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SPECIAL COUNCIL MEETING #1
FOR TUESDAY, MARCH 24, 2020 – 1:00 PM

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ORDERS OF THE DAY

SPECIAL COUNCIL MEETING #1

FOR TUESDAY, MARCH 24, 2020 – 1:00 PM

ORDER

- 1st Meeting Called to Order
- 2nd Disclosure of Pecuniary Interest and the General Nature Thereof
- 3rd Motion to Move Into “Committee Of The Whole Council”
- 4th Reports of Council, Outside Boards and Staff
- 6th Motion to Adopt Recommendations from the Committee Of The Whole
- 7th Consideration of By-laws
- 8th ADJOURNMENT

TELECONFERENCE MEETING – IN-PERSON PARTICIPATION OPTIONAL

NOTE FOR MEMBERS OF THE PUBLIC:

Attendance of the public in person is subject to compliance with orders of the Province of Ontario and social distancing guidelines. Please note at this time there is not an option for the public to call in to this meeting.

COVID-19 NOTICE: Have you travelled outside Canada within the last 14 days? Or been in close contact with a confirmed or probable case of COVID-19? Do you have a fever, cough, shortness of breath? If yes STOP. Please do not attend the meeting in person if you are unwell. Help prevent any potential spread of COVID-19 and other illnesses.

Accessible formats available upon request.

REPORTS OF COUNCIL AND STAFF

March 24, 2020

Staff Reports – (ATTACHED)

Chief Administrative Officer - By-Law 20-13 to Amend Procedural By-Law (No. 19-41) -
Electronic Participation



REPORT TO COUNTY COUNCIL

FROM: Julie Gonyou, Chief Administrative Officer/Clerk

DATE: March 22, 2020

SUBJECT: By-Law 20-13 to Amend Procedural By-Law (No. 19-41) - Electronic Participation

RECOMMENDATIONS:

THAT the Council of the County of Elgin receives the report from the Chief Administrative Officer/Clerk dated March 22, 2020 titled By-law 20-13 to Amend Procedural-By-law (No. 19-41) – Electronic Participation as presented; and further

THAT the Council of the County of Elgin considers approving the Amended Procedural By-law.

BACKGROUND:

On March 19, 2020, the Ontario Government took unprecedented action to respond to COVID-19 by convening an emergency sitting of the legislature and passing two pieces of legislation which will protect the jobs of employees who self-isolate or quarantine, help keep store shelves stocked and give municipal councils the flexibility to continue operations while maintaining social distance.

LEGISLATIVE AMENDMENTS:

On March 18, 2020, the Ontario Legislature passed Bill 187, *Municipal Emergency Act, 2020*, which received Royal Assent and is now in force. A copy of the Act is attached to this report. The Act amends the *Municipal Act, 2001* to provide that, during emergencies, should they choose to, members of councils, local boards and committees who participate electronically in open and closed meetings may be counted for purposes of quorum.

The *Municipal Act, 2001* is also amended to allow the Lieutenant Governor in Council to make regulations imposing limits and conditions on the powers of a municipality under Section 129 of the Act.

Electronic Participation, emergencies

Subsection 3.3 – The applicable procedure by-law may provide that, during any period where an emergency has been declared to exist in all or part of the municipality under section 4 or 7.01 of the *Emergency Management and Civil Protection Act*.

- (a) Despite subsection (3.1), a member of a council, of a local board or of a committee of either of them who is participating electronically in a meeting may

be counted in determining whether or not a quorum of members is present at any point in time; and

- (b) Despite subsection (3.2), a member of a council, of a local board or of a committee of either of them can participate electronically in a meeting that is closed to the public.

Same, procedure by-law

Subsection 3.4 – A municipality or local board may hold a special meeting to amend an applicable procedure by-law for the purposes of subsection (3.3) during any period where an emergency has been declared to exist in all or part of the municipality under section 4 or 7.01 of the *Emergency Management and Civil Protection Act* and despite subsection (3.1), a member participating electronically in such a meeting may be counted in determining whether or not a quorum of members is present at any time during the meeting.

CONCLUSION:

The Government of Ontario's response to COVID-19 through Bill 187 will help communities across the province respond to this crisis by allowing councils to conduct meetings remotely. These changes empower municipalities to respond quickly and continue to function when in-person meetings can not be held and council decisions need to be made.

