

By-law Number 33-2020
of The Regional Municipality of Durham

Being a by-law to Amend By-law 44-2018 to adopt a quorum, govern the proceedings of council and its committees, the conduct of its members, and the calling of meetings.

Whereas Bill 197 the COVID-19 Economic Recovery Act, which received Royal Assent on July 21, 2020, amended various sections of the Municipal Act with respect to electronic participation in meetings;

Whereas the Municipal Act in Section 238 (3.1) now states that the 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 the by-law;

Whereas the Municipal Act in Section 238 (3.3) states that the applicable procedure by-law may provide that, 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 that 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; and

Now therefore, the Council of The Regional Municipality of Durham hereby enacts as follows:

That Section 8.5 (a) to By-law 44-2018 be amended to remove the words “Members participating electronically shall not be counted in determining whether a quorum of members is present and shall not be able to participate in a meeting that is closed to the public”, and replace them with the following words: “Members participating electronically may count towards determining whether a quorum of members is present and may participate in a meeting which is closed to the public” so that it now reads as follows:

8.5 Electronic Participation at Meetings

- (a) Electronic participation may be allowed for a member of Council, of a local board or of a committee of either of them in accordance with Section 238 (3.1) of the Municipal Act; for greater clarity this includes Advisory Committees, Standing Committees, Committee of the Whole, Regional Council and local board meetings. Members participating electronically may count towards determining whether a quorum of members is present and may participate in a meeting which is closed to the public.

That Section 8.5 (d) be amended by deleting the words “To ensure that a quorum can be achieved”, so that it now reads as follows:

- (d) Members must notify the Clerk prior to the meeting of their intent to participate electronically.

That Section 8.6 (Electronic Participation at Meetings During Emergencies) part (a) be amended by deleting the following words “During this time” so that it now reads as follows:

8.6 Electronic Participation at Meetings During Emergencies

- (a) Should a state of emergency be declared in accordance with the Emergency Management and Civil Protection Act, electronic participation may be allowed for a member of Council, of a local board or of a committee of either of them in

accordance with Section 238 (3.3) of the Municipal Act; for greater clarity this includes Advisory Committees, Standing Committees, Committee of the Whole, Regional Council and local board meetings. Members participating electronically may be counted in determining whether a quorum of members is present and may participate electronically in a meeting that is closed to the public.

This By-law Read and Passed on the 29th day of July, 2020.

J. Henry, Regional Chair and CEO

R. Walton, Regional Clerk