

THE CORPORATION OF THE TOWNSHIP OF HORTON
Special Council Meeting

April 1st, 2020
4:00 p.m.

1. Call to Order
2. Confirmation of Agenda
3. Declaration of Pecuniary Interest
4. Minutes from Previous Meeting:
 - i. March 17th, 2020 **PG.2**
5. Staff Report - Electronic Meetings – Procedural By-Law 2019-41 Amendment **PG.6**
PG.14
6. Staff Report - Covid-19 Financial Relief
7. By Laws:
 - i. 2020-19 Procedural By-Law Amendment **PG.16**
PG.17
8. Confirming By-law 2020-20
9. Adjournment

NOTE: This meeting will be sparsely attended, due to social distancing protocols that have been recommended by the federal and provincial governments. Members of Council and Staff will call in to the meeting and take part via video conference. Members of the Public, Media and other staff are requested not to attend. However, the meeting will be recorded with a replay stored on the Township's website for future viewing. Please contact the CAO/Clerk if you have any questions or require additional information.

RETURN TO AGENDA

THE CORPORATION OF THE TOWNSHIP OF HORTON

REGULAR COUNCIL MEETING
MARCH 17TH, 2020

There was a Regular Meeting of Council held in the Township Council Chambers on Tuesday March 17th, 2020. Present were Mayor David Bennett, Deputy Mayor Glen Campbell, Councillor Doug Humphries and Councillor Tom Webster. Staff present was Hope Dillabough, CAO/Clerk-Recording Secretary and Adam Knapp, Public Works Manager.

Councillor Lane Cleroux sent his regrets.

1. CALL TO ORDER

Mayor Bennett called the meeting to order at 4:00 p.m.

2. CONFIRMATION OF COUNCIL AGENDA

Moved by Deputy Mayor Campbell

RESOLUTION NO. 2020-68

Seconded by Councillor Humphries

THAT Council adopt the Agenda for the March 17th, 2020 Regular Council Meeting, as amended.

Carried

3. DECLARATION OF PECUNIARY INTEREST

There was no declaration of pecuniary interest.

4. MINUTES

4.1 February 18th, 2020 – Public Meeting

4.2 February 28th, 2020 – Special Council

4.3 March 3rd, 2020 – Regular Council

Moved by Councillor Humphries

RESOLUTION NO. 2020-69

Seconded by Councillor Webster

THAT Council approve the following Minutes:

- February 18th, 2020 – Public Meeting
- February 28th, 2020 – Special Council
- March 3rd, 2020 – Regular Council

Carried

5. BUSINESS ARISING FROM MINUTES – None

6. COMMITTEE REPORTS:

6.1 TRANSPORTATION & ENVIRONMENTAL SERVICES COMMITTEE

6.1.1 Chair's Report – March 12th

Councillor Webster reviewed the report. Public Works Manager Adam Knapp reviewed the issues surrounding Truck #12.

6.1.2 Award WM 2020-01 Recycling Collection

Public Works Manager Adam Knapp reviewed the tender submissions.

7. DELEGATIONS &/or PUBLIC MEETINGS – None

8. CORRESPONDENCE SUMMARY

Council reviewed and discussed the following correspondence:

8.1 INFORMATION CORRESPONDENCE

RETURN TO AGENDA

8.1.1 CAO/Clerk Information Memo

Discussion went around the table with information previously distributed.

8.2 ACTION CORRESPONDENCE – NONE

9. BYLAWS – NONE

10. NOTICE TO FILE MOTION FOR NEXT COUNCIL MEETING – None

11. COUNCIL/STAFF MEMBERS CONCERNS

Public Works Manager Adam Knapp mentioned the importance of putting out the tender for Truck #4 replacement now instead of waiting for the budget to be passed. Council members agreed. CAO/Clerk Hope Dillabough discussed and recommended closing the office to the public to reduce interactions due to Covid-19. Council members agreed with the decision to keep staff and the public safe.

12. MOTION FOR RECONSIDERATION – None

13. RESOLUTIONS

Moved by Councillor Webster

RESOLUTION NO. 2020-70

Seconded by Deputy Mayor Campbell

THAT Council accept the Transportation and Environmental Services Committee Chair's Report as information.

