

**THE CORPORATION OF THE MUNICIPALITY
OF ST.-CHARLES**

BY-LAW 2023-58

**BEING A BY-LAW TO AMEND BY-LAW 2018-46, BEING A BY-LAW TO GOVERN
THE PROCEEDINGS OF THE MUNICIPAL COUNCIL, THE CONDUCT OF ITS
MEMBERS AND THE CALLING OF MEETINGS**

WHEREAS Section 238(2) of the *Municipal Act* 2001, S.O. 2001, as amended, states that every Municipality and local board shall pass a Procedure By-Law governing the calling, place, and proceedings of meetings;

AND WHEREAS Section 238(3.1) of the *Municipal Act* 2001, S.O. 2001, as amended, provides that the applicable Procedure By-Law may provide that a member of Council, of a local board or of a committee of either of them, can participate electronically in a meeting to the extent and in the manner set out in this By-Law;

AND WHEREAS Section 238(3.3) of the *Municipal Act* 2001, S.O. 2001, as amended further states a member of Council, of a local board or of a committee of either of them 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 and can participate electronically in a meeting that is closed to the public;

AND WHEREAS the Municipal Council of the Corporation of the Municipality of St.-Charles deems it expedient to enact a By-Law to govern and regulate the proceedings of Council, local boards, and committees via electronic measures;

AND WHEREAS Council deems it expedient to amend By-Law 2018-46;

NOW THEREFORE, Council for the Corporation of the Municipality of St.-Charles hereby enacts as follows:

1. That Part 3 – General Provisions of By-Law 2018-46 be amended by adding the following new Article 9-A – Electronic Meetings:

ARTICLE 9-A

ELECTRONIC MEETINGS

Members may participate in meetings by Electronic Means subject to the following:

9-A.1 Procedures for the use of technological aides to allow for attendance at meetings electronically.

(1) Electronic participation pursuant to Subsection 238 (3.1) of the *Municipal Act, 2001*, as amended;

a. The applicable Procedure By-Law may provide that,

- i. Subsection (3.3) (a), of the *Municipal Act, 2001*, as amended, a member of a Council, of a local board or of a committee of either of them 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, and
- ii. Subsection (3.3) (b), a member of a Council, of a local board or of a committee of either of them can participate electronically in a meeting that is open or closed to the public.

9-A.2 Definition

"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 via means of the internet), and with or without in-person attendance.

9-A.3 Attendance

All members of Council who participate in a meeting through electronic means in accordance with this By-Law and the *Municipal Act, 2001*, as amended, shall be deemed to be present at the meeting for the purposes of every Act.

All members of Council can participate in both open and closed meetings and that all members participating electronically count towards quorum. It is preferred that quorum be physically present in the Council Chambers.

The Chair of the meeting shall be physically present in Council Chambers, together with the Clerk or their designate. If the Mayor is unable to attend in-person, the Deputy Mayor must be physically present to chair the meeting.

Members of Council can participate electronically

- a. If a Member is travelling for work or pleasure and unable to attend in person;
- b. If a Member is ill and not fit to physically attend the Council Chambers; or,
- c. In the event of poor winter road conditions.

Any member of Council planning on participating remotely must give notice to the Clerk a minimum of two (2) days before the scheduled meeting, unless in the case of illness or poor road conditions.

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.

Presentations and delegations to Council shall be permitted by electronic means provided, written submission is received in advance of the meeting, which shall be submitted to the Clerk by 12:00 noon on the Wednesday before the next Regularly Scheduled Council meeting. The written submission must include a request to attend by electronic means.

Members of the public who cannot attend a meeting of Council in-person, may submit written questions to the Clerk, which clearly indicate the Agenda Item and question. Written questions must be received by the Clerk no later than 4:00 p.m. on the day before the Council Meeting. Written questions received will be read by the Clerk during the meeting.

Municipal staff shall ensure that said electronic means shall permit the members of Council and the public to hear and be heard by all other participants in the meeting.

9-A.4 Procedures

The Municipality of St.-Charles shall ensure that, in respect of meetings that are open to the public, electronic means will be posted on the St.-Charles website: www.stcharlesontario.ca with the meeting participation instructions and shall be provided to the public.

Council Meetings shall be broadcast live, but video recordings will not remain available online. The public may request an audio recording of any public meeting, by written request to the Clerk.

A roll call for all those who are in attendance via electronic means shall state their full name and will be recorded by the Clerk or his or her designate and be maintained with the Meeting Minutes.

Any member of Council who is declaring a pecuniary interest must do so by stating their full name, the date of the pecuniary interest and the reason for the declaration.

9-A.5 Electronic Meetings

Electronic means shall include:

- i) teleconferencing, or
- ii) videoconferencing (including GoToMeetings, WebEx, Skype, Zoom, Teams, etc.)

During the meeting proceedings, the microphones all members of Council and municipal staff attending via electronic means shall remain on. Where members of the public are participating via teleconference or videoconferencing, those microphones shall be muted and only unmuted when the Head of Council requests for delegation presentation.

Each member of Council participating by electronic means shall inform the Chair of his or her intention to leave the meeting either on a temporary or permanent basis.

A member of Council participating by electronic means will be deemed to have left the meeting when they are no longer electronically connected to the meeting.

In the case of a loss of connection, or any connection issues which impedes the ability of a member of Council to participate in the meeting in real time, the meeting will continue without attempts by either staff or the member of Council to reconnect provided quorum is maintained.

9-A.6 Voting at Electronic Meetings

Prior to the vote, the Head of Council will request a mover and seconder and the Clerk shall read each Motion. The mover and seconds' name shall be recorded on the Motion.

The Head of Council will call the vote for:

- i) those in favour of the Motion
- ii) those opposed to the Motion

The Head of Council shall ensure all members of Council attending electronically are polled for each vote.

All resolutions will be considered to be carried after the Head of Council has polled each vote or defeated, whatever the case may be, and each resolution shall be maintained with the Minute Meetings.

2. That all other provisions of By-Law 2018-46, as amended, remain in full force and effect.
3. That all other By-Laws on the same subject matter which are inconsistent with the By-Law are hereby repealed.
4. That this By-Law shall come into force and take effect on the day it is passed.

READ A FIRST TIME AND CONSIDERED READ A SECOND AND THIRD TIME AND FINALLY PASSED IN OPEN COUNCIL THIS 13TH DAY OF DECEMBER 2023.


MAYOR


CLERK