



# The Corporation of the Town of Milton

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Report To:	Council
From:	Meaghen Reid, Director, Legislative & Legal Services/Deputy Clerk
Date:	March 30, 2020
Report No:	CORS-019-20
Subject:	A By-law to amend Procedure By-law 07-2019 in relation to the <i>Municipal Emergency Act, 2020</i>
Recommendation:	<b>THAT Council pass a by-law to amend Procedure By-law 007-2019 to allow electronic participation of Council members pursuant to the <i>Municipal Emergency Act, 2020</i>.</b>

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## EXECUTIVE SUMMARY

- The *Municipal Act, 2001*, provides that a member of council, local board or committee can participate electronically in an open meeting but shall not be counted in determining the quorum present at the meeting. Section 238 also provides that no member of council, local board or committee shall participate electronically in a meeting that is closed to the public.
- On March 19, 2020, the Province passed the *Municipal Emergency Act, 2020*, which provides that, during a period where an emergency has been declared under the *Emergency Management and Civil Protection Act*, a member of council, committee or local board who is participating electronically in a meeting may be counted in determining quorum and can participate electronically in a meeting that is closed to the public.
- The purpose of this report is to seek Council approval for an amendment to Procedure By-law 007-2019 to include provisions for electronic participation in meetings during an emergency.

## Background

Section 238 (3.1) and (3.2) of the *Municipal Act* were adopted in 2017. They read as follows:

(3.1) 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 which is open to the public to the extent and in the manner set out in the by-law provided that

any such member shall not be counted in determining whether or not a quorum of members is present at any point in time.

(3.2) The applicable procedure by-law shall not provide that a member of council, of a local board or of a committee of either of them, can participate electronically in a meeting which is closed to the public.

On March 19, 2020, the Province passed the *Municipal Emergency Act, 2020*, which 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 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) 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.

The *Municipal Emergency Act, 2020*, also provides that a municipality or local board may hold a special meeting to amend an applicable procedure by-law with respect to the provisions noted above.

## Discussion

An amendment to the Town of Milton's Procedure By-law is being presented to Council for consideration, in accordance with the provisions of the *Municipal Emergency Act, 2020*.

The following notable provisions have been proposed within the draft by-law:

### **Acting Mayor/Mayor**

Usually during Council Meetings, the Mayor will preside over certain portions of the agenda and the Acting Mayor will preside over the remaining portions of the agenda. However, it is proposed that during electronic meetings, the Mayor will preside over all portions of meetings with electronic participation, unless the Mayor is absent.

### **Motions in writing**

It is recommended that the Procedure By-law provision requiring that all motions be made in writing shall not apply to meetings with electronic participation.

### **Delegations**

Some meetings held electronically may require a portion of the meeting to be in confidential session. In order to ensure confidentiality, in the event an electronic meeting



# The Corporation of the Town of Milton

must resolve into confidential session, delegations will not be allowed to participate electronically. If a delegation wishes to present on a matter under consideration they can provide the Clerk a written submission no later than two hours prior to the start of the meeting, which will be distributed to members and will form part of the public record.

The proposed by-law has been drafted to include consistencies with the procedure by-law amendments considered by Halton Region Council at its meeting on March 25, 2020.

The Council Meeting on March 30, 2020 will be the first time that the Town has conducted a Council Meeting in which all members will be participating electronically. As such, staff may refine and propose alternate options for the electronic meetings held in future.

## Financial Impact

There are no financial impacts as a result of this report.

Respectfully submitted,

Troy McHarg  
Commissioner, Corporate Services / Town Clerk

For questions, please contact: Meaghen Reid, Director, Phone: Ext. 2132  
Legislative and Legal Services

## Attachments

n/a

CAO Approval  
Andrew M. Siltala  
Chief Administrative Officer