Carried

Moved by Councillor Webster

RESOLUTION NO. 2020-71

Seconded by Councillor Humphries

THAT upon recommendation from the TES Committee, Council proceed with the Cotieville Road rehabilitation as a Capital Project for 2020;

AND THAT the preliminary work on the portion of Whitton Road be completed in house as preparation for 2021;

AND THAT the resurfacing of Whitton Road be completed in 2021.

Carried

Moved by Councillor Webster

RESOLUTION NO. 2020-72

Seconded by Deputy Mayor Campbell

THAT upon recommendation from the TES Committee, Council agree that the maintenance and repair of Truck #12 is unsustainable, and the truck has proven to be an inefficient and unreliable fleet vehicle;

AND THAT as per section 2.14 of the Township's Procurement By-Law which states, subject to the nature, importance or urgency of the requirement, the pertinent authority shall decide the method of source selection;

FURTHER THAT it is Staff's recommendation that the Township sole source the International Truck from Rush Truck Center;

AND THAT Truck #12 be deemed surplus and advertised on Gov Deals and Kijiji with a minimum bid of \$25,000;

AND FURTHER THAT this be funded from the Roads Equipment Reserve and Roads Building Reserve;

AND THAT upon the sale of Truck #12, the funds be placed back into the Roads Building Reserve.

Carried

RETURN TO AGENDA

Moved by Councillor Webster

RESOLUTION NO. 2020-73

Seconded by Councillor Humphries

THAT upon recommendation from the TES Committee, Council allow staff to purchase a new slip-in water tank in 2021 for the new Truck #4 replacement;

AND THAT the existing tank be declared surplus after purchase;

AND THAT the tender for the slip-in water tank be released in late 2020 for purchase in early 2021.

Carried

Moved by Deputy Mayor Campbell

RESOLUTION NO. 2020-74

Seconded by Councillor Webster

THAT upon recommendation from the TES Committee, Council award Tender WM 2020-01 Recycling Collection to EMTERRA with a final bid of \$546,124.04 including HST for the three-year term.

Carried

Moved by Councillor Humphries

RESOLUTION NO. 2020-75

Seconded by Deputy Mayor Campbell

THAT Council accept the Information Correspondence list as per the CAO/Clerk's Information Memo for March 17th, 2020.

Carried

Moved by Deputy Mayor Campbell

RESOLUTION NO. 2020-76

Seconded by Councillor Webster

THAT due to the current Provincial State of Emergency regarding Covid-19, Council agree to close the Office to the public to protect the health and safety of staff and the public until further notice;

THAT effective March 18th, 2020 staff will continue to come to work and provide essential services to the public to the best of their capability via telephone and e-mail;

FURTHER THAT Council agree to extend the deadline to purchase Dog Tags to April 30th, 2020;

AND FURTHER THAT all Regular Council and Committee Meetings will be cancelled until further notice.

Carried

14. IN CAMERA (Closed) SESSION

Moved by Deputy Mayor Campbell

RESOLUTION NO. 2020-77

Seconded by Councillor Humphries

THAT Council went into a Closed Session Meeting at 4:56 p.m. to discuss the following items pursuant to Section 239(2) (e) of the Municipal Act;

- (e) Litigation or Potential Litigation – Farrell's Landing

Carried

Moved by Deputy Mayor Campbell

RESOLUTION NO. 2020-78

Seconded by Councillor Humphries

THAT Council came out of Closed (In-Camera) Session at 5:03 p.m. and discussed items pertaining to Litigation or Potential Litigation – Farrell's Landing

Carried

15. CONFIRMING BYLAW

Moved by Deputy Mayor Campbell

RESOLUTION NO. 2020-79

Seconded by Councillor Humphries

RETURN TO AGENDA

THAT Council enact By-law 2020-18 – Confirming By-Law

Carried

16. ADJOURNMENT

Mayor Bennett declared the meeting adjourned at 5:04 p.m.

