



AGENDA
SPECIAL COUNCIL MEETING OF THE TOWN OF CARLETON PLACE

Tuesday, August 11, 2020, 6:45 p.m.
Virtual Zoom Meeting

Pages

1. CALL TO ORDER

2. APPROVAL OF AGENDA

Recommended Motion:

THAT the Agenda be approved as presented.

3. DISCLOSURE OF PECUNIARY INTEREST AND/OR CONFLICT OF INTEREST AND GENERAL NATURE THEREOF

4. BUSINESS

1. Amendment to Procedural By-law 117-2018 - Electronic Meetings
(Communication 131085)

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Stacey Blair, Town Clerk

Recommended Motion:

THAT Procedural By-law 117-2018 be amended as follows:

1. THAT the words Declared Emergency be deleted from Section 5.12; and
2. THAT Section 5.12.1 be deleted and replaced with the following:

5.12.1 Electronic meetings may take place for any and all types of Council or Committee meetings with notice in accordance with this By-law.

5. BY-LAWS

1. By-law No. 62-2020 - To Amend Procedural By-law 117-2018

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Recommended Motion:

THAT By-law 62-2020 (To Amend Procedural By-law 117-2018) be read a first, second and third time, and finally passed.

6. CONFIRMATORY BY-LAW

1. By-law No. 63-2020

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To Confirm the Council Proceedings

Recommended Motion:

THAT By-law 63-2020 (To Confirm Council Proceedings) be read a first, second and third time, and finally passed.

7. ADJOURNMENT

Recommended Motion:

THAT the fourth special meeting of the 131st Council of the Town of Carleton Place be adjourned at _____p.m.

COMMUNICATION 131085

Received From: Stacey Blair, Clerk
Addressed To: Ongoing Electronic Participation
Date: August 11, 2020
Topic: Bill 197 - Amendment to Procedural By-law 117-2018

SUMMARY

In response to the ongoing COVID-19 crisis and the challenges that have been created due to safety measures and physical distancing, the Government of Ontario passed Bill 197, the *COVID-19 Economic Recovery Act* (the Act). This Bill has received Royal Assent and came into effect on July 24th. It amends the *Municipal Act, 2001*, by providing municipalities with the ongoing flexibility of permitting electronic participation as an option for Council and Committee meetings, beyond times when there is a declared emergency.

To continue to hold electronic meetings, the *Municipal Act, 2001* states in Section 238, (3.4) that a municipality may hold a special meeting to amend their Procedural By-law for the purpose of making an amendment to allow electronic participation. The special meeting is permitted to be held electronically in accordance with Section 238 (3.5) of the *Municipal Act, 2001*.

DISCUSSION

During the COVID-19 emergency, municipalities have been able to continue their business in a safe and efficient manner by using electronic meetings. The physical constraints of the Town's Council Chambers do not allow for proper adequate physical distancing. Even with the purchase of additional portable microphones which would allow members of Council to sit further apart, the Council Chambers would still be very limited in terms of how many people could participate at or attend a meeting in this space. Also, the wearing of masks (currently a requirement in public spaces) would hinder microphone use and could potentially reduce the quality of the Town's streaming of meetings. For these reasons, as well as the possibility of future outbreaks or lock-downs, it is important that Council endorse electronic meetings as an ongoing option.

In order to continue to meet electronically (when needed), the Town's Procedural By-law will need to be amended to allow the following:

- Electronic participation at meetings;
- That members participating electronically can participate in both open and closed sessions; and
- That members participating electronically shall be counted towards quorum.

Additionally, the following must also be determined:

- The method of electronic participation.

Regardless of the method of conducting a meeting, all meetings continue to require the following meeting rules, including:

- Providing of notice of meetings to the public;
- Maintaining meeting minutes; and

- Ensuring meetings will continue to be open to the public (subject to exceptions made in the *Municipal Act, 2001*).

Local boards, such as the Police Services Board and the Library Board, are not covered under Bill 197 as they are subject to other legislation.

It is important to acknowledge that there exists a high degree of uncertainty with respect to COVID-19 and how the Town's operations will be impacted over the coming months. In choosing to add the option of electronic participation to the Town's Procedural By-law, Council can then consider when and how it chooses to implement this method of operating. Notice as to what type of meeting shall take place (in person or electronic) will continue to be advertised on the Town's website and social media channels.

