



**Corporation of the Town of Ingersoll
Council Agenda
Special Meeting of Council
Town Centre, Council Chambers
Friday, March 27, 2020, 1:00 p.m.**

Call to Order

Disclosures of Pecuniary Interest

Changes to Procedures

[C-015-20](#) Amend Procedure By-law to allow electronic participation during emergencies

Consideration of By-Laws

[20-5090](#) Amendment to Procedure By-Law

Upcoming Council Meetings

Regular Meeting of Council
Tuesday, April 14, 2020, 6:00 p.m.
Town Centre, Council Chambers

Council Committee Meetings

Please check the events calendar at www.ingersoll.ca in the event of changes to Committee meeting dates and times

**PLEASE NOTE: NON ESSENTIAL COMMITTEE MEETINGS
ARE PRESENTLY ON HOLD**

Adjournment



Department: Clerk's Department

Report Number: C-015-20

Council Meeting Date: March 27, 2020

Title: Amend Procedure By-law to allow electronic participation during emergencies

Objective

To recommend a change to the procedure by-law to allow electronic participation during emergencies.

Background

In these difficult times of restrictions due to the COVID-19 emergency all aspects of life are affected to encourage individuals to use social distancing. Open Council meetings are no exception.

The Provincial Government recently passed Bill 187, the *Municipal Emergency Act, 2020*. It includes provisions for councils and certain local boards to meet electronically in times of emergency for both open and closed session. These provisions are optional and the implementation and technology used is subject to municipal discretion. These legislative amendments allow municipalities to hold a special meeting with electronic participation when an emergency has been declared in order to amend the municipal procedure by-law accordingly.

The bill amends the Municipal Act to say:

(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.

In response to the current and on-going COVID-19 global pandemic, the Government of Ontario announced on March 17, 2020 that it was declaring an emergency under section 7.0.1 (1) of the *Emergency Management and Civil Protection Act*.

Analysis

In this case since the province has declared an emergency the Town of Ingersoll can utilize the electronic meeting provisions. In order to do so the Town of Ingersoll must amend the procedural by-law. The Act allows this meeting to consider changes to the procedure by-law to be held electronically. The act says:

(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.

Staff recommend that the procedure by-law be amended to include section 27 Electronic Meetings during a Declared Emergency as shown on the attached by-law

This will ensure that Council can participate in Council meetings and abide by the requirements of social distancing in order to stop the spread of COVID-19.

Interdepartmental Implications

N/A.

Financial Implications

None of these actions would go beyond the already approved budget.

Recommendation

THAT staff report C-015-20 be received by the Council for the Town of Ingersoll as

information.

AND THAT as per section 2.6 of the Procedure By-law 15-4803 Council temporarily suspend the rules of procedure to allow the adoption of an amendment to the procedure by-law to allow Council members to participate in Council meetings electronically during a declared emergency;

AND THAT a by-law be brought forward to amend the procedure by-law as outlined in report C-015-20 for Council consideration.

Attachments

N/A

Prepared by: Michael Graves, Director of Corporate Services/Clerk-Deputy CAO

Approved by: William Tigert, Chief Administrative Officer



**Corporation of the Town of Ingersoll
By-law 20-5090**

A By-law to amend Procedure By-law 15-4803.

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

AND WHEREAS The Corporation of the Town of Ingersoll has enacted Procedure By-law 14-4803;

AND WHEREAS on March 19, 2020 the Province of Ontario enacted the Municipal Emergency Act, 2020 to amend the Municipal Act, 2001, to enact section 238 (3.3) and 238 (3.4) to permit meetings to be held electronically during an emergency declared pursuant to the Emergency Management and Civil Protection Act, R.S.O. 1990, Chapter E. 9;

AND WHEREAS the World Health Organization has declared a worldwide pandemic regarding the Novel Coronavirus 19 (COVID-19);

AND WHEREAS on March 17, 2020 a Declaration of Emergency was made by the Province of Ontario pursuant to section 7.0.1 of the Emergency Management and Civil Protection Act related to COVID-19;

AND WHEREAS the Lieutenant Governor has issued Order-in-Council 520/2020, pursuant to the Emergency Management and Civil Protection Act, prohibiting all organized public events of over fifty people due to COVID-19;

AND WHEREAS The Corporation of the Town of Ingersoll considers it desirable to be able to hold Council meetings electronically during the COVID-19 emergency and any other emergency;

NOW THEREFORE the Council of the Corporation of the Town of Ingersoll amends Procedure By-law 15-4803 by adding the following section:

27.0 Electronic Meetings during a Declared Emergency

a) Under this section, an "Electronic Meeting" is defined as any regular or special meeting of Council that utilizes remote electronic access for the Members during any period of time during which an emergency has been declared, either by the Head of Council or the Province, in all or part of the Town of Ingersoll, under sections 4 or 7.0.1 of the Emergency Management and Civil Protection Act;

b) An Electronic Meeting will utilize either telephone, Voice over Internet Protocol, video, or any other technology that allows for audio and/or video electronic means of access by Members through the internet or other technology;

c) An Electronic Meeting will be conducted, at the discretion of the Clerk, either by (i) electronic access for all Members or (ii) a combination of an in-person meeting and electronic access. Any problems, technical or others, arising from the electronic access for Members which prevents a Member from hearing, seeing, knowing, voting or otherwise participating in the meeting, shall not invalidate any vote unless quorum of the remaining Members is lost at the time of the vote;

d) Members attending and present during an Electronic Meeting shall be counted for the purpose of quorum and shall be entitled to vote through a vote recorded by the Clerk as if they were attending the meeting in person. Votes may be taken electronically. However, if any Member or the Clerk is unsure if the electronic voting is accurate, or questions the accuracy of the electronic vote, then a roll call vote shall be taken by the Clerk in which each Member's name is called and each Member responds verbally with their vote. Determining the result of any vote shall be determined by the Clerk and the Clerk's determination shall be final.

e) The Clerk should provide notice of an Electronic Meeting, along with an agenda, as soon as possible to the Members and public. Notice should include sufficient information as to provide Members and the public with the means to electronically access the open session of the meeting;

f) If the Chair so determines that the nature of the emergency requires a meeting forthwith, the timelines for Notice may be waived and the meeting held as soon as quorum can be established. In such an instance, the Clerk shall make reasonable efforts to notify the Members, staff, and public of the meeting before it is held. Section 6.0 of this Bylaw shall apply, as applicable;

g) Unless otherwise approved by the Chair, an Electronic Meeting shall not permit public deputations, except by way of written submission received in advance of the meeting, which shall be submitted to the Municipal Clerk's office at clerks@ingersoll.ca prior to the start of the Electronic Meeting, and shall be provided to members in advance of the meeting if possible. The Clerk shall verbally read out the written deputation at the beginning of the meeting;

h) Notwithstanding the foregoing, the Procedure By-law shall continue to apply to an Electronic Meeting held pursuant to this Section, except that the Clerk is authorized to adjust the manner in which the meeting is conducted to apply to the specific circumstances of the meeting and the electronic means of access and participation being utilized; and

i) An Electronic Meeting under this section shall apply to Local Boards and Committees of Council, if permitted by law, and should be read and adapted accordingly.

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 hereby come into effect as of the date and time of its passing

READ a first and second time in Open Council this 27th day of March 2020.

READ a third time and passed in Open Council this 27th day of March 2020.

Edward (Ted) Comiskey, Mayor

Michael Graves, Clerk