



THIS MEETING WILL BE WEBCAST ON THE [CITY'S PUBLIC YOUTUBE SITE](#) (CITYWATERLOO) AND MAY BE TELECAST ON PUBLIC TELEVISION



SPECIAL COUNCIL MEETING

Wednesday, March 25, 2020

3:30 PM

AGENDA

Mayor Jaworsky in the Chair

1. **TERRITORIAL ACKNOWLEDGEMENT**
2. **MOMENT OF REFLECTION**
3. **DISCLOSURE OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF**

4. STAFF REPORTS

a) **Title:** [Bylaw to Authorize the Borrowing for Temporary Loans](#) **Page 6**

Report No.: CORP2020-016

Prepared By: Robyn Snook

Recommendations:

1. That Council approve CORP2020-016.
2. That Council approves the borrowing for temporary loans, if required, not to exceed an aggregate of \$87,746,000 to meet the current expenditures for 2020, 2021, and 2022.
3. That Council adopt the By-law attached as Appendix A to this report for the establishment of borrowing limits.
4. That Council directs staff to report back on amount and terms subsequent to any temporary borrowing required.

b) **Title:** [City of Waterloo COVID-19 Economic Relief Plan](#) **Page 10**

Report No.: CORP2020-022

Prepared By: Brad Witzel

Recommendations:

1. That Council approve CORP2020-022.
2. That the City of Waterloo take the following action to provide financial relief to residents and businesses as described in report CORP2020-022:
 - a) Waive late payment charges on property taxes, water and wastewater utility bills and all other residential and non-residential accounts receivable for the months of April and May 2020;
 - b) Waive Non Sufficient Funds (NSF) fees charged on customer accounts for the months of April and May 2020; and
 - c) Suspend all collection efforts on accounts in arrears during April and May 2020

3. That Council approve additional financial relief to residents and business by:
 - a) Waiving the 2020 Uptown Sidewalk Patio application fee; and
 - b) Waiving monthly parking permit fees for the month of April 2020

c) **Title:** **Procedural By-law Amendment to allow for Electronic Meetings during a Declared Emergency**

Page 19

Report No.: CORP2020-023
 Prepared By: Olga Smith

Recommendations:

1. That report CORP2020-023 be approved;
2. That Council approve the amendments to the City of Waterloo Procedural By-law 2019-057, as set out in Appendix A, to allow for meetings to be held electronically during a declared emergency pursuant to the Emergency Management and Civil Protection Act.
3. That notice requirements be waived under the City of Waterloo's Notice Policy in order to allow for an amendment to the Procedural By-law without giving seven (7) days notice to the public.

5. NOTICE OF MOTION

a) Councillor Jeff Henry - Hydro Rates During COVID-19

WHEREAS Ontarians have been directed to stay home during this provincially-declared emergency due to COVID-19,

AND WHEREAS many businesses have been required to close and others have decided they must close,

AND WHEREAS weekend time-of-use rates are set at off-peak as people are mostly home and many businesses are closed,

AND WHEREAS weekday time-of-use rates during peak and mid-peak times will cause additional hardship to families that are doing the responsible thing by staying home,

THEREFORE BE IT RESOLVED:

That Council request that the Minister of Energy direct the Ontario Energy Board to set all time-of-use rates for weekdays at the off-peak rate for the next 60 days to provide relief, and

That this resolution be forwarded to the Minister of Energy, the Premier of Ontario, Waterloo Region's MPPs, and other Waterloo Region municipalities.

6. QUESTIONS

7. NEW BUSINESS

8. ENACTMENT OF BY-LAWS

Recommendation:

That the By-laws listed below be read a first, second and third time and finally passed, numbered sequentially commencing with By-law Number 2020-018 and that the Mayor and Clerk be authorized to sign them accordingly.

- a) By-law to amend the Procedure By-law 2019-057 to allow Electronic Participation during a declared Emergency. (CORP2020-023; March 25, 2020)
- b) By-law to provide for appointment of a new Chief Building Official and to revise the Acting Chief Building Official.
- c) By-law to approve the actions and proceedings of Council, March 25, 2020 – Special

9. CLOSED MEETING

Recommendation:

That Council hold a closed meeting for the purposes of considering the following subject matter:

- a) the security of the property of the municipality or local board (COVID-19 pandemic plan);
- b) labour relations or employee negotiations (COVID-19 pandemic plan).

