



MUNICIPALITY OF MORRIS-TURNBERRY

COUNCIL AGENDA

Wednesday, August 18th, 2020, 7:15 pm

The Council of the Municipality of Morris-Turnberry will convene electronically for a special meeting at the call of the Mayor on August 18th, 2020 at 7:15 pm under the authority of section 238(3.4) of the Municipal Act, 2001 to consider changes to the Municipality's Procedural By-Law.

1.0 CALL TO ORDER

Disclosure of recording equipment.

2.0 ADOPTION OF AGENDA

Moved by
Seconded by

ADOPT THAT the Council of the Municipality of Morris-Turnberry hereby adopts
AGENDA the agenda for the meeting of August 18th 2020 as circulated. ~

3.0 DISCLOSURE OF PECUNIARY INTEREST / POTENTIAL CONFLICT OF INTEREST

4.0 BUSINESS

4.1 AMENDMENT TO PROCEDURAL BY-LAW attached

A report has been prepared by CAO/Clerk Trevor Hallam in this regard.

Moved by
Seconded by

AMEND THAT leave be given to introduce By-Law # 34-2020, being a by-law to amend
PROCEDURE by-law 13-2020 of the Municipality of Morris-Turnberry, and that it now be read
BY-LAW severally a first, second, and third time, and finally passed this 18th day of
 August 2020. ~

5.0 CONFIRMING BY-LAW attached

Moved by
Seconded by

CONFIRMING THAT leave be given to introduce By-Law # 35-2020, being a by-law to
BY-LAW confirm the proceedings of the Municipality of Morris-Turnberry special
 meeting of Council held on August 18th, 2020, and that it now be read
 severally a first, second, and third time, and finally passed this 18th day of
 August 2020. ~

6.0 ADJOURNMENT

Moved by
Seconded by

ADJOURN THAT the Council of the Municipality of Morris-Turnberry does now adjourn
at ____ pm.

~

NEXT MEETINGS:

1. Regular Meeting of Council Tuesday, August 18th 2020, 7:30 pm
2. Regular Meeting of Council Tuesday, September 1st 2020, 7:30 pm



REPORT TO COUNCIL

Prepared by: Trevor Hallam

Date: August 18th 2020

Subject: Amendment to Procedure By-Law

Recommendation:

That Council amend by-law 13-2020, being a by-law to adopt a procedure for governing the calling, place and proceedings of meetings of council, committees of Council and boards of council of The Corporation of the Municipality of Morris-Turnberry, to allow for electronic participation in meetings

Background:

On March 19, 2020, the Government of Ontario introduced Bill 187, An Act to amend the Municipal Act, 2001, and the City of Toronto Act, 2006. The bill was given first reading through Royal Assent on the same day. The bill was introduced to make changes to the Municipal Act to allow for electronic participation in meetings of Council during a declared emergency.

On April 1 2020, Council passed by-law 13-2020, a revised Procedure By-Law with the added provisions to allow for electronic participation in meetings during a declared emergency in all or part of the municipality under section 4 or 7.0.1 of the Emergency Management and Civil Protection Act (EMCPA).

Bill 197, the *Reopening Ontario (A Flexible Response to COVID-19) Act, 2020* was introduced on July 8th and received Royal Assent on July 21st.

The declaration of emergency enacted by the Province on March 17th was ended on July 24th.

Under the Reopening Ontario Act (ROA), the emergency Orders made by the province under the EMCPA would continue to be in place for an additional 30 days, with the ability to extend every 30 days thereafter, in spite of there no longer being a declaration of emergency under the EMCPA.

By ending the declaration of emergency in the Province, the authority for Municipal Councils to meet electronically as provided for in Bill 187 was lost. The ROA amends numerous pieces of legislation, including amending the Municipal act to allow for electronic participation in meetings outright, without the need for there to be a declared emergency.

The ROA also provided the ability to amend a municipality's procedure by-law accordingly by means of a special electronic meeting, and is the authority under which this meeting of Council is being held electronically in spite of not being allowed under the current procedure by-law.

Council has indicated a desire to continue to meet electronically, and to revisit the decision regularly. In order to continue meeting electronically and have the option to do so in the future, it is recommended that the Municipality's Procedure By-Law to reflect the changes enacted by the ROA.

The attached draft by-law amends the following section of the Procedure By-Law:

11. ELECTRONIC PARTICIPATION

- 11.1. Council may authorize the electronic participation by telephone or electronic equipment of any member. Such member shall not be counted in determining whether or not a quorum of members is present at any point in time and shall not participate in a meeting or portion thereof which is closed to the public.
- 11.2. The member wishing to participate electronically must submit a request to the Clerk in writing or by email prior to the meeting.
- 11.3. Approval of electronic participation shall be left to the discretion of the Clerk and/or Mayor.
- 11.4. No more than two members may participate by electronic means, at any one time.
- 11.5. In the event that more than two members request participation by electronic means, approval for such shall be granted to the first two members to submit a request as determined by the date and time of the request.

- 11.6. A verbal roll call shall be taken at the call to order any meeting where a member is participating electronically to confirm attendance.
- 11.7. Any vote at a meeting where any member is participating electronically must be conducted by roll call. A roll call vote in such circumstances shall not be considered a Recorded Vote.
- 11.8. Notwithstanding sections 11.1 through 11.5, 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 may participate electronically in a meeting that is closed to the public.

