

**THE CORPORATION  
OF THE  
TOWN OF NIAGARA-ON-THE-LAKE  
BY-LAW NO. 5125C-20**

A BY-LAW TO AMEND BY-LAW 5125-19 BEING A BY-LAW  
ENTITLED PROCEDURE BY-LAW OF THE CORPORATION OF  
THE TOWN OF NIAGARA-ON-THE-LAKE

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

**AND WHEREAS** the Council of the Corporation of the Town of Niagara-on-the-Lake approved By-law 5125-19 at the January 14, 2019 Council Meeting;

**AND WHEREAS** on March 19, 2020 the Province of Ontario enacted the Municipal Emergency Act, 2002 to amend the Municipal Act, 2001, to enact section 238 (3.3) and 238 (3.4) to permit meetings to be held electronically during an emergency declared pursuant to the Emergency Management and Civil Protection Act;

**AND WHEREAS** on March 17, 2020 a Declaration of Emergency was made by the Province of Ontario pursuant to section 7.0.1 of the Emergency Management and Civil Protection Act related to COVID-19;

**AND WHEREAS** on March 23, 2020 an emergency was declared by the Lord Mayor, 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** Bill 197 enacted COVID-19 Economic Recovery Act, 2020 to amend sections 238(3.1) to 238(3.4) of the Municipal Act, 2001 to permit meetings (regular, special and other) to be held electronically at any time to the extent and in the manner set out in the applicable procedure by-law;

**AND WHEREAS** Council approved report CS-20-019 which recommended Procedural By-law 5125-19 be amended to reflect the changes as outlined in the report.

**NOW THEREFORE BE IT ENACTED AS A BY-LAW OF THE CORPORATION OF THE TOWN OF NIAGARA-ON-THE-LAKE as follows:**

1. That By-law 5125-19, being the Procedure By-law of the Corporation of the Town of Niagara-on-the-Lake, be removing Section 5.10 and replacing it with the following section 5.10:

5.10      Electronic Meetings

Members of Council may participate electronically in any Council meeting in accordance with the following procedures:

- 5.10.1      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.
- 5.10.2      Members 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 recorded vote recorded by the Clerk as if they were attending the meeting in person.
- 5.10.3      An Electronic Meeting may include a Closed Session, which shall be conducted in the absence of the public and in accordance with this Section.
- 5.10.4      An Electronic Meeting shall permit public delegations in accordance with the Town's Delegation Request Policy.
- 5.10.5      Public attendance to Electronic Meetings during the course of an Emergency may be restricted to electronic means.

- 3.      That By-law 5125-19, being the Procedure By-law of the Corporation of the Town of Niagara-on-the-Lake be amended by removing Section 11.11., and replacing it with the following:

11.11      Members of a Committee can participate electronically in a meeting which is open to the public. Any such member shall be counted in determining whether or not a quorum of members is present.

- 5.      That the Lord Mayor and Clerk be authorized to affix their hands and the Corporate Seal; and
- 6.      THAT this by-law shall come into force and take effect immediately upon the passing thereof.

**READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS 24<sup>th</sup> DAY OF AUGUST 2020.**

---

LORD MAYOR BETTY DISERO

---

TOWN CLERK PETER TODD