



Agenda

Corporation of the Town of Kirkland Lake
Emergency Meeting of Council
Council Chambers, Town Hall
March 24, 2020
4:30 p.m.

1. **Moment of Silence**

2. **Approval of the Agenda**

BE IT RESOLVED THAT the Agenda for the Emergency Meeting of Council held on March 24, 2020 beginning at 4:30PM be approved as circulated to all Members of Council and,

THAT Council for the Corporation of the Town of Kirkland Lake hereby waives notice in accordance with Section 13 of By-law Number 15-075 and agrees to meet for the purpose of amending the Procedural By-law to permit members to participate in meetings using electronic media during a Declared Emergency.

3. **Declaration of Pecuniary Interest**

4. **Petitions and Delegations**

5. **Approval of Minutes and Recommendations**

6. **Reports of Municipal Officers and Communications**

6.1 **Procedural By-law Amendment – Permit Electronic Meetings during a Declared Emergency**
Ric McGee, CAO

BE IT RESOLVED THAT Memorandum Number 2020-CAO-001 entitled “**Procedural By-law Amendment – Permit Electronic Meetings during a Declared Emergency**”, be received,

THAT Council for the Corporation of the Town of Kirkland Lake hereby resolves that notice is hereby given to amend the Procedural By-law to permit Meetings to be conducted electronically during a Declared Emergency in accordance with the Municipal Act,

THAT Council for the Corporation of the Town of Kirkland Lake in accordance with Bill 187, hereby authorizes staff to prepare amendments to By-law Number 15-075, **Being a By-Law to Regulate the Procedures of the Council of the Corporation of the Town of Kirkland Lake** to incorporate the use of electronic media for conducting meetings, and

THAT a By-law to amend By-law Number 15-075 be presented to Council for approval

PLEASE NOTE: All items on this Agenda are for Council’s consideration and will be voted on at the meeting.

7. Introduction, Reading and Consideration of Bylaws

Bylaw 20-034 Being a By-law to Amend By-law Number 15-075 Being a By-law to Regulate the Procedures of the Council of the Corporation of the Town of Kirkland Lake

***BE IT RESOLVED THAT** the following bylaw be read a first, second, and third time, numbered, passed, signed by the Mayor and the Clerk, and the Seal of the Corporation be affixed thereto;*

Bylaw Number 20-034, being a bylaw to Amend By-law Number 15-075 Being a By-law to Regulate the Procedures of the Council of the Corporation of the Town of Kirkland Lake

8. Questions from Council to Staff

9. Notice(s) of Motion

10. Councillor Reports

11. Additional Information

12. Closed Session

13. Matters Arising from Closed Session

14. Confirmation Bylaw

Bylaw 20-035 Being a bylaw to confirm the proceedings of Council at its Emergency meeting held March 24, 2020

***BE IT RESOLVED THAT** the following bylaw be read a first, second, and third time, numbered, passed, signed by the Mayor and the Clerk, and the Seal of the Corporation be affixed thereto;*

Bylaw Number 20-035, being a bylaw to confirm the proceedings of Council at its Emergency Meeting held March 24, 2020.

15. Adjournment

***BE IT RESOLVED THAT** Council adjourn the March 24, 2020 Emergency Meeting of Council at ____P.M.*



MEMORANDUM

Meeting Date: 3/24/2020

Memorandum 2020-CAO-001

Presented by: Richard McGee

Department: Administration

Memorandum Title

Procedural By-law Amendment – Permit Electronic Meetings during a Declared Emergency

Recommendations

BE IT RESOLVED THAT Memorandum Number 2020-CAO-001 entitled “Procedural By-law Amendment – Permit Electronic Meetings during a Declared Emergency”, be received,

THAT Council for the Corporation of the Town of Kirkland Lake hereby resolves that notice is hereby given to amend the Procedural By-law to permit Meetings to be conducted electronically during a Declared Emergency in accordance with the *Municipal Act*,

THAT Council for the Corporation of the Town of Kirkland Lake in accordance with Bill 187, hereby authorizes staff to prepare amendments to By-law Number 15-075, Being a By-Law to Regulate the Procedures of the Council of the Corporation of the Town of Kirkland Lake to incorporate the use of electronic media for conducting meetings, and

THAT a By-law to amend By-law Number 15-075 be presented to Council for approval.

