

Draft until approved by Council

Corporation of the Town of Newmarket

By-law 2020-24

A By-law to amend Procedure By-law 2020-12 to permit electronic participation in meeting during a declared state of emergency.

Whereas Section 238(2) of the Municipal Act, 2001 provides that every municipality shall pass a procedure by-law for governing the calling, place, and proceedings of Meetings; and,

Whereas the Council of the Corporation of the Town of Newmarket enacted Procedure By-law 2020-12; and,

Whereas on March 19, 2020 the Province of Ontario enacted the Municipal Emergency Act, 2020 to amend the Municipal Act, 2001, to enact section 238(3.3) and 238 (3.4) to permit meetings to be held electronically during an emergency declared pursuant to the Emergency Management and Civil Protection Act, R.S.O. 1990, Chapter E.9; and,

Whereas the Council of the Corporation of the Town of Newmarket considers it desirable to be able to hold Council meeting electronically during a period where an emergency exists; and now,

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

1. That section 4 of By-law 2020-12 be amended to add the following definition:

“State of Emergency” means a situation in which an emergency has been declared to exist in all or part of the Town of Newmarket by the Mayor under Section 4 of the Emergency Management and Civil Protection Act or by the Lieutenant Governor in Council or the Premier of the Province of Ontario under Section 7.0.1 of the Emergency Management and Civil Protection Act; and,

2. That section 9 of By-law 2020-12 be amended to add the following subsection:

- c) During a State of Emergency, a Meeting may be called by the Mayor, or by the Mayor in consultation with the CAO, at any time. A Meeting may be held through electronic communication as identified in section 26 of this By-law, and will be limited to business matters included in the Notice of Meeting; and,

3. That subsection 22 b) of By-law 2020-12 be replaced with the following:

22. Record of Meetings (i.e., Minutes)

- b) Minutes of each Meeting of Council are presented to the subsequent regular Meeting of Council for approval, and where required due to time sensitivity, minutes of a special Meeting of Council may be presented to a subsequent special Meeting of Council; and,

4. That By-law 2020-12 be amended to add the following section as the new section 26, and all subsequent sections and subsections be re-numbered accordingly:

26. Electronic Meeting Participation During a State of Emergency

- a) During a State of Emergency, Members may participate in a Meeting that is open or closed to the public by means of electronic communications and such members participating electronically shall be counted towards quorum subject to the following conditions:
- i) Matters of discussion at the Meeting shall be those necessary for the continued administration of the Town and/or the provision of essential or high importance municipal services, as determined by the Mayor and CAO.
 - ii) The Meeting shall be one of Council, Committee of the Whole or, Town Advisory Committees and Local Boards as identified by the Clerk.
 - iii) Where feasible, the Chair and Clerk of the Meeting shall be physically present at the location determined by the Clerk.
 - iv) The Meeting shall be conducted in accordance with the administrative procedures established by the Clerk for facilitating electronic participation.
- b) The Clerk may establish administrative procedures for facilitating electronic participation in meetings during a State of Emergency, which may be amended from time to time.

Enacted this 27th day of April, 2020.

John Taylor, Mayor

Lisa Lyons, Town Clerk