



The Corporation of the Town of Orangeville

By-law Number

A by-law to amend By-law 064-2017 being a By-law to govern the proceedings of Council and its Committees

Whereas Council passed By-law 064-2017 on the 17th day of July, 2017 to govern the proceedings of Council and its Committees;

And Whereas Council passed By-law 2020-016 on the 23rd day of March being a by-law to amend By-law 064-2017 to provide for electronic participation, during any period where an emergency has been declared to exist in all or part of the municipality under sections 4 or 7.01 of the *Emergency Management and Civil Protection Act*;

And Whereas at its July 13th, 2020 meeting, Council passed Resolution 2020-243 to amend By-law 064-2017 to allow for electronic participation and establish dedicated statutory public meetings, following the termination of the declared emergency;

And Whereas the Province of Ontario enacted the *COVID-19 Economic Recovery Act* (Bill 197) on the 21st day of July, 2020 to amend the *Municipal Act, 2001* to allow a municipality to amend its procedure by-law to allow for members of councils, committees, and local boards who participate electronically to be counted towards quorum in open and closed meetings and to allow proxy voting for members of Council.

Now therefore be it resolved that Council of the Corporation of the Town of Orangeville hereby enacts as follows:

1. That By-law 064-2017 be amended by deleting Section 3.8.4.
2. That By-law 064-2017 be amended by adding the following definitions to Section 2 and the subsequent definitions be re-numbered accordingly:
 - 2.4 "Electronic Participation or Participate Electronically" means where a member of Council or committee participates in a meeting by means of electronic communication.
 - 2.5 "Electronic Meeting" means where all members of Council or committee electronically participate in a meeting

3. That By-law 064-2017 be amended by adding Sections 3.10, 3.11, 3.12 as follows:

3.10 Electronic Participation

- 3.10.1 Members of Council and committees may participate electronically in a meeting.
- 3.10.2 Members of Council and committees who participate electronically in a meeting shall be counted in determining a quorum of members is present at any point in time.
- 3.10.3 The Clerk may establish and maintain protocols with respect to electronic participation.
- 3.10.4 The method and technology used to facilitate electronic participation in a meeting shall be determined by the Clerk, in consultation with the Information Technology division.
- 3.10.5 Members wishing to participate electronically for a Council meeting, must provide the Clerk (or designate) no less than 72 hours notice prior to the scheduled meeting. The request may be facilitated if technology permits and if physical quorum at the meeting location has been established.
- 3.10.6 Members wishing to participate electronically for a committee meeting, must provide the Secretary no less than 72 hours notice prior to the scheduled meeting. The request may be facilitated if technology permits and if physical quorum at the meeting location has been established.
- 3.10.7 The Clerk and Mayor (or designate Chair) are to be physically present in Council Chambers for a meeting.
- 3.10.8 The Secretary and Chair (or designate Chair) are to be physically present at the meeting location of a committee meeting
- 3.10.9 A physical quorum (a majority of the members) at a meeting of Council or committee shall be achieved at the commencement of the meeting and maintained throughout the meeting.
- 3.10.10 A member participating electronically must advise verbally that they are leaving the meeting before ending their participation and/or if they re-enter a meeting, which will be noted in the minutes.
- 3.10.11 If a member participating electronically declares a pecuniary interest in relation to a matter on the agenda, they are to mute themselves and turn off their camera for the duration of the discussion regarding that item.

- 3.10.12 A member participating electronically will be deemed to have left the meeting when they are no longer electronically connected to the meeting.
- 3.10.13 For a closed meeting, members and staff shall make a declaration of confidentiality at the start of the meeting stating that they have taken necessary measures to ensure the confidentiality of the meeting, that no other individual is in attendance with them, and that the meeting is not being recorded by any means.
- 3.10.14 The Clerk will note the declaration of confidentiality by each member and staff in the minutes.
- 3.10.15 Delegates and presenters attending a Council and/or committee meeting may participate electronically, at the discretion of the Clerk (or designate), if technology permits.
- 3.10.16 All other applicable provisions of By-law 064-2017 shall apply to any member that may participate electronically in a meeting.

3.11 Electronic Meetings - Emergencies

- 3.11.1 Notwithstanding section 3.5.1, should public health and/or workplace restrictions be in effect and/or an emergency has been declared to exist in all or part of the Town of Orangeville, by the Premier, Cabinet or the municipal Head of Council under the Emergency Management and Civil Protection Act, an electronic meeting may be held.
- 3.11.2 All members participating in an electronic meeting shall be counted towards quorum.
- 3.11.3 Where a Council or committee electronic meeting is held, provisions shall be made with access for and in view of the public for the portion of the proceedings that are open to the public.
- 3.11.4 The Town, taking into consideration: (a) the health and safety of all individuals; and (b) access to and viewing of the meeting, shall provide operable solutions to facilitate an electronic means for the public and delegates to participate in a meeting that would otherwise be facilitated in a meeting that was not conducted electronically.
- 3.11.5 For Council meetings, the Clerk (or designate) and Mayor (or designate Chair) are to be present in Council Chambers, unless otherwise noted on the agenda.

3.11.6 For Committee meetings, the Secretary and Chair (or designate Chair) are to be present at the meeting location, unless otherwise noted on the agenda.

3.11.7 All other applicable provisions of By-law 064-2017 shall apply to electronic meetings.

3.12 COVID-19 Recovery Period

3.12.1 Due to public health concerns resulting from the COVID-19 pandemic, Section 3.11 “Electronic Meetings – Emergency” of this by-law may be applied for a period of up to one (1) calendar year following the termination date of the Town’s declared emergency.

