



## THE CORPORATION OF THE MUNICIPALITY OF KINCARDINE

**Subject:** Clerk's Electronic Participation at Council Meetings

**Report Number:** Clerk's-2020-06

**Meeting Date:** Monday, April 6, 2020

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**Recommendation:** THAT Procedure By-law No. 2013 - 161 be amended to provide that the Clerk and other Staff members may attend Council meetings electronically during a declared emergency in the Municipality.

**Date to be considered by Council:** Monday, April 6, 2020

**Report Summary:**

Council recently passed by-law to allow for members to attend meetings through electronic means during a declared emergency in the Municipality. It is recommended that the Procedure By-law be amended to extend this avenue of participation to the Clerk and other municipal Staff as well.

**Origin:** Procedure By-law Amendment By-law No. 2020 - 044 to allow electronic participation by Council at meetings

**Existing Policy:** Procedure By-law No. 2013 - 161

**Background/Analysis:**

Pursuant to section 228 (1) of the Municipal Act, the Clerk's duties include:

- (a) to record, without note or comment, all resolutions, decisions and other proceedings of the council;
- (b) if required by any member present at a vote, to record the name and vote of every member voting on any matter or question.

In order to fulfill these responsibilities, it is necessary for the Clerk to attend Council meetings. The attendance of the Clerk differs from that of Council members, as the Clerk is not considered when determining quorum requirements, etc. The Municipal Act does not specify that attendance by the Clerk is required in person, although, traditionally it has been. However, with the issues associated with COVID-19, it illustrates there may be times where

electronic attendance is preferred and/or needed. While neither the Municipal Act nor the Municipality's Procedure By-law prohibits electronic attendance by the Clerk, it would be preferable to set out in the Procedure By-law that this is acceptable.

At the March 30, 2020 special meeting, Council passed By-law No. 2020 - 044 to allow, during an emergency existing in all or part of the municipality, declared by the Premier, Cabinet or local Head of Council under sections 4 or 7.0.1 of the Emergency Management and Civil Protection Act, for electronic participation of Council Members in both open and closed council meetings with such members counting in determining whether or not a quorum of members is present.

During such an emergency, it may be appropriate for this mode of attendance by the Clerk and, by extension, other municipal Staff. They would be subject to the same operational protocols for electronic meeting participation as Council members as set out in the Procedure By-law.

**Community Plan and Integrated Community Sustainability Plan (ICSP)**  
**Considerations: n/a**

**Financial Implications: There are no financial implications of Council adopting this practice.**

**Attachments: Draft Procedure By-law Amendment**