

# **SPECIAL COUNCIL AGENDA**

**Thursday, July 23, 2020  
Virtual Meeting  
2:00 p.m.**

**[www.oakville.ca](http://www.oakville.ca)**

**DUE TO THE COVID-19 EMERGENCY** attendance at Town Hall is restricted and public meetings are being held by videoconference only. Instructions on how to view the meeting or participate by written submission, videoconference or telephone are provided below.

### **LIVE STREAMING VIDEO**

Live streaming video of Oakville Council meetings is available on [oakville.ca/live](http://oakville.ca/live). Council videos are on the town's YouTube channel at [youtube.com/user/TownofOakvilleTV](https://youtube.com/user/TownofOakvilleTV).

### **MAKING SUBMISSIONS TO COUNCIL**

Written submissions must be submitted by email to the Clerk at [townclerk@oakville.ca](mailto:townclerk@oakville.ca) by noon on the last business day before the day of the meeting. Submissions sent through regular mail must be mailed in sufficient time to reach the Clerk.

Requests to delegate and make verbal submissions and/or presentations by electronic means at the meeting must be submitted to the Clerk at [townclerk@oakville.ca](mailto:townclerk@oakville.ca) by noon on the last business day before the day of the meeting.

Instructions for participating in the meeting will be provided to you once the Clerk's department has received your request.

# TOWN OF OAKVILLE

## SPECIAL COUNCIL

### AGENDA

THURSDAY, JULY 23, 2020

VIRTUAL MEETING

2:00 p.m.

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Regrets

Declarations of Pecuniary Interest

#### DISCUSSION ITEM(S)

1. COVID-19 Verbal Update from CAO  
- Verbal Update from the Acting CAO
  
2. Bill 197 - COVID-19 Economic Recovery Act, 2020 7-16  
- Report from Legal Department, Financial Planning  
Department and Planning Services Department,  
July 21, 2020

Recommendation:

1. That the report titled "*Bill 197- COVID-19 Economic Recovery Act, 2020*" be received.
  
2. That staff be authorized to make comments on behalf of the Town with respect to regulations implementing Bill 197 which are consistent with this report and past reports to Council related to Bill 108.

3. **Bill 195 - Reopening Ontario (A Flexible Response to COVID-19) Act, 2020** 17-22

- **Report from Legal Department, July 21, 2020**

Recommendation:

That the report titled "*Bill 195-Reopening Ontario (A Flexible Response to COVID-19) Act, 2020*" be received.

4. **Amendment to Procedure By-law 2020-011** 23-30

- **Report from Clerk's Department, July 21, 2020**

Recommendation:

1. That By-law 2020-096, a by-law to amend By-law 2020-011 the Town of Oakville Procedure By-law to allow Members of Council and to allow delegates to appear via electronic means during non-emergency situations attached as Appendix A to the report from the Clerk's department, be passed.

2. That any notice requirement in accordance with the Public Notice and Engagement Policy be waived.

5. **Wearing of Non-Medical Masks and Face Coverings Policy and Procedure** 31-40

- **Report from Human Resources Department, July 21, 2020**

Recommendation:

That the policy, "*Wearing of non-medical masks/face coverings*" attached as Appendix A to the report dated July 21, 2020 from the Human Resources department be approved.

**CONSIDERATION AND READING OF BY-LAW(S)**

That the following by-law(s) be passed:

- |          |   |              |
|----------|---|--------------|
| 2020-096 | A by-law to amend By-law 2020-011 (The Town of Oakville Procedure By-law) ( <b>re: Item 4</b> ) |              |
| 2020-092 | A by-law to confirm the proceedings of a special meeting of Council                             | <b>41-42</b> |

**ADJOURNMENT**





## REPORT

### SPECIAL COUNCIL MEETING

MEETING DATE: JULY 23, 2020

**FROM:** Legal Department, Financial Planning Department and Planning Services Department

**DATE:** July 21, 2020

**SUBJECT:** **Bill 197 - COVID-19 Economic Recovery Act, 2020**

**LOCATION:** Town wide

**WARD:** Town wide

Page 1

### RECOMMENDATION:

1. That the report titled "*Bill 197- COVID-19 Economic Recovery Act, 2020*" be received.
2. That staff be authorized to make comments on behalf of the Town with respect to regulations implementing Bill 197 which are consistent with this report and past reports to Council related to Bill 108.

### KEY FACTS:

The following are key points for consideration with respect to this report:

- On July 8, 2020 the province introduced Bill 197, the *COVID-19 Economic Recovery Act, 2020* ("Bill 197") which proposes amendments to 20 statutes. The Bill received second reading on July 15, 2020 and may be passed prior to this Council meeting.
- Bill 197 reverses some of the amendments to the *Development Charges Act*, and *Planning Act* introduced through Bill 108, the *More Homes, More Choices Act, 2019* and carries forward some of the positive changes proposed through the recent draft regulation. In particular:
  - Most services currently provided for under the *Development Charges Act* would continue to be subject to that Act.
  - Development charges for soft services (park development, recreation, libraries, and general government studies) will no longer be subject to a 10% deduction.
  - The ability to impose parkland (or cash-in-lieu of parkland) requirements at the alternative rate of up to 1 ha/300 units or 1 ha/500

From: Legal Department, Financial Planning Department and Planning Services Department  
 Date: July 21, 2020  
 Subject: Bill 197 - COVID-19 Economic Recovery Act, 2020

units would be restored, subject to a new right of appeal to the Local Planning Appeal Tribunal ("LPAT") for parkland by-laws.

- Community benefits charges ("CBC's") would continue to replace bonusing under section 37 of the *Planning Act*. While these by-laws could also be used as an alternative to imposing parkland requirements or development charges, they would be subject to a cap based on land value and be limited to developments with greater than 10 units and 5 or more storeys.
- Transition provisions allow for a period of up to 2 years to implement amendments to development charges by-laws, parkland dedication by-laws and adopt community benefits by-laws.
- Additional amendments to the *Planning Act* expanding powers associated with minister's zoning orders, and amendments to other legislation including the *Building Code Act, 1997*, *Environmental Assessment Act*, are also proposed.
- Amendments to the *Municipal Act*, implemented through Bill 197 would authorize the continuation of virtual meetings of Council and local boards as well as a new option for proxy voting. A separate report from the Clerk's Department related to the procedural by-law discusses these amendments.

## BACKGROUND:

On June 6, 2019, Bill 108, the *More Homes, More Choice Act, 2019* received Royal Assent. Bill 108 amended 13 statutes including the *Building Code Act*, the *Development Charges Act, 1997*, the *Local Planning Appeal Tribunal Act*, the *Ontario Heritage Act*, and the *Planning Act*. Although the Minister of Municipal Affairs and Housing had stated that the changes were to be revenue neutral for municipalities, the town and other municipalities had expressed serious concerns with respect to impacts on municipalities' ability to manage and finance growth-related costs and achieve complete communities.

Council previously considered reports related to Bill 108 and draft implementing regulations on August 6, 2019 and April 23, 2020. Each of these reports together with the corresponding Council resolution was forwarded to the Province as comments on behalf of the Town.

While most amendments to the *Planning Act* (generally changing deadlines for processing applications) came into force by proclamation on September 3, 2019, amendments related to parkland dedication, bonusing and community benefits charges were not yet in force. Similarly, some amendments to the *Development Charges Act* came into force on January 1, 2020, including provisions deferring



From: Legal Department, Financial Planning Department and Planning Services Department  
 Date: July 21, 2020  
 Subject: **Bill 197 - COVID-19 Economic Recovery Act, 2020**

development charge payments for certain development types and freezing of development charge rates as of the date of relevant applications.