10. ADJOURNMENT



STAFF REPORT Finance

Title: Bylaw to Authorize the Borrowing for Temporary Loans
Report Number: CORP2020-016
Author: Robyn Snook
Meeting Type: Finance & Strategic Planning Committee Meeting
Council/Committee Date:
File: N/A
Attachments: Appendix A By-law to authorize the borrowing for temporary loans
Ward No.: City-wide

Recommendation:

1. That Council approve CORP2020-016.
2. That Council approves the borrowing for temporary loans, if required, not to exceed an aggregate of \$87,746,000 to meet the current expenditures for 2020, 2021, and 2022.
3. That Council adopt the By-law attached as Appendix A to this report for the establishment of borrowing limits.
4. That Council directs staff to report back on amount and terms subsequent to any temporary borrowing required.

A. Executive Summary

Section 407 of the Municipal Act allows a municipality to authorize temporary borrowing, until the taxes are collected and other revenues are received, in the amount Council considers necessary to meet the current expenditures. This section also sets out the limits that temporary borrowing must not exceed. The attached by-law sets out the limits and terms of this temporary borrowing for the City of Waterloo for 2020, 2021, and 2022.

B. Financial Implications

The borrowing by-law is required as part of the documentation under our banking agreement. While the borrowing bylaw allows for short term borrowing, in reality, the cash position of the City is managed to avoid any borrowings and incurring interest

expense on short term loans. The City has not engaged in any short-term borrowing in more than twenty years.

C. Technology Implications

D. Link to Strategic Plan


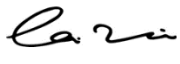
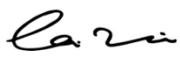
(Strategic Objectives: Equity, Inclusion and a Sense of Belonging; Sustainability and the Environment; Safe, Sustainable Transportation; Healthy Community & Resilient Neighbourhoods; Infrastructure Renewal; Economic Growth & Development)

(Guiding Principles: Equity and Inclusion; Sustainability; Fiscal Responsibility; Healthy and Safe Workplace; Effective Engagement; Personal Leadership; Service Excellence)

E. Previous Reports on this Topic

CORP2019-024 Bylaw to Authorize the Borrowing for Temporary Loans

F. Approvals

Name	Signature	Date
Author: Robyn Snook		
Director: Paul Hettinga		March 23, 2020
Commissioner: Keshwer Patel		March 23, 2020
Finance: Keshwer Patel		March 23, 2020

CAO T.A.



**Bylaw to Authorize the Borrowing for Temporary Loans
CORP2020-016**

Appendix A



**THE CORPORATION OF
THE CITY OF WATERLOO**

BY-LAW NO. 2020 –

**BY-LAW TO AUTHORIZE THE BORROWING FOR
TEMPORARY LOANS.**

WHEREAS it may be deemed necessary by the Council of the Corporation of the City of Waterloo to borrow funds to meet, until the taxes for the year 2020 are collected and other revenues received, the current expenditures of the corporation for the year, including the amounts required for sinking fund, principal and interest falling due within the year upon any debt of the Corporation, school purposes, special rates purposes and for any board, commission or body and other purposes for which the Corporation is required by law to provide, as authorized by section 407 of The Municipal Act, 2001 S.O. 2001, c.25, as amended;

AND WHEREAS the total amount of the estimated revenues of the Corporation, as set forth in the budget for the year 2020, not including revenues derivable or derived from any borrowing, including through any issue of debentures; a surplus, including arrears of taxes, fees or charges; or a transfer from the capital fund, reserve funds or reserves; is \$175,492,000;

AND WHEREAS the total amount that may be borrowed at any one time plus any outstanding amounts of principal borrowed and accrued interest under the provisions of subsection 2, of section 407 of The Municipal Act, 2001 is from January 1 to September 30 in the year, 50 per cent of the total estimated revenues of the municipality as set out in the budget adopted for the year, and from October 1 to December 31 in the year, 25 per cent of the total estimated revenues of the municipality as set out in the budget adopted for the year.

THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE CITY OF WATERLOO ENACTS AS FOLLOWS:

1. That the Mayor and the Treasurer are hereby authorized on behalf of the Corporation to borrow, from time to time, a sum not exceeding \$87,746,000 from January 1, 2020 to September 30, 2020 and \$43,873,000 from October 1, 2020 to December 31, 2020 to meet, until the taxes are collected, the current expenditures of the Corporation for the year. That the promissory notes shall be sealed with the seal of the Corporation and shall be signed by the Mayor and Treasurer. That the monies so borrowed may bear interest at the interest rate specified in the Corporation's banking agreement.
2. That the borrowing limits and terms for 2021 and 2022 remain the same as those approved for 2020.
3. Repeal By-Law(s) where appropriate.
4. This by-law shall come into force and effect on the date of its final passing.

Enacted this ____ day of _____, 2020.

Approval	Date	Print Name	Initials
Corp			
Legal			
Finance			

D. Jaworsky, Mayor

O. Smith, City Clerk



STAFF REPORT
Finance

Title: City of Waterloo COVID-19 Economic Relief Plan
Report Number: CORP2020-022
Author: Brad Witzel
Meeting Type: Council Meeting
Council/Committee Date: March 25, 2020
File:
Attachments:
Ward No.: City-wide

Recommendation:

1. That Council approve CORP2020-022.
2. That the City of Waterloo take the following action to provide financial relief to residents and businesses as described in report CORP2020-022:
 - a) Waive late payment charges on property taxes, water and wastewater utility bills and all other residential and non-residential accounts receivable for the months of April and May 2020;
 - b) Waive Non Sufficient Funds (NSF) fees charged on customer accounts for the months of April and May 2020; and
 - c) Suspend all collection efforts on accounts in arrears during April and May 2020
3. That Council approve additional financial relief to residents and business by:
 - a) Waiving the 2020 Uptown Sidewalk Patio application fee; and
 - b) Waiving monthly parking permit fees for the month of April 2020.

A. Executive Summary

On Tuesday March 17, 2020, Ontario Premier Doug Ford declared a state of emergency due to the ongoing 2019 Novel Coronavirus (COVID-19) pandemic. In response to the financial hardship many residents and businesses are facing during these uncertain and challenging times, the City of Waterloo is recommending financial relief in the form of waiving penalties and interest on any late property tax payments, utility bills and or miscellaneous receivable for the month of April and May 2020. The city will also waive any non-sufficient funds (NSF) fees incurred by customer accounts. The city is also recommending waiving monthly parking permit fees for the month of April 2020 and waiving the Uptown Sidewalk Patio application fee 2020. These initiatives are in addition to the financial relief measures that have already been announced by the Federal and Provincial governments.

B. Financial Implications

By waiving interest and penalties on any late property tax payments, utility bills and or miscellaneous receivable for the month of April and May 2020, staff estimates revenue lost will be \$230,000 per month. Additionally, an estimated \$100,000/month would be lost in interest revenue that the city would have earned on taxes deposited into the city's funds. Staff will monitor the impacts of this measure over the course of 2020. Should this or any other financial relief measure result in a 2020 operating budget deficit, the city is in a solid position to handle this unanticipated pressure by virtue of prudent city financial polices of setting aside in year operating budget surpluses as contributions to the Tax Rate Stabilisation Reserve. The current Tax Rate Stabilization Reserve balance is \$3.75M (which is the maximum 5% of the approved tax levy as per policy).

To provide additional support to businesses and their employees, and visitors, staff is also recommending that Council waive the 2020 Uptown Sidewalk Patio application fee and waive monthly parking permit fees for the month of April 2020. It is estimated that the revenue impact of waiving monthly parking permit fees for the month of April 2020 will be \$70,000 in lost revenue. The impact of waiving the Uptown Sidewalk Patio application fee of \$150 for 2020 is estimated to be minimal (less than \$5,000 in revenue).

C. Technology Implications

None

D. Link to Strategic Plan

(Strategic Objectives: Equity, Inclusion and a Sense of Belonging; Sustainability and the Environment; Safe, Sustainable Transportation; Healthy Community & Resilient Neighbourhoods; Infrastructure Renewal; Economic Growth & Development)

(Guiding Principles: Equity and Inclusion; Sustainability; Fiscal Responsibility; Healthy and Safe Workplace; Effective Engagement; Personal Leadership; Service Excellence)


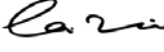

Fiscal Responsibility - Fiscal responsibility entails operating within a framework of policies and processes intended to improve fiscal outcomes and support longer-term financial health, in an environment of transparency and objective measurement.

Service Excellence - Through a commitment to service excellence, the City of Waterloo will create and reinforce an internal and external culture that is founded on responsiveness and is customer centric. Embedded in this principle are service standards, performance measurements and a commitment to continuous improvement.

