency Act, 2020* to amend the *Municipal Act, 2001*, to enact section 238 (3.3) and 238 (3.4) to permit meetings to be held electronically during an emergency declared pursuant to the *Emergency Management and Civil Protection Act, R.S.O. 1990, Chapter E. 9*;

AND WHEREAS it is necessary to make certain amendments to By-law 7-2011 (Procedure By-law) to implement the provisions of *Bill 187, the Municipal Emergency Act, 2020*;

AND WHEREAS The Corporation of the City of Vaughan considers it desirable to be able to hold Committee and Council meetings electronically during the COVID-19 emergency;

NOW THEREFORE the Council of The Corporation of the City of Vaughan ENACTS AS FOLLOWS:

1. That City of Vaughan By-law Number 7-2011, as amended, is hereby further amended as follows:

- a) That the following definition be added to Section **1.5 INTERPRETATION**

AND DEFINITIONS:

“ELECTRONIC MEETING - 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, allowing for Electronic Participation by Council Members.”

- b) That the definition for ELECTRONIC PARTICIPATION be deleted and replaced with the following in Section **1.5 INTERPRETATION AND**

DEFINITIONS:

"ELECTRONIC PARTICIPATION - A Council Member who participates in a Committee or Council meeting remotely via electronic means (e.g. video or audio teleconference), has the same rights and responsibilities as if he or she were in physical attendance, including the right to vote. They shall count towards a quorum of members and shall be permitted to participate in any portion of a meeting which is open or closed to the public."

- c) That Section **7.6 ELECTRONIC PARTICIPATION** be deleted and replaced with the following:

7.6 ELECTRONIC MEETINGS DURING A DECLARED EMERGENCY

- (1) Electronic Meetings shall be permitted during any period of time where an emergency has been declared for all or part of a municipality by the Head of Council or the Province under sections 4 or 7.0.1 of the *Emergency Management and Civil Protection Act*, R.S.O. 1990, Chapter E. 9, as amended.
- (2) Where Electronic Meetings are permitted, Electronic Participation will be permitted for any Committee of the Whole or Council meeting, including open and closed sessions.
- (3) Notwithstanding subsection (2), the Chair shall not be permitted to participate electronically at a meeting.
- (4) If the Chair is unable to physically attend the meeting, the Mayor or his/her substitute as determined in accordance with Section 3.2 (1) of the Procedure By-law shall act as Chair.
- (5) Interruptions in Communication – If there is an interruption in the communications link to any Member who is participating electronically in an Electronic Meeting, the Chair may:

- i. decide on a short recess until it is determined whether or not the link can be re-established with no more than two (2) attempts; or
- ii. continue the Electronic Meeting and treat the interruption in the same manner as if the Council Member who is physically present leaves the room.

(6) A Council Member who wishes to participate in an Electronic Meeting through Electronic Participation shall provide the City Clerk a minimum of 24 hours' notice, or, in consultation with the City Clerk, as much time that is practically required to ensure appropriate preparations for an Electronic Meeting. Council Members shall connect to an Electronic Meeting through a corporate computing device.

(7) Council Members attending an Electronic Meeting that is closed to the public, through Electronic Participation, shall declare at the start of the closed meeting that they will maintain the confidentiality of the closed meeting, that they are alone in their location, and that any discussions that take place cannot be overheard.

(8) Roll Call

(a) Immediately after calling the Electronic Meeting to order, the Chair shall direct the Clerk to conduct a roll call to identify the Members participating in a Meeting and confirm that a quorum is present.

(b) A Member who is not present during the roll call, and who subsequently joins the Meeting via Electronic Participation shall advise the Chair and Clerk of his or her attendance at the Meeting.

(c) A Member who is participating electronically in a Meeting who, for any reason or duration will no

longer be electronically participating prior to adjournment, shall advise the Chair and Clerk of his or her absence from the Meeting.

- (9) Written communications related to an item on an agenda, for an Electronic Meeting, shall be received in accordance with Section 2.1(9) Communications/Written Submissions (Agenda Item). Timelines under Sections 2.1(9)(c) and (d) may be suspended at the discretion of the City Clerk.
- (10) Notwithstanding Section 2.2 (1) DEPUTATIONS AND PRESENTATIONS, the public shall only address a Committee when and where it is practical at an Electronic Meeting.
- (11) Notwithstanding Section 2.2 (2) DEPUTATIONS AND PRESENTATIONS, deputations on an item not listed on a Standing Committee agenda shall not be permitted at an Electronic Meeting.
- (12) Notwithstanding Section 2.4 CEREMONIAL PRESENTATIONS, ceremonial presentations shall not be permitted at an Electronic Meeting.

Enacted by City of Vaughan Council this 30th day of March, 2020.

Hon. Maurizio Bevilacqua, Mayor

Todd Coles, City Clerk