Background

On March 19th, 2020, the Provincial Government passed Bill 187 (Attachment 1), An Act to amend the *Municipal Act, 2001* and the *City of Toronto Act, 2006*. In its simplest form, Bill 187 amends the *Municipal Act* to permit Councils to conduct meetings electronically during a Declared Provincial or Local Emergency. The amendments read 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.

Therefore, Council may amend Its' Procedural By-law to facilitate holding electronic meetings during a Declared Emergency; however, the necessary amendments shall be consistent with the provisions of the Procedural By-law. Councils' Procedural By-law states the following:

EMERGENCY MEETING

- 13) In case of the death, resignation or illness of the Mayor or other Members of Council, or in case of urgency, the Head of Council, the Chief Administrative Officer (CAO), then the Clerk may summon an emergency meeting as directed for this purpose. Before the emergency meeting begins, it is necessary that a motion be recorded, by which the members waive notice and agree to meet for a named purpose or purposes. This must be approved by two-thirds of the total Council.

REPEALS AND AMENDMENTS

- 101) Any provision of this by-law may be repealed, amended or varied and additions may be made to this by-law by a majority vote, provided that no motion for that purpose may be considered unless notice thereof has been given at a preceding regular meeting. Such notice may not be waived.

NOTICE OF MOTION

- 41) Notices of motion may be received by the Clerk at any time and each Motion, received in accordance with Section 14(g) shall be included on the Agenda for that meeting. A notice of motion may also be received by the Clerk prior to the closing of the Council meeting. In this event, the Presiding Officer shall read the notice of motion, which shall be recorded in the minutes and shall form part of the Agenda for the subsequent Council meeting. A notice of motion requires a seconder only at the time of debate.
- 42) A Member who hands a written notice of motion to the Clerk to be read at any regular Council Meeting, must be present during the reading of the notice.

- 43) A motion, notice of which has been given, if not moved and seconded on the day and at the meeting for which notice has been given, cannot be moved at any subsequent meeting without notice being given on the Agenda for such meeting.

In light of the preceding, staff recommended this Emergency Meeting be called for the purpose of providing Notice to amend the Procedural By-law. It could be stated that this Notice may only be given at a Regular Meeting of Council; however, given the circumstances, it is reasonable to submit that emergency situations, call for the consideration of extenuating circumstances and mitigating measures.

Legislative
Assembly
of Ontario



Assemblée
législative
de l'Ontario

1ST SESSION, 42ND LEGISLATURE, ONTARIO
69 ELIZABETH II, 2020

Bill 187

(Chapter 4 of the Statutes of Ontario, 2020)

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

The Hon. S. Clark

Minister of Municipal Affairs and Housing

| | |
|--------------|----------------|
| 1st Reading | March 19, 2020 |
| 2nd Reading | March 19, 2020 |
| 3rd Reading | March 19, 2020 |
| Royal Assent | March 19, 2020 |



EXPLANATORY NOTE

This Explanatory Note was written as a reader's aid to Bill 187 and does not form part of the law. Bill 187 has been enacted as Chapter 4 of the Statutes of Ontario, 2020.

The *Municipal Act, 2001* and the *City of Toronto Act, 2006* are amended to provide 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 purposes of quorum.

The *Municipal Act, 2001* is also amended to allow the Lieutenant Governor in Council to make regulations imposing limits and conditions on the powers of a municipality under section 129 of the Act.

ATTACHMENT 1

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

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*.



THE CORPORATION OF THE TOWN OF KIRKLAND LAKE

BY-LAW NUMBER 20-034

BEING A BY-LAW TO AMEND BY-LAW NUMBER 15-075 BEING A BY-LAW TO REGULATE THE PROCEDURES OF THE COUNCIL OF THE CORPORATION OF THE TOWN OF KIRKLAND LAKE

WHEREAS Section 10 (2) (6) of the *Municipal Act*, S.O. 2001, Chapter 25, as amended, authorizes single-tier municipalities to pass by-laws respecting the health, safety and well-being of persons;

AND WHEREAS the Province of Ontario passed *Bill 187, An Act to amend the Municipal Act, 2001 and the City of Toronto, Act 2006* on March 19, 2020 to permit Municipal Councils to conduct meetings through electronic media,

