

Policy: **GOV-003**  
Coverage: **Town of Stellarton**  
Council Approval: 2022 / 04 / 11  
                          Y    M    D  
Effective Date: 2022 / 04 / 12  
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## COUNCIL VIDEOCONFERENCING

### PURPOSE

This policy is entitled the Council Videoconferencing Policy. The Ministerial Direction that enables virtual meetings during a State of Emergency is only allowed during said declarations. Virtual meeting requirements are outlined in section 19A for municipalities of the *Municipal Government Act*. These sections are recent amendments to the MGA  
[https://nslegislature.ca/legc/bills/63rd\\_3rd/3rd\\_read/b098.htm](https://nslegislature.ca/legc/bills/63rd_3rd/3rd_read/b098.htm)

## **PROCEDURE**

1. The procedural requirements in this Policy are intended to complement and supplement, and not to replace, the requirements contained in
  - (1) the *Municipal Government Act*;
2. In this Policy, unless the context otherwise requires,
  - (1) "Council" means the Council of the Town of Stellarton
  - (2) "Council member(s)" include(s) the Mayor; and
  - (3) "meeting" means a regular or special meeting of Council.

### **Public Notice**

3. A council meeting or council committee meeting may be conducted by videoconference if, at least two days prior to the meeting, notice is given to the public respecting the way in which the meeting is to be conducted;
4. The notice to the public referred to in section 4 must be given by:
  - (1) publication in a newspaper circulating in the municipality;
  - (2) posting on the Town of Stellarton's publicly accessible Internet site and in at least five conspicuous places in the municipality; or
  - (3) such other method permitted by regulation.
5. Notwithstanding section 5, where the Mayor determines that there is an emergency, a meeting may be conducted by videoconference without notice or with such notice as is possible in the circumstances.

### **All Council members attend by videoconference**

6. The CAO may require all Council members to appear at a meeting by videoconference if each Council member and the Town of Stellarton have videoconferencing equipment available that will:
  - (1) enable the public to see and hear each Council member participate in the meeting by videoconference;
  - (2) enable each Council member to see and hear every other Council member participate in the meeting by videoconference.

### **One or more Council members attend by videoconference**

7. Except as provided in section 7, Council members must attend Council meetings in person or, if approved by the CAO pursuant to section 9, one or more Council members may appear at a meeting by videoconference.
8. Subject to the other provisions of this Policy, the CAO shall grant permission to a Council member to participate in a meeting, or part of a meeting, by videoconference if:
  - (1) prior to the meeting, the Council member provides written notice to the CAO indicating that the Council member wishes to attend the meeting by videoconference;
  - (2) the Council member has not participated in more than [2] meetings by videoconference in the preceding [12] months in addition to meetings in which all Council members participated by videoconference;
  - (3) the Council member has videoconferencing equipment available that will:
    - (a) enable the public to see and hear the Council member participate in the meeting by videoconference; and
    - (b) enable the Council member to see and hear each of the Council members who are attending the Council Meeting by videoconference or in person.
  - (4) the Town of Stellarton has videoconferencing equipment available that will:
    - (a) enable the public to see and hear the Council member participate in the meeting by videoconference;
    - (b) enable the Council member to see and hear each of the Council members who are attending the Council Meeting by videoconference or in person; and
    - (c) enable every Council member who is attending the meeting by videoconference or in person to see and hear all other Council members who are attending the meeting by videoconference or in person.
9. Any Council member participating by videoconference in a meeting shall be deemed to be:
  - (1) present at those parts of the meeting in which a Council member is permitted to participate by videoconference under this Policy; and

- (2) absent for any parts of the meeting in which a Council member is not permitted to participate by videoconference under this Policy.
10. The CAO shall not grant permission to a Council member to participate by videoconference in any of the following:
- (1) any part of a meeting during which the issue under discussion will be decided by a vote held by secret ballot;
  - (2) a vote held by secret ballot.