E. Previous Reports on this Topic

N/A

F. Approvals

Name	Signature	Date
Author: Brad Witzel		
Director: Filipa Reynolds		March 23, 2020
Commissioner: Keshwer Patel		March 23, 2020
Finance: Filipa Reynolds		March 23, 2020

CAO T.A.



City of Waterloo COVID-19 Economic Relief Plan CORP2020-022

Section #1 - Background

On Tuesday March 17, 2020, Ontario Premier Doug Ford declared a state of emergency due to the ongoing 2019 Novel Coronavirus (COVID-19) pandemic. In response to the financial hardship many residents and businesses are facing during these uncertain and challenging times, the City of Waterloo is recommending financial relief to assist residents and business. These initiatives outlined in Section #4 are in addition to the financial relief measures that have already been announced by the Federal (Section # 2) and Provincial (Section # 3) governments.

Section #2 – Government of Canada – Economic Response Plan

On March 18, 2020, the Prime Minister Justin Trudeau announced a new set of economic measures to help stabilize the economy during this challenging period. These measures, delivered as part of the [Government of Canada's COVID-19 Economic Response Plan](#), will provide up to \$27 billion in direct support to Canadian workers and businesses.

Below are the major highlights of Canada's COVID-19 Economic Response Plan:

- \$27 billion in total direct aid to businesses and individuals.

Income Support:

- Waiving the one-week waiting period for Employment Insurance (EI) sickness benefits.
- Emergency Care Benefit providing up to \$900 bi-weekly, for up to 15 weeks for workers, including the self-employed, who are quarantined or sick with COVID-19 but do not qualify for EI sickness benefits.
- Emergency Support Benefit providing up to \$5.0 billion in support to workers who are not eligible for EI and who are facing unemployment.

Support for Individuals Who Need It Most:

- Increased Goods and Services Tax credit (GSTC) for over 12 million low- and modest-income families (\$400 for single individuals and close to \$600 for couples); measure will inject \$5.5 billion into the economy.
- Increase to the maximum annual Canada Child Benefit (CCB). The overall increase for families receiving CCB will be approximately \$550 on average; this measure will deliver almost \$2 billion in extra support.
- Providing \$305 million for Indigenous Community Support Fund to address immediate needs in First Nations, Inuit, and Métis Nation communities.

- Placing a six-month interest-free moratorium on the repayment of Canada Student Loans.
- Reducing required minimum withdrawals from Registered Retirement Income Funds (RRIFs) by 25% for 2020, in recognition of volatile market conditions and their impact on many seniors' retirement savings.
- Providing the Reaching Home initiative with \$157.5 million to continue to support people experiencing homelessness during the COVID-19 outbreak.
- Supporting women and children fleeing violence, by providing up to \$50 million to women's shelters and sexual assault centres.

Tax Dateline Extension:

- Extending the 2019 tax return filing due date (individuals due date deferred until June 1, 2020)
- The Canada Revenue Agency will also allow all taxpayers (individuals and business) to defer, until after August 31, 2020, the payment of any income tax amounts owing.

Wage Subsidy:

Small business support for eligible small employers through a temporary wage subsidy for a period of three months. The subsidy will be equal to 10% of remuneration paid during that period, up to a maximum subsidy of \$1,375 per employee and \$25,000 per employer.

Section #3 – Province

On Tuesday March 17, 2020, Ontario Premier Doug Ford declared a state of emergency, along with announcing the Province of Ontario's 'first-stage' \$300 million COVID-19 emergency relief fund. This is the first stage of what is expected to be a larger economic relief plan. Highlights include:

- Funded \$100 million by the province and \$200 million by the federal government
- Relief package will go towards funding efforts to fight COVID-19, including 75 more critical care beds, 500 more acute care beds, 75 more COVID-19 response centres and a host of new personal protective equipment.

Additionally on March 19, 2020, the Ontario government approved the following via an emergency sitting of the legislature:

- The Employment Standards Amendment Act (Infectious Disease Emergencies), 2020 has been approved to provide job-protected leave to employees in isolation or quarantine due to COVID-19, or those who need to be away from work to care for children or to care for other relatives.
- The Municipal Emergency Act, 2020 has also been approved and will ensure that for the near future, the delivery of goods to Ontario's businesses and consumers is not impacted by municipal noise by-laws that may unintentionally be impeding such deliveries when they are most urgently needed.

