

THE CORPORATION OF THE TOWNSHIP OF SOUTHGATE

BY-LAW NUMBER 2020-115

being a By-law to adopt a "Electronic Participation Policy"
known as Policy Number 86

Whereas the Municipal Act, S.O. 2001, Chapter 25, as amended, Section 5 (3), states that municipal power, including a municipality's capacity, rights, powers and privileges, shall be exercised by by-law unless the municipality is specifically authorized to do otherwise; and

Whereas the Municipal Act, S.O. 2001, Chapter 25, as amended, Section 9, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act; and

Whereas the Council of The Township of Southgate has deemed it desirable to adopt a policy with respect to Electronic Participation,

Now therefore be it resolved that the Corporation of the Township of Southgate hereby enacts as follows:

1. **That** the "Electronic Participation Policy" known as Policy No. 86, attached hereto as Schedule A is hereby adopted; and
2. **That** this by-law shall come into force and effect on the date of its passing.

Read a first, second and third time and finally passed this 7th day of October, 2020.

John Woodbury – Mayor

Lindsey Green – Clerk

Township of Southgate

Policy No. 86

Electronic Participation in Council, Committees, Public Meetings & Committee of Adjustment

Approved by Council: October 7, 2020



Purpose and Scope

The purpose of the policy and the procedures therein have been created to establish guidelines for electronic participation in Township Council, Committees of Council and Committee of Adjustment in accordance with the Township Procedure By-law, *Municipal Act, 2001, Bill 197, COVID Economic Recovery Act, 2020* and other governing regulations.

This policy shall apply to all members of Township Council, Township Committees, Committee of Adjustment, staff, and members of the public and any persons in attendance at Public Meetings. This policy is in accordance with the Township of Southgate Procedure By-law and all rules as set out in the Township of Southgate Procedure By-law shall be adhered to.

Definitions

Electronic Participation: means the use of communication technologies including, but not limited to, video, audio, internet connections and/or telephone to permit participants to be involved in meetings as defined and in accordance with the Township Procedure By-law.

Participants: means members of Council, Committees, or Committee of Adjustment, staff and members of the public who are presenting or otherwise participating in a meeting.

Quorum: as it relates to Council, Committees and Committee of Adjustment shall consist of more than 50% of the applicable membership.

Section 1 – Electronic Meeting Procedures

1) Electronic Participation

- a) A member of a Council, Committee or Committee of Adjustment who is participating electronically in a meeting may be counted in determining whether or not a quorum of members is present at any point in time.
- b) Any Member intending to participate electronically in a meeting shall send a request to do so by email to the Clerk or their designate at a minimum of 24 hours prior to the meeting.
- c) The method of participation may be via audio/video link or tele-conference, depending upon available technology to facilitate electronic participation.

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- d) Participants shall connect to the conference via online video or telephone at a minimum of 5 minutes prior to the commencement of the meeting.
- e) When participating via video conference, webcams shall be enabled, unless otherwise restricted by internet connectivity limitations.
- f) When participating via video link or telephone conference, all microphones should be muted unless the participant is speaking to minimize background noise.
- g) Any member participating via video conference or telephone shall announce if they wish to leave the meeting prior to adjournment or prior to leaving the meeting.
- h) Participants shall not share any electronic meeting access information unless directed to do so by the Clerk or their designate.

2) Discussion and Voting

- a) Any member participating via video conference should indicate they wish to speak by raising their physical hand and keeping it raised until the Chair acknowledges their request. Should internet connectivity limitations prohibit a member from utilizing their webcam, the member shall indicate they wish to speak by asking the Chair directly and waiting for the Chair to acknowledge their request.
- b) Any member participating via telephone, shall be called upon by the Chair to speak after all members participating in-person or via video conference have spoken.
- c) The Chair shall ensure that members participating electronically are given the same opportunity to speak to each question as they would have been given if participating in person.
- d) All members participating via video conference will vote by a show of hands. Should internet connectivity limitations prohibit a member from utilizing their webcam, the member shall vote verbally when asked by the Chair when it is not a recorded vote.

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- e) All members participating via telephone will be asked by the Chair to vote verbally.
- f) A member who is participating in a meeting electronically may declare a conflict of interest by emailing the declaration form to the Clerk in advance of the meeting and shall verbally state their conflict when the Chair calls for declarations. If a member realizes during the meeting, that they have a conflict of interest the member shall inform the Chair as soon as possible and email the declaration form to the Clerk immediately following the meeting.

3) Public Participation

- a) Members of the public who wish to make an electronic submission to Council, a Committee, Public Meeting or Committee of Adjustment, shall be required to register with the Clerk prior to commencement of the meeting and adhere to all rules as set out in the Procedure By-law for Open Forum, Delegations, Public Meetings and Presentations.
- b) The Clerk's Office will ensure that those wishing to participate electronically are able to do so.

4) Closed Session

- a) An electronic meeting may include a Closed Session, which shall be conducted in the absence of the public and in accordance with Section 239 of the *Municipal Act, 2001*.
- b) A member of Council, a Committee or Committee of Adjustment who is participating electronically in a closed meeting may be counted in determining whether or not a quorum of members is present at any point in time.
- c) The Clerk will be responsible for stopping the recording, broadcasting, and/or distribution of audio and/or video prior to the commencement of a closed meeting. A break may be requested by the Chair, Clerk, or their designate to ensure closed meeting confidentiality.
- d) Participants and staff shall take and employ all necessary precautions to ensure confidentiality of closed meetings, in accordance with the Township Procedure By-law and Closed Meeting Policy No. 25.

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Section 2 – Electronic Meeting Procedures – During an Emergency Period

Where all members are participating electronically during a declared emergency period, all the same procedures as defined in Section 1 of this policy shall apply with the following exceptions:

- a) When a vote is being taken, the Chair will call for any members that are opposed to the vote. If no member indicates their opposition to a vote, the Chair will call the vote as being passed by unanimous consent.
- b) Should a member take opposition to a vote, the Chair will automatically call for a recorded vote to be taken by the Clerk or their designate.
- c) The Chair shall automatically call for a recorded vote to be taken by the Clerk or their designate for all By-laws that are on the table.

Section 3 – Technical Matters

- a) If there is a question as to the performance of the meeting technology impacting the proceedings of a meeting, the meeting may be recessed at the direction of the Chair to confirm that the electronic format is performing effectively before proceeding further with the agenda.
- b) In the event of a connection or service disruption to an individual member, the Chair may recess the meeting to allow for attempts to reconnect. It is the members' duty to ensure that their equipment and technology are set in advance of the meeting. If after 15 minutes, the member is unsuccessful at re-connecting to the meeting, no further efforts shall be taken to delay the meeting to reconnect the member. The member may attempt other methods to re-connect to the meeting as it proceeds.
- c) In the event of a connection or service disruption to more than one member, and where quorum is affected, the Chair shall recess the meeting to allow for attempts to reconnect members until a quorum is established. If a quorum cannot be established after 15 minutes, the meeting shall stand adjourned.
- e) Members are responsible for ensuring there is no background noise at their location that would interfere with the meeting and for muting their device when they are not speaking to minimize background noise.

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Monitoring and Review of the Policy

The Clerk's Department is responsible for the administration and maintenance of this policy, including a detailed review at the commencement of each Council term.

This policy shall be reviewed following the first year of implementation.