



BYLAW NO. 028-2020

TOWN OF SMOKY LAKE
IN THE PROVINCE OF ALBERTA

BEING A BYLAW OF TOWN OF SMOKY LAKE IN THE PROVINCE OF ALBERTA FOR THE PURPOSE OF PERMITTING MEETINGS THROUGH ELECTRONIC COMMUNICATION TECHNOLOGY.

WHEREAS, pursuant to the *Municipal Government Act*, R.S.A. 2000 c. M-26 and amendments thereto, authorizes Council to pass a Bylaw to establish rules and provisions to regulate the conduct of business in Council Meetings and Council Committee Meetings as established by its Procedural Bylaw;

AND WHEREAS, the Council of the Town of Smoky Lake acknowledges the need and advantages to holding electronic meetings from time to time as necessary;

AND WHEREAS, this bylaw shall be enabled and carried out when any circumstance warrants an electronic meeting to be held;

AND WHEREAS, any members of Council, Chief Administrative Officer and staff may attend Regular Council meetings and committee meetings by Electronic Communication Technology; and this Bylaw authorizes and allows for public observation and attendance by Electronic Communication Technology;

NOW THEREFORE, be it resolved that the Council of the Town of Smoky Lake in the Province of Alberta, duly assembled hereby enacts as follows:

PART ONE: INTERPRETATION

- 1.1 This Bylaw shall be cited as the “**Electronic Meetings**” Bylaw.
- 1.2 This Bylaw shall govern all electronic meetings of Council and meetings of committees established by Council.
- 1.3 When a matter arises relating to proceedings in a Meeting, the provisions of the Town of Smoky Lake Procedural Bylaw No. 014-19 shall be adhered to in additions to the provisions of this Bylaw.
- 1.4 Electronic meetings participation and public observation through Electronic Communication Technology, gives flexibility to Council and municipal staff to conduct business using telephone and/or video conferencing without compromising the rights of the public to attend and observe meetings of Council or Committees established by Council. The *Municipal Government Act* and the Town Procedural Bylaw state that Council meetings or Council committee meetings may be conducted via **Electronic Communication Technology**.

PART TWO: DEFINITIONS

- 2.1 “**Electronic Communication Technology**” means web-based and/or telephone platforms which allow people to watch and/or listen to the meeting within a virtual facility.
- 2.2 “**Electronic Meeting**” means a meeting called and held within a virtual facility, in full or in part via Electronic Communication Technology including, but not limited to, audio teleconference and/or video teleconference, and held whether or not in the virtual presence of attendees who listen or observe the meeting without being physically present and held in accordance with this Bylaw and any meeting protocol approved by Council.
- 2.3 “**Public Notice Posting**” means notice posted on the Town’s website and posted through the Town’s Social Media.

- 2.4 “Virtual Facility” means the place specified on the Electronic Meeting’s Public Notice Posting which is identified as a unique web-address or a teleconference access location of the meeting and for the purposes of this Bylaw, is also deemed to be the facility where a designated officer is in attendance while attending a meeting at same, unless required otherwise by Regulation.

PART THREE: APPLICATION

- 3.1 This bylaw authorizes members of Council, Chief Administrative Officer, and staff to participate in and/or observe Council and committee meetings through Electronic Communication Technology; and authorizes members of the public to attend and observe by Electronic Communication Technology.
- 3.2 Participation in Electronic Meetings by members of the public may be requested by Council or committees and shall be undertaken at such time and by such means, whether electronic or not, suitable to the requirements of the Council or committee meeting.
- 3.3 This Bylaw applies to all Regular Meetings, Special Meetings, Organizational Meetings and Committee Meetings including Public Hearings of Council which may be held or observed through Electronic Communication Technology electronically or that which requires the electronic participation of one or more Council members, staff or scheduled meeting participants, and remote public observation and attendance.
- 3.4 The method and technology used for an Electronic Meeting shall be determined by the Chief Administrative Officer or designate in consultation with the Town’s Information Technology personnel and in consideration of the prevailing circumstances, requirements, and context for the meeting including, but not limited to the MGA, applicable Regulations, and technological capacities and/or constraints.

