

THE CORPORATION OF THE CITY OF NORTH BAY

By-Law No. 2020-33

Being a By-Law to Amend City of North Bay Procedural By-Law No. 2019-80

WHEREAS the *Municipal Act*, 2001, S.O. 2001, c. 25, as amended, provides that every municipality shall pass a procedure By-Law for governing the calling, place and proceeding of meetings;

AND WHEREAS The Corporation of the City of North Bay has enacted Procedural By-Law 2019-80;

AND WHEREAS on March 19th, 2020 the Province of Ontario enacted the *Municipal Emergency Act*, 2020 to amend the *Municipal Act*, S.O. 2001, c.25, to enact section 238(3.3) and 238(3.4) to permit the attendance at meetings to be held electronically during an emergency declared pursuant to the *Emergency Management and Civil Protection Act*, R.S.O. 1990, c.E.9;

AND WHEREAS at a Special Meeting of Council held on Tuesday, April 21st, 2020 Council passed Resolution 2020-109 authorizing an amendment to the City of North Bay's Procedural By-Law 2019-80.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF NORTH BAY HEREBY ENACTS AS FOLLOWS:

1. That The Corporation of the City of North Bay's Procedural By-Law 2019-80 be amended by adding a new section 6.3 Electronic Attendance During Period of declared Emergency as follow:

"6.3 Electronic Attendance of Members During a Declared Emergency.

6.3.1 In this section:

- (a) "Electronic Means" includes any device, software or technology that, in the opinion of the City Clerk , reasonably enables a person to hear the proceeding of a Meeting and to be heard during the proceedings of a Meeting.
- (b) "Electronic Meeting" means a Meeting at which at least one Member participates by Electronic Means.
- (c) "Emergency" means a period of time during which an emergency has been declared to exist in all or part of the City pursuant to the *Emergency Management and Civil Protection Act*, R.S.O. 1990, c.E.9.
- (d) "Meeting" is as defined pursuant to subsection 238(1) of the *Municipal Act* and includes a meeting that is closed to the public in accordance with that Act.

6.3.2 Subject to section 6.3, Electronic Meetings may be conducted only during an Emergency.

6.3.2 A Member who participates in an Electronic Meeting by Electronic Means shall be counted for the purposes of quorum at the Electronic Meeting and may vote as if the Member were attending the Electronic Meeting in person.

6.3.4 Where in the opinion of the Mayor in consultation with the City Clerk and with others as the Mayor may determine, the circumstances of the Emergency are such that compliance with

the *Municipal Act's* open meeting requirements may pose a risk to members of the public, City staff or Members, the Mayor may direct the City Clerk to restrict or prohibit physical attendance of members of the public to the place of the Meeting subject to the following:

- (a) The City Clerk may employ Electronic Means to reasonably facilitate the participation of members of the public at the Meeting.
- (b) The public notice of the Meeting will include such information as the City Clerk determines will reasonably inform the members of the public respecting the use of Electronic Means.
- (c) Members are encouraged to notify the City Clerk twenty-four (24) hours in advance of any Meeting they intend to participate electronically.
- (d) An Electronic Meeting shall not permit Presentations except in writing. Requests shall be submitted to the City Clerk's Office by e-mail at clerksoffice@cityofnorthbay.ca no later than 4:00 p.m. on the week prior to the Meeting and section 38 (Presentations) shall apply.

6.3.5 The following may be adjusted at the discretion of the Chair based on the features and functionality of Electronic Means or service being used to permit electronic attendance:

- (a) the provisions included in section 25 of Procedural By-Law 2019-80 requiring voting to be by show of hands;
- (b) the provisions of section 29 of Procedural By-Law 2019-80 setting out the process for a Recorded Vote; and
- (c) any other provisions of this By-Law or By-Law 2019-80 made impossible due to the features and functionality of the Electronic Means or service being used to permit electronic attendance by a Member.

6.3.6. Section 6.3 prevails to the extent of any inconsistency between this section and any other section of Procedural By-Law 2019-80.

2. This By-law is enacted at a special meeting held in accordance with section 238(3.4) of the *Municipal Act*, S.O. 2001, c.25.

3. This By-Law shall come into force and effect on passing.

Read a First Time in Open Council this 21st day of April, 2020.

Read a Second Time in Open Council this 21st day of April, 2020.

Read a Third Time in Open Council and Enacted and Passed this 21st day of April, 2020.