



Corporate Services, Strategy, Risk and Accountability Committee Meeting

Minutes

Date: July 9, 2020
Time: 9:30 am
Location: Council Chambers - members participating remotely

Members Present: Rory Nisan (Chair), Paul Sharman, Kelvin Galbraith, Lisa Kearns, Shawna Stolte, Angelo Bentivegna, Mayor Marianne Meed Ward

Staff Present: Tim Commisso, Kwab Ako-Adjei, Nick Anastasopoulos, Kevin Arjoon, Mary Battaglia, Joan Ford, Chris Glenn, Scott Hamilton, Sheila Jones, Heather MacDonald, Allan Magi, Angela Morgan, Nancy Shea-Nicol, Christine Swenor, Jamie Tellier, David Thompson (Audio/Video Specialist), Georgie Gartside (Clerk)

1. Declarations of Interest:

Councillor Galbraith declared an interest with:

- L-11-20 confidential update on a litigation matter; and
- L-15-20 Appendix C confidential litigation update Feb. 1 – May 31, 2020

as his home residence is within 50 metres of the subject matter. Councillor Galbraith previously declared a conflict on this matter and as such, did not receive report L-11-20 or Appendix C of L-15-20.

2. Delegation(s):

- 2.1 Jim Young spoke in support of a mandatory mask bylaw. (MO-07-20)
- 2.2 Anthony Veres spoke in opposition of a mandatory mask bylaw. (MO-07-20)
- 2.3 Greg Pesic spoke regarding a mandatory mask bylaw, asking that provision be made for those who are unable to wear a mask. (MO-07-20)

3. Consent Items:

3.1 Appointment of auditors for Burlington Enterprises Corporation (F-32-20)

Moved by Mayor Meed Ward

Approve the appointment of the firm of KPMG as corporate auditors for the Burlington Enterprises group of companies for the five fiscal years 2020-2024.

CARRIED

4. Regular Items:

4.1 Mandatory mask bylaw (MO-07-20)

Moved by Councillor Stolte

1. Council approve the following motion:

Whereas the spread of COVID-19 has been declared a pandemic by the World Health Organization, the City of Burlington has declared a State of Emergency, and the province remains under emergency orders due to the health risks to Ontario residents arising from COVID-19; and

Whereas COVID-19 continues to be present within the City of Burlington and surrounding municipalities, and is a disease that is readily communicable from person to person, even with minimal or no signs of symptoms or illness, and carrying a risk of serious complications such as pneumonia or respiratory failure, multiple organ failure, kidney failure, liver failure, neurological complications, and may result in death; and

Whereas there is a growing body of evidence on the effectiveness of masks and face coverings to act as a barrier to prevent the spread of COVID-19; and

Whereas the wearing of masks and face coverings may act as an ongoing visual clue and reminder that public health measures, including hand-washing and maintaining a safe physical distance from others, are still required, that the COVID-19 pandemic is ongoing and that a resurgence of local disease activity remains an ongoing threat; and

Whereas the Province of Ontario has enacted O. Reg.263/20 (Stage 2 Closures) under Subsection 7.0.2 (4) of Emergency Management and Civil Protection Act to permit certain businesses to reopen for attendance by members of the public subject to conditions, including the advice, recommendations and instructions of public health officials; and

Whereas physical distancing can be difficult to maintain in enclosed, indoor spaces open to the public; and

Whereas the City of Burlington wants to be prepared for the eventual Stage 3 reopenings under the provincial Emergency Management and Civil Protection Act, and use every tool available to protect residents from a resurgence of COVID-19;

Therefore, be it resolved that Burlington City Council enact a temporary bylaw requiring individuals, organizations or corporations that are responsible for the operation of a facility or business, which have indoor, enclosed spaces open to the public, to ensure no member of the public is permitted unless wearing a mask or face covering in a manner which covers their mouth, nose and chin, subject to the exemptions below, to help limit the spread of COVID-19; and

That the operator of such facilities or businesses that are open to the public, shall conspicuously post at all entrances to the facility or business clearly visible signage outlining the requirements and exemptions of this bylaw; and

That that members of the public attending facilities or businesses that are open to the public shall wear a mask or face covering in a manner which covers their mouth, nose and chin, subject to the exemptions below, and unless it is reasonably required to temporarily remove the covering to access services provided by the establishment, or while actively engaging in an athletic or fitness activity during physical activity, and exemptions may be accommodated if:

- a. The person is under three years of age.
- b. The person has an underlying medical condition or developmental disability which inhibits their ability to wear a mask or face covering, or other physical disability whereby the wearing of a mask or face covering would limit their ability to reasonably communicate with others.
- c. Wearing a face covering would inhibit the person's ability to breathe in any way.
- d. The person is unable to place or remove a mask or face covering without assistance.
- e. Employees and agents of the person responsible for the establishment are within an area designated for them and not for public access, or within or behind a physical barrier.

