

By-law Number 13-2020
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 187, the Municipal Emergency Act 2020, received Royal Assent on March 19, 2020 to amend the Municipal Act, 2001 to provide that during emergencies, should they choose to, members of councils, local boards and committees of either of them who participate electronically in open and closed meetings may be counted for the purposes of quorum;

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

That the following shall be added as Section 8.5 to By-law 44-2018 and the rest shall be renumbered accordingly:

8.5 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 Standing Committees, Committee of the Whole, Regional Council and local board meetings. During this time, 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.
- (b) Where the Rules of Procedure conflict with the need to facilitate electronic participation, the Chair, in consultation with the Regional Clerk, shall have the authority to modify the Rules of Procedure to ensure Members can effectively participate in the meeting.
- (c) The Regional Clerk, in consultation with the Chair, shall establish practices and procedures for electronic participation.
- (d) Members must notify the Clerk prior to the meeting of their intent to participate electronically.
- (e) The meeting shall begin with a roll call to determine which members are participating electronically. Members will be required to audibly indicate their presence, or they will be noted as absent.
- (f) All votes during a meeting where some or all members are participating electronically shall be recorded votes.
- (g) The Chair, in consultation with the Regional Clerk, may exclude members of the public from attending the meeting depending on the nature of the emergency.
- (h) Where circumstances allow, meetings will be livestreamed.
- (i) In the event that members of the public are not permitted to attend a meeting in-person due to the emergency, and electronic participation of the public cannot be

facilitated, the public will be requested to provide their comments in writing to the Clerk prior to the meeting and the comments will be distributed to members of Council. In the event the Clerk believes that electronic participation by the public can be facilitated, then the Clerk shall make this option available upon receiving a written request to appear as a delegation. The remainder of the regular rules for delegations as set out in this by-law shall apply.

- (j) The Regional Clerk may provide for the electronic participation of Staff, including electronic participation of the Clerk.

This By-law Read and Passed on the 25th day of March, 2020.

J. Henry, Regional Chair and CEO

R. Walton, Regional Clerk