

THE REGIONAL MUNICIPALITY OF PEEL

BY-LAW NUMBER 23-2020

A by-law to amend the Region of Peel Procedure By-law 56-2019 to allow for electronic participation at Council meetings during a declared emergency.

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, the Council of The Corporation of the Regional Municipality of Peel has enacted Procedure By-law 56-2019;

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

AND WHEREAS, the World Health Organization has declared a worldwide pandemic regarding the Novel Coronavirus 19 (COVID-19);

AND WHEREAS, on March 17, 2020 a Declaration of Emergency was made by the Province of Ontario pursuant to section 7.0.1 of the *Emergency Management and Civil Protection Act* related to COVID-19;

AND WHEREAS, the Lieutenant Governor has 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;

AND WHEREAS, The Council of the Regional Municipality of Peel considers the protection of the health and safety of the public to be a paramount concern, and has suspended the operations of all Regional facilities and services, other than those deemed essential for the welfare of the residents of the Region of Peel during the COVID-19 emergency;

AND WHEREAS, The Regional Municipality of Peel considers it desirable to be able to hold Council meetings electronically during the COVID-19 emergency;

NOW THEREFORE, the Council of the Regional Corporation enacts as follows:

1. That Procedure By-law 56-2019 is hereby amended by adding the following to section 4:

4.6 ELECTRONIC MEETINGS DURING A DECLARED EMERGENCY

4.6.1 Definitions

In this Section the following shall apply, in addition to the definitions in section 1 of this By-law:

“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 under sections 4 or 7.0.1 of the *Emergency Management Act*;

“Electronic Meeting” means a meeting called and held in full or in part via electronic means (including, but not limited to, audio teleconference, video teleconference, or via means of the internet), and with or without in person attendance;

“Emergency Management Act” means the *Emergency Management and Civil Protection Act*, R.S.O. 1990, Chapter E. 9, as amended.

4.6.2 Electronic Meetings – A regular meeting or special meeting of Council may be conducted by Electronic Meeting during an Emergency, in accordance with this Section and any Emergency Electronic Meeting protocol as may be approved by Council.

4.6.3 Quorum and Voting for Electronic Meeting – Members attending electronically during an Electronic Meeting shall be counted for the purposes of quorum at the commencement and at any point in time during the meeting; members attending either in person or electronically are entitled to vote.

4.6.4 Closed Session – An Electronic Meeting may include a Closed Session, which shall be conducted in the absence of the public and in accordance with Section 5.9.

4.6.5 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 of such Electronic Meeting.

4.6.6 Delegations In Writing – An Electronic Meeting shall not permit public delegations, except by way of electronic submission received in advance of the meeting, which shall be submitted to the Regional Clerk at regional.clerk@peelregion.ca prior to the start of the Electronic Meeting, and shall be provided to members with the distributed meeting agenda or at the meeting.

2. That Schedule ‘A’ as attached hereto, titled “Emergency Electronic Meeting Procedures”, be included as Appendix 6 to Procedure By-law 56-2019.

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3. That 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 hereby come into effect as of the date and time of its passing.

READ THREE TIMES AND PASSED IN OPEN COUNCIL this 26th day of March 2020.

K. Lockyer

Regional Clerk

N. Iannicca

Regional Chair

**PROCEDURE BY-LAW 56-2019
APPENDIX 6**

**Electronic Meeting Procedures for
Regional Council and Committee Meetings
Revised by Resolution 2020-254, April 9, 2020;
Resolution 2020-554, July 9, 2020; and,
by By-law 55-2020**

These procedures provide guidance to Regional Council Members, Committee Members and staff on electronic participation during any meetings of Regional Council and Council Committees, including those held during a declared state of emergency; and, provide the necessary framework to ensure consistent administrative practices.

1. General

- a. The Region of Peel Procedure By-law shall apply to any meetings of Regional Council and Council Committees including an Electronic Meeting held pursuant to these procedures, except as provided for herein.
- b. Amendments to these procedures are permitted to be made by simple majority vote of Council to accommodate effective and efficient meetings, as long as any such amendments are consistent with the intent of, or do not directly conflict with, the Procedure By-law; and are not contrary to prevailing Provincial legislation or orders.
- c. The Chief Administrative Officer and the Regional Clerk, in consultation with the Regional Chair and the Commissioner of Digital and Information Services, will determine the method and technology used for an Electronic Meeting in Open Session or Closed Session, based on the available Information Technology resources and the prevailing circumstances of the meeting.
- d. The Regional Chair shall lead the meeting and be present from a designated meeting location supported by the Regional Clerk (or designate); the Regional Chair and Clerk shall not participate electronically. Committee Chairs shall be permitted to participate electronically (Res. 2020-554, July 9, 2020).
- e. The Chair is to announce each agenda item on the floor of the meeting and shall maintain an orderly meeting process keeping members informed.
- f. The role of Council Section Chairs shall be discontinued during Emergency Electronic Council Meetings, to maintain an effective and efficient meeting flow.