On July 8, 2020, the Province introduced Bill 197, the *COVID-19 Economic Recovery Act*. Bill 197 has received second reading on July 15, 2020. Given the extent of past consultation with respect to the matters covered by the Bill, the Bill is anticipated to pass quickly without additional consultation. Details of the Bill are provided in the comments section below.

Bill 197 also includes amendments allowing the continuation of virtual meetings by municipal councils and local boards and additional powers with respect to proxy voting, those amendments are discussed in a separate report from the Clerk's Department proposing amendments to the procedural by-law related to those changes.

Implementing regulations with respect to matters related to Bill 197 have not been released. The timing or extent or timing of consultation that may occur with respect to those regulations is unknown.

#### **COMMENT/OPTIONS:**

As noted in this and previous reports to Council, Bill 108 had the potential to significantly impact the way Council manages and finances the growth-related needs of the town and provides complete communities. Bill 197 reverses some of those changes.

#### **Financial Tools to Pay for Growth**

There are three main tools that municipalities are able to use to pay for land and infrastructure required due to growth, with the goal of minimizing the impact of new development on existing residents and tax payers. These include:

1. Development charges under the *Development Charges Act* (DCA),
2. Conveyance of parkland or cash-in-lieu of parkland under the *Planning Act*,
3. Benefits received through "bonusing" for increased height or density under section 37 of the *Planning Act*.

Bill 108, the More Homes, More Choice Act, 2019; included major changes to these tools with the stated intent of increasing financial certainty for the development community while maintaining revenue neutrality for municipalities. Bill 108 proposed to remove a number of services (recreation, parks, libraries, municipal parking) from development charges, and migrate them to a capped CBC under a new section 37 of the *Planning Act* that would replace current provisions with respect to bonusing

From: Legal Department, Financial Planning Department and Planning Services Department  
Date: July 21, 2020  
Subject: **Bill 197 - COVID-19 Economic Recovery Act, 2020**

for height and density. For parkland, Bill 108 would have removed the alternative rate for parkland collection under section 42 and 51.1 of the *Planning Act*. The alternative rate currently authorizes parkland requirements of up to 1ha/300 units for land and 1ha/500 units for cash-in-lieu of parkland instead of the 5% of land value that would otherwise apply to residential lands. In addition, municipalities would be required to choose between accepting parkland dedication at 5% or collecting a CBC (which may include charges related to parkland).

Bill 197, the *COVID-19 Economic Recovery Act, 2020*, repeals and replaces amendments introduced with respect to these matters and restores previous tools subject to amendments described below.

### **Development Charges Act**

Development charges allow municipalities to collect funds to be applied towards increased capital costs related to growth with respect to eligible services. Schedule 3 of Bill 197 amends changes originally proposed by the Bill 108 to amend the DCA. Major changes include expansion of the list of eligible services, and elimination of the 10% deduction for soft services.

The Province has considered feedback from municipalities and made positive changes to the services that were previously proposed to be removed from development charges. Bill 108 proposed that certain services including park development and recreation, libraries, municipal parking, and general government studies would no longer be eligible services under the DCA and would instead transition to a capped CBC. Of these services, only municipal parking would be migrated to the CBC under Bill 197. A number of services have been added through Bill 197 including child care, housing services, services related to proceedings under the *Provincial Offences Act*, including by-law enforcement services and municipally administered court services, emergency preparedness and services related to the Regional Municipality of Waterloo airport.

Bill 197 also removes the 10% mandatory deduction for soft services. This deduction is currently applied to park development, recreation, libraries, and general government studies, and in the town's 2018 DC Background Study amounted to \$15.3 million over the 10 year forecast period required to be funded from the tax levy. This change directly increases the extent that growth pays for growth, as entirely growth driven projects in these service areas can be funded 100% from development charges.

Other changes introduced through Bill 108 are maintained through Bill 197. These include mandatory exemptions for additional dwelling units in prescribed classes of existing residential buildings, and a second dwelling unit in prescribed new residential buildings. The intent is to increase overall housing supply, particularly

From: Legal Department, Financial Planning Department and Planning Services Department  
Date: July 21, 2020  
Subject: **Bill 197 - COVID-19 Economic Recovery Act, 2020**

rental housing. Exemptions from DC's create a gap in funding since these units would not contribute their share of the costs of services. Any gap would be funded by the property tax base.

Bill 197 adds flexibility to the current ability to create categories of "classes" of services for the purpose of tracking and managing reserve funds related to those services. Previously, categories were permitted but could not include both hard services (recoverable at 100%) and soft services (which were subject to the 10% mandatory discount). Under Bill 197, any combination of services or parts of services will be permitted.

The transition period for these changes is proposed to be the earlier of a new DC by-law or by-law amendment, a CBC by-law, or two years after the applicable subsection of Bill 197 comes in to force. The town's current DC by-law (2018-001) will expire in February 2023. It is in the interest of the town to amend the current by-law ahead of the normal schedule in order to remove the 10% discount; however, this would also discontinue development charge collections related to municipal parking and prevent charges for that service unless parking is transitioned to a CBC by the town.

### **Planning Act – Parkland Requirements (s.42 and 51.1)**

Land for park purposes can be secured under section 51.1 of the *Planning Act* as a condition of the subdivision of land or through a by-law passed under section 42 as a condition of development. The town typically uses section 42 unless land acquisition is proposed as part of a plan of subdivision. Both sections allow for parkland requirements in the form of land or cash-in-lieu of parkland at the rate of 2% of the land value for commercial or industrial development and 5% for residential development. Currently, an alternative rate of up to 1 hectare per 300 units in land or 1 hectare per 500 units in cash-in-lieu of parkland can be applied through either section for higher density residential development subject to the inclusion of applicable policies in the Official Plan. Bill 108 proposed to remove the alternative rate, which raised concerns about the ability for the town to secure adequate park land to accommodate future development as well as impacts on existing agreements related to the long-term provision of parkland. Further, the Bill proposed that a municipality must choose between taking parkland or using the community benefits charge authority under the revised section 37.

Bill 197 no longer requires a municipality to choose between a parkland dedication by-law and a CBC by-law. Instead both can be in force at the same time, as long as they aren't recovering for the same costs.

From: Legal Department, Financial Planning Department and Planning Services Department  
Date: July 21, 2020  
Subject: **Bill 197 - COVID-19 Economic Recovery Act, 2020**

Bill 197 restores the ability to use the alternative rate subject to additional procedural requirements including public consultation and a right of appeal to LPAT of by-laws under section 42 of the *Planning Act* which would only relate to any proposed use of the alternative rate. Details of the consultation process are at the discretion of the municipality. If LPAT requires amendments to the parkland dedication by-law as a result of an appeal, these amendments would be retroactive to the date of passing of the by-law. Compensation for excess parkland or refunds of excess cash-in-lieu of parkland would be required subject to interest at rates to be prescribed.

The town's current parkland dedication by-law (By-law 2008-105) includes the alternative rate. This by-law would expire and need to be updated no later than two years from the date Bill 197 comes in to force. During the transition period, the town would continue to be able to apply the current by-law along with the alternative rate.

This is a very positive change from Bill 108 and the draft regulation, and will allow the town to continue to obtain parkland or cash-in-lieu of parkland at current rates if the need can be substantiated. A parks and open space strategy and assessment of land needs will be necessary in order for the town to determine how best to utilize section parkland dedication requirements in the future. This will include an analysis of park needs and opportunities, including how to deliver parks in an increasingly urban environment. Work related to this study has commenced and the scope is being refined in order to address the changes to the legislation.