MAYOR David Bennett

CAO/CLERK Hope Dillabough



Township of Horton
COUNCIL / COMMITTEE REPORT

Title: Electronic Participation at Council and Committee Meetings Procedural by-Law Amendment	Date: April 1 st , 2020
	Council/Committee: Council
	Author: Hope Dillabough, CAO/Clerk
	Department: Council

RECOMMENDATIONS:

That this Report for Electronic Participation at Council, Committee and Board Meetings, be received for information; and

That By-law Number 2019-41 be amended accordingly to permit electronic participation at Council and Committee Meetings where an emergency has been declared to exist in all or part of the municipality under section 4 or 7.0.1 of the Emergency Management and Civil Protection Act.

BACKGROUND:

As part of the Township's ongoing efforts to stop the spread of COVID-19, Council needs to ensure they can continue to act and respond quickly to the pandemic and any other events requiring the approval of Council.

Up until March 19, 2020 the Municipal Act did not allow Council members to participate in Council meetings by electronic means and be counted as quorum. On March 19, 2020 the Province enacted Bill 187, Municipal Emergency Act, 2020. This legislation made changes to the quorum requirements in the Municipal Act. It provides the authority for municipalities to amend its Procedure By-law after an emergency has been declared under the authority of the Emergency Management and Civil Protection Act. The changes to the Municipal Act will allow members to electronically attend council and committee meetings and be counted in quorum.

In addition to Bill 187, the province has created a number of regulations under the Emergency Management and Civil Protection Act including but not limited to; noise made in connection with the delivery of goods and the suspension of any statute, regulation, rule, by-law or order of the Government of Ontario establishing any limitation period for the duration of the emergency retroactive to March 16, 2020. The Ministry is in the process of creating resource materials regarding the legislative and regulatory changes which will be circulated to Council when they become available.

RETURN TO AGENDA

On March 19, 2020 Bill 187, the Municipal Emergency Act, 2020, was enacted to further amend Section 238 of the Municipal Act to add the following:

- (3.3) The applicable procedure by-law may provide that, during any period where an emergency has been declared to exist in all or part of the municipality under section 4 or 7.0.1 of the *Emergency Management and Civil Protection Act*,
- (a) despite subsection (3.1), 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) despite subsection (3.2), 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 closed to the public.
- (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) during any period where an emergency has been declared to exist in all or part of the municipality under section 4 or 7.0.1 of the *Emergency Management and Civil Protection Act* and despite subsection (3.1), a member participating electronically in such a special meeting may be counted in determining whether or not a quorum of members is present at any time during the meeting.

What this means is that although the Township of Horton has not declared an emergency under section 4 of the *Emergency Management and Civil Protection Act*, the provisions for electronic participation are permitted as the Premier has declared that an emergency exists throughout Ontario or in any part of Ontario under section 7.01 of the *Emergency Management and Civil Protection Act*.

In summary, the Mayor can call a meeting electronically to amend the procedural by-law to allow completely electronic meetings of Council – closed or open. All members of council may participate electronically, and their participation will count for purposes of quorum. Once the emergency has ended, the regular rules of procedure, as per the Township's procedure by-law would resume.

ALTERNATIVES:

Council could choose to not amend the procedure by-law; however, this is not recommended.


RETURN TO AGENDA

FINANCIAL IMPLICATIONS:

Minimal costs may be incurred to implement electronic meeting software however these expenses can be covered in the 2020 operating budget.


ATTACHMENTS:

Bill 187, Municipal Emergency Act,
2020 Draft By-law

Author: 
signature

Other: _____
signature

Treasurer: _____
signature

C.A.O. 
signature

Legislative
Assembly
of Ontario



Assemblée
législative
de l'Ontario

1ST SESSION, 42ND LEGISLATURE, ONTARIO
69 ELIZABETH II, 2020

Bill 187

(Chapter 4 of the Statutes of Ontario, 2020)

An Act to amend the Municipal Act, 2001 and the City of Toronto Act, 2006

The Hon. S. Clark

Minister of Municipal Affairs and Housing

1st Reading	March 19, 2020
2nd Reading	March 19, 2020
3rd Reading	March 19, 2020
Royal Assent	March 19, 2020



RETURN TO AGENDA

EXPLANATORY NOTE

This Explanatory Note was written as a reader's aid to Bill 187 and does not form part of the law. Bill 187 has been enacted as Chapter 4 of the Statutes of Ontario, 2020.