AND WHEREAS Council for the Corporation of the Town of Kirkland Lake deems it advisable and desirable to amend By-law Number 15-075, being a By-law to Regulate the Procedures of Council of the Corporation of the Town of Kirkland Lake to conduct meetings by electronic media;

NOW THEREFORE BE IT RESOLVED THAT the Council of the Corporation of the Town of Kirkland Lake enacts as follows:

1. **THAT** By-law Number 15-075 being a By-law to Regulate the Procedures of Council of the Corporation of the Town of Kirkland Lake is hereby amended as follows:

- a. 1) i. through to 1) n. shall be renumbered 1) j. through to 1) o.,
- b. The following shall be inserted and identified as 1) i.:

Electronic Meeting means a meeting of Council or Committee of Council that is conducted using remote electronic access by members and may only be permitted in the event that a Provincial and/or Local Emergency has been declared. A Quorum as defined within this By-law is required;

c. Section 15. is hereby deleted and replaced with the following:

15) The Clerk shall have prepared for the use of members at regular meetings, the Agenda as follows:

1. Call to Order and Moment of Silence
2. Approval of the Agenda
3. Declaration of Pecuniary Interest
4. Petitions and Delegations
5. Acceptance of Minutes and Recommendations
6. Reports of Municipal Officers and Communications
7. Consideration of Notices of Motion
8. Introduction, Readings and Consideration of By-Laws
9. Questions from Council
10. Notice(s) of Motion
11. Councillor's Reports
12. Additional Information
13. Closed Session

14. Matters from Closed Session

- 15. Confirmation By-Law
- 16. Adjournment

The business of each meeting shall be taken up in the order in which it stands upon the Agenda unless otherwise decided by Council.

All motions called in pursuance of the Orders of the Day and not disposed of, shall be placed on the Agenda for the next regular meeting, unless otherwise decided by Council.

- d. Section 103) is hereby renumbered as 104),
- e. The following shall be inserted into the By-law as Section 103):

103) Electronic Participation during a Declared Emergency

This Procedure By-law provides 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. a meeting may be conducted and members may participate electronically, including, but not limited to debate and voting;
 - b. Members shall be permitted to participate in Closed Session proceedings including, but not limited to debate and voting;
 - c. a member of Council or local board or committee of either of them who is participating electronically in a meeting shall be counted in determining whether or not a quorum of members is present at any point in time; and
 - d. despite subsection 3.2 of the *Municipal Act, 2001*, a member of a council, of a local board or of a committee of either of them may participate electronically in a meeting that is closed to the public.
 - e. Council may hold a Special or Emergency Meeting to amend any applicable sections of this procedure by-law 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
 - f. A member participating electronically in such a Special or Emergency Meeting shall be counted in determining whether or not a quorum of members is present at any time during the meeting.
- 2. **THAT** the Mayor and Clerk are hereby authorized to sign this by-law and to affix thereto the corporate seal, and
 - 3. **THAT** this By-law comes into force upon passage by the Council of the Corporation of the Town of Kirkland Lake.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 24TH DAY OF MARCH, 2020.

Pat Kiely, Mayor

Meagan Elliott, Clerk



The Corporation of the Town of Kirkland Lake

BY-LAW 20-035

**A bylaw to confirm
the proceedings of council
at its Emergency meeting held
March 24, 2020**

The Council of the Corporation of the Town of Kirkland Lake hereby enacts as follows:

1. The actions of the Council at its Emergency Meeting held on the 24th day of March, in respect to each motion, resolution, and other action passed and taken by the Council at its said meeting, is, except where the prior approval of the Ontario Municipal Board or its successors is required, hereby adopted, and ratified and confirmed.
2. The Mayor or if absent the Acting Mayor of Council and the proper officials of the Municipality are hereby authorized and directed to do all things necessary to give effect to the said action or to obtain approvals where required and except where otherwise provided, the Mayor or if absent the Acting Mayor, and the Clerk, or if absent the Deputy Clerk, are hereby directed to execute all documents required by Statute to be executed by them, as may be necessary in that behalf and to affix the Corporate Seal of the Municipality to all such documents.

READ a first, second and third time, enacted and passed this 24th day of March 2020.

Pat Kiely, Mayor

Meagan Elliott, Clerk