PART FOUR: GENERAL MEETING PROTOCOL

- 4.1 The Council directs the **Electronic Meeting Protocol** to be permitted when an electronic meeting will be conducted, and may from time to time, establish or amend procedures relating to Electronic Meetings, to accommodate an effective and efficient meeting such that procedures do not conflict with and are consistent with the intent of the Town Procedural Bylaw and are not contrary to prevailing Provincial Legislation or orders.
- 4.2 An Electronic Meeting will be open to the public, as required by the *Municipal Government Act* and be accessible for public observation and, when required by Council or committee, may allow participation of public at same, except when closed to the public as permitted by law.
- 4.3 The **technology** used must enable the public, and the meeting’s participants to hear and identify, those who are speaking.
- 4.4 Any problems, technical or otherwise, arising from the electronic access which prevents a Council Member from hearing, seeing, knowing, voting or otherwise participating in the meeting, shall not invalidate any vote unless quorum of the remaining Members is lost at the time of the vote.
- 4.5 **Quorum for Electronic Meeting** - Shall be the majority of the valid, subsisting 3 out of 5 members of Council; in accordance with the Town’s Procedural Bylaw, and in the absence of this number, shall be consistent with current Regulation.
- 4.6 The Mayor or Deputy Mayor, or committee chairperson (as the case may be) shall chair the meeting.
- 4.7 **Agenda:** The Chairperson shall announce each agenda item on the floor of the meeting and shall ensure an orderly meeting process. At the discretion of the Chief Administrative Officer or Chairperson, the agenda may be modified to allow the meeting to be split into multiple events and



these multiple events shall constitute a single meeting and proceed as though through recess(es) for the purpose of participants and minutes, in accordance with the Town's Procedural Bylaw.

4.8 **Executive Session "Closed Session"** - An Electronic Meeting may include an Executive Session, which shall be conducted in the absence of the public and in accordance with the Town's Procedural Bylaw.

4.9 **Delegations** - An Electronic Meeting may permit delegations from the public by way of Electronic Communication Technology and may be limited in the way that a Delegation's documents are presented in order to accommodate technical or bandwidth restrictions in accordance with Sections 3.2, 4.2, and 6.3 of this Bylaw.

4.11 **Public Question & Answer Period** - An Electronic Meeting may include a public question and answer period where practical.

4.12 **Application and Conflict** - Notwithstanding the foregoing, the provisions of the Town Procedural Bylaw shall continue to apply to an Electronic Meeting held pursuant to this Bylaw, except that any Emergency Electronic Meeting Protocol approved by Council and any Provincial legislation or order shall prevail to the extent of any conflict." In the event of a conflict between this Bylaw and the Town Procedural Bylaw, the Procedural Bylaw shall prevail unless to the extent that the Electronic Meeting be thus made unmanageable, in which case this Bylaw shall prevail.

4.13 **RECORDS OF COUNCIL** - All minutes of Council for electronic meetings shall be recorded in accordance with the Town Procedural Bylaw, subject only to 4.12 of this Bylaw.

PART FIVE: ELECTRONIC MEETING PROCEDURES

Attendance:

5.1 Council and/or committee Members attending an Electronic Meeting shall be counted for purposes of quorum at the commencement, as well as at any-point-in-time during the meeting, and their attendance shall be recorded by the meeting's Recording Secretary; and they will be entitled to vote if they are deemed to be present at the meeting for whatever period of time the connection via electronic communications remains active.

5.2 The Chairperson shall announce to those in attendance at the meeting that a member is attending the meeting by means of electronic communications.

Request to Speak and Speaker's List:

5.3 Each Member shall speak to Council or the committee through the Chairperson.

5.4 The Chairperson shall manage the Speaker's List based on Chairperson's discretion to ensure all Council Members are able to participate in debate in keeping with meeting rules.

5.5 The Chairperson shall ask each remote participating Member by name to confirm if they wish to be added to Speaker's List on the current agenda item.

5.6 The Chairperson shall announce the name of the Member assigned the floor.

5.7 A Member can use time allotment to speak, ask questions of staff and/or to introduce motions – for a maximum of five (5) minutes.
5.7.1 Members introducing a motion shall clearly state their name and title.

5.8 After Member is finished speaking, the Chairperson may confirm verbally the list of remaining speakers and shall announce the name of next Member assigned the floor.

Vote:

5.9 When Council Members are participating in an electronic meeting, the Chairperson shall, before calling, the question on a motion, individually ask each Member who is participating electronically:



- 5.9.1 that the Council Members has heard and understood the discussion, and
- 5.9.2 whether the Council Members is in favour or opposed to the motion.

5.10 When a vote is called electronically, Council members attending the meeting by means of electronic communications shall be asked to state their vote. The Chairperson shall announce results to Council, including confirmation of how each Member voted (in favour or opposed). However, if any Member or the Recording Secretary is unsure if the electronic voting is accurate, or questions the accuracy of the electronic vote, then a roll call vote shall be taken by the Recording Secretary in which each Member's name is called and each Member responds verbally with their vote. Determining the result of any vote shall be determined by the Recording Secretary and the Recording Secretary's determination shall be final. All votes at Electronic Meetings are Recorded votes.

