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## SPECIAL COUNCIL MEETING AGENDA

**April 7<sup>th</sup>, 2020 – 6:00 p.m.  
Conference Call**

Dial-In Number: 1-855-344-7722 or 613-244-1312  
Conference ID: 2883824

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### **Teleconference Participation Etiquette**

- Please be mindful that the ability to participate in virtual meetings is a new process for all involved (Council, staff & the public);
- A meeting via teleconference shall never be treated differently than a meeting in person, whereby all attendees shall abide by proper meeting procedure and etiquette;
- As meeting attendees log onto the teleconference line, you will likely hear others join as well (this will be signified by a beeping noise);
- We ask that all attendees mute their phones; doing so will eliminate any background noise and create a much more seamless process
  - (for Members only - if/when you wish to speak during the meeting, you will simply unmute your phone and upon completion of your thought, please re-mute)
- The Chair will call the meeting to order at the time indicated on the agenda and at that time we ask that everyone else remain silent;
- Roll call will be completed at which time Members will simply respond “present”;
- The Chair will then remind all attendees to place their phones on mute;
- As the Chair moves through the agenda, he will call on the appropriate staff person to speak to their reports;
- We request that you retain your questions until the end of the report, at which time the Chair will ask if anyone has questions;
  - It is recommended that questions be forwarded to the appropriate staff person in advance wherever and whenever possible.
- You will be required to say your name (ex. Councillor Kelso) and if more than one Member has a question, the Clerk will tally the names and those will then be asked to speak in the sequence to which they made the request;
- The Chair will read each motion, along with the mover and seconder's name;
- When the Chair calls a vote; please state your name and whether you are in favour or opposed.

**1. CALL TO ORDER**

**2. DISCLOSURE OF PECUNIARY INTEREST**

**3. BUSINESS**

- p3 i) **Procedural By-Law Amendment – Bill 187, Municipal Emergency Act, 2020**  
Ryan Morton, CAO/Clerk & Amanda Noël, Deputy Clerk

***Suggested Motion by Councillor Closs/Councillor Roberts:***

*“THAT, Procedural By-Law 2012-1205 be amended as outlined in Report #COR-2020-01 - Procedural By-Law Amendment, to implement changes to the Municipal Act, 2001, enacted by Bill 187, Municipal Emergency Act, 2020, in order to provide for electronic participation during declared emergencies.”*

p9 **4. BY-LAWS**

**By-Law No. 2020-1612: Procedural By-Law Amendment – Electronic Participation During a Declared Emergency**

***Suggested Motion by Councillor Roberts/Councillor Rodger:***

*“THAT, By-Law No. 2020-1612, being a by-law to further amend Procedural By-Law No. 2012-1205, to allow for electronic participation during a declared emergency, be read a first, second and third time short and passed and signed by the Reeve and CAO/Clerk.”*

p12 **5. CONFIRM COUNCIL PROCEEDINGS**

**By-Law No. 2020-1613: Confirmation By-Law**

***Suggested Motion by Councillor Rodger/Councillor King:***

*“THAT By-Law No. 2020-1613, being a by-law to confirm the proceedings of the Council meeting held on April 7<sup>th</sup>, 2020, be read a first, second and third time short and passed and signed by the Reeve and CAO/Clerk.”*

**6. ADJOURNMENT**

**THE CORPORATION OF THE  
TOWNSHIP OF LANARK HIGHLANDS**

**Council**  
*April 7<sup>th</sup>, 2020*

**Report #COR-2020-01**  
Ryan Morton, CAO/Clerk & Amanda Noël, Deputy Clerk

**Procedural By-Law Amendment – Bill 187, *Municipal Emergency Act, 2020***

**STAFF RECOMMENDATION:**

*“THAT, Procedural By-Law 2012-1205 be amended as outlined in Report #COR-2020-01 - Procedural By-Law Amendment, to implement changes to the Municipal Act, 2001, enacted by Bill 187, Municipal Emergency Act, 2020, in order to provide for electronic participation during declared emergencies.”*

**BACKGROUND**

On March 19<sup>th</sup>, 2020, the Province enacted Bill 187, the *Municipal Emergency Act, 2020*. The Act amends Section 238 of the *Municipal Act, 2001*, by adding provisions regarding electronic participation during emergencies 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*.