### **Planning Act – Section 37 Community Benefits Charge Authority**

Section 37 of the *Planning Act* (generally referred to as “bonusing”) is currently a tool allowing Council to permit an increase to the height and density of a development in exchange for the provisions of facilities, services, or other matters that benefit the surrounding community. The town has used the existing section 37 to approve additional height in exchange for in-kind public benefits as well as cash contributions to be used to provide for eligible public benefits identified in the Official Plan. Bill 108 included the repeal of the existing section 37 and replacement with a new s.37 authorizing CBC's.

Under Bill 108, the CBC would have allowed for the collection of funds for increased capital costs associated with growth including services that were no longer DC eligible, parkland acquisition costs, and community benefits previously achieved under bonusing subject to a cap based on a prescribed percentage of land value. Positive changes have been made through Bill 197 that reflect recommendations from the town. In addition to the restoration of previous provisions of the *Development Charges Act* and parkland provisions of the *Planning Act*, discussed above, the transition period for implementing a community benefits by-law has increased from one year to two years. During the transition period, the town is able

From: Legal Department, Financial Planning Department and Planning Services Department  
 Date: July 21, 2020  
 Subject: **Bill 197 - COVID-19 Economic Recovery Act, 2020**

to continue to pass zoning by-laws with bonusing provisions pursuant to section 37 of the *Planning Act*.

Bill 197 carries forward previously proposed provisions requiring a CBC strategy and public consultation prior to passing a CBC by-law, appeals to the LPAT with respect to the passing of the CBC by-law, and dispute mechanisms where it is alleged that the charge exceeds the prescribed cap. While there will still be a cap on the charge based on land value, any negative impact of this on the town has been greatly reduced if not eliminated due to the reduction of service areas covered under a CBC.

New changes introduced through Bill 197 limit the application of CBC's to higher density development of five or more stories in height and ten or more new residential units (both thresholds need to be met). In addition, this tool would only be available to lower tier and single-tier municipalities instead of upper tier municipalities. Both of these changes are generally consistent with the previous bonusing authority which was only available to lower-tier and single-tier municipalities for developments with increased height and density. While upper tier municipalities would have been able to pass a CBC by-law under Bill 108, many of the upper tier services were restored as eligible services under the *Development Charges Act*, including long term care, affordable housing, child care, public health.

The extended transition period will provide the time needed to complete the required analysis and potential CBC strategy and by-law. While the use of bonusing has been limited, there has been a notable increase in high density planning applications that is expected to continue. These applications would be eligible for CBC's.

### **Planning Act – Amendments related to Minister's Zoning Orders**

Section 47 of the *Planning Act*, allows the Minister of Municipal Affairs to make orders exercising municipal authority with respect to zoning. Bill 197 would expand those powers to allow the Minister to exercise powers with respect to inclusionary zoning (requiring affordable housing) and site plan control in conjunction with a minister's zoning order. These powers apply to lands outside the Greenbelt Area described in the *Greenbelt Act, 2005* and include the power to exempt a proposed development from site plan control or require the owner to enter into site plan agreements or agreements related to inclusionary zoning that implement the Minister's decision.

While comments with respect to this power have indicated that it is intended to be used in relation to development associated with expansions of four subway lines (identified in the as "*Transit-Oriented Communities Act*" enacted through Bill 197), and the *Building Transit Faster Act, 2020*) the power is not restricted in the

From: Legal Department, Financial Planning Department and Planning Services Department  
Date: July 21, 2020  
Subject: Bill 197 - COVID-19 Economic Recovery Act, 2020

amendment. It has been the province practice to work in partnership with municipalities on MZO's so it would be staff's expectation that would extend to site plan matters to ensure that the town's development and urban design standards would continue to be implemented.

### Amendments to other Legislation

While the amendments to the *Development Charges Act* and *Planning Act* discussed above and the amendments to the *Municipal Act* are likely to have the greatest impact on the town, amendments to the following legislation may have municipal implications and are summarized below:

- ***Building Code Act, 1997*** – minor amendments are proposed to the Act transferring regulatory authority for regulations to the Minister of Municipal Affairs and Housing, and allowing the adoption of certain documents by reference through regulations. This is anticipated to assist in harmonizing provincial building codes. Minor amendments incidental to amendments to the *Environmental Assessment Act* are also proposed.
- ***Environmental Assessment Act*** - Amendments are proposed to modernize and streamline processes under the *Environmental Assessment Act*. Instead of requiring all “undertakings” to go through the environmental assessment process (“EA’s”) unless exempted by regulation, EA’s will only be required for projects identified in regulations. There will be two levels of EA’s, comprehensive EA’s and streamlined EA’s (similar to existing “class EA’s including the Municipal Class EA applicable to municipal infrastructure projects). The criteria for requesting a “bump up” to the more comprehensive review would be restricted. Existing Class EA’s will be reviewed and replaced through regulations. A revised version of the Municipal Class EA was released through a separate posting on the Environmental Registry (<https://ero.ontario.ca/notice/019-1712>) on July 8, 2020 following consultation with the Municipal Engineers Association (“MEA”). This documents will be reviewed by the MEA with comments provided through that group. Since the purpose of the Act is to streamline processes, it is anticipated that changes to the Municipal Class EA would streamline the delivery of municipal infrastructure. In addition, changes would be implemented requiring the consent of the municipality (and adjacent municipalities depending on distance separations) for new landfill sites.
- ***Marriage Act*** - marriage licences whose 3 month expiry period was affected by the COVID-19 emergency will be extended to 24 months after the end of the emergency. As a result, the Clerk’s department will not have to issue new licences in these matters.

From: Legal Department, Financial Planning Department and Planning Services Department  
 Date: July 21, 2020  
 Subject: Bill 197 - COVID-19 Economic Recovery Act, 2020

- **Occupational Health and Safety Act** - minor changes are made to the power to make regulations adopting codes, standard, criteria, and guides by reference to recognize that the documents referenced may be updated from time to time. This change may require monitoring of relevant standards (such as standards for fire-fighting protective garments) to ensure compliance with applicable regulations.
- **Provincial Offences Act** – amendments provide for increased flexibility in filing requirements, service of documents and electronic participation to accommodate physical distancing. These changes create opportunities for increased efficiencies and access to justice.
- **Public Transportation and Highway Improvement Act** - amendments eliminate hearings of necessity for expropriations related to provincial works covered by that Act (generally provincial roads). This may assist in the delivery of any future provincial or joint provincial/municipal projects in Midtown or elsewhere within the town.

## Conclusion

The amendments proposed through Bill 197 related to financial tools are positive and reflect that the Province has heard and considered submissions from municipalities with respect to these matters. The restoration of existing financial tools will make the recovery of costs related to development more predictable and less susceptible to impacts from an arbitrary cap unrelated to the cost of providing services. The two-year timeframe for implementing changes to development charges and parkland dedication by-laws, and for developing and passing a community benefits by-law present a realistic timeframe for the amount of work required.

Some details remain to be determined through regulations. Staff will monitor the regulations and provide comments on behalf of the municipality consistent with this and previous reports if considered necessary. If the nature of the regulations reflects a new direction and time permits, staff would seek direction from Council with respect to any comments.

## CONSIDERATIONS:

### (A) PUBLIC

Members of the public have had an opportunity to comment on matters related to Bill 197 through past provincial processes related to Bill 108.

From: Legal Department, Financial Planning Department and Planning Services Department  
Date: July 21, 2020  
Subject: **Bill 197 - COVID-19 Economic Recovery Act, 2020**

**(B) FINANCIAL**

The COVID-19 Economic Recovery Act, 2020 (Bill 197) would reverse many of the changes introduced through Bill 108. Restoration of financial tools available to the town will provide more certainty in municipal financing and assist the town in providing complete communities while ensuring that “growth pays for growth” to the maximum extent possible.

