THE CITY OF WINNIPEG

BY-LAW NO. 41/2020

A By-law of THE CITY OF WINNIPEG to permit members of Council to participate in meetings of Council and Council committees by means of electronic or other communication devices

WHEREAS physical meetings of Council would be difficult or impossible to be held in compliance of the orders and recommendations of public health authorities during the period of the COVID-19 pandemic;

AND WHEREAS section 74 of *The City of Winnipeg Charter* provides as follows:

> ***Procedures by-law***
> *74* *Council may by by-law establish rules governing*
>
> *…*
>
> *(b) the circumstances under which meetings of council, or of its committees or subcommittees, may be conducted by means of electronic or other communication devices as permitted under section 81 (use of communication devices).*

AND WHEREAS section 81 of *The City of Winnipeg Charter* provides as follows:

> ***Meeting through communication devices***
> *81(1)* *Council may, in circumstances under which it is permitted by by-law to do so, conduct a meeting by means of electronic or other communication devices if the devices enable the members to hear and speak to each other and the public to hear the members.*
>
> ***Participating member deemed present***
> *81(2)* *A member of council who participates in a meeting of council conducted by means of communication devices is deemed to be present at the meeting.*
>
> ***Meetings of committees***
> *81(3)* *Where council has provided for a meeting of a committee of council or a subcommittee thereof to be conducted by means of electronic or other communication devices, subsections (1) and (2) apply, with necessary changes, to the meeting and to members of the committee or subcommittee.*

NOW THEREFORE THE CITY OF WINNIPEG, in Council assembled, enacts as follows:

Short title

1 This By-law may be cited as the *Meetings of Council by Communication Devices By-law.*

Council and committees of Council authorized to meet by communication device

2 Despite section 5 of the Procedure By-law but subject to this By-law, for a period of 120 days beginning on April 20, 2020, Council and committees of Council are hereby authorized to meet by means of electronic or other communication device as determined to be feasible by the City Clerk.

Rules for meetings held through communication devices

3(1) Before a meeting is held under section 2, the City Clerk must

(a) determine that use of the devices to conduct the meeting will enable the members to hear and speak to each other and the public to hear the members and is otherwise feasible; and

(b) communicate to all members of Council or of the committee of Council, as the case may be, which devices will be used and the means by which they can be used to participate in the meeting.

3(2) At the beginning of a meeting held in accordance with section 2, the Presiding Officer or the Chair of the Committee, as the case may be, must satisfy himself or herself that the communication devices being used are functioning to a standard that will enable all the members participating in the meeting to hear and speak to each other and the public to hear the members.

3(3) If, at any point during the meeting held in accordance with section 2, the communication devices cease to function to a standard that will enable the members to hear and speak to each other and the public to hear the members, the Presiding Officer or the Chair of the Committee, as the case may be, shall suspend the meeting until the communication devices are again functional. If, after reasonable but unsuccessful efforts have been made to achieve functionality of the devices, the Presiding Officer or the Chair, as the case may be, shall adjourn the meeting.

3(4) The Procedure By-law shall apply to meetings held in accordance with section 2 with such changes as are reasonably required to facilitate the conduct of the meeting.

3(5) For greater certainty, subsection 9(19) of the Procedure By-law – which requires that members must receive permission from the Presiding Officer before leaving the meeting – applies to meetings held in accordance with section 2.

DONE AND PASSED this 3rd day of April, 2020.

Mayor

City Clerk

Legally reviewed and certified as to form:

for Director of Legal Services
and City Solicitor