



# **AGENDA MATERIAL**

## **CITY COUNCIL (SPECIAL SESSION)**

**MEETING DATE:** MONDAY, MARCH 23, 2020

**LOCATION:** S. H. BLAKE MEMORIAL AUDITORIUM  
(Council Chambers)

**TIME:** 6:30 P.M.



**MEETING:** City Council

**DATE:** Monday, March 23, 2020

*Reference No. CC - 14/51*

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**OPEN SESSION in the S.H. Blake Memorial Auditorium at 6:30 p.m.**

City Council (Special Session)

Chair: Mayor B. Mauro

***OPENING CEREMONIES***

Prayer or One Minute of Silence

***DISCLOSURES OF INTEREST***

***CONFIRMATION OF AGENDA***

Confirmation of Agenda - March 23, 2020 - City Council (Special Session) **(Page 3)**

With respect to the March 23, 2020 City Council – Special Session meeting, we recommend that the agenda as printed, including any additional information and new business, be confirmed.

***REPORTS OF MUNICIPAL OFFICERS***

**Electronic Participation at Meetings**

Report No. R 37/2020 (City Manager's Office - Office of the City Clerk) containing a motion relative to electronic participation at meetings. **(Pages 4-9)**

With Respect to section 238 of *the Municipal Act, 2001*, which provides that a municipality shall establish a procedure by-law to govern meetings, we recommend that Council adopt the attached amendment to the procedure by-law to permit the holding of council meetings electronically during the COVID-19 emergency, or any further emergency as may be declared under section 4 or 7.0.1 of the *Emergency Management and Civil Protection Act*;

AND THAT By-law BL 36/2020 being an amendment to By-law 2012-128 be amended to include the provisions for Electronic participation.

## ***BY-LAWS***

### **BL 36/2020 - A By-law to amend By-law 128-2012 - Procedural By-law of Council and its Committees**

A By-law to amend By-law 128-2012 - Procedural By-law of Council and its Committees, to permit Electronic Meetings during a period of Emergency. **(Pages 10-13)**

#### **By-law Resolution**

By-law Resolution - March 23, 2020 **(Page 14)**

THAT the following By-law be introduced, read, dealt with individually, engrossed, signed by the Mayor and Clerk, sealed and numbered:

1. A By-law to amend By-law 128-2012, being the Procedural By-law of Council and its Committees, with respect to Electronic Participation at meetings.

By-law Number: BL 36/2020

## ***NEW BUSINESS***

### ***NOTICE OF MOTION***

#### ***CONFIRMING BY-LAW***

### **BL 35/2020 - Confirming By-law - March 23, 2020**

A By-law to confirm the proceedings of a meeting of Council, this 23rd day of March, 2020. **(Pages 15-16)**

#### **Confirming By-law Resolution - March 23, 2020 - City Council (Special Session) (Page 17)**

THAT the following By-law be introduced, read, dealt with individually, engrossed, signed by the Mayor and Clerk, sealed and numbered:

1. A By-law to confirm the proceedings of a meeting of Council, this 23<sup>rd</sup> day of March, 2020.

By-law Number: BL 35/2020

## ***ADJOURNMENT***



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**MEETING DATE**     03/23/2020 (mm/dd/yyyy)

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**SUBJECT**             Confirmation of Agenda

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***SUMMARY***

Confirmation of Agenda - March 23, 2020 - City Council (Special Session)

***RECOMMENDATION***

With respect to the March 23, 2020 City Council – Special Session meeting, we recommend that the agenda as printed, including any additional information and new business, be confirmed.

# Corporate Report

<b>DEPARTMENT/ DIVISION</b>	City Manager's Office - Office of the City Clerk	<b>REPORT NO.</b>	R 37/2020
<b>DATE PREPARED</b>	03/18/2020	<b>FILE NO.</b>	
<b>MEETING DATE</b>	03/23/2020 (mm/dd/yyyy)		
<b>SUBJECT</b>	Electronic Participation at Meetings		

## RECOMMENDATION

With Respect to section 238 of *the Municipal Act, 2001*, which provides that a municipality shall establish a procedure by-law to govern meetings, we recommend that Council adopt the attached amendment to the procedure by-law to permit the holding of council meetings electronically during the COVID-19 emergency, or any further emergency as may be declared under section 4 or 7.0.1 of the *Emergency Management and Civil Protection Act*;

AND THAT By-law BL 36/2020 being an amendment to By-law 2012-128 be amended to include the provisions for Electronic participation.

