



## **The Corporation of the County of Essex**

### **By-Law Number 2020-16**

#### **A By-law to Amend By-law 41-2018, being a By-law to Provide Rules Governing the Order and Proceedings of the Council of the Corporation of the County of Essex**

**Whereas** the Municipal Act, 2001, S.O. 2001, c. 25, section 238 provides that a municipality shall establish a procedure by-law to govern meetings;

**And Whereas** on November 7, 2018 The Corporation of the County of Essex has enacted Procedure By-law Number 41-2018, as amended;

**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 a declared emergency pursuant to the Emergency Management and Civil Protection Act, R.S.O. 1990, Chapter E. 9;

**And Whereas** The Council of the Corporation of the County of Essex considers the protection of the health and safety of the public to be a paramount concern; and considers it desirable to be able to hold Council meetings electronically during a declared emergency;

Now therefore the Council of the Corporation of the County of Essex hereby enacts as follows:

- 1) That Procedure By-law Number 41-2018, as amended, is hereby further amended by adding the following section after section 2.7:

“2.8 Electronic Participation in Meetings during a Declared Emergency:

- 2.8.1. Interpretation - In this Section the following shall apply, in addition to the definitions in section 2.1 of this By-law:

- 2.8.2. "Emergency" means any period of time during which an emergency has been declaration to exist in 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 Act, R.S.O. 1990, c.E.9;
- 2.8.3. "Electronic Participation" means a Council Member who participates in a Council or Committee meeting from a remote location by such electronic means or services as determined and provided by the Clerk, has the same rights and responsibilities as if he or she were in physical attendance, including that they shall count towards a quorum of members and shall be permitted to participate in any portion of a meeting which is closed to the public.";
- 2.8.4. Electronic Participation – Electronic participation shall be available only in circumstances during a period of an Emergency, in accordance with this Section.
- 2.8.5. Any Member who is not physically present in the location where a Meeting takes place is permitted to participate electronically in both Open and Closed meetings as if the Member were physically present.
- 2.8.6. All Members who participate electronically shall be counted in determining whether a Quorum of Members is present.
- 2.8.7. The Clerk shall be required to be physically present in the location where any meeting with electronic participation takes place.
- 2.8.8. The Warden (or Chair) of the Meeting must moderate the meeting.
- 2.8.9. Any Member intending to participate in a meeting electronically is encouraged to provide the Clerk or the Deputy Clerk a minimum of 8 hours' notice where possible.
- 2.8.10. Each member participating in a meeting electronically shall be available at least thirty (30) minutes before the beginning of the meeting to assist staff in establishing the electronic connection.

- 2.8.11. Each member participating in a meeting electronically will mute his or her electronic device when he or she is not speaking.
  - 2.8.12. The Chair will canvass Members participating electronically about their intention to speak to a matter on the floor and will notify each Member when it is his or her turn to speak.
  - 2.8.13. Voting shall occur via the “recorded vote” process, either electronically or verbally.
  - 2.8.14. A member shall inform the Chair about his or her intentions to leave the meeting either on a temporary or permanent basis.
  - 2.8.15. Member(s) participating electronically will be deemed to have left the meeting when they are no longer electronically connected to the meeting.
  - 2.8.16. In the case of a loss of connection, or any connection issue which impedes the ability of a Member to participate in the meeting in real time, the meeting will continue without attempts by either staff or the Member(s) to reconnect. Reconnection efforts by staff or the Member may be made during a recess.
  - 2.8.17. Where any conflict of interest is declared in Closed Session, the Member shall disconnect from the meeting but may reconnect when the matter is finished.
  - 2.8.18. Delegates shall not be permitted to participate electronically. If circumstances do not allow a Delegate to appear in person, a written or electronic submission may be made in advance of the meeting, which shall be submitted to the Clerk’s office at [clerks@countyofessex.ca](mailto:clerks@countyofessex.ca) prior to the preparation of the Electronic Meeting Agenda.
  - 2.8.19. The Warden (Chair) is authorized to adjust any provisions of this By-law made impossible by the features and functionality of the electronic means or service used to permit Electronic Participation.
- 2) This By-law is enacted at a special meeting held in accordance with section 238(3.4) of the Municipal Act, 2001, as amended, and shall come into force and take effect after the final passing.

**Read a first, second and third time and Finally Passed this 26 day of March, 2020.**

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Gary McNamara, Warden

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Mary S. Birch, Clerk

**Clerk's Certificate**

I, Mary S. Birch, Clerk of the Corporation of the County of Essex, do hereby certify that the foregoing is a true and correct copy, in PDF format, of **By-law Number 2020-16** passed by the Council of the said Corporation on the **26**, day of **March 2020**.

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Mary S. Birch, Clerk  
Corporation of the County of Essex