And replaces it with the following:

11. ELECTRONIC PARTICIPATION

- 11.1. Council may authorize all or some of its members to participate electronically in any regular, special or emergency meeting thereof.
- 11.2. If the meeting is not being conducted by electronic means only, a member wishing to participate electronically must submit a request to the Clerk in writing or by email prior to the meeting.
- 11.3. Approval of electronic participation shall be left to the discretion of the Clerk and/or Mayor.
- 11.4. A verbal roll call shall be taken at the call to order of any meeting where a member is participating electronically to confirm attendance.
- 11.5. Any vote at a meeting where any member is participating electronically must be conducted by roll call. A roll call vote in such circumstances shall not be considered a Recorded Vote.
- 11.6. Any 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 may participate electronically in a meeting that is closed to the public.

The amendment will allow for electronic participation on an ongoing basis of all or some members of Council as Council deems fit.

Others Consulted:

None.

Respectfully submitted,


Trevor Hallam



CORPORATION OF THE MUNICIPALITY OF MORRIS-TURNBERRY

BY-LAW NO. 34-2020

Being a By-Law to amend By-Law 13-2020, being a by-law to adopt a procedure for governing the calling, place and proceedings of meetings of council, committees of Council and boards of council of The Corporation of the Municipality of Morris-Turnberry.

WHEREAS Bill 197 has received Royal Assent on July 21, 2020;

AND WHEREAS Section 238 (2) of the Municipal Act, 2001, requires every municipality and local board to pass a procedure by-law for governing the calling, place and proceedings of meetings;

AND WHEREAS Subsection 238 (3.3) of the Municipal Act, 2001 provides that the applicable procedure by-law may provide that a member of a council, or a local board or of a committee or either of them who is participating electronically in a meeting may be counted in determining whether or not a quorum or members is present at any point in time, and that a member of a council, or a local board or of a committee of either of them can participate electronically in a meeting that is open or closed to the public;

AND WHEREAS Subsection 238 (3.1) of the Municipal Act, 2001 provides that the applicable procedure by-law may provide that a member of council, of a local board or of a committee of either of them, can participate electronically in a meeting to the extent and in the manner set out in the by-law;

NOW THEREFORE, The Council of the Corporation of the Municipality of Morris-Turnberry enacts as follows:

1. That By-Law 13-2020 is hereby amended by deleting section 11 in its entirety and inserting the following:

11. ELECTRONIC PARTICIPATION

- 11.1. Council may authorize all or some of its members to participate electronically in any regular, special or emergency meeting thereof.
- 11.2. If the meeting is not being conducted by electronic means only, a member wishing to participate electronically must submit a request to the Clerk in writing or by email prior to the meeting.
- 11.3. Approval of electronic participation shall be left to the discretion of the Clerk and/or Mayor.
- 11.4. A verbal roll call may be taken at the call to order of any meeting where a member is participating electronically to confirm attendance.
- 11.5. Any vote at a meeting where any member is participating electronically shall be conducted by roll call. A roll call vote in such circumstances shall not be considered a Recorded Vote.
- 11.6. Any 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 may participate electronically in a meeting that is closed to the public.

Read a FIRST and SECOND time this 18th day of August 2020.

Read a THIRD time and FINALLY PASSED this 18th day of August 2020.

Mayor, Jamie Heffer

Clerk, Trevor Hallam



CORPORATION OF THE MUNICIPALITY OF MORRIS-TURNBERRY

BY-LAW NO. 35-2020

Being a by-law to confirm the proceedings of the Council of the Corporation of the Municipality of Morris-Turnberry, for its special meeting held on August 18th, 2020.

WHEREAS Section 8 of the Municipal Act 2001, S.O. 2001, c. 25 provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

AND WHEREAS Section 5. (3) of the Municipal Act 2001, S.O. 2001, c. 25 provides that a municipal power, including a municipality's capacity, rights, powers and privileges under Section 8, shall be exercised by by-law unless the municipality is specifically authorized to do otherwise;

AND WHEREAS it is deemed expedient that the proceedings of the Council of the Corporation of the Municipality of Morris-Turnberry for the August 18th, 2020 special meeting be confirmed and adopted by By-law;

NOW THEREFORE, the Council of the Corporation of the Municipality of Morris-Turnberry enacts as follows:

1. The action of the Council of the Corporation of the Municipality of Morris-Turnberry at its special meeting held the 18th day of August, 2020, in respect of each recommendation contained in the Minutes and each motion and resolution passed and other action taken by the Council of the Corporation of the Municipality of Morris-Turnberry at the meeting, is hereby adopted and confirmed as if all such proceedings were expressly embodied in this By-Law; and
2. The Mayor and proper officials of the Corporation of the Municipality of Morris-Turnberry hereby authorize and direct all things necessary to give effect to the action of the Council to the Corporation of the Municipality of Morris-Turnberry referred to in the preceding section thereof;
3. The Mayor and CAO/Clerk are authorized and directed to execute all documents necessary in that behalf and to affix thereto the Seal of the Corporation.

Read a FIRST and SECOND time this 18th day of August 2020

Read a THIRD time and FINALLY PASSED this 18th day of August 2020

Mayor, Jamie Heffer

Clerk, Trevor Hallam