



Memorandum

Corporate By-law Number BL 36/2020

TO: Office of the City Clerk **FILE:**

FROM: Linda Crago
City Manager's Office - Office of the City Clerk

DATE: 03/23/2020

SUBJECT: BL 36/2020 - A By-law to amend By-law 128-2012 - Procedural By-law of Council and its Committees

MEETING DATE: City Council - 03/23/2020 (mm/dd/yyyy)

By-law Description: A By-law to amend By-law 128-2012 - Procedural By-law of Council and its Committees, to permit Electronic Meetings during a period of Emergency.

Authorization: R 37/2020 (City Manager's Office - Office of the City Clerk) - Committee of the Whole - March 23, 2020

By-law Explanation: The purpose of this By-law is to amend By-law 128-2012 - Procedural By-law of Council and its Committees, to permit Electronic Meetings during a period of Emergency.

Schedules and Attachments:

Amended/Repealed By-law Number(s):



THE CORPORATION OF THE CITY OF THUNDER BAY
BY-LAW NUMBER BL 36/2020

A By-law to amend By-law 128-2012 - Procedural By-law of Council and its Committees, to permit Electronic Meetings during a period of Emergency.

Recitals

1. The *Municipal Act, 2001*, section 238 provides that a municipality shall establish a procedure by-law to govern meetings;
2. The Corporation of the City of Thunder Bay (the “City”) has enacted a by-law to govern the proceedings of meetings of City Council and its Committees, being By-law Number 128-2012;
3. On March 11, 2020, the World Health Organization (WHO) assessed the novel coronavirus, COVID-19, as a worldwide pandemic;
4. On March 17, 2020, a Declaration of Emergency was made by the Province of Ontario pursuant to section 7.01 of the *Emergency Management and Civil Protection Act*, which declaration applies to the whole of the Province of Ontario;
5. On March 17, 2020, the Lieutenant Governor issued Order-in-Council 520/2020, pursuant to the *Emergency Management and Civil Protection Act*, prohibiting all organized public events of over fifty people due to COVID-19;
6. On March 19, 2020, the Province of Ontario amended the *Municipal Act, 2001*, enacting 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*;
7. City Council considers the protection of the health and safety of the public to be a paramount concern and certain City facilities and services has been suspended, other than those deemed essential for the welfare of the citizens of Thunder Bay during the COVID-19 emergency;
8. City Council has deemed it necessary to amend By-law Number 128-2012 to allow the holding of Council meetings electronically during the COVID-19 emergency by resolution of Committee of the Whole on March 23, 2020.

ACCORDINGLY, THE COUNCIL OF THE CORPORATION OF THE CITY OF THUNDER BAY ENACTS AS FOLLOWS:

1. THAT By-law Number 128-2012 is hereby amended by adding the following definitions to Article 1.00 (Definitions, Application & Interpretation):
 - (u.1) “Emergency” means any period of time during which an emergency has been declared to exist in all or part of a municipality by the head of Council or the

Province of Ontario under sections 4 or 7.01 of the *Emergency Management and Civil Protection Act*;

- (u.2) “Electronic Meeting” means a meeting called and held, in full or in part, via electronic means (including telephone, video conferencing, or via means of the internet) and with or without in-person attendance;

2. AND THAT By-law Number 128-2012 is hereby amended by adding the following after Article 3.00 (Meetings):

Article 3.01 Electronic Meetings

- (a) **Electronic Meetings** – Any regular or special Meeting of Council, including a meeting of Committee of the Whole, City Council, City Council (Public Meeting), and Non-Business, may be conducted by Electronic Meeting during an Emergency, in accordance with this Article.
- (b) **Closed Session** – An Electronic Meeting may include a closed Meeting, which shall be conducted in the absence of the public and in accordance with this Article.
- (c) **Quorum**– Members attending and present during an Electronic Meeting shall be counted for purposes of quorum at the commencement and at any point in time during the Meeting.
- (d) **Voting** – Members shall be entitled to vote through a vote recorded by the Clerk as if they were attending the Meeting in person, during an Electronic Meeting. All voting, during an Electronic Meeting, shall take place by each Member audibly stating “yea” or “nay” in response to the Clerk calling their name in alphabetical order.
- (e) **Participation of Members** –
- (1) A Member is not permitted to participate electronically in a Meeting if that Member does not join the Electronic Meeting fifteen (15) minutes before its scheduled start time.
 - (2) Members may be added to the speakers list during an Electronic Meeting by sending an email to the Office of the City Clerk.
 - (3) Members may move or second a motion during an Electronic Meeting by sending an email to the Office of the City Clerk.
- (f) **Interruption in Communication** – If there is an interruption in the communications link to any Member who is participating electronically in a Meeting, the Clerk may:
- (1) 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

(2) continue the Electronic Meeting and treat the interruption in the same manner as if the Member who is physically present leaves the room.

- (g) **Public Notice of Electronic Meeting** – 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 meeting of such Electronic Meeting, in addition to any other applicable detailed notice requirements as required by the Notice by-law.
- (h) **Deputations in Writing** – An Electronic Meeting shall not permit public deputations, except by way of written submission received electronically in advance of the meeting, which shall be submitted to the City Clerk’s Office at **cityclerk@thunderbay.ca or via the website www.thunderbay.ca (Request to Speak to Council form)** in accordance with the timeframe established in section 5.08(b)(2), and shall be provided to Members at the Meeting.
- (i) **Application and Conflict** – By-law Number 128-2012 shall continue to apply to an Electronic Meeting held pursuant to this Article to the extent that the context permits and this Article and any Provincial legislation or order shall prevail to the extent of any conflict.

3. AND THAT this By-law Number is enacted at a special meeting held in accordance with section 238(3.4) of the *Municipal Act, 2001*, as amended, and shall hereby come into effect as of the date and time of its passing.

Enacted and passed this 23rd day of March, A.D. 2020 as witnessed by the Seal of the Corporation and the hands of its proper Officers.

Bill Mauro

Mayor

Krista Power

City Clerk