



Town of Newmarket

Agenda

Special Council Meeting - Electronic

Date: September 21, 2021
Time: Immediately following the Council Workshop - Electronic
Location: Streamed live from the Municipal Offices
395 Mulock Drive
Newmarket, ON L3Y 4X7

1. Notice

At this time, the Municipal Offices remain closed to the public. This meeting will be streamed live at newmarket.ca/meetings.

2. Additions & Corrections to the Agenda

3. Conflict of Interest Declarations

4. Items

***4.1. Vaccination Requirements for Participation in Town of Newmarket Facilities, Programs and Events**

1. That the report entitled Vaccination Requirements for Participation in Town of Newmarket Facilities, Programs and Events dated September 21, 2021 be received; and,
2. That Council provide direction to staff on a preferred option as highlighted within the report; and,
3. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

5. Closed Session (if required)

6. Confirmatory By-law

2021-45 A By-law to Confirm the Proceedings of the September 21, 2021 Special Council - Electronic meeting.

1. That By-law 2021-45 be enacted.

7. Adjournment



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Vaccination Requirements for Participation in Town of Newmarket Facilities, Programs and Events Staff Report to Council

Report Number: 2021-64

Department(s): Recreation & Culture

Author(s): Colin Service

Meeting Date: September 21, 2021

Recommendations

1. That the report entitled Vaccination Requirements for Participation in Town of Newmarket Facilities, Programs and Events dated September 21, 2021 be received; and,
2. That Council provide direction to staff on a preferred option as highlighted within the report; and,
3. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Purpose

The purpose of this report is to provide information around the Provincial regulations regarding vaccination requirements for members of the public and to seek Council approval on adopting specific measures above and beyond provincial measures. These additional measures align with a consistent Town of Newmarket approach in taking every precaution reasonable in the circumstances to protect against the hazard of Covid-19.

Background

On Sept 1, 2021, the Province of Ontario announced requirements stipulating that vaccinations would be required in a variety of settings. The official legislation that

outlined the various rules and regulations for application of this policy was released on Sept 14th, 2021.

The regulations, once released, provided greater clarity on facilities, services and amenities in which vaccination would be required. The regulations also set forth a variety of exemptions.

The following table outlines how the minimum standards set out in the Provincial regulation impact Town of Newmarket Facilities:

Participant/Attendees MUST Be Vaccinated	Vaccination is NOT Required
<ul style="list-style-type: none">- All Recreational Facilities, including Newmarket Seniors Meeting Place- Theatres and Performing Spaces- Meeting Rooms/Event Spaces/Program Spaces- Community Halls- All organized indoor events	<ul style="list-style-type: none">- Museum walk in traffic (programs offered at the museum are classified as a Program Space and therefore vaccination is required)- Public Libraries- Town Office for Customer Service inquiries (Meetings and meeting room use does require vaccination)

The regulations stipulate that all individuals aged 12 and up must be fully vaccinated to enter or participate in any of the above noted activities. However, the regulations also indicate exemptions around obtaining vaccination.

Discussions have occurred with municipalities across the Region and even more broadly across the province around the various exemptions. In summary, the main exemptions include the following issues:

1. Medical Exemption – an individual is medically unable to be fully vaccinated.
2. Individuals aged 12 to 17 who are participating in organized sport – organized sport includes participation with a minor sport organization, participation in instructional programs of a physical nature (ie. swimming lessons), participation in dance, martial arts, and participation in organized pick up and scrimmage type of sport environments.
3. Coach/Officials involved in the delivery of minor sports – this is often considered employment and as such are covered under specific organizational policies rather than participant policies.
4. Health and Safety Issues – a person may enter one of the above noted facilities if there is a specific health and safety issue that needs immediate support or attention (ie. a first aid emergency).
5. Customer Service Inquiries – where individuals are involved in a short term need for assistance (ie. paying a bill, finding out information) and are then exiting the facility immediately following the interaction.

Discussion

Upon review of the exemptions, there are a number of issues that have arisen in how to interpret, effectively communicate and administer these exemptions.

Issues around the exemption of 12 to 17 year olds participating in organized sport is the exemption that has been of most struggle for municipalities. There is a lack of clarity around what is in fact considered sport and what constitutes being organized sport. Neither sport or the term organized is clearly defined within the regulations.

When considering all of the exemptions though, the Town of Newmarket can adopt one of the following three approaches:

Option 1 – Follow the Ontario Regulations as Written

In this option, staff responsible for screening and verification of vaccine status would administer the regulations as follows:

- All patrons aged 18 and up would be asked at the screening desk for the nature of their visit. If it is a customer service inquiry, they would be permitted into the facility. If it is to participate in any activity of any nature, they would be required to be fully vaccinated and show proof of that vaccination before being given entry into the facility.
- All patrons aged 11 and under would be permitted into the facility without proof of vaccination.
- All patrons aged 12 to 17 would be asked at the screening desk for the nature of their visit. If it is a customer service inquiry, or to participate in an organized sport (to be defined as any physical activity that is monitored and directed by a staff person or coach), those individuals will be permitted entry. In all other instances, patrons aged 12 to 17 would be required to provide proof of being fully vaccinated before entering.