**(C) IMPACT ON OTHER DEPARTMENTS & USERS**

This report has been prepared by the Legal Department, Finance Department and Planning Services Department in consultation with the Engineering and Construction and Building Services Department.

**(D) CORPORATE AND/OR DEPARTMENT STRATEGIC GOALS**

This report addresses the corporate strategic goal to:

- be accountable in everything we do
- be fiscally sustainable

**(E) COMMUNITY SUSTAINABILITY**

Maximizing the extent to which “growth pays for growth” while achieving complete communities which include parkland and other facilities supports economic, social, environmental and cultural sustainability.

Prepared by:  
Jennifer Huctwith  
Assistant Town Solicitor

Prepared by:  
Matt Day, MBA, CPA, CGA  
Acting Manager, Development Financing  
and Investments

Prepared by:  
Leslie E. Gill Woods  
Senior Planner, Policy Planning and  
Heritage

Submitted by:  
Douglas Carr  
Town Solicitor

Submitted by:  
Nancy Sully  
Acting Commissioner, Corporate  
Services and Treasurer

Submitted by:  
Jim Barry  
Acting Commissioner, Community  
Development





## REPORT

### SPECIAL COUNCIL MEETING

MEETING DATE: JULY 23, 2020

**FROM:** Legal Department

**DATE:** July 21, 2020

**SUBJECT:** **Bill 195 – Reopening Ontario (A Flexible Response to COVID-19) Act, 2020**

**LOCATION:** Town Wide

**WARD:** Town wide

Page 1

#### RECOMMENDATION:

That the report titled “*Bill 195-Reopening Ontario (A Flexible Response to COVID-19) Act, 2020*” be received.

#### KEY FACTS:

The following are key points for consideration with respect to this report:

- On July 7, 2020 the Province introduced Bill 195, *Reopening Ontario (A Flexible Response to COVID-19) Act, 2020*. The Bill is on an expedited schedule and may be approved prior to this Special Council Meeting.
- Bill 195 will have the effect of:
  - Terminating the emergency at a provincial level on proclamation
  - Continuing certain provincial emergency orders made during the COVID-19 emergency including orders defining the stages of reopening and restrictions on public gatherings for up to a year.
- Orders continued under Bill 195 are subject to 30 day extension and reporting requirements and may be amended by the Lieutenant Governor in Council subject to limitations, allowing flexibility in the continuing response to the pandemic.

#### BACKGROUND:

On March 17, 2020, the Premier of Ontario declared an emergency with respect to the COVID-19 pandemic. The declaration of emergency has been renewed a number of times and is currently scheduled to expire on June 24<sup>th</sup> unless renewed.

From: Legal Department  
Date: July 21, 2020  
Subject: **Bill 195 – Reopening Ontario (A Flexible Response to COVID-19) Act, 2020**

Since the declaration of the emergency, a series of provincial orders have been issued under section 7.02 and 7.1 of the *Emergency Management and Civil Protection Act*. These orders regulate matters such as the size of public gatherings, the closure or re-opening of businesses or public spaces, delegated enforcement of emergency orders, and relief from procedural requirements related to court proceedings or provincial licensing requirements. A comprehensive list of orders which remain in effect as of the date of this report and their proposed treatment under Bill 195 is attached as Appendix “A” to this report. Restrictions related to these matters have been expanded, relaxed or released as the status of the pandemic has progressed. Orders currently remaining in effect have been extended to July 29, 2020.

#### **COMMENT/OPTIONS:**

Bill 195 will, upon proclamation terminate the emergency at the provincial level unless the emergency has previously been terminated. The Bill also establishes new rules allowing orders issued during the COVID-19 emergency to remain in effect after the emergency has been declared at an end after the provincial level. Although the progress achieved in containing COVID-19 has lessened the potential need for new orders through the use of emergency powers, the virus remains an ongoing concern which may require the reinstatement and subsequent relaxation of restrictions. Although new orders would not be permitted in the absence of a new declaration of emergency, the existing orders have provided a comprehensive set of tools for responding to the emergency. Orders continued under Bill 195 are subject to 30 day extension requirements for up to one year (extendable by the legislature) and to regular reporting to ensure transparency.

Key orders, including the orders establishing the phases for the reopening of businesses and other facilities and the restricting of public gatherings will continue in force. These orders may be amended by the Lieutenant Governor in Council, subject to such amendments relating to matters that could have been addressed through the use of powers under the *Emergency Management and Civil Protection Act*, and implement recommendations of a public health officer (to be defined). The authority to amend an order includes the possibility of reapplying orders to areas that were previously released from restrictions. This provides necessary flexibility in imposing, relaxing, reinstating or expanding restrictions.

Other orders (such as orders allowing provincial orders to be enforced by municipal law enforcement officers, the expedited process for approving patios, extension of limitation periods, or the added flexibility in the execution of certain documents) are continued but are not subject to amendment.

From: Legal Department  
 Date: July 21, 2020  
 Subject: **Bill 195 – Reopening Ontario (A Flexible Response to COVID-19) Act, 2020**

Page 3

By extending O.Reg.141/20 – *Temporary Health or Residential Facilities*, Bill 195 also responds to issues raised by the Mayor in correspondence to the Minister of Municipal Affairs and Housing on June 29, 2020 ensuring that temporary hospital space created under that order will not be affected by requirements that may otherwise apply to permanent space and that new temporary space could be created if necessary. That order is not subject to amendment.

Neither Bill 195 nor any declaration that the emergency is at an end at the provincial level would have an impact on any outstanding orders issued by the Mayor as Head of Council pursuant to section 4 of the *Emergency Management and Civil Protection Act*. Those orders rely on the emergency declared within the municipality by the Head of Council and will terminate when the emergency is declared at an end by the Head of Council unless incorporated into a by-law. Similarly, by-laws enacted pursuant to general municipal authority, such as the Region of Halton's by-law requiring facial coverings, are not affected by Bill 195 or any termination of the emergency at the provincial level.

## **CONSIDERATIONS:**

### **(A) PUBLIC**

This report is provided for the information of the Council and the public.

### **(B) FINANCIAL**

There are no direct financial impacts from this report. Although there are financial impacts from compliance with or enforcement of provincial orders, those costs are incurred regardless of whether or not the orders are made in the context of this Act or the *Emergency Management and Civil Protection Act*.

### **(C) IMPACT ON OTHER DEPARTMENTS & USERS**

Continuation of provincial orders may have impacts on individuals, businesses or town operations but are considered necessary for the protection of public health.

### **(D) CORPORATE AND/OR DEPARTMENT STRATEGIC GOALS**

This report addresses the corporate strategic goal to:

- be accountable in everything we do

### **(E) COMMUNITY SUSTAINABILITY**

Protecting the health of the community supports long term economic and social sustainability.

