

THE CORPORATION OF THE TOWNSHIP OF SOUTHGATE

BY-LAW NUMBER 2022-099

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 **That** By-law number 2020-115 is hereby repealed; and
3. **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 6th day of July, 2022.

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

Amended by Council: July 6, 2022



Purpose and Scope

The purpose of the policy and the procedures therein have been created to establish guidelines for electronic participation in in-person/virtual hybrid meetings of Township Council/Committee of the Whole, Committees of Council, Public Meetings and Committee of Adjustment in accordance with the Township Procedure By-law and the *Municipal Act, 2001, as amended*.

This policy shall apply to all members of Township Council/Committee of the Whole, 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.

Extenuating Circumstances: means special circumstances in which a member may require the use of audio only (telephone) to participate electronically. Said circumstances may include, but are not limited to, medical emergencies, family emergencies, technology/connectivity limitations, transportation impediments or failures, and/or where achieving a quorum of members may be an issue.

Participants: means members of Council/Committee of the Whole, Committees of Council, 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 of the Whole, Committee of Council 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.

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- b) Any Member intending to participate electronically in a hybrid meeting shall send a request to do so by email to the Clerk or their designate at a minimum of 2 days in advance of the meeting whenever possible and no later than 2 hours in advance of the meeting time, except in extenuating circumstances.
- c) The method of participation may be via video or tele-conference, depending upon available technology to facilitate electronic participation.
- d) Members shall participate in all meetings via video participation if electronic participation is being utilized by said member.
- e) Audio only (telephone) participation of members shall only be permitted in extenuating circumstances and shall be approved by Council with proper justification by the Member at the start of the meeting.
- f) Participants shall connect to the conference via online video at a minimum of 15 minutes prior to the commencement of a meeting.
- g) When participating via video conference, webcams shall be enabled, unless otherwise restricted by internet connectivity limitations. All microphones shall be muted unless the participant is speaking to minimize background noise.
- h) Any member participating via video conference or by audio only (telephone) shall announce if they wish to leave the meeting prior to adjournment or prior to leaving the meeting.
- i) Participants shall not share any electronic meeting access information unless directed to do so by the Clerk or their designate.

2) Attendance Requirements

- a) Members shall be permitted to participate electronically for any meeting with advance notice subject to the limits below.
- b) The Chair and the Clerk or Designate of the meeting shall make every attempt to attend in-person whenever possible.

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- c) Members shall attempt, to the best of their abilities, to provide at least 2 day's notice to the Clerk, or Designate, to facilitate their electronic participation in hybrid meetings, whenever possible, and no later than 2 hours in advance of the meeting time, except in extenuating circumstances. Members are encouraged to schedule any known electronic participation with the Clerk or Designate at the commencement of each year.
- d) Members attending via electronic participation shall treat the electronic participation in the same manner as they would if they were in-person.
- e) Members are encouraged to participate electronically for meetings where they may have symptoms of a seasonal cold/flu or other related illness(s) to limit the spread of any such illness to others participating in-person.

3) 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 audio only (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 or through digital voting methods that may be provided. 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.
- e) All members participating via telephone will be asked by the Chair to vote verbally if digital voting is not available.

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- f) Any member who is participating in a meeting electronically shall declare a conflict of interest in the same manner as those in physical attendance in accordance with the "Declarations of Pecuniary and/or Conflict of Interest" section of the Procedural By-law.

4) 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 or Designate 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) Anyone who may wish to speak to Council at Open Forum, who are scheduled to appear as a Delegation to Council, or for a Presentation to Council in accordance with the Procedural By-law and wish to participate electronically, shall participate via video conference and with their webcams enabled unless otherwise restricted by internet connectivity limitations. Audio only (telephone) participation will only be permitted in extenuating circumstances.
- c) The Clerk's Office will assist those wishing to participate electronically to help facilitate their request and to ensure that those wishing to participate electronically are able to do so.

5) 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, 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.

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- 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.
- e) If a member must participate in a Closed Session meeting via audio only (telephone) due to extenuating circumstances the Clerk shall require that an affidavit be signed by the member(s) attesting that the member participated from a confidential location. The affidavit shall form part of the formal minutes of the Closed Session meeting.

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) Members are responsible for having the technology they require in order to facilitate electronic participation. Additional technology, beyond what is normally supplied to Council members, will not be provided.
- c) 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

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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.

- d) 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.
- f) 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.
- g) Attendance for both virtual and/or hybrid meeting participants is required at least 15 minutes before the commencement of the meeting to verify technical requirements.

Brief Overview

This section is provided for guidance only and is not deemed to form part of the policy.

- a) The Chair and the Clerk or Designate should be present in-person whenever possible at all hybrid meetings.
- b) Members are responsible for having the technology required to connect and participate in meetings electronically should they wish to do so.
- c) Members shall connect via video with their webcams enabled whenever possible and treat the electronic participation as if they were physically attending the meeting and in accordance with the "Conduct of Members" section of the Procedural By-law.
- d) Participating via audio only (telephone) will only be permitted in extenuating circumstances.
- e) Members are responsible for ensuring they have adequate connectivity for any meeting they are participating in electronically.

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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.