The *Municipal Act, 2001* and the *City of Toronto Act, 2006* are amended to provide that, during emergencies, should they choose to, members of councils, local boards and committees who participate electronically in open and closed meetings may be counted for purposes of quorum.

The *Municipal Act, 2001* is also amended to allow the Lieutenant Governor in Council to make regulations imposing limits and conditions on the powers of a municipality under section 129 of the Act.

Bill187**2020****An Act to amend the Municipal Act, 2001 and the City of Toronto Act, 2006**

Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Municipal Act, 2001

1 Section 238 of the *Municipal Act, 2001* is amended by adding the following subsections:

Electronic participation, emergencies

(3.3) The applicable procedure by-law may provide that, during any period where an emergency has been declared to exist in all or part of the municipality under section 4 or 7.0.1 of the *Emergency Management and Civil Protection Act*,

- (a) despite subsection (3.1), 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) despite subsection (3.2), 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 closed to the public.

Same, procedure by-law

(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) during any period where an emergency has been declared to exist in all or part of the municipality under section 4 or 7.0.1 of the *Emergency Management and Civil Protection Act* and despite subsection (3.1), a member participating electronically in such a special meeting may be counted in determining whether or not a quorum of members is present at any time during the meeting.

2 Subsection 451.1 (1) of the Act is amended by striking out “sections 9, 10 and 11” and substituting “sections 9, 10, 11 and 129”.

City of Toronto Act, 2006

3 Section 189 of the *City of Toronto Act, 2006* is amended by adding the following subsections:

Electronic participation, emergencies

(4.2) The applicable procedure by-law may provide that, during any period where an emergency has been declared to exist in all or part of the City under section 4 or 7.0.1 of the *Emergency Management and Civil Protection Act*,

- (a) despite subsection (4), a member of city council, of a local board of the City 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) despite subsection (4.1), a member of city council, of a local board of the City or of a committee of either of them can participate electronically in a meeting that is closed to the public.

Same, procedure by-law

(4.3) The city council or a local board of the City may hold a special meeting to amend an applicable procedure by-law for the purposes of subsection (4.2) during any period where an emergency has been declared to exist in all or part of the City under section 4 or 7.0.1 of the *Emergency Management and Civil Protection Act* and despite subsection (4), a member participating electronically in such a special meeting may be counted in determining whether or not a quorum of members is present at any time during the meeting.

Role of head of council

RETURN TO AGENDA

(4.4) Despite anything in this or any other Act, only the head of council may call a special meeting of city council for the purposes of subsection (4.3).

Commencement

4 **This Act comes into
force on the day it receives Royal**

Assent. Short title

5 **The short title of this Act is the *Municipal Emergency Act, 2020*.**

THE CORPORATION OF THE TOWNSHIP OF HORTON

BY-LAW NO. 2020-19

BEING A BY-LAW TO AMEND BY-LAW 2019-41, BEING A BY-LAW TO REGULATE THE PROCEEDINGS OF COUNCIL

WHEREAS the Legislature of the Province of Ontario introduced Bill 187, an Act to amend the Municipal Act, 2001, S.O. 2001, c. 25, being the Municipal Emergency Act, 2020, which received Royal Assent on March 19th, 2020; and

WHEREAS The Municipal Emergency Act, 2020 provides for Municipal Councils to participate electronically during any period where an emergency has been declared to exist in all or part of the municipality under section 4 or 7.0.1 of the Emergency Management and Civil Protection Act; and

WHEREAS in order to be able to implement these provisions, Council must amend Procedural By-Law 2019-41; and

NOW THEREFORE the Council of the Corporation of the Township of Horton hereby **ENACTS AS FOLLOWS:**

1. **THAT** the following shall be added as Section 10.14 to Procedural By-Law 2019-41 and the remaining sections of the By-law shall be renumbered accordingly;

10.14 Electronic Participation at Meetings During Emergencies

Notwithstanding the provisions of this Procedural By-law and Sections 238 (3.1) and (3.2) of the Municipal Act, 2001, S.O. 2001, c. 25, during any period where an emergency has been declared to exist in all or part of the municipality, under section 4 or 7.0.1 of the Emergency Management and Civil Protection Act, R.S.O. 1990, c. E.9, a Member of Council may participate electronically in a Meeting that is either open or closed to the public and in doing so may be counted in determining whether or not a quorum of members is present at any point in time.

