

**THE CORPORATION OF THE
TOWNSHIP OF EDWARDSBURGH CARDINAL**

BY-LAW NO. 2023 -

“A BY-LAW TO ADOPT A MEETING RECORDING POLICY”

WHEREAS the Council of the Corporation of the Township of Edwardsburgh Cardinal deems it advisable to adopt an updated Meeting Recording Policy to incorporate the Port Management Committee, Public Meetings and Committee of Adjustment meetings;

NOW THEREFORE the Council of the Corporation of the Township of Edwardsburgh/Cardinal enacts as follows:

1. The Meeting Recording Policy attached hereto as Schedule “A” shall form a part of this bylaw.
2. That bylaw 2022-56 and all other bylaws previously passed that are inconsistent with the provisions of this by-law are hereby repealed.
3. That this by-law shall come into force and take effect on the date of passing.

Read a first and second time in open Council this 30 day of January, 2023.

Read a third and final time, passed, signed and sealed in open Council this 30 day of January, 2023.

Mayor

Clerk

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Meeting Recording Policy

1. Purpose:

The purpose of this policy is to establish and provide for ease of access and transparency of the legislative process by providing public availability of the video recordings held at the Township of Edwardsburgh Cardinal.

2. Scope:

This policy applies to open sessions of Council, Committee of the Whole, Port Management Committee, Public Meetings, and Committee of Adjustment meetings.

3. Policy Statement:

The Township of Edwardsburgh Cardinal may make video recordings of Regular and Special Council meetings, Committee of the Whole, Port Management Committee, Public Meetings, and Committee of Adjustment meetings except those meetings or parts of meetings identified as a closed session meeting/in-camera meeting pursuant to the Municipal Act, 2001.

In accordance with the Municipal Act, 2001, minutes of meetings are to be recorded without note or comment by the Clerk or designate. The keeping of a video record of meetings in no way detracts or undermines the position of approved minutes as the official record of decision.

4. Definitions:

"Committee of Adjustment meeting" – means a regular or special meeting of the Committee of Adjustment as provided in the Terms of Reference.

"Committee of the Whole meeting" – means a regular or special meeting of the Committee of the Whole as provided in the Terms of Reference.

"Port Management Committee meeting" – means a regular or special meeting of the Port Management Committee as provided in the Port Terms of Reference.

"Public Meeting" – means a meeting that is required under the Planning Act for certain types of planning applications.

"Regular or Special Council meeting" – means a regular or special meeting of Council as provided for in the Procedural By-law.

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“Recording” – means any audio or video recording made by any electronic device capable of recording.

“Official Record” – means the written minutes of the proceedings of the meeting as prepared by the Clerk/Deputy Clerk.

“Transitory Record” – for the purpose of this policy means a record, that only has a temporary value and is not required to meet statutory obligations, set policy, establish guidelines or procedures, certify a transaction, become a receipt, or provide evidence of legal, financial, operational or other official decisions.

5. Official Record:

In accordance with the Municipal Act, 2001, minutes of meetings are to be recorded by the Clerk/Deputy Clerk or designate and approved/received minutes are the official record of the Township of Edwardsburgh Cardinal meetings. The keeping of audio/video recordings of meeting are considered to be transitory records.

6. Procedure:

Recording of Regular and Special Council, Committee of the Whole, Port Management Committee, Public Meetings and Committee of Adjustment meetings:

All meetings noted above will be held in the Council Chambers and will be recorded unless otherwise specified.

Meetings that take place outside of Council Chambers are not subject to this policy.

7. Notice to Public:

Notice shall be provided to ensure that presenters and members of the public are aware that the meeting proceedings are being recorded and made available through the Township website and Township Youtube channel.

8. Access to Recordings

Audio/video records of Regular and Special Council, Committee of the Whole, Port Management Committee, Public Meetings and Committee of Adjustment meetings are recorded as a convenience and as such the practice may be abandoned due to technical difficulty should the matter arise without sufficient time to provide a suitable solution.

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Copies of the audio/video recordings will not be provided by the municipality. The Township will not provide transcripts of meetings.

The Township shall make such recordings available to the public through a link on the Township website. The records of Council/Committee of the Whole/Port Management Committee/Public Meeting/Committee of Adjustment meetings produced by the Township shall not be altered or misused in any way.

Unless otherwise indicated, copyright to the records of Council/Committee of the Whole/ Port Management Committee/Public Meeting/Committee of Adjustment meetings made available on the Township website and Youtube channel is owned by the Township. Consent may be granted to produce or reproduce the recordings posted on the Township website/Youtube channel, or any substantial part of such recordings, for personal, non-commercial, educational, and news reporting purposes only, provided that the copied material is not modified or altered and ownership of the material is attributed to the Township. For certainty, no person may use the recordings for political party advertising, election campaigns, or any other political activity. Unless expressly authorized herein, no part of the recorded materials posted on the municipality's website/Youtube channel may be reproduced except in accordance with the provisions of the Copyright Act, as may be amended or replaced from time to time, or with the express written permission of Council.

9. Technical Difficulties

The inability to record any meeting due to technical difficulties with recording equipment will not prohibit the meeting from commencing or continuing. The Township shall not be liable for failing to publish or produce any audio/video recordings of any meeting where recording the meeting was not viable due to technical difficulties. Due to the nature of technical equipment, it is not guaranteed that recordings will be continuous or fault-free.

10. Responsibility:

The Clerk's Department shall be responsible for:

- Maintaining recordings of all Council, Committee of the Whole, Port Management Committee, Public Meetings and Committee of Adjustment meetings.
- Publishing the recordings of all open session Council, Committee of the Whole, Port Management Committee, Public Meetings and Committee of Adjustment meetings so that they are accessible through the Township website (by means of a link to the Township Youtube channel) with no alterations to the original recording.

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- Archiving and storing the recordings of Council, Committee of the Whole, Port Management Committee, Public Meetings and Committee of Adjustment meetings.

Staff shall strive to publish the recordings within 48 business hours whenever possible. Recordings may be posted no later than 1 week from the date of the meeting. Should any recordings not be posted within 1 week from the date of the meeting due to technical difficulties beyond staff control, notification may be posted in the same location that the link would have been provided on the Township website.

The Chair shall be responsible for:

- Maintaining order as outlined within the Procedural By-law, and acknowledging each member by name prior to him or her speaking.

Members of Council, Committee of the Whole, Port Management Committee, Public Meetings and Committee of Adjustment shall be responsible for:

- Refraining from speaking at the same time as another member is speaking to ensure that the member who has the floor is clearly recorded.
- Clearly announcing who moved and seconded each motion so the information is clearly recorded.

11. Termination or Suspension of Recording

The recording of meetings shall begin at the commencement of the meeting and conclude at the adjournment of the meeting. The Chair may request the termination or suspension of the recording of a meeting if continuing the recording would prejudice the proceedings of the meeting. This may include:

- Public disturbance or other suspension of the meeting
- Exclusion of the public and press
- Any other reason(s) as agreed by majority consent of Council/Committee of the Whole/Port Management Committee/Public Meeting/Committee of Adjustment

12. Retention

The recordings will be posted to the appropriate Council/Committee of the Whole/Port Management Committee/Public Meeting/Committee of Adjustment meeting calendar page with the YouTube link posted under the "video".

Archived recorded meetings relating to Council will be retained by the Township for 2 terms of Council or 8 years. Archived recorded meetings relating to Committee of the Whole, Port Management Committee, Public Meetings and Committee of Adjustment will be retained by the Township for 1 term or 4 years. Disposal of recordings of meetings will be conducted following the specified retention period.