



By-law 2020-xx

A By-law to amend Procedural By-law 2017-5 to authorize the continuance of electronic meeting participation

WHEREAS Section 238(2) of the *Municipal Act, 2001*, S.O. 2001, c. 25, requires every municipality and local board to pass a procedural by-law governing the calling, place, and proceedings of meetings; and,

WHEREAS the Council of the City of Markham has enacted Procedural By-law 2017-5 to govern the calling, place, and proceedings of meetings of Council, local boards, and committees of the City of Markham; and,

WHEREAS on March 17, 2020, a province-wide emergency was declared by the Premier of Ontario under Order in Council 518/2020 (Ontario Regulation 50/20) pursuant to Section 7.0.1 of the *Emergency Management and Civil Protection Act* and subsequently renewed on an repeat basis under the same authority in response to the global public health pandemic surrounding the 2019 Novel Coronavirus (COVID-19); and

WHEREAS on March 19, 2020, the *Municipal Emergency Act, 2020* (Bill 187) received Royal Assent from the Legislature of Ontario; and,

WHEREAS Section 238(3.3) of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended by the *Municipal Emergency Act, 2020* (Bill 187), allowed for a member of council, a local board, or a committee of either of them to participate electronically in a meeting of the municipality which was open or closed to the public and be counted in towards quorum during a period in which an emergency had been declared to exist in all or part of the municipality under Section 4 or Section 7.0.1 of the *Emergency Management and Civil Protection Act*, provided that the municipality's procedural by-law so allowed; and,

WHEREAS on March 27, 2020, the Council of the City of Markham enacted By-law 2020-26 to amend Procedural By-law 2017-5 to authorize members of Council, its committees, and its local boards to participate in meetings that are open or closed to the public and be counted towards quorum during a period in which an emergency has been declared to exist in all or part of the municipality under Section 4 or Section 7.0.1 of the *Emergency Management and Civil Protection Act*; and,

WHEREAS on July 23, 2020, the *COVID-19 Economic Recovery Act, 2020* (Bill 197) received Royal Assent from Legislature of Ontario; and

WHEREAS Section 238(3.1) of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended by the *COVID-19 Economic Recovery Act, 2020* (Bill 197), allows for a member of council, a local board, or a committee of either of them to participate electronically in a meeting of the municipality which is open or closed to the public and be counted towards quorum, provided that the municipality's procedural by-law so allows, and that such authority is no longer limited to periods in which an emergency is declared to exist in all or part of the municipality under Section 4 or Section 7.0.1 of the *Emergency Management and Civil Protection Act*; and,

WHEREAS the province-wide emergency declared by the Premier of Ontario under Order in Council 518/2020 (Ontario Regulation 50/20) pursuant to Section 7.0.1 of the *Emergency Management and Civil Protection Act* in response to the COVID-19 pandemic was permitted to expire on July 29, 2020, and it has been resolved that a province-wide emergency will not be further declared at this time; and,

WHEREAS the Council of the City of Markham considers it necessary to continue to conduct meetings of Council, its committees, and its local boards by electronic communications to ensure the continuity of municipal operations and the provision

of essential municipal services while observing the recommendations of public health authorities in relation to the COVID-19 pandemic;

NOW THEREFORE the Council of the Corporation of the City of Markham enacts as follows:

1. That By-law 2017-5, as amended, be hereby amended further such that:

1.1 The following definition be deleted from Section 2:

“State of Emergency” means a situation in which an emergency has been declared to exist in all or part of the City of Markham by the **Mayor** under Section 4 of the *Emergency Management and Civil Protection Act* or by the Lieutenant Governor in Council or the Premier of the Province of Ontario under Section 7.0.1 of the *Emergency Management and Civil Protection Act*.

1.2 The words “During a **State of Emergency**,” in Section 4.6 (**Electronic Meeting Participation**) be deleted and forthwith read as follows:

4.6 Electronic Meeting Participation

Members may participate in a **Meeting** that is open or closed to the public by means of electronic communications and such members shall be counted towards quorum subject to the following conditions:

2 That all other provisions of By-law 2017-5, as amended, shall continue to apply.

Read a first, second, and third time and passed on -----.

Kimberley Kitteringham
City Clerk

Frank Scarpitti
Mayor