



2021 Division Road North
Kingsville, Ontario N9Y 2Y9
(519) 733-2305
www.kingsville.ca
kingsvilleworks@kingsville.ca

Date: March 18, 2020

To: Mayor and Council

Author: Jennifer Astrologo, Director of Corporate Services
Ryan McLeod, Director of Financial Services

RE: COVID-19 – Municipal Response

Report No.: CS-2020-006

AIM

To provide Council with information regarding the steps taken in response to the global pandemic of COVID-19 (also known as the Coronavirus) and to make recommendations to Council with respect to municipal operations moving forward.

BACKGROUND

On March 11, 2020, the World Health Organization (“WHO”) declared COVID-19 as a pandemic. At that time, WHO advised that there were over 118,000 cases in 114 countries.¹ The next day (March 12), the Minister of Education issued a Ministerial Order to close all publicly funded schools in Ontario from March 14 through to April 5, 2020.

Between March 13 and 15, provincial and federal levels of government warned against non-essential travel outside the country and made recommendations regarding self-isolation upon return. Ontario Hospitals were asked to take a planned approach to ramping down elective surgeries, and the Windsor-Essex County Health Unit (“Health Unit”) made a number of recommendations regarding public events, social distancing and self-isolation for residents and citizens returning from non-essential international travel. At the same time, Kingsville and surrounding municipalities announced cancellations and closures of recreation programs and facilities.

On March 17, Premier Ford declared an emergency under the *Emergency Management and Civil Protection Act* (“EMCPA”). Orders-in-Council were issued in response to the

¹ <https://www.who.int/dg/speeches/detail/who-director-general-s-opening-remarks-at-the-media-briefing-on-covid-19---11-march-2020>

declared state of emergency. Amongst other things, those orders mandated the closure of certain businesses and facilities (i.e. bars and restaurants, private schools, theatres etc.) and prohibited all organized public events of over 50 people. That same day, the Federal Government announced border closures and the redirection of international flights.

On March 18, the Federal Government, working with the U.S. Government, restricted all non-essential cross-border travel for its citizens and residents. On March 20, the City of Windsor declared an emergency and ordered the closure of two major retail shopping centres. At the same time, the Windsor-Essex County's Medical Officer of Health strongly recommended the closure of other business operations, namely retail and personal service businesses.

In addition to these measures, municipalities across Windsor-Essex County have locked their doors to public access. As of March 19, a number of municipalities have taken steps to reduce operations, temporarily suspending all services they deem to be non-essential. Additionally, private businesses across the province that have not been mandated closed have suspended operations, and some have no projected date for reopening.

DISCUSSION

Without a doubt, this situation has escalated quickly and the information changes faster than it can be disseminated.

Since the global pandemic was declared, Administration has taken a number of steps to respond. In addition to educating its workforce about the various directives from the Health Unit and upper levels of government, Administration has implemented several measures to protect the health, safety and well-being of its staff and residents. Those measures include, but are not limited to, preparing screening questions for visitors, enhancing cleaning and sanitization efforts, mandating self-isolation for those returning from international travel or those experiencing symptoms of the virus, and restricting public access to the municipal offices and facilities.

However, acknowledging that this pandemic could persist much longer than the 2-week period following March Break, Administration recommends that Council consider the following:

- Amending the Procedure By-law to allow for electronic participation in meetings;
- Amending the delegation of authority with respect to the approval of certain capital projects; and
- Temporarily eliminating and/or reducing the scheduled Regular Meetings of Council.

Procedure By-law Amendment – Electronic Meeting Participation

Section 238(3.1) of the *Municipal Act, 2001*, allows municipalities to include a provision in their procedure by-law for electronic participation in meetings. However, under that

provision, members participating electronically do not count toward quorum, and are not allowed to participate in meetings closed to the public.²

On March 19 and in response to the global pandemic, COVID-19, the Ontario Legislature enacted the *Municipal Emergency Act, 2020* (“Act”). This piece of legislation broadens municipal authority with respect to holding electronic meetings in circumstances where an emergency has been declared under section 4 or 7.0.1 of the *EMCPA*. Those sections contemplate an emergency being declared by a municipality, or by the province.

In this regard and when an emergency is declared, these new provisions permit members of council to meet electronically and such electronic participation may be counted toward fulfilling the quorum requirements of the meeting. They also permit electronic participants to participate in meetings closed to the public.