**Technological problems - failure to connect or disconnection**


- 11. If technological problems prevent a Council member from participating in a meeting prior to the meeting commencing, the Council member shall be marked absent from the meeting.
- 12. If a Council member becomes disconnected from the meeting due to technical problems or other reasons, the minutes shall reflect that the Council member left the meeting at the time of the disconnection.
- 13. This Policy applies to committees established by Council, with such changes as the context requires.

**Clerk Annotation for Official Policy Book**

Date of Notice to Council Members of Intent To Consider (Minimum 7 Days): March 28, 2022

Date of Passage of Current Policy: April 11, 2022

I certify that this Policy was adopted by Council as indicated above.

 April 12/22  
Chief Administrative Officer                      Date

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# Council Videoconferencing Policy

## Editor's Annotations

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### Enabling Legislation

*Municipal Government Act*, R.S.N.S. 1998, c.18:

19A (1) Where a procedural policy of the council so provides, a council meeting or council committee meeting may be conducted by electronic means if

- (a) at least two days prior to the meeting, notice is given to the public respecting the way in which the meeting is to be conducted;
- (b) the electronic means enables the public to see and hear the meeting as it is occurring;
- (c) the electronic means enables all the meeting participants to see and hear each other; and
- (d) any additional requirements established by regulation have been met.

(2) Where a procedural policy of the council so provides, a council member or council committee member may participate in a council meeting or council committee meeting through electronic means if

- (a) the electronic means enables the public to see and hear the member as the meeting is occurring;
- (b) the electronic means enables all meeting participants to see and hear each other; and
- (c) any additional requirements established by regulation have been met.

(3) A council member participating in a council meeting or council committee meeting by electronic means is deemed to be present at the meeting.

(4) The notice to the public referred to in clause (1)(a) must be given by

- (a) publication in a newspaper circulating in the municipality;
- (b) posting on the municipality's publicly accessible Internet site and in at least five conspicuous places in the municipality; or
- (c) such other method permitted by regulation.

- (5) Notwithstanding clause (1)(a), where the mayor determines that there is an emergency, a meeting may be conducted by electronic means without notice or with such notice as is possible in the circumstances.
- (6) The Minister may make regulations
- (a) respecting council meetings and council committee meetings conducted by electronic means;
  - (b) respecting the participation of a council member or council committee member in a council meeting or council committee meeting by electronic means.
- (7) The exercise by the Minister of the authority contained in subsection (6) is a regulation within the meaning of the Regulations Act.
- 23 (1) The council may make policies
- (a) respecting the date, hour and place of the meetings of the council and the notice to be given for them;
  - (b) regulating its own proceedings and preserving order at meetings of the council;

### **Comment**

- This Policy deals with requirements for regular and special meetings of Council to be conducted by videoconference. The Policy is intended to complement and supplement, and not to replace, the requirements contained in the *Municipal Government Act* ("MGA") and the Municipality's own Council Meetings and Proceedings Policy.
- Meetings in the Policy are defined in section 3 to include both regular and special meetings of Council.
- Section 7 of the Policy allows the CAO to require that all Council members attend a meeting, to allow for entirely virtual meetings when it is not possible or desirable to have in-person meetings.
- For meetings that are not entirely virtual, section 8 of the Policy provides that a Council member must have permission of the CAO to participate in a meeting by videoconference and must participate in accordance with the Policy.
- Section 9 of the Policy sets out the requirements for the CAO to grant permission to a Council member to participate in a meeting, or part of a meeting, by videoconference.
- Section 10 of the Policy sets out when a Council member participating in a meeting shall be deemed to be present and absent.

- Section 11 provides that the CAO shall not grant permission to a Council member to participate by videoconference in certain circumstances.
- Section 12 provides that when a technological problem prevents participation by a member prior to the meeting commencing, the Council Member is marked absent from the meeting.
- Section 13 provides that if a Council member becomes disconnected from the meeting due to technical problems or other reasons, the minutes must reflect that the Council member left the meeting at the time of the disconnection.
- Section 14 is an optional clause which provides that the Policy applies to committees established by Council with such changes as the context requires.
- The chapter # in the Policy title bar should be replaced by each municipal unit with the chapter # it assigns to this Policy.