



**THE CORPORATION OF THE MUNICIPALITY OF TEMAGAMI
SPECIAL COUNCIL MEETING
AGENDA**

Tuesday, March 31, 2020, 10:00 A.M.

Conference Call

An audio recording of the Open Session of this meeting is being made and will be available through the Municipal Website as a public service to further enhance access to municipal government services and to continue to promote open and transparent government. As a visitor, your presence may be recorded and your name and address may be revealed during certain parts of the Council meeting.

Pages

1. PURPOSE OF THIS SPECIAL MEETING

A Special Meeting of Council to be held on March 31, 2020 at 10:00 a.m. by conference call is to review the changes made to the Municipal Act to make required amendments to the Procedural By-Law to allow for enhanced participation electronically.

2. CALL TO ORDER AND ROLL CALL

3. ADOPTION OF THE AGENDA

Draft Motion:

BE IT RESOLVED THAT the Special Council Agenda dated March 31, 2020, be adopted as presented/amended.

4. DECLARATION OF CONFLICT OR PECUNIARY INTEREST AND GENERAL NATURE THEREOF

5. STAFF REPORTS

5.1 Meetings During Declared Emergencies

1

Draft Motion:

BE IT RESOLVED THAT Council approves Schedule H to the Procedural By-law – Meetings during declared emergencies;

AND FURTHER THAT Council directs that this protocol be adopted as Municipal protocol upon passage of this resolution;

AND FURTHER THAT Staff be directed to include this schedule with the other changes being considered to the Procedural By-Law once regular Council meetings resume at the end of this Provincially declared emergency.

6. ADJOURNMENT

Draft Motion:

BE IT RESOLVED THAT this meeting adjourn at X:XX a.m.



Corporation of the Municipality of Temagami

Memo No.
2020-M-035

Memorandum to Council



Staff



Committee

Subject:	Special Meeting
Agenda Date:	March 31, 2020
Attachments:	Schedule H, Changes to Municipal Act 2001

RECOMMENDATION

BE IT RESOLVED THAT Council approves Schedule H to the Procedural By-law – Meetings during declared emergencies;

AND FURTHER THAT Council directs that this protocol be adopted as Municipal protocol upon passage of this resolution;

AND FURTHER THAT Staff be directed to include this schedule with the other changes being considered to the Procedural By-Law once regular Council meetings resume at the end of this Provincially declared emergency.

INFORMATION

As Council is aware, the Province of Ontario has declared a state of emergency concerning the COVID-19 global pandemic. The Legislature did meet and made changes to several acts including the Municipal Act 2001. Basically, the changes to the Municipal Act, 2001 provide municipalities with the option of changing procedural by-laws allowing for enhanced electronic participation ruled for emergencies declared by the Head of Council or the Premier as governed by the Emergency Management and Civil Protection Act.

The changes went on to allow municipalities to hold a special meeting to make the required amendment.

Staff prepared Schedule H – Meetings during declared emergencies, for Council's consideration. It allows quorum to be present electronically and provides that the chair of the meeting may be attending the meeting electronically. Participation in Closed Sessions will be permitted under this Schedule although Members are requested to ensure they are able to respect the privacy and confidentiality required of Closed Sessions prior to their participation.

Schedule H also notes that recordings will continue to be taken and posted as governed by Policy G of the procedural by-law. Given that the physical attendance at our sessions of Council are typically under 5, ensuring the recording of the meetings continues to be posted in the same fashion should ensure that, for the most part, the Public has the same access to Council meetings.

By adopting the resolution as written, Council could start using this policy in advance of entrenching it in the Procedural By-Law along with other changes being considered.

Respectfully Submitted:
Craig Davidson
Treasurer/Administrator

(www.ola.org)

Bill 187, Municipal Emergency Act, 2020

[Clark, Hon. Steve \(www.ola.org/members/all/steve-clark\)](http://www.ola.org/members/all/steve-clark) Minister of Municipal Affairs and Housing

Current status: Royal Assent received. Statutes of Ontario 2020, chapter 4

Versions

☐ [Royal Assent \(www.ola.org#nid-7169446\)](http://www.ola.org#nid-7169446)

[Bill 187 Royal Assent \(PDF\) \(www.ola.orghttps://www.ola.org/sites/default/files/node-files/bill/document/pdf/2020/2020-03/b187ra_e.pdf\)](http://www.ola.orghttps://www.ola.org/sites/default/files/node-files/bill/document/pdf/2020/2020-03/b187ra_e.pdf)

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”.

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*.

Was this page helpful?

Schedule H – Meetings During Declared Emergencies

The Municipal Act, Section 238(3.3) provides Municipalities the ability to alter rules around quorum and participation in closed sessions when an emergency has been declared either by the Mayor or by the Premier.

- Schedule E of the Procedural By-Law governs electronic participation by Members in meetings.
- While participating in a meeting during a declared emergency, Members participating in a meeting by electronic means will be included when determining quorum. Accordingly, there is no limit to the number of Members who can participate electronically in an Open Session of Council.
- While operating during a declared emergency, Members may participate in closed sessions electronically. Members shall ensure that they are able to participate in such meetings while still observing the confidentiality and privacy associated with Closed Sessions. If a Member is not able to find a private location to participate in a Closed Session they should voluntarily not participate in the meeting.
- The Chair of the meeting is not required to be physically present in Chambers during meetings called while an active declaration of an emergency exists.
- Meetings will continue to be recorded and recordings, as governed by Schedule G will still be in effect.
- While operating under a declaration of an emergency, it may be necessary to limit Public Access to the meetings as they are occurring, however, all actions will be taken to ensure the recordings of such meetings are made available to the Public in accordance with our guidelines.