

SPECIAL COUNCIL AGENDA

Meeting #: SC-06/2020 - Special Council
Date: March 23, 2020, 4:30 pm
Location: Town of Pelham Municipal Office - Council Chambers
20 Pelham Town Square, Fonthill

	Pages
1. Call to Order and Declaration of Quorum	
2. Approval of the Agenda	
3. Disclosure of Pecuniary Interest and General Nature Thereof	
4. Consideration of Amendment to Procedural By-law	3
Being a by-law to amend By-law No. 4107(2019) being a by-law to govern the proceedings of the Town of Pelham Council, its Committees, the conduct of its members and the calling of meetings, to provide for Electronic Meetings During a Declared Emergency.	
5. Resolution to Move in Camera	
Municipal Act, Section 239(2):	
1. Section 239(2)(c) proposed or pending acquisition or disposition of land by the municipality and Section 239(2)(f) advice subject to solicitor-client privilege (2 items; L07-2018-04-S; and L07-2018-01-S); and	
2. Section 239(2)(i) trade secret, technical, commercial, financial information supplied in confidence to the municipality which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with contractual or other negotiations (1 item)	
6. Rise From In Camera	
7. Confirming By-law	6

8. Adjournment

THE CORPORATION OF THE
TOWN OF PELHAM
BY-LAW # 4217 (2020)

Being a by-law to amend By-law No. 4107(2019) being a by-law to govern the proceedings of the Town of Pelham Council, its Committees, the conduct of its members and the calling of meetings, to provide for Electronic Meetings During a Declared Emergency.

WHEREAS the Municipal Act, 2001, S.O. 2001, c. 25, section 238 provides that a municipality shall establish a procedure by-law to govern meetings;

AND WHEREAS The Corporation of the Town of Pelham has enacted Procedure By-law #4107(2019);

AND WHEREAS on March 19, 2020 the Province of Ontario enacted the *Municipal Emergency Act, 2002* 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*;

AND WHEREAS the World Health Organization has declared a worldwide pandemic regarding the Novel Coronavirus 19 (COVID-19);

AND WHEREAS on March 17, 2020 a Declaration of Emergency was made by the Province of Ontario pursuant to section 7.0.1 of the *Emergency Management and Civil Protection Act* related to COVID-19;

AND WHEREAS the Council of The Corporation of the Town of Pelham considers the protection of the health and safety of the public to be a paramount concern, and has suspended the operations of all Town facilities and closed municipal buildings to the walk-in public;

AND WHEREAS The Corporation of the Town of Pelham considers it desirable to be able to hold Council meetings electronically during the COVID-19 emergency;

NOW THEREFORE the Council of The Corporation of the Town of Pelham **ENACTS** as follows:

1. THAT Procedure By-law #4107(2019) be, and is hereby amended by adding the following:

13.2 Electronic Meetings During a Declared Emergency

- 1) Interpretation – In this Section the following shall apply, in addition to the definitions as contained in section 1 of this By-law:

“Emergency” means any period of time during which an emergency has been declared to exist in all or part of a municipality by the Head of Council or the Province, under sections 4 or 7.0.1 of the *Emergency Management Act*;

“Electronic Meeting” means a meeting called and held in full or in part via electronic means (including but not limited to audio teleconference, video teleconference, or via means of the internet), and with or without in-person attendance;

“Emergency Management Act” means the *Emergency Management and Civil Protection Act*, R.S.O. 1990, Chapter E.9, as amended.

- 2) Electronic Meetings – A regular meeting or special meeting of Council may be conducted by Electronic Meeting during an Emergency, in accordance with this Section and the Emergency Electronic Meeting Protocol as may be approved by Council. Appended as Appendix 1.

- 3) Quorum and Voting for Electronic Meeting – Members attending and present during an Electronic Meeting shall be counted for purposes of quorum at the commencement and at any point in time during the meeting, and shall be entitled to vote through a vote recorded by the Clerk as if they were attending the meeting in person.
 - 4) Closed Session – An Electronic Meeting may include a Closed Session which shall be conducted in the absence of the public and in accordance with this Section.
 - 5) Public Notice of Electronic Meeting – A public notice of an Electronic Meeting shall include sufficient information as to provide the public with a means to electronically access the open session of such Electronic Meeting.
 - 6) Delegations in Writing – An Electronic Meeting shall not permit public delegations, except by way of electronic submission received in advance of the meeting, in accordance with Section 18, or as may be otherwise approved by By-law.
 - 7) Public Access to Viewing – The Clerk shall make every effort during an Electronic Meeting to ensure that public access to the meeting is provided through the Town’s Information Technology staff, and where practical the Clerk shall accept questions submitted during the meeting via email to clerks@pelham.ca.
 - 8) Notwithstanding Section 11, that Section 8(iv) of By-law 4107(2019) is amended to provide that the Agenda and supporting material for any meeting convened during a Declared Emergency be provided no later than 4:30 p.m. three (3) business days prior to the Meeting, including the date of the meeting.
 - 9) Application and Conflict – notwithstanding the foregoing, the Procedure By-law shall continue to apply to an Electronic Meeting held pursuant to this Section, except that this Section and any Emergency Electronic Meeting Protocol approved by Council and any Provincial legislation nor order shall prevail to the extent of any conflict.
2. This By-law is enacted at a special meeting held in accordance with section 238(3.4) of the *Municipal Act, 2001*, as amended, and shall hereby come into effect as of the date and time of its passing.