Executive Session:

5.11 When a Council member attends an Executive Session during an Electronic Meeting, they will be required to confirm that they are attending the Executive Session alone at their remote location.

Member Conduct:

5.12 Each Member shall remain silent and attentive to the proceeding when not assigned the floor by Chairperson.

5.13 Each Member shall listen for their name to be assigned the floor to speak or to vote.

5.14 Each Members shall take directions from the Chairperson in order to facilitate an effective, efficient and orderly meeting.

Technological Failure:

5.15 Although every effort will be made to accommodate electronic participation in meetings, nothing in this Bylaw shall be construed to guarantee any Member electronic access to a Meeting. In the event of an equipment failure or other occurrence which prevents or limits electronic participation, the Meeting will not be adjourned unless quorum is lost. Electronic participation in Meetings may be restricted by the capacity or dependability of the equipment employed. Failure or inability of a Member to attend an Electronic Meeting shall not be construed as an absence from a meeting with regards to Councilor disqualification under the MGA or Procedural Bylaw.

5.16 If communication is lost to one or more electronic participants during a meeting:

5.16.1 on the first occasion available, a 10-minute recess will be called by the Chairperson to try to re-establish communication;

5.16.2 if, after the recess, communication cannot be re-established, the Member affected will be deemed to have left the meeting;

5.16.3 if, after communication is re-established, and there is a subsequent loss of communication, no further attempts will be made to re-establish communication and the Member affected will be deemed to have left the meeting;

5.16.4 If after the recess communication cannot be re-established and there is not a quorum of members of Council, the Mayor or meeting chairperson will deem the meeting to be adjourned. If the meeting chairperson and sub-chairperson has lost communication, then the Chief Administrative Officer or designate will deem the meeting to be adjourned.

PART SIX: PUBLIC NOTICE OF ELECTRONIC MEETINGS

6.1 Public Notice Posting of Electronic Meetings shall be:

6.1.1 issued a minimum of twenty-four (24) hours prior to the meeting date indicating the manner in which the meeting will be conducted;

6.1.2 in writing and specify the place of the Virtual Facility, the time, date and purpose of the meeting;

6.1.3 posted on the Town of Smoky Lake Website and Social Media;

6.1.4 given any other notification as requested by Council or the Committee.



- 6.2 A Public Notice Posting of an Electronic Meeting shall include sufficient information to the public on how to access the open session of such Electronic Meeting and listen to or observe the meeting as it is occurring through Electronic Communication Technology.
- 6.3 Any person who claims to be affected by a proposed bylaw or resolution or wishes to make a presentation and has complied with the procedures outlined by Council, is entitled to make submissions by email to Council. The CAO or designate may waive the submission deadline of the Procedural Bylaw in order to accommodate special circumstances surrounding an Electronic Meeting.
- 6.4 Record or recording of the meeting will be available on the municipality's website within a reasonable timeframe.

PART SEVEN: AMENDMENTS AND ENFORCEMENT

Amendments:

- 7.1 To amend or repeal this Bylaw, Council must pass a bylaw at a Regular or Special meeting of Council at which all Councillors are present.

7.2 Severability:

It is the intention of Council that each separate provision of this Bylaw shall be deemed independent of all other provisions herein and it is the further intention of Council that if any provision of this Bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion shall be severed, and the remainder of the Bylaw is deemed valid and enforceable.

7.3 Effective Date:

This Bylaw shall come into force and effect on the final date of passing thereof.

EFFECTIVE DATE

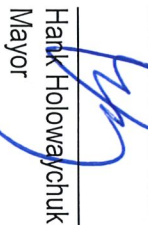
This Bylaw shall come into force and effect on the final date of passing thereof.


READ A FIRST TIME THIS 15th DAY OF DECEMBER, 2020.


Hank Holowaychuk
Mayor


Adam Kozakewicz
Chief Administrative Officer

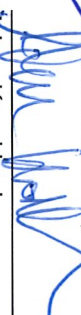
READ A SECOND TIME THIS 15th DAY OF DECEMBER, 2020.


Hank Holowaychuk
Mayor


Adam Kozakewicz
Chief Administrative Officer

READ A THIRD AND FINAL TIME WITH THE UNANIMOUS CONSENT OF ALL COUNCILLORS PRESENT THIS 15th DAY OF DECEMBER, 2020.


Hank Holowaychuk
Mayor


Adam Kozakewicz
Chief Administrative Officer