3.12.2 Section 3.12 expires and is hereby repealed one (1) calendar year following the termination date of the Town’s COVID-19 declared emergency.

4. That By-law 064-2017 be amended by adding the following clause to Section 4.3.1:

- Shall mute themselves and turn off their camera, if participating electronically.

5. That By-law 064-2017 be amended by deleting and replacing Section 7.7.1 with the following:

7.7.1 All statutory public meetings under the Planning Act and other Acts, shall be held on a separate date and time from regular Council meetings

6. That By-law 064-2017 be amended by deleting and replacing Section 3.8.3 with the following:

3.8.3 In the case of a special or emergency Council or committee meeting, notice shall be given by posting the agenda on the Town website as soon as is practicable after notice of the special meeting has been given. For electronic meetings, the notice must include the corresponding connection details to access the meeting electronically.

7. That By-law 064-2017 be amended by deleting and replacing 7.3.4 with the following:

7.3.4 The Clerk shall prepare an agenda for the regular meetings of Council that includes the following agenda item headings:

1. Call to Order
2. Approval of Agenda
3. Disclosure of (Direct or Indirect) Pecuniary Interest
4. Closed Meeting

5. Open Meeting - 7:00 p.m.
6. Singing of the National Anthem
7. Land Acknowledgement
8. Announcement by Chair
9. Rise and Report
10. Adoption of Minutes of Previous Council Meeting
11. Presentation, Petitions and/or Delegation
12. Staff Reports
13. Correspondence
14. Committee/Board Minutes
15. Notice of Motion Prior to Meeting
16. Notice of Motion at Meeting
17. New Business
18. Question Period
19. By-Laws
20. Adjournment

The Clerk may add, delete or modify agenda item headings to facilitate the orderly conduct of a meeting.

8. That By-law 064-2017 be amended by adding the following sections:

3.4.6 A scheduled Council meeting may be cancelled or re-scheduled by the Clerk and CAO in consultation with the Mayor and/or Chair.

3.4.7 A scheduled committee meeting may be cancelled or re-scheduled by the Clerk (or designate) in consultation with the Chair

9. That By-law 064-2017 be amended by adding the following section:

5.7 Proxy Voting

5.7.1 "Act" in relation to proxy voting means any combination of voting, questioning or speaking during a meeting.

5.7.2 A member of Council may appoint another member of Council as a proxy to act in their place when they are absent.

5.7.3 To appoint a Council member as a proxy holder, a form prescribed by the Clerk shall be completed and submitted by the appointing member to the Clerk, after the agenda for the subject Council meeting has been published and prior to the commencement of the Council meeting.

5.7.4 The appointing member shall declare that they are not able to attend the meeting in person or electronically for the same meeting of the proxy

appointment and whether they have a pecuniary interest with respect to a matter on the agenda

- 5.7.5 The proxy holder shall confirm with the Clerk that they accept the proxy appointment prior to the commencement of the meeting.
- 5.7.6 The Clerk (at the beginning of a Council meeting) will notify members of the absent appointing member and proxy holder appointment for the meeting.
- 5.7.7 A proxy holder may act as proxy in person or through electronic participation.
- 5.7.8 A proxy may be appointed by a member of Council who is on Parental or Pregnancy Leave.
- 5.7.9 A proxy holder may not appoint a delegate for the purposes of exercising the original appointment.
- 5.7.10 The appointing member shall stipulate to the proxy holder how votes are to be cast.
- 5.7.11 Once the proxy appointment is in effect, the appointing member confers discretionary authority to the proxy holder with respect to amendments to matters on the agenda.
- 5.7.12 Notwithstanding Section 5.4, should the proxy holder not cast a vote on behalf of the absent member, it will not be considered a vote in the negative
- 5.7.13 The proxy appointment shall not apply to any new matters that were not on the agenda for a meeting.
- 5.7.14 The appointing member shall not be counted towards quorum and shall be marked absent from the meeting, in accordance with the Town's procedure by-law and the Municipal Act.
- 5.7.15 If the appointing member, who was to be absent, and after notification has been provided in writing to the Clerk, attends the Council meeting before the start of the meeting, the proxy appointment shall immediately be withdrawn from the meeting, and the appointing member shall assume their position at the Council meeting.
- 5.7.16 After the start of a Council meeting, should a member decide to leave the meeting they shall not appoint a proxy holder at that time for the remainder of the meeting.

5.7.17 The appointing member may rescind a proxy appointment any time prior to the commencement of a Council meeting, using a form prescribed by the Clerk.

5.7.18 A proxy appointment does not apply to any duties or responsibilities outside of a meeting.

10. That By-law 064-2017 be amended by deleting and replacing Section 5.5.2 with the following:

5.5.2 Upon such request, the requester will vote first, and the subsequent order of voting will be conducted alphabetically by last name, proceeding from the requester. The Clerk shall ask each member to announce their vote openly and shall record such vote and declare the results.

11. That By-law 064-2017 be amended by amending the first clause of Section 4.3.1 as follows:

- Shall leave the meeting room prior to any consideration of the matter at a closed meeting

12. That By-law 064-2017 be amended by amending the first clause of Section 8.1 as follows:

- Shall leave the meeting room prior to any consideration of the matter at a closed meeting

Read three times and finally passed by Council this 14th day of September, 2020.

Sandy Brown, Mayor

Karen Landry, Clerk