

**THE CORPORATION OF THE COUNTY OF LAMBTON**

**BY-LAW NO. 9 OF 2020**

**"A By-Law to Amend By-Law No. 33 of 2014 to permit Electronic Meetings during a period of an Emergency"**

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**WHEREAS** the *Municipal Act, 2001*, S.O. 2001, c. 25 (the "Act"), section 238, provides that a municipality shall establish a procedure by-law to govern meetings;

**AND WHEREAS** By-law No. 33 of 2014 (the "By-Law"), as amended, governs the calling, place and proceedings of all Council meetings of The Corporation of the County of Lambton ("County of Lambton");

**AND WHEREAS** the Province of Ontario enacted the *Municipal Emergency Act, 2020* on March 19, 2020 to amend the Act to enact section 238 (3.3) and section (3.4) to allow meetings to be held electronically during an emergency declared by either the Province and/or County of Lambton pursuant to *Emergency Management and Civil Protection Act*, R.S.O. 1990, c. E.9 ("Provincial Emergency Act");

**AND WHEREAS** the Province of Ontario declared an emergency pursuant to s. 7.01 of the Provincial Emergency Act related to COVID-19 on March 17, 2020;

**AND WHEREAS** the County of Lambton declared an emergency pursuant to s. 4(1) of the Provincial Emergency Act related to COVID-19 on March 18, 2020;

**AND WHEREAS** the Lieutenant Governor has issued Order-In-Council 520/2020 pursuant to the Provincial Emergency Act, prohibiting all organized public events of over fifty (50) people due to COVID-19;

**AND WHEREAS** the Council of the County of Lambton considers it desirable to be able to hold meetings electronically during an emergency declared

by either the Province of Ontario and/or the County of Lambton pursuant to the Provincial Emergency Act;

**NOW THEREFORE** the Council of The Corporation of the County of Lambton enacts as follows:

1. That the By-Law is hereby amended by adding thereto a new Part 25 that reads as follows:

**Part 25: Electronic Meetings During Declared Emergency**

- 25.1** For the purposes of this Part 25, the following capitalized terms shall have the following meaning and all other capitalized terms shall have the meaning given to them in Part 2 hereof:

**"Emergency"** means any period of time during which an emergency has been declared to exist by the Warden and/or the Province of Ontario pursuant to, as applicable, section 4 and/or 7.0.1 of the *Emergency Management and Civil Protection Act*, R.S.O. 1990, c. E.9.

**"Electronic Meeting"** means a meeting called by the Warden and held in full or in part through such electronic means selected by the Warden, in consultation with the Clerk, taking into account the County of Lambton's resources, which may include, but not be limited to, audio telephone conference, video telephone conference, or online through the Internet or otherwise via the Internet, and with or without in person attendance.

- 25.2** Notwithstanding any other Part hereof, at the call of the Warden a regular or special meeting of Council (including, for greater certainty, any Committee meeting) may be conducted by Electronic Meeting during an Emergency, in accordance with this Part and any other protocol and/or policy as may be approved by Council from time to time.
- 25.3** A Member attending and present during an Electronic Meeting shall be counted for purposes of quorum at the commencement and at any point in time during the Meeting, and shall be entitled to vote through a vote recorded by the Clerk as if they were attending the Meeting in person.
- 25.4** An Electronic Meeting may include a Closed Meeting, which shall be conducted with members of the public excluded therefrom and in accordance with this Part.
- 25.5** A public notice of an Electronic Meeting shall include sufficient information as to provide the public with the ability to reasonably access and/or otherwise observe, by such means identified in the notice, the open session of the Electronic Meeting.
- 25.6** Despite any other Part hereof any person desiring to present verbally to, or to make a request of, or present correspondence to, Council at

and/or during an Electronic Meeting, shall first give the requisite notice thereof to the Clerk and meet all other requirements of these Rules of Procedure, and provided such requirements have been met, shall only be permitted to make such presentation, request or present such correspondence in writing, provided further that such written presentation, request and/or correspondence is received by the Clerk no later than 12:00 noon on the sixth working day immediately preceding the Electronic Meeting.

- 25.7** The Rules of Procedure shall continue to apply to an Electronic Meeting held pursuant to this Part 25. In the event of any inconsistency and/or conflict between this Part 25 and any other Part of these Rules of Procedure, this Part 25 shall prevail to the extent of the inconsistency and/or conflict.
2. That By-Law No. 33 of 2014 as amended is hereby ratified and confirmed in all other respects.
3. THIS BY-LAW shall come into force and effect immediately upon its passing.

THIS BY-LAW read a first, second and third time and finally passed this 1st day of April, 2020.

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Bill Weber  
Warden

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Stéphane Thiffeault  
Clerk