Challenges with this approach – There are a number of complicating factors with this approach. Some minor sport organizations have created policies that take effect in the next 4 to 6 weeks that provide greater restriction than the provincial regulations. For example, minor hockey has announced that all participants must be fully vaccinated by October 31st. With this option, Town staff would be responsible to screen in accordance only with provincial regulations. It would be left to the various organizations to address those who do not comply with their specific organizational policies.

Also, this approach creates greater exposure and risk for staff and other patrons, as it increases the potential volume of people who are not fully vaccinated.

Lastly this approach also creates operational challenges in ensuring that people who are unvaccinated but enter for a customer service interaction then are monitored and do in fact leave the facility upon completion of that interaction.

Option 2 – Develop a Town of Newmarket Policy that prohibits entry into any facility for all individuals aged 12 and up unless fully vaccinated

In this option, staff responsible for screening and vaccine verification would administer this approach as follows:

- All patrons, including coaches and officials, aged 12 and up would be screened and asked for proof of vaccination before being permitted entry into any facility
- All patrons aged 11 and under would be permitted entry without providing proof of vaccination

Challenges with this approach – While this approach is much simpler to administer and puts safety of patrons and staff as top priority, it is not without challenges. Specifically, there will be individuals involved in sport who will suggest that the policy exceeding provincial restrictions is specifically targeting them and is unfair to them.

By taking this approach careful consideration is needed around the effective date as this may serve as a catalyst to get vaccinated. Further we would not want this to be punitive for those who intend to get vaccinated but have not had opportunity to do so. This challenge could be mitigated with a clear implementation date and follow up communication with sport groups.

This does have the potential to create tense customer interactions for screening staff. Though it should be noted that vaccine passports of any nature always have the potential to create tense customer interactions.

Option 3 – Develop a Hybrid Town of Newmarket Policy that considers some exemptions (ie. for organized sports) but requires vaccination for all other entry to facilities

In this option the Town can explore each exemption in more depth and take a position on whether the exemption is honoured. For example, exemptions around the organized sport participation could be honoured, while the exemption around customer service interactions may not. Exemptions around specific facilities that are not covered under the regulations (Museum and Library) could follow the regulations as they are written or have a specific policy around vaccination for entry.

Challenges with this approach – There are a number of challenges with this approach. Most significantly, this approach is difficult to communicate and administer for staff. Further, this approach does not necessarily consider marginalized individuals or fully consider the safety of other patrons and staff.

Conclusion

Staff are required to begin administering participant vaccination verification effective Sept 22, 2021. Staff must, at minimum follow the provincial regulations as they are currently written. However, staff will be prepared to administer whatever approach is determined by Council.

Business Plan and Strategic Plan Linkages

Well Managed, Well Balanced

Consultation

This report included consultation from Corporate Communications, Human Resources, Legal Services and the CAO's Office.

Human Resource Considerations

None.

Budget Impact

Addressed in COVID-19 contingency planning.

Attachments

None.

Approval

Colin Service, Director, Recreation & Culture

Ian McDougall, Chief Administrative Officer

Contact

Please contact Colin Service at cservice@newmarket.ca.

Corporation of the Town of Newmarket

By-law 2021-45

A By-law to confirm the proceedings of a special meeting of Council -
Electronic – September 21, 2021

Whereas s. 5(1) of the Municipal Act, 2001, S.O. 2001, c. 25 provides that the powers of a municipal corporation shall be exercised by its Council; and,

Whereas s. 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, shall be exercised by by-law unless the municipality is specifically authorized to do otherwise; and,

Whereas the Council of the Town of Newmarket deems it advisable to pass such a by-law;

Therefore be it enacted by the Council of the Corporation of the Town of Newmarket as follows:

1. That subject to Section 3 of this by-law, every decision of Council, as evidenced by resolution or motion, taken at the meeting at which this by-law is passed, shall have the same force and effect as if each and every one of them had been the subject matter of a separate by-law duly enacted;
2. And that the execution and delivery of all such documents as are required to give effect to the decisions taken at the meeting at which this by-law is passed and the resolutions passed at that meeting are hereby authorized;
3. And that nothing in this by-law has the effect of giving to any decision or resolution the status of a by-law where any legal prerequisite to the enactment of a specific by-law has not been satisfied;
4. And that any member of Council who disclosed a pecuniary interest at the meeting at which this by-law is passed shall be deemed to have disclosed that interest in this confirmatory by-law as it relates to the item in which the pecuniary interest was disclosed.

Enacted this 21st day of September, 2021.

John Taylor, Mayor

Lisa Lyons, Town Clerk