From: Legal Department

Date: July 21, 2020

Subject: **Bill 195 – Reopening Ontario (A Flexible Response to COVID-19) Act, 2020**

### **Appendices:**

Appendix A – List of Provincial Orders affected by Bill 195

Prepared by:

Jennifer Huctwith

Assistant Town Solicitor

Submitted by:

Douglas Carr

Town Solicitor

**SCHEDULE A – Report to Special Council Meeting, July 23, 2020,  
Bill 195- Reopening Ontario (A Flexible Response to COVID-19) Act, 2020  
List of Orders affected by Bill 195**

Emergency orders remaining in force that may be amended under Bill 195	
O. Reg.	Order description
363/20	<a href="#"><u>Stages of reopening</u></a>
364/20	<a href="#"><u>Rules for areas in stage 3</u></a>
263/20	<a href="#"><u>Stage 2 closures</u></a>
82/20	<a href="#"><u>Stage 1 closures</u></a>
104/20	<a href="#"><u>Closure of outdoor recreational amenities</u></a>
52/20	<a href="#"><u>Organized public events, certain gatherings</u></a>
98/20	<a href="#"><u>Prohibiting unfair pricing on necessary goods</u></a>
195/20	<a href="#"><u>Treatment of temporary COVID-19 related payments to employees</u></a>
193/20	<a href="#"><u>Hospital credentialing processes</u></a>
116/20	<a href="#"><u>Work deployment for boards of health</u></a>
74/20	<a href="#"><u>Work deployment for health service providers</u></a>
77/20	<a href="#"><u>Work deployment for long-term care homes</u></a>
118/20	<a href="#"><u>Work deployment measures in retirement homes</u></a>
146/20	<a href="#"><u>Limiting work to a single long-term care home</u></a>
158/20	<a href="#"><u>Limiting work to a single retirement home</u></a>
163/20	<a href="#"><u>Work deployment measures for mental health and addictions agencies</u></a>
156/20	<a href="#"><u>Deployment of employees of service provider organizations</u></a>
95/20	<a href="#"><u>Streamlining requirements for long-term care homes</u></a>
140/20	<a href="#"><u>Agreements between health service providers and retirement homes</u></a>
121/20	<a href="#"><u>Service agencies providing services and supports to adults with developmental disabilities</u></a>
145/20	<a href="#"><u>Work deployment measures for service agencies providing violence against women residential services and crisis line services</u></a>
154/20	<a href="#"><u>Work deployment measures for district social services administration boards</u></a>
157/20	<a href="#"><u>Work deployment measures for municipalities</u></a>
177/20	<a href="#"><u>Congregate care settings</u></a>
205/20	<a href="#"><u>Education sector</u></a>
128/20	<a href="#"><u>Pick up and delivery of cannabis</u></a>
73/20	<a href="#"><u>Limitation periods</u></a>
89/20	<a href="#"><u>Traffic management</u></a>

**Emergency orders remaining in force that may not be amended under Bill 195**

O. Reg.	Order description
114/20	<a href="#"><u>Enforcement of orders</u></a>
345/20	<a href="#"><u>Patios</u></a>
80/20	<a href="#"><u>Electricity price for RPP consumers</u></a>
241/20	<a href="#"><u>Special rules regarding temporary pandemic pay</u></a>
120/20	<a href="#"><u>Access to COVID-19 status information by specified persons</u></a>
190/20	<a href="#"><u>Access to personal health information by means of the electronic health record</u></a>
192/20	<a href="#"><u>Certain persons enabled to issue medical certificates of death</u></a>
210/20	<a href="#"><u>Management of long-term care homes in outbreak</u></a>
240/20	<a href="#"><u>Management of retirement homes in outbreak</u></a>
141/20	<a href="#"><u>Temporary health or residential facilities</u></a>
129/20	<a href="#"><u>Signatures in wills and powers of attorney</u></a>
75/20	<a href="#"><u>Drinking water and sewage</u></a>
132/20	<a href="#"><u>Use of force and firearms in policing services</u></a>
76/20	<a href="#"><u>Electronic service of documents</u></a>

**Orders not continued under Bill 195**

O. Reg.	Order description
50/20	Declaration of Emergency
106/20	Extensions and renewals of orders

**Revoked emergency orders (prior to Bill 195)**

O. Reg.	Order description
139/20	<a href="#"><u>Child care fees</u></a>
51/20	<a href="#"><u>Closure of establishments</u></a>
191/20	<a href="#"><u>Global adjustment for market participants and consumers</u></a>
142/20	<a href="#"><u>Closure of public lands for recreational camping</u></a>
107/20	<a href="#"><u>Corporations, co-operative corporations and condominium corporations</u></a>



## REPORT

### SPECIAL COUNCIL MEETING

MEETING DATE: JULY 23, 2020

**FROM:** Clerk's Department

**DATE:** July 21, 2020

**SUBJECT:** Amendment to Procedure By-law 2020-011

**LOCATION:**

**WARD:** Town Wide

Page 1

#### RECOMMENDATION:

1. That By-law 2020-096, a by-law to amend By-law 2020-011 the Town of Oakville Procedure By-law to allow Members of Council and to allow delegates to appear via electronic means during non-emergency situations attached as Appendix A to the report from the Clerk's department, be passed.
2. That any notice requirement in accordance with the Public Notice and Engagement Policy be waived.

#### KEY FACTS:

The following are key points for consideration with respect to this report:

- Revisions to Council's rules of procedure to address the ability of Council to participate electronically in open and closed meetings and be counted towards quorum when an emergency has been declared by either the Province or the municipality itself under the *Emergency Management and Civil Protection Act* were approved by Council, March 26, 2020.
- Procedure By-law 2020-011 was further amended by By-law 2020-067 to allow for public participation in public meetings that may be held electronically during an emergency while attendance at public gatherings is restricted.
- The Minister of Municipal Affairs and Housing Steve Clark introduced Bill 197 – *COVID-19 Economic Recovery Act, 2020* in the Legislature on July 8, 2020 proposing an amendment to the *Municipal Act, 2001* (the "Municipal Act") to remove the stipulation that a declared emergency must exist in order for a municipal council, pursuant to its procedure by-law, to hold a virtual meeting where all members participating electronically count towards quorum, may vote and, take part in both open and closed sessions.

From: Clerk's Department  
Date: July 21, 2020  
Subject: Amendment to Procedure By-law 2020-011

- A copy of a proposed amending by-law 2020-096 in keeping with the above-mentioned Municipal Act amendment can be found in Appendix A to this report and if passed, will come into effect when the *COVID 19 Economic Recovery Act, 2020* comes into effect.

**BACKGROUND:**

In response to the COVID-19 pandemic, the government of Ontario declared an emergency under s 7.0.1(1) of the *Emergency Management and Civil Protection Act* and Bill 187, an Act to amend the *Municipal Act, 2001* received Royal Assent on March 19, 2020 amending the electronic participation section of the *Municipal Act* to allow the counting of members participating electronically towards quorum, and including those members in a meeting that is closed to the public. These changes apply in the event of an emergency being declared by the Premier, Cabinet or the municipal Head of Council under the *Emergency Management and Civil Protection Act*. Once the emergency has ended, regular meeting rules apply.

Subsequent to this declaration, revisions to Council's rules of procedure to address the ability of Council to participate electronically in open and closed meetings electronically and be counted towards quorum when an emergency has been declared by either the Province or the municipality itself under the *Emergency Management and Civil Protection Act* were approved by Council, March 26, 2020. Further amendments to the rules of procedure were approved by Council, May 25, 2020 to allow for public participation in public meetings that may be held electronically during an emergency while attendance at public gatherings is restricted.

The Provincial emergency declaration has recently been extended from July 22<sup>nd</sup> to July 24, 2020. Bill 195, *Reopening Ontario (A Flexible Approach to COVID-19) Act, 2020* ("Bill 195") could terminate the declared emergency upon proclamation. However, regardless of any possible termination of the emergency, precautions associated with preventing the spread of COVID-19, most notably, social distancing, will still need to be in place beyond that period.