- The legislation also gives municipalities the ability to conduct Council, local board and committee open and closed meetings electronically when faced with local and province-wide emergencies.
- Additionally the province announced it is extending the validity period of driving products, services and health cards to reduce the need for in-person visits to Service Ontario offices. These new regulations include extensions for driver licences, licence plate validation, Ontario Photo Cards, and Commercial Vehicle Operator Registration certificates, among others.

Section # 4 - City Relief Efforts

The City of Waterloo charges penalties and interest at a rate of 1.25% per month on past-due accounts. Past due utility accounts are charged 1.5% on each due date (bi-monthly). This rate is consistent across the province for almost all Municipalities. The City of Waterloo bills their residents for taxes due to the Region, School Boards and the City's share. The city is required to make full payments to the Region and the Province (for School Boards) at determined intervals during the year irrespective of the amounts collected for tax. The city also bills residents and business for city utilities. The penalties and interest charged on accounts past due compensates the city for collection efforts and the cash flow impact of payments made to the Region and the Province in advance of funds collected.

Based on the city's tax due dates as indicated on our website :

Due dates

For property owners that don't submit taxes through a mortgage company, the upcoming due dates apply. If you pay through your mortgage and receive a tax bill, please forward it to your mortgage company.

Payment type	Property Type	First installment	Second installment
2020 Interim	Residential	March 2, 2020	May 1, 2020
2020 final	Residential	To be determined	To be determined
2020 final	Multi residential/commercial	To be determined	To be determined

the typical cash flow impacts in the year are outlined below:

	2-Mar	31-Mar	1-Apr	1-May	1-Jun	30-Jun	1-Jul	1-Aug	1-Sep	30-Sep	1-Oct	1-Nov	1-Dec	15-Dec	Total
Cash Inflows															
Tax Due Dates	70,000,000			70,000,000			51,000,000		78,000,000		27,000,000				296,000,000
Cash Outflows															
Region			15,721,657	16,836,827	16,836,830		16,836,830	16,836,830	16,836,830		16,836,830	16,836,830	16,836,830		150,416,294
School Boards		15,985,962				16,907,543				16,446,752				16,446,752	65,787,009
	0	15,985,962	15,721,657	16,836,827	16,836,830	16,907,543	16,836,830	16,836,830	16,836,830	16,446,752	16,836,830	16,836,830	16,836,830	16,446,752	216,203,303
Net Inflows*	70,000,000	(15,985,962)	(15,721,657)	53,163,173	(16,836,830)	(16,907,543)	34,163,170	(16,836,830)	61,163,170	(16,446,752)	10,163,170	(16,836,830)	(16,836,830)	(16,446,752)	79,796,697
Cumulative Inflows	70,000,000	54,014,038	38,292,381	91,455,554	74,618,724	57,711,181	91,874,351	75,037,521	136,200,691	119,753,939	129,917,109	113,080,279	96,243,449	79,796,697	159,593,394
* Negative balance indicates an outflow of cash in excess of monies being received in that timeframe															

As can be noted from the table above, that deferral of the May tax payments to the city can have a very significant impact on our cash flow, as payments to the Region and to the Province for the school board would still need to proceed. The Area Treasurers are in discussion with respect to potential financial relief moving forward from the Province and from the Region and will monitor the situation to determine next steps if any.

In response to the ongoing COVID-19 pandemic, the City of Waterloo is recommending financial relief in the form of waiving penalties and interest on any late property tax payments, utility bills and miscellaneous receivable for the month of April and May 2020. For property taxes, the City typically applies interest once a month at the beginning of the month. This resolution, will waive that process for all amounts in arrears at the beginning of April and May. This includes amounts that remain outstanding from the March 2 due date and prior. The city will also waive any non-sufficient funds (NSF) fees incurred by customer accounts. It is estimated that the lost revenue incurred by waiving interest and penalties on any late property tax payments, utility bills and or miscellaneous receivable for the month of April and May 2020, will be \$230,000 per month. Additionally, an estimated \$100,000/month would be lost in interest revenue that the city would have earned on taxes deposited into the city's funds. Staff will monitor the impacts of this measure over the course of 2020.

Staff will also continue to evaluate the needs of the community as this situation continues to evolve and further potential changes to the 3rd and 4th installment dates may be required. They are tentatively set as July 1 and Sept 1 for residential and Sept 1 and Oct 1 for commercial.