## EXECUTIVE SUMMARY

This report provides for an amendment to the City of Thunder Bay's procedural by-law to allow for electronic participation at meetings, in accordance with sections 238(3.3) and 238(3.4) of the *Municipal Act, 2001*, as amended, which received Royal Assent on March 19, 2020 relative to on the ongoing pandemic emergency associated with COVID-19.

## DISCUSSION

The enactment of sections 238(3.3) and 238(3.4) of the *Municipal Act, 2001*, provides for members of council to participate electronically in open and closed meetings and count towards quorum during a period where an emergency has been declared to exist in the municipality under the *Emergency Management and Civil Protection Act*. The Province of Ontario declared a state of emergency on March 17, 2020, thereby allowing for the use of electronic participation at meetings and the ability to hold a special meeting to amend the City's procedural by-law for the purposes of electronic participation in meetings.

In order to utilize these emergency electronic participation provisions, it is required for Council to amend its procedural by-law. A municipality may hold a special meeting to amend its procedural by-law where an emergency has been declared to exist in the municipality under the

*Emergency Management and Civil Protection Act*. Any council members participating electronically in this special meeting will count towards quorum and therefore be entitled to register their vote electronically. This would preclude the requirement for members of Council to physically convene to amend the procedural by-law.

Going forward, while the declaration of an emergency continues to exist, all meetings of Committee of the Whole and City Council will be held with the provision for electronic participation. All matters coming before Committee and Council will be vetted by the City Clerk to determine the requirement for legislative authority, approval and all items should be time sensitive. This provision may evolve to allow for greater business continuity as the situation changes. However, at this time, the resources in the Office of the City Clerk are reduced and therefore there is no ability to manage regular session items.

### ***FINANCIAL IMPLICATION***

There are costs associated with implementing electronic participation for members of Council as changes need to be made to the existing technology infrastructure. At this time, costs are not known; however, it is expected that those costs will not exceed the Department Head authorities established in the Supply Management By-law 113-2011. There is no funding allocated to this project in the 2020 General Council budget. Administration will report costs associated with this work when the state of emergency is over.

### ***CONCLUSION***

It is concluded that the recommendation within this report to adopt the provisions created for electronic participation at meetings should be approved to allow for appropriate approvals and that By-law 128-2012 should be amended in order to approve and provide for the inclusion of electronic participation during a period where an emergency has been declared to exist in the municipality under the *Emergency Management and Civil Protection Act*.

### ***BACKGROUND***

The *Municipal Act, 2001*, section 238 provides that a municipality shall establish a procedure by-law to govern meetings.

The City of Thunder Bay has enacted a by-law to govern the proceedings of meeting of City Council and its Committees, being By-law Number 128-2012.

On March 11, 2020, the World Health Organization (WHO) assessed the novel coronavirus, COVID-19, as a worldwide pandemic;

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*, which declaration applies to the whole of the Province of Ontario;

On March 17, 2020, the Lieutenant Governor issued Order-in-Council 520/2020, pursuant to the *Emergency Management and Civil Protection Act*, prohibiting all organized public events of over fifty people due to COVID-19.

On March 19, 2020, the Province of Ontario amended the *Municipal Act, 2001*, enacting sections 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*;

The City of Thunder Bay considers the protection of the health and safety of the public to be a paramount concern and certain City facilities and services has been suspended, other than those deemed essential for the welfare of the citizens of Thunder Bay, during the COVID-19 emergency;

***REFERENCE MATERIAL ATTACHED:***

Appendix A – Draft By-law to Amend By-law Number 128-2012 to permit Electronic Meetings during a period of Emergency

***PREPARED BY: KRISTA POWER, CITYCLERK***

THIS REPORT SIGNED AND VERIFIED BY: (NAME OF GENERAL MANAGER)	DATE:
Norm Gale, City Manager	March 23, 2020



THE CORPORATION OF THE CITY OF THUNDER BAY  
BY-LAW NUMBER BL 36/2020

A By-law to amend By-law 128-2012 - Procedural By-law of Council and its Committees, to permit Electronic Meetings during a period of Emergency.