2. **THAT** this By-Law shall come into force and take effect immediately upon the passing thereof.
3. **THAT** this By-law shall not be interpreted to contradict or violate any statute or regulation of the Province of Ontario.
4. **BE IT FURTHER ENACTED**, that all By-Laws or parts thereof, and all or any Resolutions of Council contrary thereto, or inconsistent herewith, be and the same are hereby repealed.

READ a first and second time this 1st day of April, 2020.

READ a third time and passed this 1st day of April, 2020

MAYOR David M. Bennett

CAO/CLERK Hope Dillabough

RETURN TO AGENDA



Township of Horton
COUNCIL / COMMITTEE REPORT

Title: Covid-19 Temporary Financial Measures	Date:	March 30 th , 2020
	Council/Committee:	Council
	Author:	Hope Dillabough, CAO/Clerk
	Department:	Council

RECOMMENDATIONS:

That Council consider the following temporary financial measures for individuals and in response to the Covid-19 crisis:

- (a) Waiving of penalty and interest for Property Taxes for the end of March and April.

AND THAT further measures be considered by Council depending on the growing Covid-19 crisis.

BACKGROUND:

On March 18th, 2020, the Township, upon council direction, proactively closed all municipal buildings to the public in response to the growing Covid-19 crisis and based on recommendations from Public Health officials. The Landfill followed closely with a closure to the public on March 25th, 2020. Numerous public communications have been issued regarding the closure of Township facilities, cancellation of any programming and confirmation that the Township continues to provide essential services. A separate Covid-19 tab has been created on the Township's website and hosts up-to-date information as well as regular updates posted on our Facebook page.

On Tuesday, March 17, 2020 the Province of Ontario enacted a declaration of emergency to help contain the spread of COVID-19 and protect the public. A provincial order was issued to close a number of non-essential establishments. Additionally, all organized public events and/or social gatherings of over 5 people are now prohibited. These orders will remain in place until March 31, 2020, when the province will reassess for an extension of the closures or perhaps introduce new closures.

Federal and Provincial governments have made several announcements regarding support measures for individuals and businesses with the intent of keeping people safe and helping support people and businesses experiencing financial hardship because of the outbreak. The financial and safety measures put forward by the federal and provincial governments are essential in this unprecedented time of uncertainty and financial hardship. In order to provide additional support to individuals and businesses, municipalities may also consider steps at the local level.

RETURN TO AGENDA

The Municipality has numerous financial obligations that must be met including but not limited to payroll, payables, debt payments and quarterly payments to the Upper Tier and School Boards. It is important to note that if the Township considers deferring taxation payments, the municipality is still required to submit quarterly payments to the County and School Boards for their portion, whether the funds have been received from the taxpayer or not.

That said, in-line with Federal and Provincial government initiatives, staff have reviewed what financial measures could be taken by the Township, at this time, to help alleviate financial stress on individuals and businesses while still meeting the financial obligations.

Options include waiving penalty and interest for the end of March and April for Property Tax accounts (individuals and businesses). The estimated financial impact for a two-month waiving of penalty and interest is estimated at \$10,000. For property owners who are registered for the monthly payment plan, these amounts will continue to be withdrawn on a monthly basis. Any property owner who would like to be removed from the PAP program may request to do so at any time.

ALTERNATIVES:

Council could choose not to implement any financial measures outlined above or choose to implement further measures than what is proposed.