Legislative
Assembly
of Ontario



Assemblée
législative
de l'Ontario

1ST SESSION, 42ND LEGISLATURE, ONTARIO
69 ELIZABETH II, 2020

Bill 187

(Chapter 4 of the Statutes of Ontario, 2020)

An Act to amend the Municipal Act, 2001 and the City of Toronto Act, 2006

The Hon. S. Clark

Minister of Municipal Affairs and Housing

1st Reading	March 19, 2020
2nd Reading	March 19, 2020
3rd Reading	March 19, 2020
Royal Assent	March 19, 2020



EXPLANATORY NOTE

This Explanatory Note was written as a reader's aid to Bill 187 and does not form part of the law. Bill 187 has been enacted as Chapter 4 of the Statutes of Ontario, 2020.

The *Municipal Act, 2001* and the *City of Toronto Act, 2006* are amended to provide that, during emergencies, should they choose to, members of councils, local boards and committees who participate electronically in open and closed meetings may be counted for purposes of quorum.

The *Municipal Act, 2001* is also amended to allow the Lieutenant Governor in Council to make regulations imposing limits and conditions on the powers of a municipality under section 129 of the Act.

Bill 187

2020

An Act to amend the Municipal Act, 2001 and the City of Toronto Act, 2006

Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Municipal Act, 2001

1 Section 238 of the *Municipal Act, 2001* is amended by adding the following subsections:

Electronic participation, emergencies

(3.3) The applicable procedure by-law may provide that, during any period where an emergency has been declared to exist in all or part of the municipality under section 4 or 7.0.1 of the *Emergency Management and Civil Protection Act*,

- (a) despite subsection (3.1), a member of a council, of a local board or of a committee of either of them who is participating electronically in a meeting may be counted in determining whether or not a quorum of members is present at any point in time; and
- (b) despite subsection (3.2), a member of a council, of a local board or of a committee of either of them can participate electronically in a meeting that is closed to the public.

Same, procedure by-law

(3.4) A municipality or local board may hold a special meeting to amend an applicable procedure by-law for the purposes of subsection (3.3) during any period where an emergency has been declared to exist in all or part of the municipality under section 4 or 7.0.1 of the *Emergency Management and Civil Protection Act* and despite subsection (3.1), a member participating electronically in such a special meeting may be counted in determining whether or not a quorum of members is present at any time during the meeting.

2 Subsection 451.1 (1) of the Act is amended by striking out “sections 9, 10 and 11” and substituting “sections 9, 10, 11 and 129”.

City of Toronto Act, 2006

3 Section 189 of the *City of Toronto Act, 2006* is amended by adding the following subsections:

Electronic participation, emergencies

(4.2) The applicable procedure by-law may provide that, during any period where an emergency has been declared to exist in all or part of the City under section 4 or 7.0.1 of the *Emergency Management and Civil Protection Act*,

- (a) despite subsection (4), a member of city council, of a local board of the City or of a committee of either of them who is participating electronically in a meeting may be counted in determining whether or not a quorum of members is present at any point in time; and
- (b) despite subsection (4.1), a member of city council, of a local board of the City or of a committee of either of them can participate electronically in a meeting that is closed to the public.

Same, procedure by-law

(4.3) The city council or a local board of the City may hold a special meeting to amend an applicable procedure by-law for the purposes of subsection (4.2) during any period where an emergency has been declared to exist in all or part of the City under section 4 or 7.0.1 of the *Emergency Management and Civil Protection Act* and despite subsection (4), a member participating electronically in such a special meeting may be counted in determining whether or not a quorum of members is present at any time during the meeting.

Role of head of council

(4.4) Despite anything in this or any other Act, only the head of council may call a special meeting of city council for the purposes of subsection (4.3).

Commencement

4 This Act comes into force on the day it receives Royal Assent.

Short title

5 The short title of this Act is the *Municipal Emergency Act, 2020*.

CORPORATION OF THE COUNTY OF ELGIN

BY-LAW NO.: 20-13

Being a By-Law to Amend By-Law No. 19-41, referred to as the Procedural By-Law

WHEREAS the Municipal Act, 2001, S.O. 2001, c. M. 46, as amended (“Act”), and in particular section 238 thereof, requires a municipal corporation to enact a procedure by-law governing, among other things, the calling, place, and proceedings of meetings of its Council;

AND WHEREAS Council for the Corporation of the County of Elgin previously enacted By-Law No. 19-41, referred to as the Procedural By-Law, to satisfy the said requirement of the Act;

AND WHEREAS By-Law No. 19-41, as amended, and in particular section 11 thereof, allows for electronic participation of Members of Council in a Meeting of Council in keeping with the provisions of the Act, and in particular section 238(3.1) thereof;

AND WHEREAS the Act has been amended to permit a procedure by-law of a municipal corporation to provide for specific changes to rules and regulations relating to electronic participation of Members of Council in a Meeting of Council during any period where an emergency has been declared to exist in all or any part of the municipality pursuant to sections 4 or 7.0.1 of the *Emergency Management and Civil Protection Act*.