To provide additional support to businesses and their employees, and visitors, staff is also recommending that Council waive the 2020 Uptown Sidewalk Patio application fee and waive monthly parking permit fees for the month of April 2020. It is estimated that the revenue impact of waiving monthly parking fees for the month of April 2020 will be \$70,000 in lost revenue. Staff will continue to monitor the situation to determine if additional measures are required for future months.

The impact of waiving the Uptown Sidewalk Patio application fee of \$150 for 2020 is estimated to be minimal (less than \$5,000). Opening Uptown Sidewalk Patios for the 2020 patio season will still be subject to application (no fee) and to Regional Public Health re-opening public spaces, restaurants and bars.

Customer service support at RIM and WMRC continue to field calls, and the facility allocation and booking team, with assistance from customer service continues to work with our customers in regards to program and rental cancellations, and issuing the required credits and/or refunds. Recreation Services will be refunding customers from March 18 - Apr 5, with the financial implications still being determined.

Section #5 – Existing Property Tax Deferral Program for Older Adults and Persons with Disability

The City of Waterloo has an existing property tax deferral program for older adults (people who receive the Guaranteed Income Supplement) and for persons with disability (people who receive support through the Ontario Disability Support program). This Regional program provides relief from financial hardship through the provision of tax relief to eligible low income seniors and low income disabled persons.

Please visit our website to learn more about the [Property Tax Deferral Program for Older Adults and Persons with Disability](#).

Section #6 – Comparator Municipalities & Hydro LCD COVID-19 Relief Programs

The local area municipal Treasurers group has been collaborating on a common approach to providing additional support to residents and businesses through municipal measures. Locally, the region, cities of Cambridge, Kitchener and Waterloo and the four townships are all recommending the approval of a 60-day waiver or grace period. It is important to collaborate with our local partners to ensure we are consistent in our approach to providing additional relief and support where we can.

The common approach across the region is similar to the relief efforts other municipalities are recommending or approving.

Locally a similar approach is also being taken in regards to parking. The City of Kitchener will be refunding paid parking permits from March 18th to April 6th.

City of Toronto

On March 20, 2020, Mayor John Tory announced a 60-day grace period for City of Toronto residents and businesses on city-related payments. The deferral is retroactive to March 16 and covers property taxes, water and solid waste utility bill payments for all residents and businesses.

City of London

A City of London councillor has proposed that the city approve a 30-day delay in penalties for late property tax, water and wastewater bill and community improvement plan loan payments. Further extensions would also be possible “subject to the progression of COVID-19. *At the time of preparing this report, the above proposed measure had not yet been approved by London Council.*

Waterloo North Hydro

Waterloo North Hydro (WNH) has taken the following steps to help customers deal with the impact caused by the COVID-19 outbreak:

The winter disconnection ban has been extended to July 31, 2020 and includes small business customers as well. The disconnection ban will provide relief to 98.8% of WNH customer base. For the remaining 700 large business customers – WNH will work with them on a case-by-case basis to establish a mutually acceptable payment arrangement to avoid any disconnections. Waterloo North Hydro will continue working with their customers experiencing financial difficulties.

WNH has consulted with Energy+ and Kitchener Wilmot Hydro and they both are following the same practices as WNH noted above. It further acknowledged that some customers will experience financial hardship the longer this COVID-19 crisis persists and the utilities are committed to making all efforts to assist in these trying times.

Enbridge Gas:

In our staff discussions with Enbridge Gas, they have confirmed that relief is available for low income customers having trouble paying their bills, through the Enbridge Energy Assistance program, and that they will work directly with customers to establish payment plans on a case by case basis. Enbridge has also confirmed that they will be suspending all disconnections of gas service until August 1, 2020.

Conclusion:

Municipal staff are working closely with our partners in the region, and with other levels of government to address ways to mitigate the financial impact on the community. We will continue to monitor the situation and provide reports in the future.



**STAFF REPORT
Legislative Services**

Title: Procedural By-Law Amendment to allow for Electronic Meetings during a Declared Emergency
Report Number: CORP2020-023
Author: Olga Smith
Meeting Type: Special Council Meeting
Council/Committee Date: March 25, 2020
File: N/A
Attachments: Appendix A – Amendment to Procedural By-law 2019-057
Ward No.: All

Recommendation:

1. That report CORP2020-023 be approved;
2. That Council approve the amendments to the City of Waterloo Procedural By-law 2019-057, as set out in Appendix A, to allow for meetings to be held electronically during a declared emergency pursuant to the *Emergency Management and Civil Protection Act*.
3. That notice requirements be waived under the City of Waterloo's Notice Policy in order to allow for an amendment to the Procedural By-law without giving seven (7) days notice to the public.

