



# AGENDA

## Council -Special Meeting

4:00 PM - Thursday, April 9, 2020  
Municipal Office

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Page

### 1. CALL TO ORDER

### 2. DISCLOSURE OF PECUNIARY INTEREST

### 3. STAFF REPORTS

- 3.1. Electronic Attendance at Council Meetings During a Period of Declared Emergency 2 - 4  
[STAFF REPORT - April 2020-procedural by-law](#)

### 4. BY-LAWS

- 4.1. By-law to Amend By-law 1 of 2019 to permit an electronic Council meeting during a period of Emergency 5 - 7  
[Draft By-Law to Amend 1 of 2019 \(March 2020\)](#)

### 5. ADJOURNMENT



## CLERK ADMINISTRATOR STAFF REPORT

Report to: Mayor Ferguson and Members of Council  
 From: Janet Denkers, Clerk-Administrator  
 SUBJECT: Updated Procedural By-law  
 Presented to Council: April 9, 2020

### RECOMMENDATION

**That the report prepared by Janet Denkers, Clerk-Administrator dated April 9, 2020 regarding electronic attendance at Council meetings during a period of a declared emergency be received and that the proposed By-law be approved for signing.**

### BACKGROUND

The Municipality of Brooke-Alvinston declared an emergency on March 18, 2020 as a result of the impacts of COVID-19 and in accordance with the *Emergency Management and Civil Protection Act . R.S.O. 1990, c. E.9*

The Province has since mandated limits on gatherings (no more than 5), recommends social distancing and for residents to simply just stay home. The Order-In-Council has, of course, force of law. Any violation thereof can be subject to prosecution.

On March 19th 2020 the *Municipal Emergency Act 2020* was adopted allowing municipalities to hold meetings (open, closed, regular and special meetings) entirely or partially electronically; and count all members participating electronically (i.e. remotely) as part of the meeting's quorum, together with any attending in person.

In order to allow for Council to hold meetings electronically during periods of emergency either in the Province of Ontario or the Municipality of Brooke-Alvinston, the Municipality's Procedural By-law 1 of 2019 would have to be amended to move their business and agendas ahead in an open and transparent manner. The Procedural By-Law governs Council's meeting procedures and processes. It currently does not permit for electronic meetings under any circumstances.

If Council wishes to do so, as noted above, its By-Law must be amended to specifically contemplate electronic meetings during periods of a declared emergency.

## CONSULTATION

The Managers of Brooke-Alvinston along with County Clerks and CAO's have been consulted during the writing and researching of this report. Upon approving an amendment as proposed, the Municipality could continue with regular business to some degree during this time, while continuing to be transparent. Section 32 would be an entirely new section added to the Municipality's current Procedural By-law 1 of 2019. All other sections of the Municipality's Procedural By-law would remain in affect

In regards to the Municipality's By-Law, it ought to be amended so as to add thereto a new Part 32 that reads as follows so as to permit electronic meetings during periods of emergencies declared pursuant to the *Emergency Management and Civil Protection Act*:

### **Part 32: Electronic Meetings During Declared Emergency**

**32.1** For the purposes of this Part 32, the following capitalized terms shall have the following meaning and all other capitalized terms shall have the meaning given to them in Part 2 hereof:

**"Emergency"** means any period of time during which an emergency has been declared to exist by the Warden and/or the Province of Ontario pursuant to, as applicable, section 4 and/or 7.0.1 of the *Emergency Management and Civil Protection Act*, R.S.O. 1990, c. E.9.

**"Electronic Meeting"** means a meeting called by the Mayor and held in full or in part through such electronic means selected by the Mayor, in consultation with the Clerk, taking into account the Municipality of Brooke-Alvinston's resources, which may include, but not be limited to, audio telephone conference, video telephone conference, or online through the Internet or otherwise via the Internet, and with or without in person attendance.

**32.2** Notwithstanding any other Part hereof, at the call of the Mayor a regular or special meeting of Council (including, any Committee meeting) may be conducted by Electronic Meeting during an Emergency, in accordance with this Part and any other protocol and/or policy as may be approved by Council from time to time.

**32.3** A Member attending and present during an Electronic Meeting shall be counted for purposes of quorum at the commencement and at any point in time during the Meeting, and shall be entitled to vote through a vote recorded by the Clerk as if they were attending the Meeting in person.

**32.4** An Electronic Meeting may include a Closed Meeting, which shall be conducted with members of the public excluded therefrom and in accordance with this Part.

**32.5** A public notice of an Electronic Meeting shall include sufficient information as to provide the public with the ability to reasonably access and/or

otherwise observe, by such means identified in the notice, the open session of the Electronic Meeting.

**32.6** Despite any other Part hereof any person desiring to present verbally to, or to make a request of, or present correspondence to, Council at and/or during an Electronic Meeting, shall first give the requisite notice thereof to the Clerk and meet all other requirements of these Rules of Procedure, and provided such requirements have been met, shall only be permitted to make such presentation, request or present such correspondence in writing, provided further that such written presentation, request and/or correspondence is received by the Clerk no later than 12:00 noon on the sixth working day immediately preceding the Electronic Meeting.

**32.7** The Rules of Procedure shall continue to apply to an Electronic Meeting held pursuant to this Part 32. In the event of any inconsistency and/or conflict between this Part 32 and any other Part of these Rules of Procedure, this Part 32 shall prevail to the extent of the inconsistency and/or conflict.

If adopted, the foregoing will permit Council to hold its meetings electronically in the manner contemplated and permitted by the *Municipal Emergency Act, 2020*, while an emergency declared by the Province of Ontario and/or the Municipality remains in effect.

