THE CORPORATION OF THE TOWN OF CALEDON

BY-LAW NO. 2020-014

A By-law to amend By-law 2015-108, as amended, being a by-law to provide for the rules of order of Council and its Committees, as amended

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;

WHEREAS The Corporation of the Town of Caledon has enacted Procedural By-law 2015-108, as amended;

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;

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

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;

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;

WHEREAS on March 18, 2020 the Town of Caledon declared an emergency under By-law 2014-076, being a by-law to adopt an Emergency Management Program and Emergency Plan, pursuant to the Emergency Management and Civil Protection Act;

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

WHEREAS The Corporation of the Town of Caledon considers it desirable to be able to hold Council meetings electronically during the COVID-19 emergency;

NOW THEREFORE the Council of The Corporation of the Town of Caledon ENACTS AS FOLLOWS:

1. Procedural By-law 2015-108, as amended, is hereby further amended by:

   (1) adding the following definition be added to Part 1: Definitions:

   “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 another means as determined by the Clerk 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;

   (2) adding the following to Part 5: Council and Committee Meetings:

   5.1.3 Attendance at a meeting by members of the public shall be in person unless as a result of an emergency being declared by the Premier, Cabinet or the municipal Head of Council under the Emergency
Management and Civil Protection Act, whereby attendance may be restricted to protect the health and safety of all individuals.

5.9 Electronic Participation

5.9.1 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.

5.9.2 Quorum and Voting for Electronic Meeting – Members attending and present 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 through a vote recorded by the Clerk as if they were attending the meeting in person.

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

5.9.4 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.

5.9.5 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 Town Clerk prior to the start of the Electronic Meeting, and shall be provided to members at the meeting.

5.9.6 Application and Conflict – Notwithstanding the foregoing, the Procedural By-law shall continue to apply to an Electronic Meeting held pursuant to this Section, except that this Section and any Emergency Electronic Meeting Protocol approved by Council and any Provincial legislation or order shall prevail to the extent of any conflict.

(3) adding the entirely new Appendix C - Emergency Electronic Meeting Protocol attached as Schedule A to this By-law.

2. 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.

Enacted by the Town of Caledon Council this 24th day of March, 2020.

___________________________________
Allan Thompson, Mayor

___________________________________
Amanda Fusco, Acting Town Clerk
Note: The Procedural By-law shall continue to apply to an Electronic Meeting held pursuant to this Protocol, and that amendments to this Protocol may be permitted to be made by simple majority vote of Council to accommodate an effective and efficient meeting so long as any such amendments are consistent with the intent of the Procedural By-law and do not directly conflict with the Procedural By-law or are contrary to prevailing Provincial legislation or orders.

General

- The method and technology used for an Electronic Meeting in Open Session or Closed Session shall be determined by the CAO and Clerk, in consultation with the Mayor, based on advice and resources available from the Town’s Information Technology staff and the prevailing circumstances and context for a meeting.
- The Mayor or Acting Mayor (or designate) shall lead the meeting and be present from a designated meeting location supported by the Clerk (or designate), where possible.
- Members follow meeting leadership from the Mayor as Chair.
- The Chair shall announce each Member and whether they are participating in-person or electronically and the attendance shall be recorded in the minutes.
- If a Member experiences connection issues and cannot participate electronically they shall be deemed to have left the meeting.
- The Chair is to announce each agenda item on the floor of the meeting and shall maintain an orderly meeting process keeping Members informed.

Request to Speak and Speaker's List

- Any Member participating in-person shall use the Request to Speak (RTS) buttons to establish a Speaker’s List, if available.
- The Clerk shall maintain and display, whenever possible, Speaker’s List for the current agenda item.
- The Chair shall ask each electronically participating Member by name to confirm if they wish to be added to Speaker’s List on current item or through an alternative means as advised by the Clerk.
  - E.g. A Member shall send an electronic message to the Chair or designated Clerk’s Office representative to be added or removed from current item Speaker’s List.
- The Chair or Clerk shall manage the Speaker’s List based on the Chair’s discretion to ensure all Members are able to participate in debate in keeping with the Procedural By-law.
- The Chair shall call out the name of the Member assigned the floor for debate.

Member Speaking

- A maximum five minutes shall be provided to a Member in accordance with the Procedural By-law.
- A Member may use the time allotment to speak, ask questions of staff and/or introduce motion.
- In accordance with the Procedural By-law any Member shall be provided only two (2) opportunities to speak, for five (5) minutes.
- Each Member speaks to Council through the Chair.
- After each Member is finished speaking, the Chair may confirm verbally the list of remaining speakers and call out name of next Member assign the floor.
Motions

- All motions shall be in writing with a mover and seconder, except procedural motions, and provided to the Clerk in advance of the Member speaking, whenever possible.

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

- After the Speaker’s List is completed, the Chair shall confirm no more Members are to be added to Speaker’s List before voting commences.

Voting

- All votes shall be a recorded vote conducted unless Council decides otherwise.

- The Clerk shall call each name of Member to record the vote.

- If a Member is present in-person or electronically, and their name is called and no response if given to indicate the vote, the Clerk shall ask one more time, and if no indication of vote, and the Member is present in-person or electronically, the vote is recorded in negative, unless directed otherwise by the Chair.

- The Clerk shall announce results to Chair and Council, including announcing how each Member voted.

Member Conduct

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

- Each Member shall listen for their name to be assigned the floor to speak or to vote.

- Each Member shall take directions from Chair in order to facilitate an effective, efficient and orderly meeting.