Staff recommends that Council pass subsequent motions for periods of time to determine how long Council should continue to use electronic participation for meetings.

STAFF RECOMMENDATION

THAT Procedural By-law 117-2018 be amended as follows:

1. THAT the words Declared Emergency be deleted from Section 5.12; and
2. THAT Section 5.12.1 be deleted and replaced with the following:

5.12.1 Electronic meetings may take place for any and all types of Council or Committee meetings with notice in accordance with this By-law.

BY-LAW NO. 62-2020

A BY-LAW OF THE COUNCIL OF THE CORPORATION OF THE TOWN OF CARLETON PLACE TO AMEND PROCEDURAL BY-LAW 117-2018 TO ALLOW FOR COUNCIL, LOCAL BOARDS AND COMMITTEES TO HOLD ELECTRONIC MEETINGS;

WHEREAS, Section 238 (2) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, requires that every municipality and local board shall pass a procedure by-law for governing the calling, place and proceedings of meetings;

AND WHEREAS The Province passed Bill 197 and introduced the *COVID-19 Economic Recovery Act* in response to provide municipalities with the ongoing flexibility of permitting electronic participation as an option for municipal Councils and their committees beyond times when there is a declared emergency;

AND WHEREAS the legislation gives municipalities the ability to conduct Council, local board and committee meetings electronically to whatever extent necessary in both open and closed session; and

THAT electronic participants may be counted in determining whether or not a quorum of members is present at any point in time;

NOW THEREFORE the Council of the Corporation of the Town of Carleton Place hereby enacts as follows:

1. That Procedure By-law 117-2018 is hereby amended by replacing the title of Section 5.12 and the body of Section 5.12.1 as follows:

5.12 Electronic Meetings

5.12.1 Electronic meetings may take place for any and all types of Council or Committee meetings with notice in accordance with this By-law

2. This By-law shall come into force and effect on the date it is passed by Council.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 11TH DAY OF AUGUST, 2020.

Doug Black, Mayor

Stacey Blair, Clerk

BY-LAW NO. 63-2020

BEING A BY-LAW TO CONFIRM THE PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF THE TOWN OF CARLETON PLACE

WHEREAS the Municipal Act S.O. 2001, c 25, Section 5(1), as amended, provides that the powers of a municipal corporation are to be exercised by its council;

AND WHEREAS the Municipal Act S.O. 2001, c 25, Section 5(3), as amended, provides that a municipal power, including a municipality's capacity rights, powers and privileges under section 9; shall be exercised by by-law;

AND WHEREAS the Council for The Corporation of the Town of Carleton Place deems it expedient that the proceedings of meetings of Council be confirmed and adopted by by-law;

NOW THEREFORE the Council of the Corporation of the Town of Carleton Place enacts as follows:

1. That the actions of the Council of the Corporation of the Town of Carleton Place at its special meeting held on **August 11, 2020**, in respect to each report, motion, resolution or other actions recorded and taken by the Council at its said meeting, except where the prior approval of the Ontario Municipal Board is required, is hereby adopted, ratified and confirmed as if all such proceedings were expressly embodied in this by-law;
2. That the Mayor and appropriate Manager of the Corporation are hereby authorized and directed to do all things necessary to give effect to the said actions of the Council of the Town of Carleton Place referred to in the proceeding section;
3. That the Mayor and Clerk, and their designates, are hereby authorized and directed to execute all documents necessary on behalf of the Council and to affix the corporate seal of the Corporation of the Town of Carleton Place to all such documents;
4. That the Treasurer, or designate, is hereby directed to execute any documents necessary on behalf of the Council of the Town of Carleton Place and to affix the corporate seal of the municipality to all such documents.
5. That this by-law shall come into effect upon final passage.
6. This by-law may be cited as the "**August 11, 2020 Confirmatory By-Law**"

READ A FIRST TIME, SECOND TIME AND A THIRD TIME AND FINALLY PASSED THIS 11th DAY OF AUGUST 2020.

Doug Black, Mayor

Stacey Blair, Clerk