



By-law 2020-26

A By-law to amend Procedural By-law 2017-5 to permit electronic meeting participation during a state of emergency

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

WHEREAS the Council of the City of Markham has enacted Procedural By-law 2017-5 to govern the calling, place, and proceedings of meetings of Council, local boards, and committees of the City of Markham; and,

WHEREAS Section 238(3.3) of the *Municipal Act, 2001*, S.O. 2001, c.25, allows for a municipality's procedural by-law to permit a member of council, a local board, or a committee to participate electronically in a meeting which is open or closed to the public and be counted in towards quorum during an emergency declared to exist in all or part of the municipality under Section 4 or Section 7.0.1 of the *Emergency Management and Civil Protection Act*; and,

WHEREAS the Council of the City of Markham considers it necessary to establish procedures to facilitate transparent and accountable decision-making required for the continuity of municipal operations and the provision of essential municipal services during a declared state of emergency;

NOW THEREFORE the Council of the Corporation of the City of Markham enacts as follows:

1. That By-law 2017-5 is hereby amended such that:

1.1 The following definition be added to Section 2:

"State of Emergency" means a situation in which an emergency has been declared to exist in all or part of the City of Markham by the **Mayor** under Section 4 of the *Emergency Management and Civil Protection Act* or by the Lieutenant Governor in Council or the Premier of the Province of Ontario under Section 7.0.1 of the *Emergency Management and Civil Protection Act*.

1.2 The following Section 4.6 be inserted and all subsequent sections of the by-law be re-numbered accordingly:

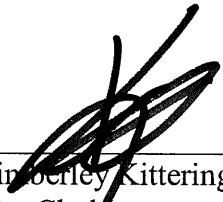
4.6 Electronic Meeting Participation

During a **State of Emergency**, **Members** may participate in a **Meeting** that is open or closed to the public by means of electronic communications and such members shall be counted towards quorum subject to the following conditions:

- (a) Matters of discussion at the **Meeting** shall be those necessary for the continued administration of the City and/or the provision of essential municipal services.
- (b) The **Meeting** shall be one of **Council** or **Standing Committee**; or, City Advisory Committees and Local Boards as identified by the **Clerk**.

- (c) Where feasible, the **Chair** and **Clerk** of the **Meeting** shall be physically present at the location determined by the **Clerk**.
- (d) The **Meeting** shall be conducted in accordance with the administrative procedures established by the **Clerk** for facilitating electronic participation.

Read a first, second, and third time and passed on March 27, 2020.



Kimberley Kitteringham
City Clerk

Frank Scarpitti
Mayor