



Municipality of Mississippi Mills
EMERGENCY COUNCIL AGENDA

Monday, March 30, 2020
12:00 p.m.

E-Participation

Streamed on YouTube at:

https://www.youtube.com/channel/UCa1h77tGix6pMuVc8we0hJg?view_as=subscriber

-
- A. CALL TO ORDER (11:00 a.m.)**
 - B. ATTENDANCE**
 - C. APPROVAL OF AGENDA**
 - D. DISCLOSURE OF PECUNIARY INTEREST AND GENERAL NATURE THEREOF**
 - E. EMERGENCY REPORTS**

Administration and Finance

- 1. Amendment of Procedural By-law 19-127 Pages 3-5

Recommendation:

That Council pass a by-law to amend Procedural By-law 19-127 to allow for Council, Local Boards and Committees to hold electronic meetings in the event of a municipal or provincially declared emergency.

- 2. By-law 20-022 Amendment to Procedural By-law 19-127 Pages 6-7

Recommendation:

That By-law 20-022, being a by-law to amend by-law 19-127 Procedural By-law be taken as read, passed, signed and sealed in Open Council.

- 3. Interest, Penalties and Due Dates-COVID 19 Pages 8-11

Recommendation:

- 1. That Council establish the due date for the water and sewer billing of March 1, 2020 to April 30, 2020 at 45 days from the date the bill is issued.
- 2. That Council authorize the CAO and Treasurer to make case by case decisions with regards to payment plans and penalty and interest adjustments that may be requested for all municipal billings while the COVID 19 pandemic is ongoing

or until such time as Council makes further decisions with regard to due dates, penalties and interest.

F. OTHER/NEW BUSINESS

1. Garbage Tags
2. Status: Municipal Emergency Control Group

G. BY-LAWS

20-023 Appointment of Deputy Clerk (Rhonda Whitmarsh)

Page 12

H. CONSIDERATION OF A CLOSED SESSION

1. Declared Emergency Leave for Employees – personal matters about an identifiable individual, including municipal or local board employees (Municipal Act Section 239 (b)) and labour relations or employee negotiations (Municipal Act Section 239 (d))

I. CONFIRMATORY BY-LAW – 20-024

J. ADJOURNMENT

THE CORPORATION OF THE MUNICIPALITY OF MISSISSIPPI MILLS

STAFF REPORT

DATE: March 31, 2020

TO: Council

FROM: Jeanne Harfield, Clerk

SUBJECT: Amendment to Procedural By-law – Emergency and E-Participation

RECOMMENDATION:

THAT Council pass a by-law to amend Procedural By-law 19-127 to allow for Council, Local Boards and Committees to hold electronic meetings in the event of a municipal or provincially declared emergency.

BACKGROUND:

On March 19, 2020 the province passed Bill 187, the *Municipal Emergency Act* in response to the COVID-19 emergency. Bill 187 provides municipalities more flexibility by providing electronic participation options for Council and Committee meetings during a declared emergency. Such an emergency would have to be declared under the Emergency Management and Civil Protection Act.

DISCUSSION:

The recently passed *Municipal Emergency Act, 2020* amends the *Municipal Act* to allow municipalities, in a provincially or municipally declared emergency, to conduct Council and Committee meetings with e-participation without requiring a quorum present in person. Prior to this change, the *Municipal Act* only allowed for the use of e-participation if a quorum of members were physically present and the member e-participating would not count towards quorum.

To participate in meetings electronically, Council is required to amend the Municipality's Procedural By-law 19-127, to:

- Allow the use of electronic participation at meetings;
- State whether members can participate in both open and closed meetings; and
- State whether members participating electronically count towards quorum.

In normal circumstances, the municipality would have to provide prior legislated Notice of their intent to amend the Procedural By-law, but due to the new legislation, and under the provincially declared emergency, municipalities are able to forego the Notice and immediately amend their Procedural By-laws. Once approved by Council, as long as there has been a local or provincial-wide emergency declared, Council, local board and committees may hold electronic/virtual meetings.

Of importance is the ongoing requirement for municipalities to continue to abide by notice and open meeting provisions identified in the *Municipal Act*. This means that all Council meetings (even if virtual) must still provide adequate notice to the public and be open to members of the public. Given that Council may attend virtually, it is a reasonable inference that the public may attend virtually as well without offending the open meeting provisions.

Staff are recommending that virtual meetings take place by conference call or video conferencing. Staff will set up the meetings and arrange for members of the public to listen or watch live without the ability to speak (on mute) subject to the procedural rules to ensure that members of the public do not interrupt or disrupt the Council or Committee meeting.