A. Executive Summary

Due to the worldwide pandemic regarding Novel Coronavirus (COVID-19), the Province of Ontario made a Declaration of Emergency under the *Emergency Management and Civil Protection Act* on March 17, 2020.

On March 19, 2020, Bill 187 received Royal Assent and Section 238 of The *Municipal Act, 2001*, was amended to permit meetings to be held electronically during declared emergencies pursuant to the *Emergency Management and Civil Protection Act*, The legislation allows for members of Council to participate electronically in open and closed meetings and be counted towards quorum.

This legislation now allows:

- An electronic meeting to take place regardless of the number of Councillors who wish to participate electronically – there is no longer an “in person” quorum requirement;
- A closed meeting to take place electronically; and,
- The City may hold a Special Council Meeting to amend the procedural by-law where an emergency is declared pursuant to the *Emergency Management and Civic Protection Act*.

B. Financial Implications

The City currently has access to teleconferencing software and does not expect additional costs for emergency Council meetings.

C. Technology Implications

Hosting an electronic council meeting requires the use of a conference system to connect members of Council and staff that may be attending electronically. The City already holds licences to Cisco WebEx, which is hosted on City of Waterloo servers and is tied to existing Information Management and Technology Services (IMTS) systems. In addition, the City maintains a YouTube account, which is integrated into the Council Chamber audiovisual equipment and permits the meeting including the audio from the conference system to be streamed and saved on the City of Waterloo YouTube page. The preferred solution is supported by IMTS.

D. Link to Strategic Plan

(Strategic Objectives: Equity, Inclusion and a Sense of Belonging; Sustainability and the Environment; Safe, Sustainable Transportation; Healthy Community and Resilient Neighbourhoods; Infrastructure Renewal; Economic Growth & Development)

(Guiding Principles: Equity and Inclusion; Sustainability; Fiscal Responsibility; Healthy and Safe Workplaces; Effective Engagement; Personal Leadership; Service Excellence)

The amendment to the City’s Procedure By-law 2019-057 for electronic meeting participation aligns with the Strategic Plan’s guiding principles for ongoing service excellence from Council during a declared emergency.

F. Previous Reports on this Topic

CORP2019-071 – Procedure By-law Revisions and Proposed 2020 Council Schedule

G. Approvals

Name	Signature	Date
Author: Olga Smith		March 23, 2020
Director: Olga Smith		March 23, 2020
Commissioner: Keshwer Patel		March 23, 2020
Finance: Keshwer Patel		March 23, 2020

CAO T.A.



**Procedural By-Law Amendment to allow for Electronic Meetings during a
Declared Emergency
CORP2020-023**

The COVID-19 worldwide pandemic has resulted in the Province amending the legislation to allow for the use of electronic participation in meetings during declared emergencies. On March 19, 2020, Bill 187 received Royal Assent and amended Section 238 of The *Municipal Act, 2001*.

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.

The proposed amendments to the City's Procedural By-law 2019-057 is to permit electronic participation during declared emergencies as outlined in Appendix A.

Council meetings will continue to be accessible to the public by being broadcast via live stream and YouTube videos posted to the Council Calendar. Delegations will not be allowed to participate electronically. The Clerk will only accept "written submissions" by delegations for any public meeting agenda items and will require these submissions in advance of the meeting. Late submissions will not be accepted.

The legislation does not impact other sections of the *Municipal Act, 2001* or the City's procedural by-law relating to open and closed meeting requirements, notice provisions for meetings, delivery of agendas, member's speaking rights, etc. The legislation also does not impact the meeting provisions for closed meeting exemptions.

As the regular meeting on March 25 will be the first time that the amended Procedural By-law is used, staff may refine and propose alternate options for the associated processes which can be implemented at future meetings that are held in this manner.

