

**By-Law No. 3-2020**

**"A By-Law to Amend By-Law No. 2-2020 to permit Electronic Meetings during a period of an Emergency"**

**WHEREAS** Section 2 of Transfer Order Lambton Area #W1/1998 provides the Lambton Area Water Supply System Joint Board of Management with full authority and necessary powers, to manage on behalf of the Municipalities, the System.

**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. 2 of 2020 (the "Procedural By-Law"), as amended, governs the calling, place and proceedings of all meetings of The Lambton Area Water Supply System;

**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 one/all Municipal owner(s) of the Lambton Area Water Supply System 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 Lambton Area Water Supply System Joint Board of Management considers it desirable to be able to hold meetings electronically during an emergency declared by either the Province of Ontario and/or one/all Municipal owner(s) of the Lambton Area Water Supply System pursuant to the Provincial Emergency Act.

**NOW THEREFORE** the Lambton Area Water Supply System Joint Board of Management hereby enact as follows:

1. The By-Law is hereby amended by adding thereto a new Section 42 that reads as follows:

**42. Electronic Meetings During Declared Emergency**

- a. For the purposes of this Section 42, the following terms shall have the following meaning:

**"Emergency"** means any period of time during which an emergency has been declared to exist by 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 Chair and held in full or in part through such electronic means selected by the Chair, in consultation with the General

Manager, taking into account LAWSS 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.

- b. Notwithstanding any other Part hereof, at the call of the Chair a regular or special meeting of the Board may be conducted by Electronic Meeting during an Emergency, in accordance with this Section and any other protocol and/or policy as may be approved by Board from time to time.
  - c. 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 General Manager as if they were attending the Meeting in person.
  - d. An Electronic Meeting may include a Closed Meeting, which shall be conducted with members of the public excluded therefrom and in accordance with this Section.
  - e. 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.
  - f. Despite any other Section hereof any person desiring to present verbally to, or to make a request of, or present correspondence to, the Board at and/or during an Electronic Meeting, shall first give the requisite notice thereof to the General Manager 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 General Manager no later than 12:00 noon on the seventh day immediately preceding the Electronic Meeting.
  - g. The Rules of Procedure shall continue to apply to an Electronic Meeting held pursuant to this Section 41. In the event of any inconsistency and/or conflict between this Section 41 and any other Section of these Rules of Procedure, this Section 41 shall prevail to the extent of the inconsistency and/or conflict.
2. By-Law 3-2020 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.

By-law read a first, second and third time and finally passed on this **30th day of April, 2020.**

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Mayor Bev Hand, Chair

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Clinton Harper, General Manager