The proposed wording for the new section to the Procedural By-law 19-127 is as follows:

Electronic Participation – Declared Emergency

54. During any period where an emergency has been declared to exist by the municipality or province under section 4 or 7.0.1 of the *Emergency Management and Civil Protection Act*, the municipality may utilize electronic meetings to conduct Council and Committee business;
55. Despite subsection (3.1) of the *Municipal Act*, a member of 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;
56. Despite subsection (3.2) of *the Municipal Act*, 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;
57. Members of Council, local Boards and Committees shall:
 - a. identify themselves at the beginning of the meeting for the purpose of determining quorum; and
 - b. upon the call of the vote of each motion and by-law to determine the vote.
58. Direction shall be given to the public to place their phones/microphones on mute during the meeting so as not to interrupt the meeting. Failure to do so may

result in members of the public being asked to leave or removed from the electronic meeting

FINANCIAL IMPLICATIONS:

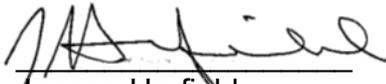
None

SUMMARY:

With the adoption of Bill 187, the *Municipal Emergency Act* which permits municipalities to utilize e-participation without a quorum of members physically present during a declared municipality. As such, staff are recommending that Council amend the procedural by-law to allow for e-participation of Council and Committee meetings during a declared emergency, and that members e-participating count towards quorum, and that members e-participating may participate in closed and open sessions.

Respectfully submitted,

Reviewed by,



Jeanne Harfield,
Clerk



Ken Kelly,
CAO

THE CORPORATION OF THE MUNICIPALITY OF MISSISSIPPI MILLS

BY-LAW NO. 20-022

BEING a by-law to amend Procedural By-law 19-127.

WHEREAS section 238 of the *Municipal Act, 2001* requires that every Municipality and local board shall pass a procedure by-law for governing the calling, place and proceedings of Meetings and that the by-law shall provide for public notice of Meetings;

AND WHEREAS Council passed Procedural By-law No. 19-127 on December 17, 2019;

AND WHEREAS The Province passed Bill 187 and introduced the Municipal Emergency Act, 2020 on March 19, 2020 in response to the COVID-19 emergency.

AND WHEREAS Bill 187 gives municipalities the ability to fully conduct Council, local board and committee meetings electronically when faced with local and province-wide emergencies, empowering the government's municipal partners to respond quickly when in-person meetings cannot be held;

NOW THEREFORE BE IT RESOLVED THAT the Council of the Corporation of the Municipality of Mississippi mills enacts as follows:

54. During any period where an emergency has been declared to exist by the municipality or province under section 4 or 7.0.1 of the *Emergency Management and Civil Protection Act*, the municipality may utilize electronic meetings to conduct Council and Committee business;
55. Despite subsection (3.1) of the *Municipal Act*, a member of 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;
56. Despite subsection (3.2) of the *Municipal Act*, 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;
57. Members of Council, local Boards and Committees shall:
 - a. identify themselves at the beginning of the meeting for the purpose of determining quorum; and
 - b. upon the call of the vote of each motion and by-law to determine the vote.
58. Direction shall be given to the public to place their phones/microphones on mute during the meeting so as not to interrupt the meeting. Failure to do so may result in members of the public being asked to leave or removed from the electronic meeting

2. **THAT** this By-law will come into effect on the day of its passing.

3. **THAT** By-law 19-127 shall be and is hereby amended.

BY-LAW READ, passed, signed and sealed in open Council this 30th day of March, 2020.

Christa Lowry, Mayor

Jeanne Harfield, Clerk

THE CORPORATION OF THE MUNICIPALITY OF MISSISSIPPI MILLS

STAFF REPORT

DATE: March 31, 2020

TO: Council

FROM: Rhonda Whitmarsh, Treasurer

SUBJECT: Interest, Penalties and Due Dates – COVID-19

RECOMMENDATION:

- 1) **THAT Council establish the due date for the water and sewer billing of March 1, 2020 to April 30, 2020 at 45 days from the date the bill is issued.**
- 2) **THAT Council authorize the CAO and Treasurer to make case by case decisions with regards to payment plans and penalty and interest adjustments that may be requested for all municipal billings while the COVID 19 pandemic is ongoing or until such time as Council makes further decisions with regard to due dates, penalties and interest.**

BACKGROUND:

The Municipality charges penalties and interest on taxes, water and Daycare fees at 1.25% per month if unpaid on the due date and for every month that they remain outstanding. Due dates for taxes are the second last business day of February, July and September. Water is billed every 2 months and the due date is set at 30 days from the date the bill is issued. Daycare is billed monthly and is due upon receipt. For Daycare, interest is charged if not paid before the next bill is issued. During these unprecedented times related to the COVID 19 pandemic, a discussion is needed with Council with regard to penalties, interest and due dates and whether any changes are required at this time.

DISCUSSION:

At the time of writing this report, I had just participated in an on-line forum hosted by the Municipal Finance Officers Association (MFOA) and the Ontario Municipal Tax and Revenue Association (OMTRA) whose advice to municipalities is to take their decision making slowly with regard to interest, penalties and due dates as hasty decisions have impacts that may be long lasting and therefore have a long lasting negative impact on cash flows.

The Municipality will need cash to operate as we will be required to pay suppliers for works completed and services provided, pay the employees, pay interest on long term financing, pay contracts and remit quarterly to the County and School Boards their share of taxation. Any decisions must be mindful of those obligations moving forward.

Taxes:

The advice from MFOA and OMTRA is to make changes that are equitable and the easiest to administer which, in their opinion, is to extend tax due dates however only interim due dates were discussed. Many municipalities in the Province have 2 interim tax bill due dates the second of which is either at the end of March or the end of April so they are needing to make decisions quickly.