FINANCIAL IMPLICATIONS:

Waiving penalty and interest for outstanding property taxes for end of March and April will have a financial impact estimated at \$10,000 (lost penalty and interest revenues) along with impacting the Township’s cash flows over the next few months.

Staff will continue to monitor further financial ramifications of COVID-19 over the next few weeks and while it is too early to estimate the full scope of financial impacts with so many uncertainties, it is fair to say the impacts will be significant.

ATTACHMENTS:

N/A

Author: 
signature

Other: _____
signature

Treasurer: 
signature

C.A.O. 
signature

THE CORPORATION OF THE TOWNSHIP OF HORTON

BY-LAW NO. 2020-19

BEING A BY-LAW TO AMEND BY-LAW 2019-41, BEING A BY-LAW TO REGULATE THE PROCEEDINGS OF COUNCIL

WHEREAS the Legislature of the Province of Ontario introduced Bill 187, an Act to amend the Municipal Act, 2001, S.O. 2001, c. 25, being the Municipal Emergency Act, 2020, which received Royal Assent on March 19th, 2020; and

WHEREAS The Municipal Emergency Act, 2020 provides for Municipal Councils to participate electronically during any period where an emergency has been declared to exist in all or part of the municipality under section 4 or 7.0.1 of the Emergency Management and Civil Protection Act; and

WHEREAS in order to be able to implement these provisions, Council must amend Procedural By-Law 2019-41; and

NOW THEREFORE the Council of the Corporation of the Township of Horton hereby **ENACTS AS FOLLOWS:**

1. **THAT** the following shall be added as Section 10.14 to Procedural By-Law 2019-41 and the remaining sections of the By-law shall be renumbered accordingly;

10.14 Electronic Participation at Meetings During Emergencies

Notwithstanding the provisions of this Procedural By-law and Sections 238 (3.1) and (3.2) of the Municipal Act, 2001, S.O. 2001, c. 25, during any period where an emergency has been declared to exist in all or part of the municipality, under section 4 or 7.0.1 of the Emergency Management and Civil Protection Act, R.S.O. 1990, c. E.9, a Member of Council may participate electronically in a Meeting that is either open or closed to the public and in doing so may be counted in determining whether or not a quorum of members is present at any point in time.

2. **THAT** this By-Law shall come into force and take effect immediately upon the passing thereof.
3. **THAT** this By-law shall not be interpreted to contradict or violate any statute or regulation of the Province of Ontario.
4. **BE IT FURTHER ENACTED**, that all By-Laws or parts thereof, and all or any Resolutions of Council contrary thereto, or inconsistent herewith, be and the same are hereby repealed.

READ a first and second time this 1st day of April, 2020.

READ a third time and passed this 1st day of April, 2020

MAYOR David M. Bennett

CAO/CLERK Hope Dillabough

RETURN TO AGENDA

CORPORATION OF THE TOWNSHIP OF HORTON**BY-LAW NO. 2020-20****A BY-LAW TO CONFIRM PROCEEDINGS OF
THE COUNCIL OF THE TOWNSHIP OF HORTON
AT THE COUNCIL MEETING HELD APRIL 1ST, 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 and desirable that the proceedings of the Council of the Corporation of the Horton at this meeting be confirmed and adopted by by-law;

THEREFORE the Council of the Township of Horton enacts as follows:

1. That the actions of the Council at the meeting held on the 1st day of April, 2020 and in respect of each motion, resolution and other action passed and taken by the Council at its said meetings, is, except where the prior approval of the Ontario Municipal Board or other body is required, hereby adopted, ratified and confirmed as if all such proceedings were expressly embodied in this by-law.
2. That the Head of Council and proper officers of the Corporation of the Township of Horton are hereby authorized and directed to do all things necessary to give effect to the said action or to obtain appropriate approvals where required, except where otherwise provided, and to affix the Corporate Seal of the Corporation of the Township of Horton to all such documents.
3. That this By-Law shall come into force and take effect upon the passing thereof.

READ a first and second time this 1st day of April, 2020.

READ a third time and passed this 1st day of April, 2020.

MAYOR David M. Bennett

CAO/CLERK Hope Dillabough

RETURN TO AGENDA