

# THE REGIONAL MUNICIPALITY OF YORK

## BYLAW NO. 2020-09

A bylaw to amend Bylaw No. 2018-59  
to permit electronic participation in meetings  
during a declared emergency

WHEREAS Section 238(2) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, (the "*Municipal Act*"), requires that every municipality and local board pass a procedure bylaw for governing the calling, place and proceedings of meetings;

AND WHEREAS on March 19, 2020, the Province of Ontario enacted the *Municipal Emergency Act, 2020*, to amend the *Municipal Act* by adding subsections 238(3.3) and 238(3.4) to provide that, during a declared emergency pursuant to the *Emergency Management and Civil Protection Act*, R.S.O. 1990, c. E.9 (the "*Emergency Management Act*"), a member participating electronically in a meeting may be counted in determining quorum and may participate electronically in a meeting that is closed to the public;

AND WHEREAS the Council of The Regional Municipality of York enacted Bylaw No. 2018-59, being a bylaw to govern the proceedings of Council and its Committees;

**NOW THEREFORE**, the Council of The Regional Municipality of York hereby enacts as follows:

1. That Bylaw No. 2018-59 be amended as set out in this bylaw.
2. Bylaw No. 2018-59 is hereby amended by adding the following Section:

### **25. ELECTRONIC MEETINGS DURING A DECLARED EMERGENCY**

25.1 In this Section,

"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 the attendance by members in person; and

"emergency" means any period of time during which an emergency has been declared to exist in all or part of the Region under Section 4 or 7.0.1 of the *Emergency Management Act*.

- 25.2 Any meeting of Council or Committee may be conducted by electronic meeting during an emergency in accordance with Appendix A (Conducting an Electronic Meeting), and subject to any protocols that may be determined necessary by the Regional Chair, in consultation with the Clerk, to facilitate the meeting.
  - 25.3 In the event of any conflict between this Section 25 and any other provision of this bylaw, this Section 25 shall prevail to the extent of the conflict.
  - 25.4 Appendix A shall form part of this bylaw.
3. Sections 25, 26, 27 and 28 of Bylaw No. 2018-59 are hereby renumbered Section 26, 27, 28 and 29 respectively.

ENACTED AND PASSED on April 2, 2020.

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Regional Clerk

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Regional Chair

#10685910

**Appendix A**  
**Conducting an Electronic Meeting**

**1. Health and Safety Policy – In Person and Electronic Participation**

- 1.1 During an emergency, the Regional Chair, in consultation with the Chief Administrative Officer and the Clerk, may determine whether to permit any person to attend in person at an electronic meeting, having regard to:
- (a) any directive or advice of any appropriate authority, including the Medical Officer of Health; and
  - (b) whether the physical presence of any person, including a member, could pose a threat to the health and safety of any other person, including any member.

**2. Manner of Participation in Electronic Meetings**

- 2.1 Electronic meetings may be held using any audio, audiovisual, or any other electronic means that are available to all members, as determined by the Clerk.
- 2.2 Wherever possible, the technology used for an electronic meeting will permit the Region to live-broadcast, or create an audio-only or audiovisual record of the public portion of the meeting.
- 2.3 Where the only matter on an agenda is a matter to be considered in private session, the live broadcast or the creation of an audio-only or audiovisual record of the meeting is not required.

**3. Public Notice**

- 3.1 Notice of an electronic meeting shall be in accordance with Section 6 of this bylaw and shall include a direction as to whether attendance in person is permitted. The notice will, to the extent possible, include sufficient information so as to provide the public with a means to access electronically the public portion of such electronic meeting.
- 3.2 Notice of an electronic meeting called to address any matter of urgency shall be given by posting notice of the meeting on the Region's website with the information referred to in Section 3.1 of this Appendix.

**4. Electronic Participation – Notice to Clerk**

- 4.1 Members are encouraged to notify the Clerk no later than twenty-four (24) hours in advance of any meeting at which they intend to participate electronically.

**5. Deputations in Writing**

- 5.1 Public deputations will not be permitted at an electronic meeting, except by way of electronic submission received in advance of the meeting. A request for a deputation

shall be submitted to the Clerk's office in writing, by 12:00 noon on the day prior to the electronic meeting.

**6. Quorum During an Electronic Meeting**

6.1 Members attending electronically or in person during an electronic meeting shall be counted for purposes of quorum at the commencement and at any point in time during the meeting, and shall be entitled to vote as if they were attending the meeting in person.

**7. Call to Order**

7.1 The Chair will call a meeting to order once satisfied that a sufficient number of members to constitute a quorum are participating in the meeting.

**8. Roll Call**

8.1 Immediately after calling the meeting to order, the Chair shall direct the Clerk to conduct a roll call to identify the members participating in the meeting and to confirm that a quorum is present.

**9. Members Not Present During Roll Call**

9.1 A member who is not present during the roll call, and who subsequently joins the meeting, will:

- (a) in the case of a member joining in person or by audiovisual means, be identified by the Chair or the Clerk at an appropriate time; and
- (b) in the case of a member joining electronically by audio only means, wait until the member currently speaking has finished speaking and then by means of a point of order advise the Chair and Clerk of his or her attendance at the meeting.

**10. Absences During an Electronic Meeting**

10.1 A member who is participating electronically in a meeting and who, for any reason, will no longer be electronically participating during any part of the meeting prior to adjournment shall, by means of a point of order, without interrupting a member when speaking, advise the Chair and Clerk of his or her absence from the meeting.

**11. Voting**

11.1 Voting during an electronic meeting shall be conducted by any means the Chair determines appropriate, in consultation with the Clerk, to accurately assess the will of Council or Committee.

**12. Private Session**

12.1 An electronic meeting may include a private session, which shall be conducted in the absence of the public and in accordance with this bylaw and any applicable legislation.

**13. Private Session Roll Call**

- 13.1 The Clerk shall conduct a roll call of the members participating in any private session portion of an electronic meeting. Any Regional staff participating shall advise the Clerk of their participation in a manner satisfactory to the Clerk.

**14. Confidentiality in a Private Session Electronic Meeting**

- 14.1 Members shall at all times maintain confidentiality while participating electronically in a private session, including ensuring that no person who is not otherwise permitted to be in attendance at a private session is in the location from which that member is participating.

**15. Amendments to Procedures**

- 15.1 Notwithstanding Section 27 of this bylaw, procedures relating to electronic meetings may be amended at any time by majority vote, provided such amendments are consistent with the intent of this bylaw and are not contrary to applicable law.