



AGENDA

Corporation of the Town of Kirkland Lake
Special Meeting of Council
Electronically via Zoom
August 11, 2020
4:30 p.m.

1. **Call to Order and Moment of Silence**

2. **Approval of the Agenda**

BE IT RESOLVED THAT the Agenda for the Special Meeting of Council held on August 11, 2020 beginning at 4:30PM be approved as circulated to all Members of Council.

3. **Reports of Municipal Officers and Communications**

3.1 **Permitting Electronic Attendance During Council Meetings**
Meagan Elliott, Clerk

BE IT RESOLVED THAT Memorandum Number 2020-CLK-005 entitled “**Permitting Electronic Attendance During Council Meetings**” be received,

THAT notice is hereby given to amend the Procedural By-law to permit Meetings to be conducted electronically in accordance with the Municipal Act,

THAT Council for the Corporation of the Town of Kirkland Lake in accordance with Bill 197, hereby authorizes staff to prepare amendments to By-law Number 15-075, Being a By-Law to Regulate the Procedures of the Council of the Corporation of the Town of Kirkland Lake to incorporate the use of electronic media for conducting meetings, and

THAT a By-law to amend By-law Number 15-075 be presented to Council for approval.

4. **Introduction, Reading and Consideration of By-Laws**

Bylaw 20-067 Being a By-law to Amend By-law Number 15-075 Being a By-law to Regulate the Procedures of the Council of the Corporation of the Town of Kirkland Lake

BE IT RESOLVED THAT the following bylaw be read a first, second, and third time, numbered, passed, signed by the Mayor and the Clerk, and the Seal of the Corporation be affixed thereto;

Bylaw Number 20-067, being a bylaw to Amend By-law Number 15-075 Being a By-law to Regulate the Procedures of the Council of the Corporation of the Town of Kirkland Lake

PLEASE NOTE: All items on this Agenda are for Council's consideration and will be voted on at the meeting.

5. **Confirmation Bylaw**

Bylaw 20-068 Being a bylaw to confirm the proceedings of Council at its Special Meeting held August 11, 2020

BE IT RESOLVED THAT the following bylaw be read a first, second, and third time, numbered, passed, signed by the Mayor and the Clerk, and the Seal of the Corporation be affixed thereto;

Bylaw Number 20-068, being a bylaw to confirm the proceedings of Council at its Special Meeting held August 11, 2020.

6. **Adjournment**

BE IT RESOLVED THAT Council adjourn the August 11, 2020 Special Meeting of Council.

MEMORANDUM TO COUNCIL

Meeting Date: 8/11/2020

Memo Number: 2020-CLK-005

Presented by: Meagan Elliott

Department: Corporate Services

MEMO TITLE

Permitting Electronic Attendance During Council Meetings

RECOMMENDATION(S)

BE IT RESOLVED THAT Memorandum Number 2020-CLK-005 entitled “**Permitting Electronic Attendance During Council Meetings**” be received,

THAT notice is hereby given to amend the Procedural By-law to permit Meetings to be conducted electronically in accordance with the *Municipal Act*,

THAT Council for the Corporation of the Town of Kirkland Lake in accordance with Bill 197, hereby authorizes staff to prepare amendments to By-law Number 15-075, Being a By-Law to Regulate the Procedures of the Council of the Corporation of the Town of Kirkland Lake to incorporate the use of electronic media for conducting meetings, and

THAT a By-law to amend By-law Number 15-075 be presented to Council for approval.

BACKGROUND

Council for the Corporation of the Town of Kirkland Lake has been meeting electronically during the declared COVID-19 emergency as permitted through Bill 187 (*Emergency Management and Civil Protection Act*). Bill 197 (*COVID-19 Economic Recovery Act, 2020*) received Royal Assent on July 21st, 2020 and transitions some of the emergency orders that were previously in place under the *Emergency Management and Civil Protection Act*, and more.

Bill 197 amends the *Municipal Act* to allow members of councils, committees and certain local boards who participate in open and closed meetings electronically to be counted for purposes of quorum beyond times when an emergency declaration is in

place. These changes require the procedural by-law to be amended to speak to the new language to allow for electronic participation outside of a declared emergency.

R A T I O N A L E

Meeting electronically during the declared emergency has allowed for Council Meetings during COVID-19 restrictions. There have been many benefits to have authority to conduct Council meetings electronically that the Province has permitted it to continue outside of declared emergencies. Staff recommend an amendment to By-Law 15-075 being a By-Law to Regulate the Procedures of the Council of the Corporation of the Town of Kirkland Lake to incorporate the use of electronic media for conducting meetings outside of a declared emergency. This amendment does not mean that meetings will be electronic, but allows the flexibility to do so when needed and/or enables a member of Council to attend and participate if unable to do so in person.