In order to take advantage of those provisions, Council must amend the Procedure By-law. A draft amending by-law is attached as Appendix “A” for Council’s consideration. The by-law proposes the following:

- To permit Council to meet electronically when an emergency has been declared by the municipality or province.
- Electronic participation is open to all members of Council, with the exception that the Chair of the meeting be present at the meeting site.
- Members participating electronically would count towards quorum and be permitted to participate in meetings closed to the public.
- Members participating electronically would be required to verbally declare how they wish to vote when the chair calls the question.

Delegation of Authority for Procurement

The Town’s Procurement Policy currently requires Council’s approval for all contracts awarded in excess of \$50,000. As the number of meetings during the COVID-19 outbreak may be reduced, Management is requesting the following expanded authority while the Province is under a state of emergency:

- To permit the Director of Corporate Services and Director of Financial Services to jointly approve contracts up to \$500,000, provided that such works are within the scope and budget limits approved in the 2020 Municipal Budget. A report will be provided to Council at the next available meeting to advise them of any contracts awarded under this expanded authority.

Attached at Appendix “B” is a draft by-law for Council’s consideration.

Council should be aware that Kingsville’s existing procurement policy allows a Department Head, when an emergency situation occurs, to immediately purchase goods and services essential to prevent safety hazards, serious delays and further damage or to restore

² *Municipal Act, 2001*, ss. 238(3.1) and (3.2)

minimum service levels. In the event that such purchases are greater than \$50,000, a report will be brought forward to Council outlining the emergency and the required procurements as soon after the emergency situation as practical. To assist with any such reporting requirements, a separate general ledger account has been created for tracking COVID Response expenses

Municipal Operations

As you are well aware, this global pandemic has interrupted municipal operations.

Recreations programs were cancelled and all municipal facilities closed effective March 15. Since that time, the municipal offices have been closed to the public and only permitting access to the building in limited circumstances. Committee meetings have been postponed at this time. Residents have been requested to conduct their business through the Town's website or over the phone. All non-essential administrative meetings with the public are being cancelled or conducted electronically. Moreover, the Town has enhanced its sanitization and disinfecting practices in an effort to protect the staff and public.

Staff have been supplied with a number of internal memos designed at educating them about COVID-19 and the safety precautions that they should take aimed at preventing contraction of the virus (i.e. social distancing, frequent handwashing, etc.). In this regard and for the health and safety of Council and staff, Administration recommends that Council consider cancelling its next Regular Meeting with the possibility of cancelling both Regular Meetings scheduled for the month of April. There are no public meeting matters nearing the legislative deadlines and there is no business so immediately pressing at this time that would require a meeting. Moreover, the current set up in Council Chambers is not conducive to adhering to the social distancing recommendations. If urgent businesses arises, a Special Meeting can be called, or the business item can be placed on the April 27 Regular Meeting Agenda.

As the outbreak of the Coronavirus will undoubtedly have a significant financial impact on the residents of Kingsville, Management is proposing to waive all penalties and interest on Tax and Water accounts until April 30th. Waiving the penalties and interest to April 30th will provide residents and businesses with the flexibility to manager their cash flows during this time of crisis, without additional financial hardship. For clarity, any residents on a pre-authorized payment plan will continue to have their payments withdrawn as previously scheduled, unless the residents provide us with alternative direction.

Waving these penalties will represent approximately \$25,000 in lost interest revenue for the Municipality. Management is currently reviewing the possibility of additional interest and penalty reductions; however, the implications of such strategies need to be carefully considered in light of the Town's own cash flow requirements.

LINK TO STRATEGIC PLAN

To promote a safe community.

FINANCIAL CONSIDERATIONS

Waiving penalties will represent approximately \$25,000 in lost revenue for the Town.

CONSULTATIONS

Senior Management Team

RECOMMENDATION

That Council adopt By-law 36-2020, being a by-law to amend the Procedure By-law (By-law 55-2016) to allow Council Members to electronically participate in Council Meetings;

And That, Council adopt By-law 38-2020, being a by-law to delegate authority to the Director of Corporate Services and the Director of Financial Services to jointly award contracts up to a monetary limit of \$500,000 provided that the works are within the scope and budget limits of the 2020 Budget;

And That, Council cancel the April 14 Regular Meeting and allow the Mayor to make a determination regarding the cancellation of the April 27 Regular Meeting;

And That, interest and penalties be waived for tax and water accounts through to April 30;

And That, Council endorse the actions taken by Administration thus far in the wake of the COVID-19 pandemic to maintain the health and safety of employees and members of the community.

Jennifer Astrologo

Jennifer Astrologo, B.H.K. (hons), LL.B
Director of Corporate Services

Ryan McLeod

Ryan McLeod, CPA, CA
Director of Financial Services