NOW THEREFORE, the Corporation of the County of Elgin, by its Council, hereby enacts as follows:

1. By-Law No. 19-41, and in particular section 11 thereof, shall be amended by adding subsection (n) thereto, following subsection (m), and providing as follows:

“ (n) Electronic Participation - Declared State of Emergency

Notwithstanding that set forth in subsection (m) above, during any period in which an emergency has been declared to exist in all or part of the territorial limits of the County of Elgin pursuant to either section 4 or 7.0.1 of the *Emergency Management and Civil Protection Act*, the following rules and regulations for electronic participation in a Council Meeting shall apply:

- (i) A Member who is unable to attend a Council Meeting in person may participate in that Meeting by electronic or other communication facilities if,
 - (a) The facilities enable all participating Members, whether attending in person or through electronic participation, to hear and be heard by all other Members.
 - (b) Except for all or any part of the Council Meeting that is closed to the public, the electronic or other facilities are capable of and enable the public to hear, or watch and hear, all Members participating in the Meeting.

- (c) A Member who intends to participate in any such Meeting of Council by electronic or other communication facilities shall give to the Clerk Notice of that intention at least 24 hours prior to the commencement of such Meeting, provided that, if Notice of such Meeting is provided less than 24 hours prior to its scheduled commencement, then the Member shall give to the Clerk as much notice as possible prior to commencement of such Meeting. In all such circumstances, the Clerk will, as soon as reasonably possible, provide the Member intending to attend by electronic participation with instructions on how to connect to and participate in that Meeting by electronic or other communication facilities.
- (ii) There shall be no limit upon the number of Members who may attend a Meeting of Council by electronic or other communication facilities.
- (iii) Subject to and depending upon prevailing circumstances, including but not limited to the nature and extent of the then current emergency, the Clerk, in consultation with the Warden (or designate) and County Solicitor, shall develop a meeting protocol for each such Meeting and shall distribute such meeting protocol to all Members along with the Notice of and/or Agenda for each such Meeting.
- (iv) Notwithstanding the generality of that set forth in item (iii), the meeting protocol for any Meeting of Council at which one or more Members shall attend the Meeting by electronic or other communication facilities shall include and incorporate the following mandatory rules and/or practices:
 - (a) The Warden (or designate), as Chair, shall lead the Meeting and be present from a designated meeting location supported by the CAO/Clerk (or designate), where possible.
 - (b) Each Member attending the Meeting by electronic or other communication facilities shall notify the Chair and other Members when he or she joins the Meeting and, if and when applicable, upon leaving the Meeting.
 - (c) Any Member attending and present during a Meeting by electronic or other communication facilities shall be counted for purposes of quorum at the commencement of and at any point in time during the Meeting.
 - (d) Any Member attending and present during a Meeting by electronic or other communication facilities may participate in all aspects of the Meeting as if present in person, including but not limited to debate, questioning, presentation of motion, and/or voting.
 - (e) During the course of a Meeting within which any Member is participating by electronic or other communication facilities, the Chair (or designate) shall announce each agenda item on the floor of the Meeting and shall thereafter maintain an orderly meeting process, including keeping Members fully informed.
 - (f) Any Member attending and present during a Meeting by electronic or other communication facilities may vote on any matter being considered in such

Meeting and that vote shall be counted and, as set forth below, duly recorded.

(g) During the course of each vote conducted within such Meeting,

- All votes shall be a recorded vote conducted by the Clerk, as directed by the Chair, unless Council decides otherwise.
- The Clerk shall call the name of each Member to vote and shall thereafter record such indicated vote of that Member as “yes”, “no”, or “abstain”.
- If the Member, whether present in person or electronically and after two attempts, fails to respond to the call of his or her name, then the vote is recorded as “no”, unless directed otherwise by the Chair.
- The Clerk shall announce the results of the vote to the Chair and Council, including announcement of the specific vote of each Member as either “yes”, “no”, or “abstain”.

(h) During the course of the Meeting,

- Each Member shall remain silent and attentive to the proceeding when not assigned to the floor by the Chair.
- Each Member shall listen for their name to be assigned to the floor to speak or to vote.
- All Members shall take and abide by the directions of the Chair in order to facilitate an effective, efficient, and orderly Meeting.

(i) The above rules and practices shall apply to all sessions of the Meeting, whether open or closed to the public.”

2. This By-Law is enacted at a special meeting held in accordance with section 238(3.4) of the *Municipal Act, 2001*, as amended, and shall come into effect as of the date and time of its passing.

READ A FIRST, SECOND, AND THIRD TIME and FINALLY ENACTED this 24th day of March, 2020.

David Mennill, Warden

Julie Gonyou, CAO/Clerk