Bill 197 also amends the *Municipal Act* to permit Council who are unable to attend a meeting to appoint a proxyholder to act on their behalf, subject to certain limitations. Staff have no recommendations relating to this option and leave any discussion and decision on this matter to the Assembly.

A T T A C H M E N T S

Attachment 1 - Schedule 12 – Amendments to the *Municipal Act*

Attachment 2 - COVID-19 Economic Recovery Act www.ontario.ca/laws/statute/20r17

**SCHEDULE 12
MUNICIPAL ACT, 2001**

1. (1) Subsection 238 (3.1) of the *Municipal Act, 2001* is repealed and the following substituted:

Electronic participation

(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 to the extent and in the manner set out in the by-law.

(2) Subsection 238 (3.2) of the Act is repealed.

(3) Subsection 238 (3.3) of the Act is repealed and the following substituted:

Same

(3.3) The applicable procedure by-law may provide that,

- (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 open or closed to the public.

(4) Subsection 238 (3.4) of the Act is repealed and the following substituted:

Special meeting, amend procedure by-law re electronic participation

(3.4) A municipality or local board may hold a special meeting to amend an applicable procedure by-law for the purposes of subsection (3.3).

Same, quorum

(3.5) A member participating electronically in a special meeting described in subsection (3.4) may be counted in determining whether or not a quorum of members is present at any time during the meeting.

2. The Act is amended by adding the following section:

Proxy vote

243.1 (1) The procedure by-law may provide that, in accordance with a process to be established by the clerk, a member of council may appoint another member of council as a proxy to act in their place when they are absent subject to the following rules:

1. A member of a local council appointed as an alternate member of the upper-tier council under section 267 may appoint a member of the upper-tier council as a proxy to act in their place when they are absent from the upper-tier council.
2. A member who is unable to attend a meeting of the upper-tier council and for whom an alternate member is appointed under section 267 shall not appoint a proxy.
3. A member appointed as an alternate member of the upper-tier council under section 268 shall not appoint a proxy.
4. A member who is unable to attend a meeting of the upper-tier council and for whom an alternate member is appointed under section 268 shall not appoint a proxy if the appointed member is acting on their behalf at the meeting.

Rules re proxy votes

(2) The following rules apply with respect to the appointment of another member of council to act as a proxy under subsection (1):

1. A member shall not appoint a proxy unless the proxyholder is a member of the same council as the appointing member.
2. A member shall not act as a proxy for more than one member of council at any one time.
3. The member appointing the proxy shall notify the clerk of the appointment in accordance with the process established by the clerk.
4. For the purpose of determining whether or not a quorum of members is present at any point in time, a proxyholder shall be counted as one member and shall not be counted as both the appointing member and the proxyholder.

5. A proxy shall be revoked if the appointing member or the proxyholder requests that the proxy be revoked and complies with the proxy revocation process established by the clerk.
6. Where a recorded vote is requested under section 246, the clerk shall record the name of each proxyholder, the name of the member of council for whom the proxyholder is voting and the vote cast on behalf of that member.
7. A member who appoints a proxy for a meeting shall be considered absent from the meeting for the purposes of determining whether the office of the member is vacant under clause 259 (1) (c).

Pecuniary interest

(3) A member who has a pecuniary interest described in subsection 5 (1) of the *Municipal Conflict of Interest Act* in a matter to be considered at a meeting shall not, if the interest is known to the member, appoint a proxy in respect of the matter.

Same, pre-meeting discovery

(4) If, after appointing a proxy, a member discovers that they have a pecuniary interest described in subsection 5 (1) of the *Municipal Conflict of Interest Act* in a matter to be considered at a meeting that is to be attended by the proxyholder, the member shall, as soon as possible,

- (a) notify the proxyholder of the interest in the matter and indicate that the proxy will be revoked in respect of the matter; and
- (b) request that the clerk revoke the proxy with respect to the matter in accordance with the proxy revocation process established by the clerk.

Same, post-meeting discovery

(5) For greater certainty, if, after appointing a proxy, a member discovers that they have a pecuniary interest described in subsection 5 (1) of the *Municipal Conflict of Interest Act* in a matter that was considered at a meeting attended by the proxyholder, the appointing member shall comply with subsection 5 (3) of the *Municipal Conflict of Interest Act* with respect to the interest at the next meeting attended by the appointing member after they discover the interest.

Conflict, etc., proxyholder

(6) For greater certainty, nothing in this section authorizes a proxyholder who is disabled from participating in a meeting under the *Municipal Conflict of Interest Act* from participating in the meeting in the place of an appointing member.