Appendix A



THE CORPORATION OF THE CITY OF WATERLOO

BY-LAW NO. 2020 –

A By-law to Amend the City of Waterloo Procedure By-law No. 2019-057 to provide for electronic participation in 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 City of Waterloo has enacted Procedure By-law No. 2019-057, as amended;

AND WHEREAS on March 18, 2020, The Corporation of the City of Waterloo passed By-law No. 2020-015 amending the City of Waterloo Procedure By-law No. 2019-057 in accordance with Section 238 of the *Municipal Act, 2001* to allow for Electronic Participation in open Council meetings, provided that Council members participating electronically could not be considered in determining whether a quorum of members is present;

AND WHEREAS on March 19, 2020 the Province of Ontario enacted the *Municipal Emergency Act, 2020* to amend the *Municipal Act, 2001*, to enact sections 238 (3.3) and 238 (3.4) to provide that during an emergency declared pursuant to the *Emergency Management and Civil Protection Act*, a member 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 that a member may participate electronically in a meeting that is closed to the public;

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 Declaration of Emergency applies to all of Ontario, including the City of Waterloo in its entirety;

AND WHEREAS the Lieutenant Governor has 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;

AND WHEREAS The Council of the Corporation of the City of Waterloo considers the protection of the health and safety of the public to be a paramount concern, and has suspended the operations of all City facilities and services, other than those deemed essential for the welfare of the citizens of Waterloo during the COVID-19 emergency;

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

AND WHEREAS Council wishes to further amend the City of Waterloo Procedure By-law No. 2019-057 to provide for electronic participation in Council meetings during a declared emergency, in accordance with the provisions of the *Municipal Emergency Act, 2020*;

AND WHEREAS section 238 (3.4) of the *Municipal Act, 2001* as added by *The Emergency Management Act, 2020* provides that 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

THEREFORE THE COUNCIL OF THE CORPORATION OF WATERLOO HEREBY ENACTS AS FOLLOWS:

1. The City of Waterloo Procedure By-law No. 2019-057 is hereby amended by deleting Section 5.06 and replacing it with the following Section 5.06:
 - 5.06 Electronic participation in Council meetings by members is not permitted, including participation by means of video conferencing, telephone, or written communications in the form of electronic mail, text messages, and comments on social media platforms.
2. The City of Waterloo Procedure By-law No. 2019-057 is amended by adding the following definition:

Head of Council: means the Mayor or Acting Mayor of the City of Waterloo;

3. The City of Waterloo Procedure By-law No. 2019-057 is further amended by adding the following new Section 32A Electronic Meetings During a Declared Emergency:

32A. **ELECTRONIC MEETINGS DURING A DECLARED EMERGENCY**

32A.01 **Interpretation** - In this Section the following shall apply, in addition to the definitions 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 the City of Waterloo by the Head of Council or the Province of Ontario under section 4 or 7.0.1 of the *Emergency Management and Civil Protection Act*, R.S.O. 1990, c. E. 9, as amended from time to time or any successor thereof;

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;

32A.02 **Electronic Meeting** – During an Emergency, a regular or special Council Meeting may be conducted by Electronic Meeting, in accordance with this Section and with any procedures as established by the Clerk or his or her designate in accordance with Section 32A.06, and:

- a) Council members may participate electronically in such meeting, including voting;
- b) Council members participating electronically in such meeting shall be counted in determining whether or not a quorum exists at the commencement and at any point in time during the meeting; and
- c) A Council member present by electronic method during an Electronic Meeting may act as Chair in accordance with the provisions of this By-law.

32A.03 **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.

32A.04 **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.

32A.05 **Delegations In Writing** – At the discretion of the Clerk or his or her designate, an Electronic Meeting shall not permit public delegations, except by way of electronic submission received in advance of the meeting, which shall be submitted to the Clerk’s office at clerkinfo@waterloo.ca prior to the start of the Electronic Meeting, and shall be provided to members at the meeting.

32A.06 **Procedures for Electronic Meeting** – The Clerk or his or her designate may, from time to time, establish or amend procedures relating to Electronic Meetings, provided that such procedures do not conflict with the provisions of Section 32A of this By-law.

32A.07 **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 procedures as established by the Clerk or his or her designate related thereto and any Provincial legislation or order shall prevail to the extent of any conflict.

3. Section 3.11 of the City of Waterloo Procedure by-law No. 2019-057 is deleted.
4. 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 this _____ day of _____, 2020.

Approval	Date	Print Name	Initials
Dept.			
Legal			
Finance	n/a	n/a	n/a

D. Jaworsky, Mayor

O. Smith, City Clerk