Council approved a Notice of Motion on July 6, 2020 that was submitted to the Premier requesting that municipalities be permitted to retain the flexibility to hold virtual meetings even in the absence of an emergency declaration. In response to this and many other similar requests from other municipalities, the Minister of Municipal Affairs and Housing Steve Clark introduced Bill 197 – *COVID-19 Economic Recovery Act, 2020* in the Legislature on July 8, 2020 proposing an amendment to the *Municipal Act* to remove the stipulation that a declared emergency must exist in order for a municipal council, pursuant to its procedure by-law, to hold a virtual meeting where all members participating electronically count towards quorum, may vote and, take part in both open and closed sessions.



From: Clerk's Department  
Date: July 21, 2020  
Subject: Amendment to Procedure By-law 2020-011

Page 3

**COMMENT/OPTIONS:**

When these new provisions regarding electronic participation come into effect and Council approves the corresponding amendment to its Procedure By-law, Council will be able to continue to allow electronic participation at meetings as deemed appropriate. This report is being brought forward at this time to ensure that electronic participation can continue to take place once the emergency is lifted and the *COVID-19 Economic Recovery Act, 2020* comes into effect.

By-laws 2020-067 and 2020-049 were passed by Council earlier this year enacting the necessary amendments to the Procedure By-law to allow for electronic participation in meetings. The proposed draft by-law attached to this report maintains this language but removes the stipulation that a declared emergency must exist. This can apply whether the entire meeting is to be held electronically or only if individual Members are participating electronically.

Further clarification has been added to Section 10 of the Procedure By-law to ensure that persons wishing to delegate at Council, Planning and Development Council and any Special Meetings of Council or Council Committee meetings, be encouraged to advise the Clerk, no later than noon on the day of a meeting commencing after six p.m. and by noon on the last business day before a meeting held prior to six p.m., except for persons wishing to delegate to a Public Hearing item and those requests, will also be received during the meeting if restrictions limiting in-person attendance by members of the public are in effect. The proposed revisions adds certainty to the meeting while maintaining the right for delegations to be heard for Public Hearing matters.

The *COVID-19 Economic Recovery Act, 2020* also includes provisions permitting councils to amend their procedure by-laws to permit proxy voting for absent members. As this is a new matter requiring further analysis, staff will investigate further and report back to Council with further information at a later date.

As it is unknown at this time when the *COVID-19 Economic Recovery Act, 2020* will come into effect, the proposed by-law if passed, would take effect on the day the said Act takes effect. Similarly, it is unknown if Bill 195 may come into effect. If it comes into effect prior to this Council meeting, the *COVID-19 Economic Recovery Act, 2020* would allow Council to hold a Special Meeting by electronic means for the purpose of amending its procedural by-law in this manner. However, amendments to the procedural by-law would be required prior to Council proceeding with the balance of the agenda for this Special Meeting. Since the province had previously extended the emergency to July 24, 2020 problems of this nature are not anticipated.

From: Clerk's Department  
Date: July 21, 2020  
Subject: Amendment to Procedure By-law 2020-011

**CONSIDERATIONS:****(A) PUBLIC**

Notification requirement of Council's intent to pass an amendment to the Procedure By-law is waived to ensure provisions are in place to allow for electronic meetings to take place once the Provincial emergency declaration expires and the COVID-19 Economic Recovery Act, 2020 comes into effect.

**(B) FINANCIAL**

There are no financial implications associated with this report.

**(C) IMPACT ON OTHER DEPARTMENTS & USERS**

The Procedure By-law impacts on Members of Council and staff from all departments. The Legal Department has been consulted in the development of this report along with Information Systems.

**(D) CORPORATE AND/OR DEPARTMENT STRATEGIC GOALS**

This report addresses the corporate strategic goal to:

- be accountable in everything we do
- be the most livable town in Canada

**(E) COMMUNITY SUSTAINABILITY**

Council's Procedure By-law is a legislative requirement under the *Municipal Act, 2001*.

**APPENDICES:**

Appendix A – By-law 2020-096 - A by-law to amend By-law 2020-011,  
The Town of Oakville Procedure By-law

Prepared and Submitted by:

Vicki Tytaneck  
Town Clerk



## APPENDIX A

## THE CORPORATION OF THE TOWN OF OAKVILLE

## BY-LAW NUMBER 2020-096

**A by-law to amend By-law 2020-011  
(The Town of Oakville Procedure By-law)**

**WHEREAS** the *Municipal Act, 2001* provides that a municipality shall establish a procedure by-law to govern meetings;

**WHEREAS** the Corporation of the Town of Oakville (Town) has enacted Procedure By-law 2020-011;

**WHEREAS** the *COVID-19 Economic Recovery Act, 2020*, amends section 238 of the *Municipal Act*,

- to permit the amendment of a procedure by-law to provide for full electronic participation of members of council, a local board or a committee of either them in a meeting, including being counted in determining whether or not a quorum of members is present and participation in meetings that are closed to the public regardless of whether or not a declared state of emergency exists; and
- to permit electronic participation in a special meeting for the purpose of making such amendments to a procedural by-law regardless of whether a declared state of emergency exists.

**WHEREAS** Council amended Procedure By-law 2019-024 on March 26, 2020 to permit electronic participation in meetings by its members during a declared emergency;

**WHEREAS** Council approved a new Procedure By-law 2020-011 on April 23, 2020 to address the disbanding of the Administrative Services and Community Services Standing Committees;

**WHEREAS** Council amended Procedure By-law 2020-011 on May 25, 2020 to permit electronic participation in meetings by delegates during a declared emergency, and has determined that it is desirable to further amend By-law 2020-011 to permit electronic participation in meetings by both members and delegates in the absence of a declared emergency; and

**WHEREAS** for the purpose of this amendment, Council waived the requirements of the Public Notice and Engagement Policy to enable this amendment to the by-law to be approved without public notice;

**THEREFORE COUNCIL ENACTS AS FOLLOWS:**

1. That clause 21 of Section 2 of Procedure By-law 2020-011, as amended, be deleted and replaced with the following:
  - (21) Notwithstanding any other provision in this by-law, a regular or special meeting of Council, or committee of Council, may be conducted by electronic means when it has been determined by the Mayor and Chief Administrative Officer that electronic participation will be required by all or some Members attending a meeting. In person attendance at such meetings may be restricted by the Mayor and Chief Administrative Officer subject to the meeting being open to the public by electronic means.
2. That clause 7 of Section 3 of Procedure By-law 2020-011, as amended, be deleted and replaced with the following:
  - (7) A member unable to attend a Council or committee of Council meeting, may participate in the meeting by electronic means subject to the following:
    - a) Electronic means of participating in a meeting are available.
    - b) Electronic participation must be clear and uninterrupted and allow for two way communication. Should the electronic participation result in any unreasonable delay or interference with the meeting the connection will be discontinued.
    - c) Requests to participate electronically must be received by the Mayor and the Town Clerk by noon the day of the meeting or earlier as the Town Clerk determines necessary.
    - d) The Chair will canvass the Members participating electronically about their intention to speak, ask questions and place motions. After putting a motion to a vote, the member participating electronically will be required to identify verbally or by show of hands visible on video, how they wish to vote.
    - e) Members participating electronically in accordance with Section 3(7) may participate in meetings closed to the public pursuant to Section 6 – Closed Session.
    - f) Members participating electronically and in person shall be counted for the purpose of quorum.