Enacted, signed and sealed this

23rd day of March, 2020 A.D.

MAYOR MARVIN JUNKIN

CLERK NANCY J. BOZZATO

Emergency Electronic Meeting Protocol

Appendix 1 to By-law 4217(2020)

The Procedure By-law shall continue to apply to an Electronic Meeting held pursuant to this Protocol, and that amendments to this Protocol may be permitted to be made by simple majority vote of council to accommodate an effective and efficient meeting, so long as any such amendments are consistent with the intent of the Procedure By-law and do not directly conflict with the Procedure By-law or are contrary to prevailing Provincial legislation or orders.

General:

- The method and technology used for an Electronic Meeting in Open Session or Closed Session shall be determined by the CAO and Clerk, in consultation with the Mayor, based on advice and resources available from the Town's Information Technology staff and the prevailing circumstances and context for a meeting.
- The Mayor or Deputy Mayor, or designate, shall lead the meeting and be present from a designated meeting location supported by the Clerk, or designate, where possible.
- Members follow meeting leadership from the Mayor as Chair.
- The Chair is to announce each agenda item on the floor of the meeting and shall maintain an orderly meeting process keeping Members informed.

Request to Speak and Speaker's List:

- Any Member participating in-person shall indicate to the Chair or Clerk a request to speak;
- Chair to ask each remote participant Member by name to confirm if they wish to speak on current item, or through an alternative means as advised by the Clerk, e.g. Member texting the Chair or Clerk;
- Chair/Clerk to maintain a speaker's list, based on Chair's discretion, to ensure all Members are able to participate in debate in keeping with meeting rules;
- Chair will call out the name of the Member assigned to speak.

Member Speaking:

- 5 minute maximum, to be timed by the Clerk with 4-minute warning, based on current Procedural By-law rules;
- Time allotment may be used to speak, ask questions of staff and/or introduce a motion/amendment;
- Members to speak through the Chair.

Voting:

- All votes shall be by recorded vote conducted by the Clerk, as directed by the Chair, unless Council decides otherwise;
- Clerk to call each name of Members deemed present to record vote;
- If Member is present in person or electronically and no response to indicate vote is provided, Clerk will ask one more time and if no indication of vote, the vote is recorded in the negative;
- Clerk to announce results to Chair and Council.

Member Conduct:

- Each Member shall remain silent and attentive to the proceeding when not assigned as the speaker;
- Each Member to listen for their name to be assigned as speaker or to vote;
- Each Member to take direction from the Chair in order to facilitate an effective, efficient and orderly Electronic Meeting.

THE CORPORATION OF THE
T O W N O F P E L H A M
BY-LAW #4212(2020)

**Being a by-law to adopt, ratify and confirm the actions of
the Council at its special meeting held on the 23rd day of
March 2020.**

WHEREAS Section 5 (3) of the Municipal Act, S.O. 2001, Chapter M.25, as amended, provides that, except if otherwise authorized, the powers of Council shall be exercised by by-law;

AND WHEREAS it is deemed desirable and expedient that the actions of the Council as herein set forth be adopted, ratified and confirmed by by-law;

NOW THEREFORE COUNCIL OF THE CORPORATION OF THE TOWN OF PELHAM ENACTS AS FOLLOWS:

- (1) (a) The actions of the Council at its meeting held on the 23rd day of March, 2020, including all resolutions or motions approved, are hereby adopted, ratified and confirmed as if they were expressly embodied in this by-law.
(b) The above-mentioned actions shall not include:
 - (I) any actions required by law to be taken by resolution, or
 - (II) any actions for which prior Ontario Municipal Board approval is required, until such approval is obtained.
- (2) The Mayor and proper officials of the Corporation of the Town of Pelham are hereby authorized and directed to do all things necessary to give effect to the above-mentioned actions and to obtain approvals where required.
- (3) Unless otherwise provided, the Mayor and Clerk are hereby authorized and directed to execute and the Clerk to affix the seal of the Corporation of the Town of Pelham to all documents necessary to give effect to the above-mentioned actions.
- (4) THAT this by-law shall come into force on the day upon which it is passed.

READ, ENACTED, SIGNED AND SEALED
THIS 23rd DAY OF March, 2020 A.D.

MAYOR MARVIN JUNKIN

TOWN CLERK, NANCY J. BOZZATO