

SPECIAL MEETING
MARCH 24, 2020 - MIDDLESEX COUNTY COUNCIL

Council Chambers, County Building
London, 1:00 pm, Tuesday, March 24, 2020

1. CALL TO ORDER AND WARDEN'S REMARKS

Council met with all members present electronically. Warden Burghardt-Jesson presided.

2. PROVISION FOR DISCLOSURE OF PECUNIARY INTEREST AND GENERAL NATURE THEREOF

None.

3. RESOLUTION TO AMEND RULES OF PROCEDURE TO PERMIT ELECTRONIC COUNCIL MEETINGS DURING A PERIOD OF EMERGENCY

Moved by Councillor Mayhew

Seconded by Councillor DeViet

WHEREAS:

- A. the *Municipal Act, 2001*, S.O. 2001, c. 25, section 238 provides that a municipality shall establish a procedure by-law to govern meetings;
- B. Meetings pursuant to the definition in section 238(1) of the *Municipal Act, 2001* include any regular, special or other meeting;
- C. The Corporation of the County of Middlesex has enacted Rules of Procedure By-law #5968;
- D. the World Health Organization has declared a worldwide pandemic regarding the Novel Coronavirus 19 (hereinafter, "COVID-19");
- E. 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* ("EMCPA") related to COVID-19;
- F. On March 17, 2020 at 11:20am, a Declaration of Emergency was made by the Corporation of the County of Middlesex pursuant to section 4(1) of the *EMCPA* related to COVID-19;
- G. On March 20, 2020, a Declaration of Emergency was made by the City of London, which is the geographic location where the County Building - Middlesex County's Administrative Offices are located;
- H. the Lieutenant Governor has issued Order-in-Council 520/2020, pursuant to the *EMCPA*, prohibiting all organized public events of over fifty people due to COVID-19;
- I. Section 7.2 of the *EMCPA* provides that in the event of any conflict between Order-in-Council 520-2020 and any statute, regulation, rule, by-law or other order or instrument of a legislative nature, the Order-in-Council prevails;
- J. Section 7.0.11(1) of the *EMCPA* provides that it is an offence to fail to comply with, interfere with, or obstruct the enforcement of Order-in Council 520/2020;

- K. The Ministry of the Solicitor General in a Declaration on March 18, 2020 confirmed the duty of police to enforce Order-in-Council 2020;
- L. In the event The Corporation of the County of Middlesex were to hold a meeting (regular, special and other) in relation to COVID-19 and its Councillors, regular complement of staff, the public, and media attended physically, Middlesex County would be at risk of breaching Order-in-Council 2020;
- M. The Council of the Corporation of the County of Middlesex considers the protection of the health and safety of the public to be the paramount concern during COVID-19 but values business continuity for its citizens;
- N. Excluding land ambulance and home for the aged services, The Corporation of the County of Middlesex, commencing Monday, March 16, 2020 has effectively used work from home and social distancing initiatives to productively and effectively continue its operations and services with approximately just seven staff physically present at the County Building (Administrative Offices), thus complying with Provincial Order-in-Council 520/2020 and doing its part in furthering the social distancing required by the World to defeat COVID-19;
- O. The Corporation of the County of Middlesex considers it desirable to continue to further its business continuity for the good of its citizens during COVID-19 by holding meetings (regular, special or other) electronically during COVID-19;
- P. On March 19, 2020, the Province of Ontario provided the Corporation of the County of Middlesex with the tool to further its business continuity while maintaining compliance with Provincial Order-in-Council 520/2020 when it 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 (regular, special and other) to be held electronically during an emergency declared pursuant to the *EMCPA*;
- Q. The Council of the Corporation of the County of Middlesex believes it inappropriate to require the public to physically attend at a meeting held at the County Building (Administrative Offices) during COVID-19 while Councillors have been provided the ability through legislation for their respective votes to be counted as quorum when participating in meetings electronically;
- R. During COVID-19, The Corporation of the County Middlesex is able to:
- hold meetings (regular, special and other) at a location other than the place set out in Rules of Procedural By-law #5968 pursuant to section 236(1) of the *Municipal Act, 2001*
 - without physical attendance pursuant to sections 238(3.3) and 238(3.4) of the *Municipal Act, 2001*
 - ensure agenda material is public
 - ensure that delegations/submissions are accepted in writing
 - ensure that Councillors, the general public, and the press are able to watch and/or hear the business to be carried out at meetings by using an online streaming service and that Members have appropriate

contemporaneous input into the meetings electronically through video and/or audio teleconference;

- publicly post minutes in an expeditious manner; and
- ensure meetings are open and transparent;
- as it possesses the technology and resources to do so.

NOW THEREFORE BE IT RESOLVED that:

1. That Council that The Corporation of the County of Middlesex does hereby enact amendments to Rules of Procedure By-law #5968 in the form attached as *APPENDIX #1* hereto to enable electronic meetings to be held during a period of declared emergency;
2. That Council for The Corporation of the County of Middlesex does hereby approve the Emergency Electronic Meeting Protocol attached as *APPENDIX #2* hereto to be applied to any electronic meeting held in conjunction with the amendments to Rules of Procedure By-law #5968, as amended, enacted under paragraph 1 of this Resolution, and that amendments to the Emergency Electronic Meeting Protocol 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 not contrary to prevailing Provincial legislation or orders; and
3. That any notice requirement under Rules of Procedure By-law #5968 be hereby waived for the purpose of this Resolution on the basis that COVID-19 and related social distancing and self-isolation are considered to be of an urgent or time sensitive nature and affect the health or well-being of the residents or property in Middlesex County.

Carried.

4. BY-LAWS

#7029 - To Amend Rules of Procedure to Permit Electronic Council Meetings During a Period of Emergency

Moved by Councillor Elliott

Seconded by Councillor Vanderheyden

That first and second reading of the By-law be given:

Carried.

Moved by Councillor Councillor Ropp

Seconded by Councillor Councillor Smith

That third and final reading of the preceding By-law be given.

Carried.

Council to take a five minute recess to allow the Clerk to finalize the minutes for approval

Moved by Councillor Richards

Seconded by Councillor Vanderheyden

That the minutes of the Special Meeting of Middlesex County Council be approved as presented.

Carried.

Moved by Councillor Smith

Seconded by Councillor Brennan

That first and second reading of the By-law be given:

Carried.

#7030 - A BY-LAW to confirm proceedings of the Special Meeting of the Council of The Corporation of the County of Middlesex – APRIL 24, 2020

Moved by Councillor Mayhew

Seconded by Councillor Vanderheyden

That third and final reading of the preceding By-law be given.

Carried.

5. ADJOURNMENT

Moved by Councillor Ropp

Seconded by Councillor DeViet

That the Special Meeting of Middlesex County Council adjourn at 1:21 p.m.

Carried.

Kathleen Bunting County Clerk

Cathy Burghardt-Jesson, Warden