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3. That clause 6 of Section 9 of Procedure By-law 2020-011, as amended, be deleted and replaced with the following:
    - (6) Public presentations may be permitted by way of electronic submission received in advance of the meeting, which shall be submitted to the Town Clerk and approved by the Mayor.
  4. That clause 1 of Section 10 of Procedure By-law 2020-011, as amended, be deleted and replaced with the following:
    - (1) Persons wishing to delegate at Council, Planning and Development Council and any Special Meetings of Council or Council Committee meetings, are encouraged to advise the Clerk, no later than noon on the day of a meeting commencing after six p.m. and by noon on the last business day before a meeting held prior to six p.m. Delegations must provide their name, contact information, association with any organization, if applicable and the agenda item to be addressed.
  5. That clause 11 of Section 10 of Procedure By-law 2020-011, as amended, be deleted and replaced with the following:
    - (11) Public delegations may be permitted by electronic means subject to the following:
      - a) Electronic means of participating in a meeting are available.
      - b) Electronic participation must be clear and uninterrupted and allow for two way communication. Should the electronic participation result in any unreasonable delay or interference with the meeting, the connection will be discontinued.
      - c) Requests to participate electronically in a meeting other than a Public Hearing item must be received by the Town Clerk no later than noon on the day of a meeting commencing after six p.m. and by noon on the last business day before a meeting held prior to six p.m.
      - d) Requests to participate electronically in a Public Hearing item are encouraged to be submitted to the Town Clerk by noon on the last business day before the day of the meeting and will also be received during the meeting if attendance at the meeting by members of the public has been restricted under subsection 2(21).

6. That clause 2 of Section 13.5 of Procedure By-law 2020-011, as amended, be deleted and replaced with the following:

(2) Attendance at a meeting by members of the public shall be in person unless otherwise authorized by the provisions of this by-law.

7. This By-Law shall come into force and effect on the later of the date it is passed and the date Schedule 12 of the *Covid19 Economic Recovery Act, 2020* comes into force.

PASSED this 23<sup>rd</sup> day of July, 2020

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MAYOR

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CLERK



## REPORT

### SPECIAL COUNCIL MEETING

MEETING DATE: JULY 23, 2020

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**FROM:** Human Resources Department

**DATE:** July 21, 2020

**SUBJECT:** **Wearing of Non-Medical Masks and Face Coverings Policy and Procedure**

**LOCATION:**

**WARD:** Town wide

Page 1

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#### RECOMMENDATION:

That the policy, "*Wearing of non-medical masks/face coverings*" attached as Appendix A to the report dated July 21, 2020 from the Human Resources department be approved.

#### KEY FACTS:

The following are key points for consideration with respect to this report:

- Recognizing that the spread of COVID-19 has been declared a pandemic by the World Health Organization on March 11, 2020, and that physical distancing is difficult to maintain in enclosed public places, the Region of Halton passed a temporary by-law that requires the wearing of non-medical masks/face coverings in enclosed public places.
- This By-Law 47-20 – A temporary by-law to require the wearing of non-medical masks/face coverings in enclosed public places in the Regional Municipality of Halton, was passed on July 15, 2020.
- The By-Law requires that every person wear a non-medical mask/face covering when inside an enclosed public place within the geographical area of the Region of Halton.
- All operators of a public place that is open to the public shall ensure that no member of the public is permitted entry to, or otherwise remains within, any enclosed space within the public place, unless the member of the public is wearing a non-medical mask/face covering, unless exempted, in a manner outlined in the by-law.
- In accordance with the by-law, those exempted from the requirement to wear a non-medical mask/face covering in enclosed public places within the Town of Oakville, must be recognized as exempted from the by-law and this

From: Human Resources Department  
Date: July 21, 2020  
Subject: **Wearing of Non-Medical Masks and Face Coverings Policy and Procedure**

procedure, and not discriminated against nor required to provide proof for exemption.

- The town shall put in place facility specific procedures/protocols as required, to implement the Region of Halton's non-medical masks/face coverings By-law 47-20.
- The policy, "Wearing of non-medical masks/face coverings" attached as Appendix A to the report dated July 20, 2020 from the Human Resources department meets the requirements of Halton Region By-Law 47-20 that requires all town facilities to require the wearing of non-medical masks/face coverings in enclosed public spaces.

#### **BACKGROUND:**

- COVID-19 was declared a pandemic by the World Health Organization on March 11, 2020.
- Public Health Ontario is recommending the wearing of masks as a way to reduce the risk of spreading COVID-19 in areas where physical distancing (2 metres distance between individuals) may be challenging or not possible.
- On July 15, 2020, Halton Region passed By-Law 47-20 which requires the wearing of non-medical masks/face coverings in enclosed public spaces.
- Halton Region is currently in Stage 2 of the provincial government's Framework for Reopening our Province.

#### **COMMENT/OPTIONS:**

The policy and associated procedure addresses the requirements of Halton Region By-Law 47-20.

#### **CONSIDERATIONS:**

##### **(A) PUBLIC**

COVID-19 can be spread by infected individuals who have not yet, or may never, develop symptoms of the illness. Public Health Ontario is recommending the wearing of masks as a way to reduce the risk of spreading COVID-19 in areas where physical distancing (2 metres distance between individuals) may be challenging or not possible.

##### **(B) FINANCIAL**

N/A



From: Human Resources Department  
Date: July 21, 2020  
Subject: **Wearing of Non-Medical Masks and Face Coverings Policy and Procedure**

Page 3

**(C) IMPACT ON OTHER DEPARTMENTS & USERS**

All town staff working in a public place must be trained on the requirements of the by-law and any procedures or protocols put in place to uphold the by-law.

**(D) CORPORATE AND/OR DEPARTMENT STRATEGIC GOALS**

This report addresses the corporate strategic goal to:

- be accountable in everything we do

**(E) COMMUNITY SUSTAINABILITY**

Recognizing that the spread of COVID-19 has been declared a pandemic by the World Health Organization on March 11, 2020, and that physical distancing is difficult to maintain in enclosed public places, this policy provides an additional elimination/control measure to help stop the spread of the virus.

**APPENDICES:**

Appendix A: Wearing of non-medical masks/face coverings

Prepared by:  
Julie Clarke  
Director, Human Resources

Submitted by:  
Julie Clarke  
Director, Human Resources

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# **Wearing of non-medical masks / face coverings**

Procedure number: MS-REG-001-006  
Parent policy number: MS-REG-001  
Section: Administration  
Sub-section: Regulatory services  
Author(s): Human Resources  
[ ]  
Authority: Council  
Effective date: 2020-07-23  
Review by date: 2021  
Last modified: 2019-07-20

## **Policy statement**

Recognizing that the spread of COVID-19 has been declared a pandemic by the World Health Organization on March 11, 2020, and that physical distancing is difficult to maintain in enclosed public places, the Corporation of the Town of Oakville supports compliance with the Region of Halton's temporary by-law to require the wearing of non-medical masks/face coverings in enclosed public places in the Town of Oakville.

## **Purpose**

The purpose of this policy is to ensure that all town facilities comply with the Region of Halton's by-law to require the wearing of non-medical masks/face coverings in enclosed public places.

## **Scope**

This procedure applies to every public place owned or operated by the Town of Oakville (town) and every person that enters or works in such public places.

## **References and related documents**

Halton Region By-law 47-20 |

# Procedure

## Purpose Statement

To mitigate the spread of COVID-19 in the workplace by outlining protocols for the wearing of masks/face coverings when entering any Town facility.

## Scope

This procedure applies to town employees, contractors, consultants, and members of the public aged five (5) years or older in all town of Oakville owned or operated facilities.

## Procedure

In accordance with Halton Region By-law 47-20 ('by-law'), every person must wear a non-medical mask/face covering when inside an enclosed public place within the geographical area of the Region of Halton.

All operators of a public place that is open to the public, shall ensure that no member of the public is permitted entry to, or otherwise remains within, any enclosed space within the public place, unless the member of the public is wearing a non-medical mask/face covering, unless exempted, in a manner outlined in the by-law.