2. Notice

- a. Members are required to inform the Office of the Regional Clerk at least 24 hours prior to commencement of a meeting at which they intend to participate electronically.

3. Technical Requirements

- a. Members participating electronically shall be responsible for testing and ensuring the reliability of their connection using audio-only communication or audio-visual communication prior to the start of the meeting.
- b. Members unable to connect, or reconnect, (see sections 4.c., 4.d. and 4.e.) may email the Clerk's office at council@peelregion.ca for assistance.

4. Roll Call and Attendance During the Meeting

- a. Roll call shall be conducted verbally by the Chair, confirming each person in attendance either physically or electronically.

- b. Members participating using audio-only communication, shall verbally announce if they leave the meeting and shall verbally announce when they rejoin the meeting.
- c. If a member loses connectivity during a meeting for more than two (2) minutes, the member will be deemed to have left the meeting; and shall notify the Clerk's office at council@peelregion.ca (see section 3.b.).
- d. If quorum is maintained, the meeting will not be recessed while members attempt to reconnect, unless otherwise requested by the Chair.
- e. If quorum is lost, the meeting shall stand in recess until such time as the connection is re-established. If the connection cannot be re-established to the point where a quorum can be maintained, the meeting shall stand adjourned and any items of business shall be carried over to a future meeting.

5. Debate/Request to Speak and Speaker's List

- a. Any member participating in-person shall use the request to speak (RTS) system.
- b. The Chair shall ask each electronic participating member by name, in alphabetical order of surname, to confirm if they wish to be added to the Speaker's List on the current item, or through an alternative means as advised by the Clerk.
- c. Electronic participants may also email Clerks at council@peelregion.ca for assistance (including the submission of questions or request to speak) during the course of debate.
- d. The Regional Clerk shall maintain a Speaker's List for the current agenda item.
- e. The Chair, with the Clerk's assistance, is to manage the Speaker's List to ensure all members are able to participate in debate in keeping with meeting rules.
- f. Chair to call out name of member assigned the floor.
- g. After the Speaker's List is completed, the Chair will confirm there are no remaining members to be added to Speaker's List, before voting commences.

6. Member Speaking

- a. Each member is provided two opportunities to speak (five minutes each), subject to the rules as provided in the Procedure By-law.
- b. After the member is finished speaking, the Chair may confirm verbally the list of remaining speakers and shall call out the name of the next member assigned the floor.

7. Motions

- a. Any motion accepted by the Chair is to be read by the Chair and/or Clerk.

8. Voting

- a. All votes, with the exception of procedural motions (see section 8.e.) shall require a recorded vote to be conducted by the Clerk, as directed by the Chair.
- b. Clerk to call each individual member by name in alphabetical order of surname to be asked to vote verbally.
- c. If the member is present in-person or electronically, and no response to indicate vote is provided, the Clerk will ask a second time; if no indication of vote, vote is recorded in negative, unless directed otherwise by the Chair.
- d. Clerk to announce results to Chair and Council and the total of each vote (yes/no/absent/abstention/conflict of interest.)
- e. When voting on procedural motions, the Chair shall ask whether there are any objections (rather than calling each members vote). If no objections are stated, the motion would be deemed to be adopted.

9. Conduct of Members

- a. Each member shall remain silent and attentive to the proceeding when not assigned the floor by the Chair.

- b. Each member to listen for their name to be assigned the floor to speak or to vote.
- c. Each member to take directions from the Chair in order to facilitate an effective, efficient and orderly meeting.

10. Delegations and Public Participation

- a. Delegations must be submitted to the Office of the Regional Clerk, by way of electronic or written submission, in accordance with requirements of the Regional Procedure By-law, for distribution to Council or Committee members.
- b. Delegations may attend electronically (Res. 2020-254, July 9, 2020).
- c. Delegations will be provided an opportunity to present and answer questions electronically.
- d. Should a Delegate be required to participate electronically in closed session, the Delegate shall state for the record that he/she is adhering to the rules set out in the Procedure By-law 56-2019, as amended (Res. 2020-254, July 9, 2020).
- e. Members of the public may attend meetings at the designated meeting location of the Chair and Clerk, being that the maximum number of meeting room attendees is less than 50 and the minimum social distance of 2 metres can be maintained.
- f. If there are members of the public that are physically in attendance at a meeting, they must be able to hear the member(s) who are participating electronically using Audio-only communication; or see the member(s) who are participating using Audio-visual communications.
- g. Public members, the media and non-essential staff are encouraged to view Regional Council and Committee meetings from a separate location using the Region's live streaming protocols.

11. Closed Session

- a. If the meeting should move into closed session, those members who are participating remotely must ensure that no other person is in the location from which they are taking part in the meeting, or make appropriate arrangements so that any other persons cannot see or hear any of the confidential deliberations taking place.
- b. If this is not possible, the member must withdraw from the meeting until it has moved back into public session.
- c. Prior to moving into a closed session, members shall declare that they adhere to the confidentiality standards as outlined in the Regional Council Code of Conduct