

The Corporation of the City of Burlington

City of Burlington By-law 13-2020

A by-law to amend By-law 04-2020 to provide for the rules of order of
Council and its Committees
File:110-04-1 (CL-08-20)

Whereas section 238(2), of the *Municipal Act*, S.O. 2001, c.25 requires that every municipality and local board shall pass a procedure by-law for governing the calling, place and proceeding of meetings; and

Whereas the Corporation of the City of Burlington (the “City of Burlington”) has enacted Procedure By-law 04-2020; and

Whereas on March 17, 2020, an emergency was declared by the Province of Ontario under the provisions of the *Emergency Management and Civil Protection Act*, R.S.O. 1990, c.E.9, relating to the outbreak of the Novel Coronavirus 19 (COVID-19); and

Whereas on March 19, 2020, the Province of Ontario enacted the *Municipal Emergency Act, 2020*, to amend the *Municipal Act, 2001*, to provide that, during emergency declared pursuant to the *Emergency Management and Civil Protection Act*, members of councils, local boards and committees who participate electronically in open and closed meetings may be counted for purposes of quorum; and

Whereas 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 during the COVID-19 emergency; and

Whereas the Council of the City of Burlington considers the protection of health and safety of the public to be a paramount concern, and has suspended the operations of all City facilities, other than those deemed essential for the welfare of the citizens of the City of Burlington, during the COVID-19 emergency; and

Whereas on March 21, 2020 an emergency was declared by the Mayor of the City of Burlington, under the provisions of the *Emergency Management and Civil Protection Act*, R.S.O. 1990, c.E.9, relating to the outbreak of the Novel Coronavirus 19 (COVID-19); and

Whereas the Council of the City of Burlington considers it desirable to be able to hold meetings electronically during the COVID-19 emergency;

Now therefore the Council of the Corporation of the City of Burlington hereby enacts as follows:

1. By-law 04-2020 is amended by adding the following new definitions immediately after section 1.10 and that all subsequent definitions be renumbered accordingly:
 - 1.11 “Electronic Meeting” means a meeting called and held in full or in part via electronic means (including, but not limited to, audio teleconference, video conference, or via means of the internet);
 - 1.12 “Emergency” means any period of time during which an emergency has been declared to exist in all or part a municipality by under section 4 or 7.0.1 of the *Emergency Management Act*;
 - 1.13 “Emergency Management Act” means the *Emergency Management and Civil Protection Act*, R.S.O. 1990, Chapter E. 9, as amended;
2. By-law 04-2020 is amended by deleting section 21.6 and replacing it with the following new section 21.6
 - s.21.6 A Special Meeting of Council may be held, without notice, to deal with a situation of emergency, disaster or crisis as defined in the City of Burlington Emergency and Continuity Management Program By-law 46-2019, as amended or replaced from time to time, provided that an attempt has been made to reach the members by telephone and/or e-mail at their respective residence and/or place of business. No business except business dealing directly with the emergency, disaster or crisis will be transacted at that meeting.
3. By-law 04-2020 is amended by adding the following new section 24 immediately after section 23, and that the rest of the numbering be adjusted accordingly:
 - 24 Electronic Meetings During Declared Emergency
 - 24.1 Notwithstanding any other provision in this by-law, a regular or special meeting of Council, or committee of Council may be conducted by Electronic Meeting during an Emergency.
 - 24.2 A member participating remotely in an Electronic Meeting under this section shall be counted in determining whether or not a quorum of members is present at any point in time in accordance with section 26,

Call to Order and Quorum, of this by-law and shall be entitled to vote through a vote recorded by the Clerk as if they were attending the meeting in person.

- 24.3 An Electronic Meeting may include a Closed Session, which shall be conducted in the absence of the public and in accordance with this by-law.
 - 24.4 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.
 - 24.5 Notwithstanding sections 40-41, Delegations and Questions/Speaking, of this by-law, all requests to delegate at an Electronic Meeting under this section shall be way of electronic submission received in advance of the meeting, which shall be submitted to the Clerks Department at clerks@burlington.ca noon the day before the Electronic Meeting, and shall be provided to members in advance of the meeting.
 - 24.6 Public attendance to Electronic Meetings during the course of an Emergency may be restricted to electronic means.
- 4. Subject to the amendments made in this By-law, in all other respects, By-law 04-2020 is hereby confirmed unchanged.
 - 5. This By-law comes into force on the date of its passing.

Enacted and passed this 24th day of March, 2020.

Mayor Marianne Meed Ward _____

City Clerk Kevin Arjoon _____