These changes allow members of council, committees and local boards to participate electronically in meetings and be counted in determining whether or not a quorum of members is present at any point in time during the declared emergency.

The Bill also provides that a municipality or local board can hold a special electronic meeting to amend their procedural by-law for the purposes of making an amendment to allow electronic participation during a declared emergency.

**DISCUSSION**

As a result of the declared emergency that Ontario is currently under, the province has provided municipalities with a tool to help ensure local decision making by municipal councils is not affected.

Municipalities are now permitted to hold an electronic meeting to amend their procedural by-law to permit electronic meetings of council, committees and local boards during a declared emergency in which members can participate electronically and their participation will count for purposes of determining whether or not there is quorum.

Even though electronic meetings and electronic participation of the member in the meeting is permitted, the municipality is still obligated to conduct their meetings while being open to the public and allowing the public to attend the meetings.

In consideration of electronic meetings including method, provider, technology upgrades, recording, file storage, accessibility, user training, adequate internet connection, etc.. staff recommend that the virtual meetings take place by conference call, or video conferencing should a conference call not be possible.

Given that the members attending the meeting can attend virtually, it is appropriate that members of the public can also attend virtually without contradicting open meeting provisions.

For the purposes of this declared emergency, staff can arrange a conference call for members and the public where they will be required to dial into the conference call and enter a conference ID to listen live. This information can be provided on the first page of every agenda in addition to the teleconference participation etiquette. Once the first meeting has been conducted, the participation etiquette may be amended to reflect any areas that may have not been addresses or that may need to be changed.

Although electronic meetings can be held for the purposes of council, committee and local board meetings, staff recommend for the time being that committee of the whole meetings be deferred and that council meetings be held to address items of business. This can be continually evaluated as the declared emergency progresses.

The conference call will be subject to the existing rules of the procedural by-law and the teleconference participation etiquette.

Under the *Planning Act*, 'public meetings' are required whereas under the *Municipal Act, 2001* meetings are required to be 'open to the public'. As a result, staff are working on developing a way to allow the public to make representation(s) on the application(s) while maintaining social distancing and preserving the safety of the public.

## **OPTIONS CONSIDERED**

### **Option #1 – Amend Procedural By-Law**

Under the current circumstances of the declared emergency, and in order to keep the business of the municipality moving forward, it is recommended that the Procedural By-Law be amended to reflect the suggested changes for electronic participation in meetings during a declared emergency.

Option #2 – Do nothing

Due to the declared emergency, meeting in person is not an option at this time, therefore should the procedural by-law not be amended to permit electronic participation, meetings would not occur, and municipal business may be delayed and/or affected negatively.

**FINANCIAL IMPLICATIONS**

Staff time in preparing this report and by-law amendment.

Conference call services – Estimated \$300-\$500 per meeting based on a 2 hour meeting and 13-15 participants.

**CONCLUSIONS**

As a state of emergency has been declared and there is an opportunity to continue to move the business of the municipality forward, it is recommended that the Procedural By-Law be amended to permit electronic participation in meetings during a declared emergency.

**ATTACHMENTS**

- Bill 187, Municipal Emergency Act.
- Teleconference Participation Etiquette

**RESOURCES**

- Other Municipalities
- Bill 187
- Municipal Act
- Cunningham, Swan, Carty, Little & Bonham LLP

**Prepared and Submitted By:**



**Ryan Morton,  
CAO/Clerk**

**Prepared and Submitted By:**



**Amanda Noël,  
Deputy Clerk**



[Show explanatory note](#)

Français

## CHAPTER 4

### **An Act to amend the Municipal Act, 2001 and the City of Toronto Act, 2006**

*Assented to March 19, 2020*

Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

#### ***Municipal Act, 2001***

**1 Section 238 of the *Municipal Act, 2001* is amended by adding the following subsections:**

#### **Electronic participation, emergencies**

(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.

