



Council Report

To:	Warden McQueen and Members of Grey County Council
Committee Date:	March 31, 2020
Subject / Report No:	CCR-CC-03-20
Title:	Amendments to the Procedural By-law
Prepared by:	Heather Morrison
Reviewed by:	Kim Wingrove
Lower Tier(s) Affected:	none
Status:	

Recommendation

1. That Report CCR-CC-03-20 regarding amendments to Grey County's Procedural By-law 5003-18 be received; and
2. That Section 29A related to Procedures Applicable in Declared Emergencies be added to the Procedural By-law when an emergency has been declared by the County or by the Province under the Section 4 or 7.0.1 of the Emergency Management and Civil Protection Act and to allow for electronic meetings during a declared emergency.

Executive Summary

Bill 187 being the Municipal Emergency Act, 2020, was passed by the Ontario Legislature March 19, 2020 and received Royal Assent the same day. This Bill provides municipal councils to convene through electronic participation and those participating electronically be counted as part of quorum during emergencies declared either at the County or provincial level.

Grey County must amend its Procedural By-law in order to include a section to allow Council and Committees to participate electronically during an emergency in order to continue moving the business of the County forward. This new Section 29A will be entitled Procedures Applicable in Declared Emergencies.

Background and Discussion

Bill 187, the Municipal Emergency Act, 2020 passed third reading March 19, 2020. Under this Bill it provides 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 the purposes of quorum.

The Provincial government declared a state of emergency Tuesday March 17, 2020 due to the ongoing COVID-19 health crisis.

Until the emergency declaration has ended and with amendments to Grey County's Procedural By-law, Bill 187 permits Grey County Councillors to participate electronically in meetings, Council, Committee of the Whole and committees in general and continue to be counted as part of quorum.

It is staff's recommendation that a new Section 29A Procedures Applicable in Declared Emergencies be added to By-law 5003-18 to allow council members to participate electronically for Council and all committee meetings during a declared emergency. The new section provides for overall electronic participation for council meetings and other matters that come along with such participation.

The Ministry of Municipal Affairs and Housing has also indicated that all other open meeting rules apply such as notice regarding the meeting, agenda posting and maintaining meeting minutes continue to apply.

Staff have been working with CTRE, the provider of our council video streaming service, to ensure that Grey County has the capabilities to complete council and committee meetings electronically.

Legal and Legislated Requirements

Bill 187, the Municipal Emergency Act, 2020 permits local councils and committees to amend their procedural by-laws to allow for members to electronically participate in meetings and be counted for the purposes of quorum.

Grey County's Procedural By-law 5003-18 needs to be amended to include Section 29A Procedures During Declared Emergencies to allow for electronic participation for council members during this a declared emergency.

Financial and Resource Implications

Grey County will be charged CTRE's current hourly rate for the initial set-up and any necessary support moving forward.

Relevant Consultation

- Internal CAO, Legal Services
- External CTRE

Appendices and Attachments

Draft By-Law

Corporation of the County of Grey

By-Law 5081-20

A By-law to Amend By-law 5003-18 Being the Procedural By-law to Allow For Electronic Meetings During Any Period Where an Emergency Has Been Declared

WHEREAS the current COVID-19 pandemic has required the immediate implementation of significant measures to slow the spread of the virus which causes COVID-19;

AND WHEREAS those measures include social distancing and avoiding large gatherings of individuals;

AND WHEREAS the County's Procedural By-law 5003-18 does not provide for electronic participation by members of Council in meetings of Council, Committee of the Whole, or certain Committees, and thus requires that their meetings be held in-person;

AND WHEREAS County Council desires that such meetings may be carried out via electronic means during the pandemic period, while still maintaining public access through its usual practices of making a live video stream of open Council and Committee of the Whole proceedings available, and through the open publication of the agendas for those meetings and materials in support of the business to be considered at the open portions of those meetings;

AND WHEREAS section 238(3.4) of the *Municipal Act, 2001*, as enacted by the *Municipal Emergency Act, 2020*, provides that County Council may hold a special meeting to amend By-law 5003-18 to provide for the expanded use of electronic meetings for County Council, Committee of the Whole, and its other Committees, 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 WHEREAS by Order-in-Council 518/2020, the Lieutenant Governor by and with the advice and concurrence of the Executive Council of Ontario, declared an emergency pursuant to section 7.0.1 of the *Emergency Management and Civil Protection Act* in the whole of the Province of Ontario, which Order-in-Council has been filed as Ontario Regulation 50/20;

NOW THEREFORE BE IT RESOLVED THAT THE COUNCIL OF
THE CORPORATION OF THE COUNTY OF GREY HEREBY ENACTS AS FOLLOWS:

1. That By-law 5003-18 (the “Procedural By-law”) is amended by adding the text in attached Schedule immediately prior to Section 30.
2. That the Clerk is authorized to prepare and distribute a consolidated version of the Procedural By-law reflecting this amendment.
3. This By-law shall come into full force and effect immediately.

ENACTED AND PASSED this 31st day of March, 2020.

WARDEN: Paul McQueen

CLERK: Heather Morrison

29A. Procedures Applicable in Declared Emergencies

Definitions	29A.1	<p>In this section 29A:</p> <ul style="list-style-type: none"> a) “Electronic Means” means a method of participation in a meeting as described in section 29A.4; and b) “Emergency Period” means any period where an emergency has been declared to exist within all or any part of the County of Grey under section 4 or 7.0.1 of the <i>Emergency Management and Civil Protection Act</i>;
Application and Paramountcy	29A.2	<p>The following provisions of this section 29A apply only during an Emergency Period, and in the event of any inconsistency between them and any other provision in this By-law, the provisions of this section 29A shall prevail.</p>
Full Participation by Electronic Means During Emergency Period	29A.3	<p>During any Emergency Period:</p> <ul style="list-style-type: none"> a) any member of Council may participate in any meeting of Council or Committee of the Whole through Electronic Means, including any meeting or part thereof that is closed to the public; b) any member of a Committee may participate in any meeting of that Committee through Electronic Means, including any meeting or part thereof that is closed to the public; and c) any individual participating in such a meeting through Electronic Means shall be counted in determining whether or not a quorum is present at that meeting.
Clerk authorized to establish Electronic Means for participation	29A.4	<p>The Clerk shall be authorized, in consultation with the Chair to determine the appropriate technology to provide for Electronic Means of participation in each Meeting, provided that it allows for the following to occur simultaneously:</p> <ul style="list-style-type: none"> a) each participant may hear any person authorized to speak, b) each participant entitled to speak may indicate to the Chair that they desire to speak, and c) provides for public access as set out in section 29A.5, if necessary,

		and it may, at the discretion of the Clerk, include the ability for videoconferencing between participants.
Open Meetings	29A.5	At the discretion of the Clerk, Meetings where Electronic Means are provided may not be physically opened for the public to attend. If the meeting is not physically opened to the public, the Clerk shall ensure that members of the public have a reasonable opportunity to hear all proceedings of the Meeting through Electronic Means, except for those parts of the Meeting that are closed to the public.
Voting	29A.6	The Chair may, with the consent of the Meeting, enact such rules as may be necessary to provide for the conduct of voting in a meeting held in whole or part through Electronic Means, including the adoption of motions on unanimous consent, which rules shall supersede the rules on voting set out in section 23 of this By-law.