

Corporation of the Town of Newmarket

By-law 2020-54

A By-law to amend Procedure By-law 2020-12 to permit electronic participation in meetings.

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 on July 23, 2020, the COVID-19 Economic Recovery Act, 2020 (Bill 197) received Royal Assent from Legislature of Ontario; and,

Whereas Section 238(3.1) of the Municipal Act, 2001, S.O. 2001, c.25, as amended by the COVID-19 Economic Recovery Act, 2020 (Bill 197), allows for a member of council, a local board, or a committee of either of them to participate electronically in a meeting of the municipality which is open or closed to the public and be counted towards quorum, provided that the municipality's procedural by-law so allows, and that such authority is no longer limited to periods in which an emergency is declared to exist in all or part of the municipality under Section 4 or Section 7.0.1 of the Emergency Management and Civil Protection Act; and,

Whereas the province-wide emergency declared by the Premier of Ontario under Order in Council 518/2020 (Ontario Regulation 50/20) pursuant to Section 7.0.1 of the Emergency Management and Civil Protection Act in response to the COVID-19 pandemic was revoked on July 24, 2020, and it has been resolved that a province-wide emergency will not be further declared at this time; and,

Whereas the Council of the Town of Newmarket considers it necessary to continue to conduct meetings of Council, its committees, and its local boards by electronic communications to ensure the continuity of municipal operations and the provision of essential municipal services while observing the recommendations of public health authorities in relation to the COVID-19 pandemic;

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, as amended, be further amended to delete 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, as amended, be further amended to delete 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 section 25 of By-law 2020-12, as amended, be deleted and all subsequent sections and subsections be renumbered accordingly.
4. That section 26 (Electronic Meeting Participation) of By-law 2020-12, as amended, be deleted and replaced by the following section, effective October 13, 2020 until December 31, 2021 or until amended or repealed by another by-law:

26. Electronic Meeting Participation

- a) 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) The Meeting shall be one of Council, Committee of the Whole or, Town Advisory Committees and Local Boards as identified by the Clerk.
 - ii) Where feasible, the Chair and Clerk of the Meeting shall be physically present at the location determined by the Clerk.
 - iii) 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.
5. That the following new section 29 be added under Part 3 – Orders of Business, and all subsequent sections and subsections be renumbered accordingly:

29. Orders of Business – Electronic Meetings

- a) Order of Business for meetings held through Electronic Participation will follow the Order of Business of Committee of the Whole or Council respectively, with amendments only as required to facilitate the meeting electronically.

6. That section 29 (Open Forum) of By-law 2020-12, as amended, be amended to add the following subsection:
 - d) Open Forum will not be included in the Orders of Business of a Council meeting which is held through Electronic Participation.

Enacted this 13th day of October, 2020.

John Taylor, Mayor

Kiran Saini, Deputy Town Clerk