

Bill No. 226
2023

By-law No.

A by-law to amend By-law No. A.-6873-292, as amended, entitled "A by-law to designate an area as an improvement area and to establish the board of management for the purpose of managing the Argyle Business Improvement Area".

WHEREAS subsection 5(3) of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended ("*Municipal Act, 2001*") provides that a municipal power shall be exercised by by-law;

AND WHEREAS subsection 238(3.1) of the *Municipal Act, 2001* provides for electronic participation in a meeting of a local board;

NOW THEREFORE the Council of The Corporation of the City of London enacts as follows:

1. Section 1.1 of By-law A.-6878-292 is amended by:

(a) inserting a definition for the word "majority" after the definition for "Council" as follows:

"majority" means (for the purposes of determining quorum at any meeting of the Board of Management) more than half of the directors;

(b) inserting a definition for the word "quorum" after the definition for "Member" as follows:

"quorum" means the minimum number of directors that is required to be present at a given meeting in order for the meeting to proceed.

2. Subsection 5.4 of by-law A.-6873-292 is deleted and replaced with the following new section 5.4:

5.4 A majority of the directors of the Board of Management is necessary to form a quorum.

3. Subsection 5.9(1) of by-law A.-6873-292 is deleted and replaced with the following new subsection 5.9(1):

(1) The Board of Management shall hold at least nine (9) meetings during each fiscal year, and the interval between meetings shall not exceed ninety (90) days.

4. By-law A.-6873-292 is amended by adding the following new section 5.16 after section 5.15:

Electronic Participation

5.16 (1) For the purposes of this section,

"Declared Emergency" shall mean a declaration under section 4 or 7.0.1 of the *Emergency Management and Civil Protection Act* or an order under section 22 or 77.1 of the *Health Protection and Promotion Act*.

"Electronic Participation" shall mean the participation of a director or a Member remotely, via telephone or other electronic means.

Meeting – Electronic Participation and Meeting Attendance

(2) A Board of Management meeting (including a meeting of the Members) may include electronic participation of directors or Members. The following shall apply to such meetings:

1. The following persons shall be physically present in the meeting room of the Board of Management:
 - (a) the Chair of the Board of Management;
 - (b) at least one additional member of the Board of Management;
 - (c) the secretary of the Board of Management.

The Board or the secretary of the Board may refuse to provide a director or Member with electronic means of participation in a meeting, where to do so is necessary to ensure compliance with this paragraph.

2. The meeting room of the Board of Management shall be open to permit physical attendance by members of the public at every meeting of the Board (unless the meeting may be closed to the public pursuant to subsections 239(2), (3), or (3.1) of the *Municipal Act, 2001*).
3. A director or Member who is participating electronically in an open meeting or a closed meeting shall have the same rights and responsibilities as if they were in physical attendance, and they shall be counted for the purposes of determining quorum.
4. A director or Member wishing to participate electronically shall endeavor to provide the secretary with at least 24 hours' advance notice.
5. The administration of electronic participation shall be at the discretion of the secretary, recognizing that technology and requirements will vary from time-to-time. The secretary's discretion shall include the means by which directors or Members can vote.
6. Meeting records shall reflect which directors and Members attended electronically and which directors and Members attended physically.
7. Members of the public shall be allowed to observe meetings electronically, if such meeting is not a closed meeting under subsection 239(2) of the *Municipal Act, 2001*.
8. The Board shall establish appropriate processes to ensure the security and confidentiality of proceedings that are closed to the public.

Meeting – Declared Emergency

(3) Despite the requirement for physical presence at a meeting in subsection (2), any meeting shall allow for Electronic Participation by directors or Members, if the meeting room of the Board is closed pursuant to a Declared Emergency.

Public Attendance – Declared Emergency

(4) The physical meeting location may be restricted from public attendance for a meeting during a Declared Emergency, when it has been deemed in the public interest to do so. Meetings will continue to be provided to the public using electronic means, where it is possible to do so.

5. Section 6.5 of by-law A.-6873-292 is deleted and replaced with the following new section 6.5:

6.5 The Board of Management shall prepare and submit to the City:

- (a) draft annual financial statements for the preceding year, by March 31st; and
- (b) the annual report (including audited financial statements) for the preceding year, by May 15th (noting that the annual report will then be submitted to Council as part of the City's Financial Statements).

6. Section 8.2 of by-law A.-6873-292 is deleted and replaced with the following new section 8.2:

8.2 Notice for all Members' meetings shall be sent to each Member not less than ten (10) calendar days prior to the meeting:

- (a) by mail, to the address last provided by the Member to the Board of Management secretary or, where no address is provided, to the property address of the owner(s) indicated on the last municipal assessment roll; or
- (b) by personal delivery to the Member; or
- (c) electronically if the Member has provided the Board of Management secretary with an electronic means of contacting the Member for the purpose of notification.

7. Section 8.6 of by-law A.-6873-292 is deleted and replaced with the following new section 8.6:

8.6 A majority of the directors of the Board of Management is necessary to form a quorum at a meeting of the Members.

8. This by-law comes into force and effect on the day it is passed subject to the provisions of PART VI.1 of the *Municipal Act*, 2001.

PASSED in Open Council on July 25, 2023 subject to the provisions of PART VI.1 of the *Municipal Act*, 2001.

Josh Morgan
Mayor

Michael Schulthess
City Clerk

First reading - July 25, 2023
Second reading - July 25, 2023
Third reading - July 25, 2023