Mississippi Mills has only one interim due date which was February 27, 2020. The 2020 final tax bills are scheduled to be issued in June with due dates in July and September. The total expected amount of the final tax billing is approximately \$14.8 million including the amounts billed for the County and School Boards. I would recommend that no changes to the due dates be imposed at this time, however, a due date extension for the 2020 final tax billing may be required if COVID 19 implications are longer lasting. I will bring forward a recommendation to Council at a later date, if required.

Penalties and Interest commence the first day after a due date if taxes are unpaid and continue until paid. Since our last tax due date of February 27th is prior to the outbreak of COVID 19, I am not recommending an adjustment to the penalty and interest charged at this time. This was one of the discussions with MFOA and OMTRA as taxpayers that are in arrears may have outstanding taxes for multiple years so it would not be equitable or fair to cease charging all penalties and interest.

If Council wishes, the Municipality could forgo penalties and interest on 2020 taxes only for a specific period of time, or the Municipality could change the penalty and interest rate from 1.25% per month to something lower, again for a specific period of time. This requires a discussion with Council and a by-law amendment. It is important to give proper thought to any decision to determine the longer term impacts to the Municipality's cash flows.

For Council's information, the penalties and interest charged on outstanding taxes on March 1st, 2020 was \$26,821.89.

Water:

The next water billing due date is April 9, 2020. Bills were issued in early March and many residents have already made payment. I am not recommending any change to this due date at this time. The next billing period is to the end of April 2020 and will be approximately \$580,000. Those bills will be issued in May and due early June. I am recommending that the due date be extended from 30 days to 45 days for this billing making it closer to the end of June.

Penalties and Interest commence the first day after a due date if taxes are unpaid and continue until paid or until transferred to taxes. I am not recommending any changes at this time, but will monitor water balances to determine if there is a spike in those in arrears. If so, I will come back to Council for a further discussion.

Like taxes, Council may wish to lower the monthly penalty rate from 1.25% for a specific period of time or forgo charging penalties and interest on 2020 billings only.

Total penalties and interest charged after the last billing were only \$400 as arrears balances for water are transferred to taxes if not paid after 2 billings.

Daycare:

The last Daycare billing cycle for the month of February was completed at the beginning of March. The next billing cycle will be completed at the beginning of April for March 2020. The Daycare has been closed since March 16th so this billing will only be for the first 2 weeks of March or approximately \$45,000 for full fee paying parents. Those parents who are subsidized by the County of Lanark will continue to be covered. It is unclear at the time of writing this report when the Daycare would re-open. Again, I am not recommending that the due date change for Daycare billings at this time or that there be any change in the penalties and interest until such time as the Daycare re-opens.

The Daycare penalties charged following the last billing were \$310.00.

Other

I would respectfully ask that Council allow myself or the CAO to make case by case decisions with regards to payment plans and penalty and interest adjustments that may be requested while the COVID 19 pandemic is ongoing or until such time as Council makes further decisions with regard to due dates, penalties & interest. This would allow the Staff some latitude when dealing with those residents who are experiencing financial difficulties without Council making hasty decisions for all residents that may impact cash flows.

FINANCIAL IMPLICATIONS:

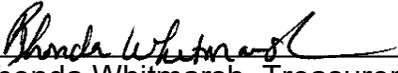
There are no known financial implications based on the recommendations noted above. Should Council choose to make alternate decisions, then the financial implications will be dependent on the decision chosen.

SUMMARY:

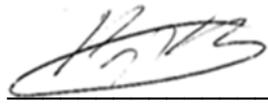
At the present time I am recommending that the next water and sewer billing due date be set at 45 days from the date the bill is issued rather than 30 days and that Council allow the CAO and Treasurer to make case by case decisions with regards to payment

plans and penalty and interest adjustments that may be requested while the COVID 19 pandemic is ongoing or until such time as Council makes further decisions with regard to these issues.

Respectfully submitted,


Rhonda Whitmarsh, Treasurer

Reviewed by,


Ken Kelly, CAO

THE CORPORATION OF THE MUNICIPALITY OF MISSISSIPPI MILLS

BY-LAW NO. 20-023

BEING a by-law to appoint a Deputy Clerk for the Corporation of the Municipality of Mississippi Mills.

WHEREAS Section 228(2) of the Municipal Act, 2001 provides that Council may appoint deputy clerks who have the powers and duties of the clerk under this and any other Act;

NOW THEREFORE the Council of the Corporation of the Municipality of Mississippi Mills enacts as follows:

1. **THAT** Rhonda Whitmarsh is hereby appointed as Deputy Clerk for the Municipality of Mississippi Mills and shall exercise all the authority, powers and rights, and shall perform all the duties and obligations which by statute or by by-law are or may be conferred or imposed upon the Deputy Clerk and any other duties that may be imposed by Council.

BY-LAW read, passed, signed and sealed in open Council this 30th day of March, 2020.

Christa Lowry, Mayor

Jeanne Harfield, Clerk