Recitals

1. The *Municipal Act, 2001*, section 238 provides that a municipality shall establish a procedure by-law to govern meetings;
2. The Corporation of the City of Thunder Bay (the “City”) has enacted a by-law to govern the proceedings of meetings of City Council and its Committees, being By-law Number 128-2012;
3. On March 11, 2020, the World Health Organization (WHO) assessed the novel coronavirus, COVID-19, as a worldwide pandemic;
4. On March 17, 2020, a Declaration of Emergency was made by the Province of Ontario pursuant to section 7.01 of the *Emergency Management and Civil Protection Act*, which declaration applies to the whole of the Province of Ontario;
5. On March 17, 2020, the Lieutenant Governor issued Order-in-Council 520/2020, pursuant to the *Emergency Management and Civil Protection Act*, prohibiting all organized public events of over fifty people due to COVID-19;
6. On March 19, 2020, the Province of Ontario amended the *Municipal Act, 2001*, enacting 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*;
7. City Council considers the protection of the health and safety of the public to be a paramount concern and certain City facilities and services has been suspended, other than those deemed essential for the welfare of the citizens of Thunder Bay during the COVID-19 emergency;
8. City Council has deemed it necessary to amend By-law Number 128-2012 to allow the holding of Council meetings electronically during the COVID-19 emergency by resolution of Committee of the Whole on March 23, 2020.

ACCORDINGLY, THE COUNCIL OF THE CORPORATION OF THE CITY OF THUNDER BAY ENACTS AS FOLLOWS:

1. THAT By-law Number 128-2012 is hereby amended by adding the following definitions to Article 1.00 (Definitions, Application & Interpretation):



- (u.1) “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 of Ontario under sections 4 or 7.01 of the *Emergency Management and Civil Protection Act*;
- (u.2) “Electronic Meeting” means a meeting called and held, in full or in part, via electronic means (including telephone, video conferencing, or via means of the internet) and with or without in-person attendance;

2. AND THAT By-law Number 128-2012 is hereby amended by adding the following after Article 3.00 (Meetings):

Article 3.01 Electronic Meetings

- (a) **Electronic Meetings** – Any regular or special Meeting of Council, including a meeting of Committee of the Whole, City Council, City Council (Public Meeting), and Non-Business, may be conducted by Electronic Meeting during an Emergency, in accordance with this Article.
- (b) **Closed Session** – An Electronic Meeting may include a closed Meeting, which shall be conducted in the absence of the public and in accordance with this Article.
- (c) **Quorum**– 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.
- (d) **Voting** – Members shall be entitled to vote through a vote recorded by the Clerk as if they were attending the Meeting in person, during an Electronic Meeting. All voting, during an Electronic Meeting, shall take place by each Member audibly stating “yea” or “nay” in response to the Clerk calling their name in alphabetical order.
- (e) **Participation of Members** –
  - (1) A Member is not permitted to participate electronically in a Meeting if that Member does not join the Electronic Meeting fifteen (15) minutes before its scheduled start time.
  - (2) Members may be added to the speakers list during an Electronic Meeting by sending an email to the Office of the City Clerk.
  - (3) Members may move or second a motion during an Electronic Meeting by sending an email to the Office of the City Clerk.

- (f) **Interruption in Communication** – If there is an interruption in the communications link to any Member who is participating electronically in a Meeting, the Clerk may:
- (1) decide on a short recess until it is determined whether or not the link can be re-established with no more than two (2) attempts; or
  - (2) continue the Electronic Meeting and treat the interruption in the same manner as if the Member who is physically present leaves the room.
- (g) **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 meeting of such Electronic Meeting, in addition to any other applicable detailed notice requirements as required by the Notice by-law.
- (h) **Deputations in Writing** – An Electronic Meeting shall not permit public deputations, except by way of written submission received electronically in advance of the meeting, which shall be submitted to the City Clerk’s Office at [cityclerk@thunderbay.ca](mailto:cityclerk@thunderbay.ca) or via the website [www.thunderbay.ca](http://www.thunderbay.ca) (**Request to Speak to Council form**) in accordance with the timeframe established in section 5.08(b)(2), and shall be provided to Members at the Meeting.
- (i) **Application and Conflict** – By-law Number 128-2012 shall continue to apply to an Electronic Meeting held pursuant to this Article to the extent that the context permits and this Article and any Provincial legislation or order shall prevail to the extent of any conflict.

3. AND THAT this By-law Number 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 and passed this 23rd day of March, A.D. 2020 as witnessed by the Seal of the Corporation and the hands of its proper Officers.

