

**TOWNSHIP OF SOUTH GLENGARRY
SPECIAL MEETING OF COUNCIL
Council Chambers, Municipal Office
Monday, April 6, 2020 6:30 PM**

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1. CALL TO ORDER

2. SUSPEND RULES OF PROCEDURE

- a) WHEREAS on March 17, 2020 the Province of Ontario declared an emergency under s 7.0.1 (1) the Emergency Management and Civil Protection Act; and

WHEREAS On March 19th, 2020 the Province enacted Bill 187, the Municipal Emergency Act, 2020 to amend the Municipal Act, 2001 to provide that, during emergencies, members of councils, local boards and committees who participate electronically in open and closed meetings may be counted for purposes of quorum; and

WHEREAS on March 28th, 2020 the Province of Ontario has prohibited gatherings of more than 5 people; and

WHEREAS the Corporation of the Township of South Glengarry is taking proactive measures to limit the spread of the virus and to protect our residents, businesses, visitors and staff which includes social distancing and encouraging that people stay at home; and

WHEREAS Council desires to ensure the continued operation of the municipality;

NOW THEREFORE Council waives the provisions in its By-law No. 59-16, being a By-law to Govern the Calling, Place and Proceedings of Meetings, to summon a Special Meeting of Council to amend By-law No. 59-16

This motion requires 2/3 of the vote of the members present, is non-debatable and cannot be amended.

3. DECLARATION OF PECUNIARY INTEREST

4. APPROVAL OF AGENDA

5. NEW BUSINESS

a) Staff Reports

- i. [Amendment to By-law 59-16 Procedural By-law - Electronic Participation During Emergencies - K. MacDonald](#)

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6. ADJOURNMENT



STAFF REPORT

S.R.42-2020

PREPARED BY: K. MacDonald, Deputy Clerk

PREPARED FOR: Council of the Township of South Glengarry

COUNCIL DATE: April 6, 2020

SUBJECT: Amendment to By-law 59-16 Procedural By-law -
Electronic Participation During Emergencies

BACKGROUND:

On March 17, 2020 the Province of Ontario declared a state of emergency in response to the Covid-19 pandemic. On March 19th, 2020 the Province enacted Bill 187, the *Municipal Emergency Act, 2020* to amend the *Municipal Act, 2001* to provide that, during emergencies, members of councils, local boards and committees who participate electronically in open and closed meetings may be counted for purposes of quorum. On March 28th, 2020 the Province issued an emergency order to prohibit gatherings of more than 5 people.

The *Municipal Act, 2001*, c. 25, S. 238 (2) requires every municipality and local board to pass a procedural by-law for governing the calling, place and proceedings of meetings. The Township's Procedural By-law does not presently permit electronic participation in any circumstances. Section 239 of the *Municipal Act* provides that meetings shall be "open to the public", with the exception of those matters permitted to be considered in closed session. The amendment introduced in Bill 187 does not change this provision.

ANALYSIS:

The amendments to the Township's Procedural By-law are necessary to allow Council and committees to continue to meet during the current Covid-19 pandemic and respect the provincial order on gatherings over five persons. By utilizing video and audio conferencing technology, Council may continue to hold meetings of Council and committees in a virtual setting. The amendment has included language to allow for electronic participation in any future emergency situation which may prohibit Council from meeting in person.

In order to satisfy the requirement for meetings to be open to the public and remain accountable and transparent, members of the public may be provided with a link to any Council or committee meeting to virtually attend. Recordings of the meetings will also be made available through the Township's website. For any meetings which would typically



allow for public participation, notice will be provided to the public on how they may make representations either via online or teleconference options.

ALIGNMENT WITH STRATEGIC PLAN:

Goal 3: Strengthen the effectiveness and efficiency of our organization

IMPACT ON 2020 BUDGET:

Nil.

RECOMMENDATION:

BE IT RESOLVED THAT Staff report 42-2020 be received and By-law 18-2020 being a by-law to amend By-law 59-16 Rules of Procedure be read a first, second and third time passed, signed and sealed in open Council this 6th day of April, 2020

A handwritten signature in black ink, appearing to read "Tim Mills", is written over a horizontal line.

Recommended to Council for
Consideration by:
CAO – TIM MILLS

SG-1-20

**THE CORPORATION OF THE
TOWNSHIP OF SOUTH GLENGARRY
BY-LAW No. 18-2020
FOR THE YEAR 2020**

BEING A BY-LAW TO AMEND BY-LAW NO 59-16.

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

AND WHEREAS the *Municipal Act, 2001*, c. 25 S. 5 (3) provides that the powers of every Council are to be exercised by by-law;

AND WHEREAS the Council of the Corporation of the Township of South Glengarry did, on the 8th day of August, 2016, pass By-law No. 59-16, being a by-law to govern the calling, place and proceedings of meetings;

AND WHEREAS on March 17, 2020 the Province of Ontario declared an emergency under section 7.0.1 (1) of the *Emergency Management and Civil Protection Act*, 1990;

AND WHEREAS on March 19, 2020 Bill 187 was passed to amend *Municipal Act*, 2001 to 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 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 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;

AND WHEREAS the Council of the Corporation of the Township of South Glengarry deems it necessary to amend By-law No. 59-16 to allow for electronic participation when an emergency has been declared.

NOW THEREFORE BE IT RESOLVED THAT the Council of the Corporation of the Township of South Glengarry enacts as follows:

1. Definitions in Schedule A of By-law 59-16 is hereby amended by adding the following:

25. "Electronic meeting" means a meeting called and held in full or in part via electronic means (including, but not limited to, audio teleconference, video conference, or via means of the internet);

2. Section 5.0 Meeting of Council is hereby amended by adding the following:

5.11.1 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) a member of a council, of a local board or of a committee (including the Committee of Adjustment) of either of them who is participating in an electronic meeting may be counted in determining whether or not a quorum of members is present at any point in time; and

(b) an electronic meeting may include a Closed Session, which shall be conducted in the absence of the public and in accordance with this by-law.

5.11.2 An electronic meeting held during an emergency will be recorded and shall be made available on the Township's website. Further, should the meeting require a means for representations to be made by the public, notice will be provided to the public as to how they may attend the meeting either online or via teleconference.

3. Save and except as provided herein, all other relevant provisions of by-law No.59-16 shall apply.

**READ A FIRST, SECOND AND THIRD TIME, PASSED, SIGNED AND SEALED IN
OPEN COUNCIL THIS 6TH DAY OF APRIL, 2020**

MAYOR:

CLERK:
