A. Recommendations

THAT Council receive Staff Report FAF.20.077, entitled “Amendment to Procedural By-law 2019-56, as amended, regarding “Open” Meetings in an Emergency”

AND THAT Council waive the provisions of the “Provision of Notice and Manner of Giving Notice to the Public Policy, POL.COR.07.03” as it relates to the requirement to hold a Public Meeting to receive public comments regarding proposed amendments to the Procedural By-law;

AND THAT Council approve the draft By-law attached to Staff Report FAF.20.077 that amends Procedural By-law 2019-56, as amended, to clarify how the public may participate in “Open” electronic meetings 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.

B. Overview

This report requests Council approval to amend the Town’s Procedural By-law 2019-56, as amended, such that during any period where an emergency has been declared to exist in all or part of the municipality and members are participating in meetings electronically and where the meeting is not physically opened to the public to attend, that the Clerk shall ensure that the public has a reasonable opportunity to hear all proceedings of the meeting through electronic means. This new section applies does not apply to closed sessions of Council.

C. Background

At the April 8, 2020 Special Meeting of Council, Council considered Staff Report FAF.20.076 entitled “Amendment to Procedural By-law 2019-56 to Allow Electronic Participation by Committees of Council and The Blue Mountains Attainable Housing Corporation in an Emergency, Bill 187”. At the April 8, 2020 Special Meeting of Council, Council provided the following direction to the Town Clerk and Director of Legal Services:
THAT the Town Clerk and Director of Legal Services be directed to provide a Staff Report at the April 20, 2020 Council Meeting regarding “open” meetings including a definition of the extent and the manner in which a meeting is open to the public during an emergency, CARRIED.

D. Analysis

Meetings held during an emergency are still required to follow existing meeting requirements, including providing notice of meetings to the public, maintaining meeting minutes and, subject to certain exceptions, that meetings continue to be open to the public.

This report recommends including clarity in the Procedural By-law as it relates to “open” meetings while the municipality is in a declared state of emergency to ensure the public is able to participate in Council meetings, when the public is not physically able to attend.

E. The Blue Mountains Strategic Plan

Goal #4: Promote a Culture of Organizational & Operational Excellence
Objective #5 Constantly Identify Opportunities to Improve Efficiencies and Effectiveness

F. Environmental Impacts

None

G. Financial Impact

None

H. In consultation with

Will Thomson, Director of Legal Services
Shawn Everitt, Chief Administrative Officer

I. Public Engagement

The topic of this Staff Report has not been subject to a Public Meeting and/or a Public Information Centre. Council will consider waiving the provisions of the Provision of Notice and Manner of Giving Notice to the Public Policy, POL.COR.07.03 regarding the requirement to hold a public meeting to receive comments regarding proposed changes to the Procedural By-law. Comments regarding this report should be submitted to Corrina Giles, Town Clerk, townclerk@thebluemountains.ca
**J. Attached**

1. Draft By-law to Amend By-law 2019-56, as amended, Being a By-law for governing the calling, place and proceedings of meetings of the Municipal Council for the Town of The Blue Mountains

Respectfully Submitted,

__________________________
Corrina Giles
Town Clerk

__________________________
Shawn Everitt
Chief Administrative Officer

For more information, please contact:
Corrina Giles, Town Clerk
townclerk@thebluemountains.ca
519-599-3131 extension 232
The Corporation of the Town of The Blue Mountains

By-Law Number 2020 –

Being a By-law to amend By-law 2019-56, as amended, being a By-law for governing the calling, place and proceedings of meetings of the Municipal Council for the Town of The Blue Mountains

Whereas Bill 187, being An Act to amend the Municipal Act, 2001, received Royal Assent on March 19, 2020;

And Whereas Bill 187 provides that during emergencies, should they choose to, members of council, of a local board or of a committee of either of them who is participating electronically in an open or closed meeting may be counted for the purposes of quorum;

And Whereas Council of the Town of The Blue Mountains considered Staff Report FAF.20.077 “Amendment to Procedural By-law 2019-56, as amended, regarding “Open” Meetings in an Emergency” to clarify how the public may participate in “Open” electronic meetings 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;

Now Therefore Council of The Corporation of the Town of The Blue Mountains hereby enacts as follows:

1. That paragraph 4.14 of By-law 2019-56, as amended, is repealed and replaced with the following new paragraph 4.14:

   4.14 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) THAT despite subsection 238(3.1) of the Municipal Act, a member of Council, a member of a Committee of Council, or a member of The Blue Mountains Attainable Housing Corporation 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;

   b) THAT despite subsection 238(3.2) of the Municipal Act, a member of Council, a member of a Committee of Council, or a member of The Blue Mountains Attainable Housing Corporation can participate electronically in a meeting that is closed to the public;

   c) THAT the Clerk shall be authorized, in consultation with the Head of Council or the Chair of a Committee, to determine the appropriate technology to provide for electronic participation in each meeting, provided that it allows for the following to occur simultaneously:

      i) each participant may hear any person authorized to speak,

      ii) each participant entitled to speak may indicate to the Chair that they desire to speak, and

      iii) provides for public access, if necessary, as set out in paragraph 4.14d)

   d) THAT, at the discretion of the Clerk, meetings where electronic means are provided may not be physically opened for the public to attend. If the meeting is not physically opened to the public, the Clerk shall ensure that members of the public have a reasonable opportunity to hear all proceedings of the meeting through electronic means, except for those parts of the meeting that are closed to the public.
And Further that this By-law shall come into force and take effect upon the enactment thereof.

Enacted and passed this 20th day of April 2020

___________________________
Alar Soever, Mayor

__________________________
Corrina Giles, Town Clerk
The Corporation of the Town of The Blue Mountains

By-Law Number 2020 –

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Alar Soever, Mayor

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Corrina Giles, Town Clerk