It ought be reminded that despite the *Municipal Emergency Act, 2020*, existing meeting rules, including, for instance, the requirements to provide notice of meetings to the public, maintaining meeting minutes and keeping meetings open to the public (subject to exceptions permitting meetings to be held in-camera), remain in effect. The *Municipal Emergency Act, 2020* simply provides a municipality with flexibility in the manner it meets during a declared emergency so that the governance and business of the municipality may continue uninterrupted in times when events would or could restrict or prohibit in person attendance.

## **FINANCIAL IMPLICATIONS**

The Municipality has set up a month by month zoom account for approximately \$20 / month plus applicable taxes.

## **CONCLUSION**

Procedural By-Law Number. 1of 2019 ought to be amended to permit Council to hold electronic meetings during a declared emergency.

THE CORPORATION OF THE MUNICIPALITY OF BROOKE-ALVINSTON  
BY-LAW NUMBER xx of 2020

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**"A By-Law to Amend By-Law Number 1 of 2019 to permit Electronic Meetings during a period of an Emergency"**

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**WHEREAS** the *Municipal Act, 2001*, S.O. 2001, c. 25 (the "Act"), section 238, provides that a municipality shall establish a procedure by-law to govern meetings;

**AND WHEREAS** By-law Number 1 of 2020 (the "By-Law"), as amended, governs the calling, place and proceedings of all Council meetings of The Corporation of the Municipality of Brooke-Alvinston ("Brooke-Alvinston");

**AND WHEREAS** the Province of Ontario enacted the *Municipal Emergency Act, 2020* on March 19, 2020 to amend the Act to enact section 238 (3.3) and section (3.4) to allow meetings to be held electronically during an emergency declared by either the Province and/or Municipality pursuant to *Emergency Management and Civil Protection Act*, R.S.O. 1990, c. E.9 ("Provincial Emergency Act");

**AND WHEREAS** the Province of Ontario declared an emergency pursuant to s. 7.01 of the Provincial Emergency Act related to COVID-19 on March 17, 2020;

**AND WHEREAS** the Municipality of Brooke-Alvinston declared an emergency pursuant to s. 4(1) of the Provincial Emergency Act related to COVID-19 on March 18, 2020;

**AND WHEREAS** the Lieutenant Governor has issued Order-In-Council 520/2020 pursuant to the Provincial Emergency Act, prohibiting all organized public events of over fifty (50) people due to COVID-19;

**AND WHEREAS** the Council of the Municipality of Brooke-Alvinston considers it desirable to be able to hold meetings electronically during an emergency declared by either the Province of Ontario and/or the Municipality of Brooke-Alvinston pursuant to the Provincial Emergency Act.

**NOW THEREFORE** the Council of The Corporation of the Municipality of Brooke-Alvinston enacts as follows:

1. The By-Law is hereby amended by adding thereto a new Part 32 that reads as follows:

**Part 32: Electronic Meetings During Declared Emergency**

- 32.1** For the purposes of this Part 32, the following capitalized terms shall have the following meaning and all other capitalized terms shall have the meaning given to them in Part 32 hereof:

**"Emergency"** means any period of time during which an emergency has been declared to exist by the Mayor and/or the Province of Ontario pursuant to, as applicable, section 4 and/or 7.0.1 of the *Emergency Management and Civil Protection Act*, R.S.O. 1990, c. E.9.

**"Electronic Meeting"** means a meeting called by the Mayor and held in full or in part through such electronic means selected by the Mayor, in consultation with the Clerk, taking into account the Municipality of Brooke-Alvinston's resources, which may include, but not be limited to, audio telephone conference, video telephone conference, or online through the Internet or otherwise via the Internet, and with or without in person attendance.

- 32.2** Notwithstanding any other Part hereof, at the call of the Mayor a regular or special meeting of Council (including, for greater certainty, any Committee meeting) may be conducted by Electronic Meeting during an Emergency, in accordance with this Part and any other protocol and/or policy as may be approved by Council from time to time.
- 32.3** A Member attending and present during an Electronic Meeting shall be counted for purposes of quorum at the commencement and at any point in time during the Meeting, and shall be entitled to vote through a vote recorded by the Clerk as if they were attending the Meeting in person.
- 32.4** An Electronic Meeting may include a Closed Meeting, which shall be conducted with members of the public excluded therefrom and in accordance with this Part.
- 32.5** A public notice of an Electronic Meeting shall include sufficient information as to provide the public with the ability to reasonably access and/or otherwise observe, by such means identified in the notice, the open session of the Electronic Meeting.

**32.6** Despite any other Part hereof any person desiring to present verbally to, or to make a request of, or present correspondence to, Council at and/or during an Electronic Meeting, shall first give the requisite notice thereof to the Clerk and meet all other requirements of these Rules of Procedure, and provided such requirements have been met, shall only be permitted to make such presentation, request or present such correspondence in writing, provided further that such written presentation, request and/or correspondence is received by the Clerk no later than 12:00 noon on the sixth working day immediately preceding the Electronic Meeting.

**32.7** The Rules of Procedure shall continue to apply to an Electronic Meeting held pursuant to this Part 32. In the event of any inconsistency and/or conflict between this Part 32 and any other Part of these Rules of Procedure, this Part 32 shall prevail to the extent of the inconsistency and/or conflict.

2. By-Law 1 of 2019 as amended is hereby ratified and confirmed in all other respects.

3. This By-law shall come into force and effect immediately upon its passing.

This By-Law was read a first, second and third time and finally passed this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
David Ferguson  
Mayor

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Janet Denkers  
Clerk-Administrator