Regulations, proxy votes

(7) The Minister may make regulations providing for any matters which, in the Minister's opinion, are necessary or desirable for the purposes of this section.

Commencement

3. This Schedule comes into force on the day the *COVID-19 Economic Recovery Act, 2020* receives Royal Assent.



THE CORPORATION OF THE TOWN OF KIRKLAND LAKE

BY-LAW NUMBER 20-067

BEING A BY-LAW TO AMEND BY-LAW NUMBER 15-075 BEING A BY-LAW TO REGULATE THE PROCEDURES OF THE COUNCIL OF THE CORPORATION OF THE TOWN OF KIRKLAND LAKE

WHEREAS Section 10 (2) (6) of the *Municipal Act*, S.O. 2001, Chapter 25, as amended, authorizes single-tier municipalities to pass by-laws respecting the health, safety and well-being of persons;

AND WHEREAS the Province of Ontario passed *Bill 187, An Act to amend the Municipal Act, 2001* on March 19, 2020 to permit Municipal Councils to conduct meetings through electronic media in a declared emergency;

AND WHEREAS the Province of Ontario passed *Bill 197, An Act to amend the Municipal Act, 2001* on July 21, 2020 to permit Municipal Councils to conduct meetings through electronic media outside of a declared emergency;

AND WHEREAS Council for the Corporation of the Town of Kirkland Lake deems it advisable and desirable to amend By-law Number 15-075, being a By-law to Regulate the Procedures of Council of the Corporation of the Town of Kirkland Lake to conduct meetings by electronic media outside of a declared emergency;

NOW THEREFORE BE IT RESOLVED THAT the Council of the Corporation of the Town of Kirkland Lake enacts as follows:

1. **THAT** By-law Number 15-075 being a By-law to Regulate the Procedures of Council of the Corporation of the Town of Kirkland Lake is hereby amended as follows:

1) i. *Electronic Meeting* means a meeting of Council or Committee of Council that is conducted using remote electronic access by members. A Quorum as defined within this by-law is required.

103) Electronic Participation

- a. a meeting may be conducted and members may participate electronically, including, but not limited to debate and voting;
- b. Members shall be permitted to participate in Closed Session proceedings including, but not limited to debate and voting;
- c. a member of Council or local board or committee of either of them 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; and
- d. despite subsection 3.2 of the *Municipal Act, 2001*, a member of a council, of a local board or of a committee of either of them may participate electronically in a meeting that is closed to the public.
- e. Council may hold a Special or Emergency Meeting and no notice is required to amend any sections of this procedure by-law.

2. **THAT** the Mayor and Clerk are hereby authorized to sign this by-law and to affix thereto the corporate seal, and

3. **THAT** this By-law comes into force upon passage by the Council of the Corporation of the Town of Kirkland Lake.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 11th DAY
OF AUGUST, 2020.**

Pat Kiely, Mayor

Meagan Elliott, Clerk

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THE CORPORATION OF THE TOWN OF KIRKLAND LAKE

BY-LAW NUMBER 20-068

**BEING A BY-LAW TO CONFIRM THE PROCEEDINGS OF COUNCIL AT ITS
SPECIAL MEETING HELD AUGUST 11, 2020**

WHEREAS Subsection 5(1) of the Municipal Act, 2001, S.O. 2001, Chapter 25, as amended, provides that the powers of a municipal corporation are to be exercised by its Council;

AND WHEREAS Subsection 5(3) of the said Municipal Act provides that the powers of every Council are to be exercised by by-law;

AND WHEREAS it is deemed expedient that the proceedings of the Council of the Town of Kirkland Lake at this meeting be confirmed and adopted by by-law;

NOW THEREFORE BE IT RESOLVED THAT THE COUNCIL OF THE CORPORATION OF THE TOWN OF KIRKLAND LAKE ENACTS AS FOLLOWS:

- 1 The actions of the Council of the Town of Kirkland Lake in respect of each motion passed and other actions taken by the Council of the Town of Kirkland Lake at this meeting are hereby adopted and confirmed as if all such proceedings were expressly embodied in this by-law.
- 2 The Mayor and Councillors of the Town of Kirkland Lake are hereby authorized and directed to do all things necessary to give effect to the actions of the Council of the Town of Kirkland Lake referred to in the preceding section.
- 3 The Mayor and the Clerk are hereby authorized to execute all documents necessary on behalf of the Council and to affix thereto the corporate seal of the Town of Kirkland Lake.
- 4 This by-law comes into force upon adoption by Council of the Town of Kirkland Lake.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 11th DAY OF AUGUST, 2020.

Pat Kiely, Mayor

Meagan Elliott, Clerk