#### **Same, procedure by-law**

(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.

**2 Subsection 451.1 (1) of the Act is amended by striking out “sections 9, 10 and 11” and substituting “sections 9, 10, 11 and 129”.**

#### ***City of Toronto Act, 2006***

**3 Section 189 of the *City of Toronto Act, 2006* is amended by adding the following subsections:**

#### **Electronic participation, emergencies**

(4.2) 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 City under section 4 or 7.0.1 of the *Emergency Management and Civil Protection Act*,

- (a) despite subsection (4), a member of city council, of a local board of the City 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 (4.1), a member of city council, of a local board of the City or of a committee of either of them can participate electronically in a meeting that is closed to the public.

**Same, procedure by-law**

(4.3) The city council or a local board of the City may hold a special meeting to amend an applicable procedure by-law for the purposes of subsection (4.2) during any period where an emergency has been declared to exist in all or part of the City under section 4 or 7.0.1 of the *Emergency Management and Civil Protection Act* and despite subsection (4), 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.

**Role of head of council**

(4.4) Despite anything in this or any other Act, only the head of council may call a special meeting of city council for the purposes of subsection (4.3).

**Commencement**

**4 This Act comes into force on the day it receives Royal Assent.**

**Short title**

**5 The short title of this Act is the *Municipal Emergency Act, 2020*.**

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## Teleconference Participation Etiquette

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- The Chair will read each motion, along with the mover and seconder's name;
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**THE CORPORATION OF THE  
TOWNSHIP OF LANARK HIGHLANDS**

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**BY-LAW NO. 2020-1612**

**A BY-LAW TO AMEND PROCEDURAL BY-LAW 2012-1205 TO PROVIDE FOR  
ELECTRONIC PARTICIPATION OF MEETINGS IN A DECLARED EMERGENCY**

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

**AND WHEREAS**, the Council of the of the Township of Lanark Highlands enacted and passed By-Law No. 2012-1205, being a by-law to govern the proceedings of the Council of the Township of Lanark Highlands, as amended;

**AND WHEREAS**, Council deems it expedient to amend By-Law No. 2012-1205, as amended, as hereinafter set out to address changes in legislation as a result of Bill 187, *Municipal Emergency Act, 2020*.

**NOW THEREFORE BE IT RESOLVED THAT**, the Council of the Corporation of the Township of Lanark Highlands enacts as follows:

**1. GENERAL REGULATIONS**

**1.1 THAT**, Section 1.0 DEFINITIONS be amended to add the following:

**“Declared Emergency”** – Shall mean 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*. R..S.O. 1990, c. E.9., as amended.

**“Electronic Meeting”** – Shall mean a meeting convened by means of electronic communication, allowing each Member to be in contact with the anchor location and participate concurrently with all other Members in the conduct of such meeting.

**“Electronic Participation”** – Shall mean where a Member is not physically present but participates by means of electronic communication.

**THE CORPORATION OF THE TOWNSHIP OF LANARK HIGHLANDS  
BY-LAW NO. 2020-1612**

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**1.2 THAT**, Procedural By-Law 2012-1205 is hereby further amended by adding Section **5.15. Electronic Meetings – Declared Emergency**.

**5.15 Electronic Meetings – Declared Emergency:**

**5.15.1** 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*, an electronic meeting may be held;

**5.15.2** Despite Subsection (3.1) of Section 238 of the Municipal Act, S.O. 2001, c.25, 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

**5.15.3** Despite subsection (3.2) of Section 238 of the Municipal Act, S.O. 2001, c.25, 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;

**5.15.4** Notice of the meetings shall be provided, and the public shall be entitled to be present at the meeting;

**5.15.5** The Chair of Council and Committee of the Whole meetings shall be the Reeve. In the absence of the Reeve or when the Reeve steps down, the Deputy Reeve shall be Acting Chair. In the absence of the Deputy Reeve, members shall appoint an Acting Chair.

