

**THE CORPORATION OF THE
MUNICIPALITY OF TEMAGAMI**

BY-LAW NO. 18-1417

**Being a by-law to amend By-law 17-1365, being a by-law to regulate the proceedings of the
Council of the Municipality of Temagami.**

WHEREAS under Section 238 (2), the Municipal Act, S.O., 2001, c.25, c.M. 45, as amended, requires every municipality and local board to pass a procedure by-law governing the calling, place and proceedings of meetings;

AND WHEREAS under Sections 238 (3.1) and (3.2), the Municipal Act, S.O., 2001, c.25, c.M. 45, as amended, 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 which is open to the public to the extent and in the manner set out in the by-law provided that any such member shall not be counted in determining whether or not a quorum of members is present at any point in time; however, the applicable procedure by-law shall not provide that a member of council, of a local board or of a committee of either of them, can participate electronically in a meeting which is closed to the public;

AND WHEREAS the Municipal Council of the Corporation of the Municipality of Temagami passed Procedure By-law 17-1365 on the 28th day of September 2017;

AND WHEREAS on the 22nd day of March 2018, Council passed Resolution 18-096, to receive Memo 2018-M-012 - Options for remote attendance in Procedure By-law and to direct staff to draft an amendment to the Procedure By-law to provide for electronic participation in meetings from the direction given at the March 13, 2018 Committee of the Whole meeting; and to give notice of intent to consider an amendment to the Procedure By-law as required by section 21 of said by-law;

AND WHEREAS direction was provided through Resolution 18-387 at the Council meeting of September 27, 2018, to limit the number of times Members may participate electronically in meetings;

NOW THEREFORE the Council of the Corporation of the Municipality of Temagami hereby enacts as follows:

1. **That Procedure By-law 17-1365 is hereby amended by** adding the following definition as subsection 1.14, with the remaining subsections to be renumbered accordingly: *“Electronic Participation” shall mean participation in a meeting from a location other than that at which the meeting is physically being held by means of telephone, internet, or other electronic as may be decided upon by Council from time to time.*

2. **That Procedure By-law 17-1365 is hereby amended by** adding as section 2.7: *“Subject to the provisions of the Municipal Act, 2001, as amended, the Municipality of Temagami shall allow electronic participation by Members of Council and Committees in the manner and to the extent set out in section 6 of this by-law.”*

Initials:

_____ Mayor

_____ Clerk

3. That Procedure By-law 17-1365 is hereby amended by adding the following as section 6, with the remaining subsections renumbered accordingly:

6. ELECTRONIC PARTICIPATION:

6.1. Extent:

- a. *Electronic participation shall be allowed at all Regular, Special and Committee of the Whole meetings of Council that are open to the public.*
- b. *Members of Council shall be permitted to participate electronically at no more than three meetings during a calendar year.*
- c. *There shall be no limit on the number of consecutive meetings that a Member of Council can participate in electronically provided the maximum referred to in (b) is not exceeded.*
- d. *A maximum of three (3) Members of Council may participate electronically at a meeting, provided that a quorum of Council is present in person at the meeting.*
- e. *Council Members shall be permitted to vote when participating electronically.*
- f. *In order to Chair a meeting, a Member of Council shall be present in person at the meeting. When the Head of Council is participating in a meeting electronically, another Member shall chair the meeting as set out in Section 3 of this By-law.*
- g. *Although Members participating electronically are not permitted to participate in a closed session, if following the consideration of a matter in closed session a vote is taken in open session, they shall be permitted to vote on the matter, or they may choose to abstain from voting having not been privy to the closed session discussion.*

6.2. Manner:

- a. *When the question is called on a motion, a Member or Members participating by telephone may state verbally whether they are for or against, rather than by a show of hands, as required by section 15.8.1.*
- b. *When participating by telephone, a Member may call a point of order or move an amendment verbally. The Chair shall ensure that Members participating electronically are given the same opportunity to speak to each question as they would have been given if participating in person.*
- c. *A Member who is participating in a meeting electronically may declare a conflict of interest by emailing the declaration form to the Municipal Clerk in advance of the meeting and shall verbally state their conflict when the Chair calls for declarations.*

6.3. Process:

- a. *Any Member wishing to participate electronically in a meeting shall send a request to do so by email to the Municipal Clerk. The ability to participate electronically shall be allocated on a first-come-first-serve basis.*
- b. *In order for a Member to participate electronically in an afternoon/evening meeting, the request shall be received by 4:30 pm on the business day before the*

Initials:

Mayor
Clerk

meeting. In order to participate electronically in a morning meeting, the request shall be received by noon on the business day before the meeting. The Municipal Clerk may, at his or her sole discretion, accept a request submitted later than the prescribed time due to unanticipated circumstances (including, but not limited to weather or road conditions).

- c. The municipality may use telephone conference calling, or other technology to facilitate electronic participation. The municipality shall pay the cost of the conference calling or technology option and where direct dialing is used the municipality shall initiate the call, so that the cost goes to the municipality.*
- d. In the event of connection/service interruptions, the Chair may recess the meeting to allow for attempts to reconnect. After 10 minutes not connected, the meeting shall resume and no more efforts shall be taken to reconnect.*

- 4. **That Procedure By-law 17-1365 is hereby amended** by adding to the end of section 7.2 *“If the Mayor and/or Deputy Mayor is/are present at the meeting, but is/are participating electronically, this section applies with regard to who will chair the meeting; however, those participating electronically shall be counted as present for the purpose of choosing an alternate Chair.”*
- 5. **That Procedure By-law 17-1365 is hereby amended** by adding to the end of section 15.8.1: *“Notwithstanding this provision, a Member or Members participating electronically may state verbally whether they are for or against a motion.”*
- 6 **That** this By-law shall take effect upon the final passing thereof.
- 7 **That** By-Law 18-1393 is hereby repealed.
- 8 **That** the Clerk of the Municipality of Temagami is hereby authorized to make minor modifications or corrections of a grammatical or typographical nature to this by-law and schedule, after the passage of this by-law, where such modifications or corrections do not alter the intent of the by-law.

TAKEN AS READ a first time on this 18th day of October, 2018.

TAKEN AS READ A SECOND TIME on this 18th day of October, 2018

TAKEN AS READ A THIRD TIME AND FINALLY PASSED on this 18th day of October, 2018.

Mayor

Clerk