



By-law 2020-12 to Amend
Procedure By-law 2004-10

*The Corporation of the Municipality of
Killarney*

Important Disclaimer: this by-law complies with the relevant provisions of the *Municipal Act, 2001*, SO 2001, c 25 (the "*Act*") and the *Municipal Emergency Act, 2020*. If you have any questions or concerns about this by-law or how to implement it, please contact Wishart Law Firm LLP. Wishart Law Firm LLP is not responsible for the results of any edit to this by-law other than as expressly authorized or directed by Wishart Law Firm LLP.

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THE CORPORATION OF THE MUNICIPALITY OF KILLARNEY

By-Law No. 2020-12

Being a By-law to amend Procedural By-law 2004-10 with respect to Electronic Participation in Council Meetings during a Provincial or Municipal Emergency

WHEREAS Council, pursuant to section 238 of the *Municipal Act, 2001*, has adopted Bylaw 2004-10 to establish the procedures governing the Meetings of Council and Committees, the conduct of its Members and the calling of Meetings;

AND WHEREAS this by-law is intended to, and may be interpreted to apply to, Council, Committee and Local Board meetings as the case may be;

AND WHEREAS on March 11, 2020 the World Health Organization declared COVID-19 a global pandemic;

AND WHEREAS on March 17, 2020 Ontario Premier Ford declared the province of Ontario to be in a state of emergency;

AND WHEREAS on March 19, 2020, the *Municipal Emergency Act, 2020* was passed to amend the *Municipal Act, 2001* such that a Municipality's procedure by-law may permit Councillors to participate electronically in both open and closed meetings and for those Councillors to be counted in determining quorum when participating electronically when an Emergency has been declared by the Provincial or Municipal Governments;

Version 1.00 (March 24, 2020)

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NOW THEREFORE the Council of The Corporation of the Municipality of Killarney hereby enacts as follows:

1. By-Law 2004-10 is amended as follows:
2. Section 2.4.0 Electronic Participation is hereby added;
 2.4.1 **Schedules A and B** relating to Electronic Participation in Council Meetings during an Emergency, form part of this By-Law.
3. This by-law is to be applied broadly and with flexibility to permit meetings to occur in light of the special circumstances associated with the emergency as further detailed in the schedules attached.
4. This by-law shall be deemed to have come into effect on the final passing of the Municipal Emergency Act, 2020 on the 19th day of March 2020.
5. This by-law shall come into force upon final passing.

TAKEN AS READ A FIRST TIME THIS 31st DAY OF MARCH 2020.

READ A SECOND TIME THIS 31st DAY OF MARCH 2020.

READ A THIRD TIME AND FINALLY PASSED THIS 31st DAY OF MARCH 2020.

ORIGINAL DOCUMENT SIGNED

.....
Virginia Rook, Mayor

ORIGINAL DOCUMENT SIGNED

.....
Candy Beauvais, Clerk-Treasurer

By-Law No. 2020-12

Schedule A

Electronic Participation in Council Meetings

1. Pursuant to Section 238 (3.3) of the *Municipal Act, 2001* (as may be amended from time to time), during any period where an emergency has been declared to exist pursuant to the *Emergency Management and Civil Protection Act* (as may be amended from time to time), Members of Council, Committees or Local Boards may participate in meetings electronically;
2. Notwithstanding section 10.0.0 of Procedure By-Law 2004-10, during the emergency as defined in section 1 of this schedule, when a Member is participating electronically, they may be counted in determining whether or not a quorum of Members is present at any time during the meeting;
3. During the emergency defined in section 1 of this schedule, Members participating electronically may participate in meetings that are closed to the public;
4. During the emergency defined in section 1 of this schedule, the Head of Council or delegate may chair a meeting electronically;
5. During the emergency defined in section 1 of this schedule, the Clerk may clerk the meeting electronically;
6. During the emergency defined in section 1 of this schedule, meetings may proceed even though any or all Members and/or the Clerk are participating electronically.
7. During the emergency defined in section 1 of this schedule, all time limits and time parameters contained in the Procedure By-Law number 2004-10 are hereby amended to reflect reasonable timelines in the emergency circumstances. Adjustments to timelines will be recorded in the minutes. For greater clarity, this is intended to allow Council to wait for quorum for more than 15 minutes before or during a meeting in light of potential communication difficulties and to lengthen or shorten timelines for notice and other procedures as required in the emergency circumstances.

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Schedule B

Electronic Public Meetings

1. Pursuant to Section 236(1) of the *Municipal Act, 2001* (as may be amended from time to time) in the case of an emergency, Council may hold its meetings at any convenient location within or outside the municipality. Therefore, during any period where an emergency has been declared to exist pursuant to the *Emergency Management and Civil Protection Act* (as may be amended from time to time) Council may hold meetings that are open to the public by live-streaming those meetings on an appropriate internet based platform that is generally available to members of the public. Should internet services not exist, meetings may be held by telephone conference or other available electronic means;
2. In deciding to hold a meeting or meetings electronically, Council shall consider whether health and safety issues dictate that members of the public should not gather together in Council chambers including, but not limited to, cases of epidemic or pandemic. When Council makes this decision, the reasons for the decision not to permit physical attendance of the public shall be recorded in the minutes. Council shall have regard to recommendations and advice from the applicable authority including but not limited to the Provincial Government or Public Health officials;
3. If Council decides to hold meetings electronically, the web link, phone number or other electronic connection data to access the meetings will be published on the Municipality's website and in the meeting agenda. Should circumstances exist that the Municipality's website is not available, notice shall be provided in a manner that will provide access to the largest number of ratepayers possible in the circumstances.
4. If Council holds meetings electronically, they will be recorded and the recording of the open session of the meeting will be posted on the Municipality's website as soon as practical in light of the emergency circumstances.

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