



The Corporation of the City of Peterborough

By-Law Number 20-028

Being a By-law to amend Procedure By-law 19-029 to enable Electronic Meetings during Emergencies

WHEREAS:

1. The **Municipal Act, 2001**, S.O. 2001, c. 25 (the **Act**), s. 238 requires a municipality to establish a procedure by-law to govern meetings.
2. In 2019, The Corporation of the City of Peterborough enacted Procedure By-law 19-029.
3. On March 19, 2020 the Province of Ontario enacted the **Municipal Emergency Act, 2020**, S.O. 2020, c. 4 to amend the **Act** by adding subsections 238(3.3) and 238(3.4) to provide that, during declared emergencies, should they choose to, members of councils and committees may participate electronically in open and closed meetings may be counted for purposes of quorum.
4. The World Health Organization has declared a worldwide pandemic regarding the Novel Coronavirus 19 (COVID-19).
5. 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**, R.S.O. 1990, c. E.9 related to COVID-19.
6. 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.
7. On March 23, 2020, a Declaration of Emergency was made by Mayor Therrien related to COVID-19.
8. The protection of the health and safety of the public is a paramount concern, and the City has suspended the operations of all City facilities and services, other than those deemed essential for the welfare of the citizens of Peterborough during the COVID-19 emergency.

9. The Council of The Corporation of the City of Peterborough considers it desirable to permit members of Council to be able to hold Council and Standing Committee meetings electronically during the COVID-19 emergency.

NOW THEREFORE, The Corporation of the City of Peterborough by the Council thereof enacts as follows:

1. Procedure By-law 19-029 is amended as follows:

- a) By renumbering section 33 as section 34;
- b) By deleting the last sentence of section 4.2 and by substituting the following sentence: "Except as permitted pursuant to section 33, electronic participation in meetings is not permitted."; and
- c) By adding a new section 33 as follows:

33. Electronic Meetings during a Declared Emergency

- 33.1. In this section:

- a) "Electronic Means" includes any device, software or technology that, in the opinion of the Clerk, reasonably enables a person to hear the proceedings 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 **Act** and includes a meeting that is closed to the public in accordance with the **Act**.

- 33.2. Subject to this section 33, Electronic Meetings may be conducted during an Emergency.

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

- 33.4. Where, in the opinion of the Mayor in consultation with the Clerk and with such others as the Mayor may determine, the circumstances of the Emergency are such that compliance with the **Act's** open meeting requirements may pose a risk to members of the public, City staff or Members, the Mayor may direct the Clerk to restrict or prohibit physical attendance by members of the public to the place of the Meeting, subject to the following:

- a) The 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 Clerk determines will reasonably inform the members of the public respecting the use of Electronic Means.
 - c) Requests for Delegations must be written and submitted to the Clerk's office by e-mail at clerks@peterborough.ca no later than 11:00 a.m. prior to the commencement of the Meeting.
 - d) Delegations may be written but must be submitted with the delegation request. The Clerk will distribute written delegations to Members prior to the Meeting. The Mayor or Chair, as applicable, will identify by name the author of each written delegation but the written delegation will not be read at the Meeting. Alternatively, delegations may be made orally but only if the Electronic Means employed by the Clerk accommodate oral participation at the Meeting. Oral delegations must not exceed five minutes in duration.
 - e) Unregistered delegations are not permitted.
- 33.5. This section 33 prevails to the extent of any inconsistency between this section 33 and any other section of this By-law.
2. This By-law is enacted at a special meeting held in accordance with section 238(3.4) of the **Act** and is effective on the date of its passing.

By-law passed this 30th day of March, 2020.

Diane Therrien, Mayor

John Kennedy, City Clerk