In accordance with the by-law, those exempted from the requirement to wear a non-medical mask/face covering in enclosed public places within the Town of Oakville, must be recognized as exempted from the by-law and this procedure, and not discriminated against nor required to provide proof for exemption.

The town shall put in place facility specific procedures/protocols as required to implement the Region of Halton's non-medical masks/face coverings By-law 47-20. All persons working at a public place must be trained on the requirements of the by-law and any procedures or protocols put in place to uphold the by-law.

## Principles

COVID-19 can be spread by infected individuals who have not yet, or may never, develop symptoms of the illness. Public Health Ontario is recommending the wearing of masks as a way to reduce the risk of spreading COVID-19 in areas where physical distancing (2 metres distance between individuals) may be challenging or not possible.

Individuals who are experiencing symptoms of COVID-19 are not to attend the workplace.

Staff protocols in relation to the wearing of mask/face coverings in the workplace will be done in a manner that:

- Recognizes the Corporation's duty to provide a safe workplace for staff in accordance with applicable health and safety legislation
- Recognizes that not all staff may be able to safely wear a mask/face covering
- Is in compliance with Halton Region By-law No. 47-20 or any other subsequent applicable by-law (local or regional) as pertaining to the wearing of masks/face coverings

## **Masks/Face Coverings**

- The wearing of a mask/face covering is intended to accompany other health and safety measures such as physical distancing and frequent hand washing.
- Masks/face coverings should ensure the nose, mouth and chin are securely covered so as to filter respiratory droplets. Masks can be cloth, medical and/or disposable.
- Non-medical and non-N95 masks and face coverings are not considered personal protective equipment.
- Masks are most effective when they are kept clean and are worn properly.
- The Town will issue each staff member non-medical masks for their personal use. The procurement and distribution of masks continues to be centralized through Central Stores.
- A face shield is not a substitute for wearing a face mask as it does not filter respiratory droplets.
- Staff should take care when removing a mask/face covering and avoid touching the front of the mask when removing it. If staff are using a disposable mask, they should be disposed of properly in a lined garbage bin.
- If staff wish to bring in their own masks, staff are reminded that as a representative of the Town their attire (including masks) are expected to reflect a professional image as per the dress code guidelines.

## **Staff Protocols for the Wearing of Masks/Face Coverings**

### Medical Exemptions:

Staff who cannot wear a mask for medical reasons should let their supervisor know so that alternative solutions can be found, if needed, for the staff member to do their job or interact with their coworkers and/or the public. The reason for the exemption and/or medical documentation does not need to be provided. Supervisors are to ensure staff privacy around this issue.

### Public Areas:

Masks/face coverings must be worn by staff in all facilities when:

- Traveling through or stopping in areas that are open to the public (washrooms, public meeting rooms, hallways, common areas, etc.);
- When interacting with members of the public, unless staff is behind a Plexiglas barrier or the interaction is exempted under the By-law;
- Any other circumstance that would fall under By-law No. 47-20.

### Staff Only Areas:

While it is not mandatory for staff to wear a mask in staff only areas where there is no public interaction, it is recommended that staff carry a mask/face covering with them at all times when moving throughout the workplace in the event they are unable to maintain physical distancing with their colleagues. For example, when in washrooms, when in office passageways, kitchenettes, etc.

### Office and Desk Areas:

Controls to ensure that proper physical distancing have been taken into account for work areas by Facilities. Staff who are working in an office or desk-area do not have to wear masks while they are in that area unless a situation arises where proper physical distancing cannot be maintained (i.e. a co-worker visits), then the wearing of a mask is recommended.

### Department and Job Specific Guidelines:

The guidelines above are general and meant to apply to staff in the normal course of their work. For department or job-specific instructions, staff are to speak to their Supervisor.

## **Staff Protocols for Dealing with the Public**

The Halton Region by-law and town policy states that no member of the public aged five (5) years or older is permitted entry to, or otherwise remains within, any enclosed space within the Public Place, unless the member of the public is wearing a Non-Medical Mask/Face Covering, in a manner which covers their mouth, nose and chin. There are however, exemptions set out in the by-law and policy that include:

- i. the person has an underlying medical condition where wearing a Mask or Face Covering would inhibit the person's ability to breathe in any way;

- ii. the person may experience a negative impact to their emotional well-being or mental health;
- iii. the person has a developmental disability which inhibits their ability to wear a mask or face covering;
- iv. the person has a disability whereby the wearing of a mask or face covering would limit their ability to reasonably communicate with others or otherwise present a hardship for a person or persons assisting the individual;
- v. the person is unable to place or remove a Mask or Face Covering without assistance;
- vi. persons temporarily removing their Non-Medical Mask / Face Covering when necessary for receiving services (such as having a meal), or while actively engaging in an athletic or fitness activity; and
- vii. employees and agents of the person responsible for the Public Place within an area designated for them and not for public access, or within or behind a physical barrier.

Where exemptions apply, no person shall be required to provide proof of any of the exemptions set out nor shall the person be discriminated against for not wearing a non-medical mask / face covering due to an exemption.

In such cases, staff are to physically distance themselves at a minimum of 2 metres / 6 feet to provide service. Where physical distancing does not allow service to be provided, the wearing of a face shield, in addition to a mask, may be considered. Staff are reminded to follow proper hand hygiene protocols and avoid touching their face during and after such interactions. Thorough cleaning of the work area where the public interacted is also required. Where staff are not comfortable delivering service they should immediately contact their Supervisor for further direction.

## **Enforcement**

Implementation of the By-Law is education based. Staff are not to enforce the Region's bylaw on the wearing of masks in enclosed public spaces (with the exception of Municipal Enforcement staff as part of their enforcement duties). Members of the public are not to be denied service if they are not wearing a mask/face covering.

If a member of the public is not wearing a mask and staff are unable to physically distance and/or are uncomfortable providing service, they are to contact their supervisor to determine the most appropriate alternative delivery method.

Staff are to manage this like any other situation where they are interacting with an unhappy member of the public and to contact their supervisor if they require assistance.

Only as a last resort should Municipal Enforcement be called to enforce any contravention of the By-law.

## **Definitions**

Public place: as defined by Halton Region's By-law 47-20.

## **Responsibilities**

Facility management is responsible for posting visible signage at all entrances of public places, as required in Halton Region By-law 47-20. Facility management is also responsible for providing a copy of this procedure upon request, in accordance with Halton Region By-law 47-20.

Facility management and/or Human Resources is responsible for ensuring that all persons working at public places are trained in the requirements of this procedure and Halton Region By-law 47-20.

## **Appendices**

Halton Region By-law 47-20







**THE CORPORATION OF THE TOWN OF OAKVILLE**

**BY-LAW NUMBER 2020-092**

A by-law to confirm the proceedings of a special meeting of Council.

**COUNCIL ENACTS AS FOLLOWS:**

1. Subject to Section 3 of this by-law, every decision of Council taken at the meeting at which this by-law is passed and every resolution passed at that meeting shall have the same force and effect as if each and every one of them had been the subject matter of a separate by-law duly enacted.
2. The execution and delivery of all such documents as are required to give effect to the decisions taken at the meeting at which this by-law is passed and the resolutions passed at that meeting are hereby authorized.
3. Nothing in this by-law has the effect of giving to any decision or resolution the status of a by-law where any legal prerequisite to the enactment of a specific by-law has not been satisfied.

PASSED this 23<sup>rd</sup> day of July, 2020

\_\_\_\_\_  
Rob Burton

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Vicki Tytaneck

\_\_\_\_\_  
Town Clerk