**5.15.6** A conference call shall be set up and a number made available to the members and the public so that they may listen in live;

**5.15.7** In the event that a conference call is not possible, a video-conference may be set up;

**5.15.8** Members of Council, Local Boards and Committees shall:

**5.15.8.1** identify themselves at the beginning of the meeting for the purpose of determining quorum; and

**5.15.8.2** upon the call of the vote of each motion and by-law to determine the vote.

**5.15.9** Direction shall be given to the public by the Chairperson to place their phones on mute during the meeting so as not to interrupt the meeting.

**THE CORPORATION OF THE TOWNSHIP OF LANARK HIGHLANDS**  
**BY-LAW NO. 2020-1612**

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**5.15.10** The members and the public shall be made aware of the full contents of the virtual meeting.

**5.15.11** The Clerk shall be responsible for the procedures associated with the conduct of the meeting.”

**2. ULTRA VIRES**

Should any sections of this by-law, including any section or part of any schedules attached hereto, be declared by a court competent jurisdiction to be ultra vires, the remaining sections shall nevertheless remain valid and binding.

**3. BY-LAWS AMENDED**

**3.1** By-Law No. 2012-1205 is hereby amended

**3.2** All by-laws or parts thereof and resolutions passed prior to this by-law which are in contravention of any terms of this by-law are hereby rescinded.

**4. EFFECTIVE DATE**

**4.1** 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 by Council this 7<sup>th</sup> day of April, 2020.

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**Peter McLaren, Reeve**

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**Ryan Morton, CAO/Clerk**

**THE CORPORATION OF THE  
TOWNSHIP OF LANARK HIGHLANDS**

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**BY-LAW NO. 2020-1613**

**A BY-LAW TO CONFIRM THE PROCEEDINGS OF THE COUNCIL OF THE  
CORPORATION OF THE TOWNSHIP OF LANARK HIGHLANDS  
MEETING HELD ON April 7<sup>th</sup>, 2020**

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**WHEREAS**, Section 5 of *the Municipal Act, 2001 S.O. 2001, c.25, as amended*, provides that the powers of a municipality shall be exercised by its council;

**AND WHEREAS**, Section 9 of *the Municipal Act, 2001 S.O. 2001, c.25, as amended*, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the Municipal Act or any other Act;

**AND WHEREAS**, Section 5(3), provides that a municipal power, including a municipality's capacity, rights, powers and privileges under Section 9, 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 Township of Lanark Highlands at its meeting be confirmed and adopted by By-Law;

**NOW THEREFORE BE IT RESOLVED THAT**, the Council of the Corporation of the Township of Lanark Highlands enacts as follows:

**1. GENERAL REGULATIONS**

- 1.1 THAT** the actions of the Council of the Corporation of the Township of Lanark Highlands at its meeting held on the **7<sup>th</sup> day of April, 2020** in respect of each recommendation contained in the reports of the Committees and each motion and resolution passed and other action taken by the Council of the Corporation of the Township of Lanark Highlands at its meetings is hereby adopted and confirmed as if all such proceedings were expressly embodied in this By-Law.
- 1.2 THAT** the Reeve and Proper Signing Official of the Corporation of the Township of Lanark Highlands are hereby authorized and directed to do all things necessary to give effect to the action of the Council of the Corporation of the Township of Lanark Highlands referred to in the preceding section hereof.

**THE CORPORATION OF THE TOWNSHIP OF LANARK HIGHLANDS  
BY-LAW NO. 2020-1613**

**1.3** THAT the Reeve and/or Deputy Reeve and Clerk and/or Deputy Clerk are hereby authorized and directed to execute all documents necessary in that behalf and to affix thereto the Seal of the Corporation of the Township of Lanark Highlands.

**2. ULTRA VIRES**

Should any sections of this by-law, be declared by a court competent jurisdiction to be ultra vires, the remaining sections shall nevertheless remain valid and binding.

**3. EFFECTIVE DATE**

**ENACTED AND PASSED** this 7<sup>th</sup> day of April, 2020

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**Peter McLaren, Reeve**

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**Ryan Morton, CAO/Clerk**