\_\_\_\_\_  
Bill Mauro

Mayor

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Krista Power

City Clerk



## *Memorandum*

Corporate By-law Number BL 36/2020

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**TO:** Office of the City Clerk **FILE:**

**FROM:** Linda Crago  
City Manager's Office - Office of the City Clerk

**DATE:** 03/23/2020

**SUBJECT:** BL 36/2020 - A By-law to amend By-law 128-2012 - Procedural By-law of Council and its Committees

**MEETING DATE:** City Council - 03/23/2020 (mm/dd/yyyy)

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**By-law Description:** A By-law to amend By-law 128-2012 - Procedural By-law of Council and its Committees, to permit Electronic Meetings during a period of Emergency.

**Authorization:** R 37/2020 (City Manager's Office - Office of the City Clerk) - Committee of the Whole - March 23, 2020

**By-law Explanation:** The purpose of this By-law is to amend By-law 128-2012 - Procedural By-law of Council and its Committees, to permit Electronic Meetings during a period of Emergency.

**Schedules and Attachments:**

**Amended/Repealed By-law Number(s):**



THE CORPORATION OF THE CITY OF THUNDER BAY  
BY-LAW NUMBER BL 36/2020

A By-law to amend By-law 128-2012 - Procedural By-law of Council and its Committees, to permit Electronic Meetings during a period of Emergency.

Recitals

1. The *Municipal Act, 2001*, section 238 provides that a municipality shall establish a procedure by-law to govern meetings;
2. The Corporation of the City of Thunder Bay (the “City”) has enacted a by-law to govern the proceedings of meetings of City Council and its Committees, being By-law Number 128-2012;
3. On March 11, 2020, the World Health Organization (WHO) assessed the novel coronavirus, COVID-19, as a worldwide pandemic;
4. On March 17, 2020, a Declaration of Emergency was made by the Province of Ontario pursuant to section 7.01 of the *Emergency Management and Civil Protection Act*, which declaration applies to the whole of the Province of Ontario;
5. On March 17, 2020, the Lieutenant Governor issued Order-in-Council 520/2020, pursuant to the *Emergency Management and Civil Protection Act*, prohibiting all organized public events of over fifty people due to COVID-19;
6. On March 19, 2020, the Province of Ontario amended the *Municipal Act, 2001*, enacting 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*;
7. City Council considers the protection of the health and safety of the public to be a paramount concern and certain City facilities and services has been suspended, other than those deemed essential for the welfare of the citizens of Thunder Bay during the COVID-19 emergency;
8. City Council has deemed it necessary to amend By-law Number 128-2012 to allow the holding of Council meetings electronically during the COVID-19 emergency by resolution of Committee of the Whole on March 23, 2020.

ACCORDINGLY, THE COUNCIL OF THE CORPORATION OF THE CITY OF THUNDER BAY ENACTS AS FOLLOWS:

1. THAT By-law Number 128-2012 is hereby amended by adding the following definitions to Article 1.00 (Definitions, Application & Interpretation):

(u.1) “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 of Ontario under sections 4 or 7.01 of the *Emergency Management and Civil Protection Act*;

- (u.2) “Electronic Meeting” means a meeting called and held, in full or in part, via electronic means (including telephone, video conferencing, or via means of the internet) and with or without in-person attendance;

2. AND THAT By-law Number 128-2012 is hereby amended by adding the following after Article 3.00 (Meetings):

Article 3.01 Electronic Meetings

- (a) **Electronic Meetings** – Any regular or special Meeting of Council, including a meeting of Committee of the Whole, City Council, City Council (Public Meeting), and Non-Business, may be conducted by Electronic Meeting during an Emergency, in accordance with this Article.
- (b) **Closed Session** – An Electronic Meeting may include a closed Meeting, which shall be conducted in the absence of the public and in accordance with this Article.
- (c) **Quorum**– 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.
- (d) **Voting** – Members shall be entitled to vote through a vote recorded by the Clerk as if they were attending the Meeting in person, during an Electronic Meeting. All voting, during an Electronic Meeting, shall take place by each Member audibly stating “yea” or “nay” in response to the Clerk calling their name in alphabetical order.
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  - (3) Members may move or second a motion during an Electronic Meeting by sending an email to the Office of the City Clerk.
- (f) **Interruption in Communication** – If there is an interruption in the communications link to any Member who is participating electronically in a Meeting, the Clerk may:
- (1) decide on a short recess until it is determined whether or not the link can be re-established with no more than two (2) attempts; or

(2) continue the Electronic Meeting and treat the interruption in the same manner as if the Member who is physically present leaves the room.

