

BY-LAW NO. 49-20

OF THE CORPORATION OF THE TOWN OF AYLMER

Being a By-Law to amend By-Law 07-18, as amended, referred to as the
Procedural By-Law

WHEREAS the Municipal Act (Ontario), as amended (the “Act”), and in particular Section 238 thereof, requires a municipal corporation to enact a procedural By-Law governing, among other things, the calling, place and proceeding of meetings of its Council;

AND WHEREAS the Council for The Corporation of the Town of Aylmer previously enacted By-Law No. 07-18, referred to as the Procedural By-Law, to satisfy the said requirement of the Act;

AND WHEREAS By-Law No. 07-18 was amended by By-Law 09-19;

AND WHEREAS By-Law No. 07-18 was amended by By-Law 27-20;

AND WHEREAS Bill 187 - The COVID-19 Economic Recovery Act, was passed by the Province of Ontario on July 21, 2020 to amend the Act;

AND WHEREAS in order for The Corporation of the Town of Aylmer to implement the measures provided for by the Province under Bill 197, an amendment of the Procedural By-Law is required;

AND WHEREAS the newly amended Section 238(3.4) of the Act allows a municipality to hold a special Meeting to amend an applicable Procedural By-Law for the purposes of allowing for the measures included in Bill 197, which amendment shall allow members to participate electronically and be counted in determining whether a quorum is present at any point in time during that meeting;

NOW THEREFORE the Council of The Corporation of the Town of Aylmer hereby enacts as follows:

1. By-Law No. 07-18 is hereby amended to add the following provision:

Section 7.9 –Emergency Related Measures Implemented by Emergency
Operation Control Group

Notwithstanding any provision set forth in this By-Law, during any period in which an emergency has been declared to exist in all or part of the territorial limits of The Corporation of the Town of Aylmer pursuant to either section 4 or 7.0.1 of the *Emergency Management and Civil Protection Act* or at the mutual discretion of the Community Emergency Management Coordinator (CEMC) and the Mayor, the following rules and regulations for electronic participation in a Council Meeting shall apply:

- (a) A Member who is unable to attend a Council Meeting in person may participate in that Meeting by electronic or other communication facilities if the facilities or method of meeting virtually enables all participating Members, whether attending in person or through electronic participation, to hear and be heard by all other Members.
- (b) A Member who intends to participate in any such Meeting of Council by electronic or other communication facilities shall give to the Clerk Notice of that intention at least 24 hours prior to the commencement of such Meeting, provided that, if Notice of such Meeting is provided less than 24 hours prior to its scheduled commencement, then the Member shall give to the Clerk as much notice as possible prior to commencement of such Meeting. In all such circumstances, the Clerk will, as soon as reasonably possible, provide the Member intending to attend by electronic participation with instructions on how to connect to and participate in that Meeting by electronic or other communication facilities.
- (c) There shall be no limit upon the number of Members who may attend a Meeting of Council by electronic or other communication facilities.
- (d) Subject to and depending upon prevailing circumstances, including but not limited to the nature and extent of the then current emergency, the Clerk, in consultation with the Mayor (or designate), shall develop a meeting protocol for each such Meeting and shall distribute such meeting protocol to all Members along with the Notice of and/or Agenda for each such Meeting.

- (e) Notwithstanding the generality of that set forth in item (d), the meeting protocol for any Meeting of Council at which one or more Members shall attend the Meeting by electronic or other communication facilities shall include and incorporate the following mandatory rules and/or practices:
- i. The Mayor (or designate), as Chair, shall lead the Meeting and be present from a designated meeting location supported by the CAO/Clerk (or designate), where possible.
 - ii. Each Member attending the Meeting by electronic or other communication facilities shall notify the Chair and other Members when he or she joins the Meeting and, if and when applicable, upon leaving the Meeting. The Chair acknowledge in the Meeting when any Member departs or rejoins the Meeting.
 - iii. Any Member attending and present during a Meeting by electronic or other communication facilities shall be counted for purposes of quorum at the commencement of and at any point in time during the Meeting. For clarity, if a Member leaves the Meeting at any time, the Member shall not be counted for the purposes of quorum during the time of the Member's absence. Further, if a Member is absent from the Meeting at the time a Motion is tabled, the Member shall not be entitled to vote on the Motion.
 - iv. Any Member attending and present during a Meeting by electronic or other communication facilities may participate in all aspects of the Meeting as if present in person, including but not limited to debate, questioning, presentation of motion, and/or voting.
 - v. During the course of a Meeting within which any Member is participating by electronic or other communication facilities, the Chair (or designate) shall announce each agenda item on the floor of the Meeting and shall

thereafter maintain an orderly meeting process, including keeping Members fully informed.

- vi. Any Member attending and present during a Meeting by electronic or other communication facilities may vote on any matter being considered in such Meeting and that vote shall be counted and, as set forth below, duly recorded.
 - vii. To ensure there is an opportunity for public comments on the Council Meeting's Agenda, written public submissions with comments on a Council Meeting Agenda shall be accepted at any time prior to 10 a.m. on the day of the Council Meeting and shall be included as an Addendum to the Agenda.
 - viii. The above rules and practices shall apply to all sessions of the Meeting, whether open or closed to the public.
- (f) Meetings held during a declared emergency or at the recommendation of the Emergency Operation Control Group may have reduced agenda headings and the following headings may not be included:
- Delegation/Presentations
 - Meeting Closed to the Public
 - Notice of Motion
- (g) For clarity, this By-Law shall not apply to statutory public meetings.
- (h) Virtual meetings held during a declared emergency and posted for the public will be deemed to be "open to the public".

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 effect as of the date and time of its passing.

READ A First and Second time this 2nd day of November 2020.

Original signed by
MAYOR, Mary French

Original signed by
CLERK, Josh Brick

READ A Third time and finally passed this 16th day of November 2020.

Original signed by
MAYOR, Mary French

Original signed by
CLERK, Josh Brick