- (g) **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 meeting of such Electronic Meeting, in addition to any other applicable detailed notice requirements as required by the Notice by-law.
- (h) **Deputations in Writing** – An Electronic Meeting shall not permit public deputations, except by way of written submission received electronically in advance of the meeting, which shall be submitted to the City Clerk's Office at [cityclerk@thunderbay.ca](mailto:cityclerk@thunderbay.ca) or via the website [www.thunderbay.ca](http://www.thunderbay.ca) (**Request to Speak to Council form**) in accordance with the timeframe established in section 5.08(b)(2), and shall be provided to Members at the Meeting.
- (i) **Application and Conflict** – By-law Number 128-2012 shall continue to apply to an Electronic Meeting held pursuant to this Article to the extent that the context permits and this Article and any Provincial legislation or order shall prevail to the extent of any conflict.

3. AND THAT this By-law Number 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 and passed this 23rd day of March, A.D. 2020 as witnessed by the Seal of the Corporation and the hands of its proper Officers.

Bill Mauro

Mayor

Krista Power

City Clerk

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**MEETING DATE**     03/23/2020 (mm/dd/yyyy)

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**SUBJECT**             By-law Resolution

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***SUMMARY***

By-law Resolution - March 23, 2020

***RECOMMENDATION***

THAT the following By-law be introduced, read, dealt with individually, engrossed, signed by the Mayor and Clerk, sealed and numbered:

1.     A By-law to amend By-law 128-2012, being the Procedural By-law of Council and its Committees, with respect to Electronic Participation at meetings.

By-law Number: BL 36/2020



## *Memorandum*

Corporate By-law Number BL 35/2020

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**TO:** Office of the City Clerk **FILE:**

**FROM:** Linda Crago  
City Manager's Office - Office of the City Clerk

**DATE:** 23/03/2020

**SUBJECT:** BL 35/2020 - Confirming By-law - March 23, 2020

**MEETING DATE:** City Council - 23/03/2020 (mm/dd/yyyy)

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**By-law Description:** A By-law to confirm the proceedings of a meeting of Council, this 23rd day of March, 2020.

**Authorization:** Committee of the Whole - 2003/02/24

**By-law Explanation:** To confirm the proceedings and each motion, resolution and other action passed or taken by the Council at this meeting is, except where prior approval of The Local Planning Appeal Tribunal is required, adopted, ratified and confirmed as if all such proceedings had been expressly embodied in this By-law.

**Schedules and Attachments:**

**Amended/Repealed By-law Number(s):**





THE CORPORATION OF THE CITY OF THUNDER BAY  
BY-LAW NUMBER BL 35/2020

A By-law to confirm the proceedings of a meeting of Council,  
this 23rd day of March, 2020.

Recitals

1. Subsection 5(1) of the Municipal Act, 2001, S.O. 2001 c. 25, as amended, provides that the powers of a municipal corporation are exercised by its Council. Subsection 5(3) provides that those powers are to be exercised by by-law.
2. Council considers it appropriate to confirm and adopt its proceedings at this meeting by by-law.

ACCORDINGLY, THE COUNCIL OF THE CORPORATION OF THE CITY OF  
THUNDER BAY ENACTS AS FOLLOWS:

1. The actions of the Council at the following meeting:

23rd day of March, 2020 OPEN SESSION, CITY COUNCIL MEETING

and each motion, resolution and other action passed or taken by the Council at that meeting is, except where prior approval of The Local Planning Appeal Tribunal is required, adopted, ratified and confirmed as if all such proceedings had been expressly embodied in this By-law.

2. The Mayor and the proper officials of The Corporation of the City of Thunder Bay are authorized and directed to do all things necessary to give effect to the actions of the Council referred to in Section 1 of this By-law. In addition, the Clerk is authorized and directed to affix the corporate seal to any documents which require it.
3. This By-law shall come into force on the date it is passed.

Enacted and passed this 23<sup>rd</sup> day of March, A.D. 2020 as witnessed by the Seal of the Corporation and the hands of its proper Officers.

Bill Mauro

Mayor

Krista Power

City Clerk

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**MEETING DATE**     03/23/2020 (mm/dd/yyyy)

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**SUBJECT**             Confirming By-law Resolution - March 23, 2020 - City Council

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***SUMMARY***

Confirming By-law Resolution - March 23, 2020 - City Council (Special Session)

***RECOMMENDATION***

THAT the following By-law be introduced, read, dealt with individually, engrossed, signed by the Mayor and Clerk, sealed and numbered:

1.     A By-law to confirm the proceedings of a meeting of Council, this 23<sup>rd</sup> day of March, 2020.

By-law Number: BL 35/2020