- f. Staff identify any other such exemptions that may be advisable, **including emotional well-being, mental health, summer camps and registered activities**; and

That employees working with members of the public in an enclosed, indoor space must also wear a mask or face covering, unless they are in an area not for public access, or they meet one of the exemptions; and

That employees or members of the public shall not be required to provide proof of any of the exemptions set out herein; and

That the bylaw apply to all City of Burlington indoor facilities open to the public such as community centres, city hall, libraries, art gallery, performing arts centre, and public transit; and

That the bylaw be in force for a temporary period of time, beginning July 20 and expiring September 30, 2020, unless extended or revoked by City Council; and

That the Executive Director of Legal Services & Corporation Counsel be directed to prepare the necessary bylaw for consideration by City Council on July 13, 2020; and

That the Director of Corporate Communications & Government Relations be directed to develop a communications campaign during the first month the bylaw comes into force and effect to assist residents and businesses to understand the bylaw and exemptions, assist with voluntary compliance, and where people can acquire masks; and

That council request that the Region of Halton present a mandatory mask bylaw for consideration by Regional Council at its meeting of July 15, 2020 to ensure consistency across the region; and

That council request the Province of Ontario to enact a mandatory mask order under the Emergency Management and Civil Protection Act for those regions that have entered Stage 2 reopening, and/or will enter Stage 3 reopening; and

That council request the Government of Canada to enact a mandatory mask policy; and

That this report be circulated to the Region of Halton, Towns of Halton Hills, Oakville and Milton, all Halton Members of Provincial Parliament, Members of Parliament, the Federation of Canadian Municipalities, and the Association of Municipalities of Ontario.

2. Direct the Chief Financial Officer to establish an initial grant of \$10,000 to provide non-medical masks free of charge for community members funded from the city's COVID-19 account, and direct the City Manager's Office to report back to the August 13, 2020 Corporate Services, Strategy, Risk and Accountability Committee on a plan for providing masks to in-need community members including **the consideration of** such additional options as:

- a. seeking a sponsor to fund or procure/provide masks that would be supplied free of charge to the public, with the sponsor and/or city logo displayed on the mask, and distributed by the city or through the sponsor;
- b. issuing a request for proposals to local businesses to provide a quote on the cost to supply the city with masks that can be distributed to the public, either by the city or by the business, then billed to the city;
- c. purchasing masks that can be distributed to members of the public, on a request basis, or made available at the entry to city facilities, once opened;
- d. providing grant funding to residents to purchase their own mask, subject to quantity and cost limitations, and an application process;
- e. other options as they may arise.

3. Direct the City Manager to report back to the August 13, 2020 Corporate Services, Strategy, Risk and Accountability Committee on potential grant funding for businesses and commercial establishments to assist with the cost of signage and masks as mandated by this bylaw, retroactive to the effective in-force date of the bylaw, subject to appropriate criteria.

4. That City Council seek matching funding from Halton Region at 50% or more of total costs to implement assistance to residents and businesses, given the Region's role in health care delivery, social service delivery and business supports.

The following friendly amendments were made to the above motion:

- 1. from Councillor Kearns and Mayor Meed Ward - add the words "including emotional well-being, mental health, summer camps and registered activities" as shown in bold above.

2. from Councillor Kearns - remove the words "who lack the financial mean to purchase them, via application and submission of receipts" from paragraph 2.
3. from Councillor Nisan - add the words "the consideration of" to paragraph 2 as shown in bold.

CARRIED

4.2 Diversity and inclusivity update (HR-03-20)

Moved by Mayor Meed Ward

Receive and file human resources department report HR-03-20 regarding a diversity and inclusivity update.

CARRIED

4.3 Investigation report from Burlington Ombudsman MUN-472-0819 (CL-13-20)

Moved by Mayor Meed Ward

Receive the investigation report from ADR Chambers, Ombudsman for the City of Burlington.

CARRIED

4.4 COVID-19 emergency response verbal update (CSSRA-05-20)

Note: this item was approved at the Special Council meeting of July 9, 2020.

Moved by Councillor Galbraith

Direct the Executive Director of Environment, Infrastructure and Community Services to implement the short-term strategy to manage beach user capacity and parking at Beachway Park as part of the City of Burlington COVID-19 emergency response, charging the associated costs to the COVID-19 account; and

Direct the Executive Director of Environment, Infrastructure and Community Services to work with the Region of Halton to investigate opportunities to implement reserved, paid parking at Beachway Park and report to council by March 2021 on options.

CARRIED

4.5 Service re-design interim modifications and resumptions (CM-18-20)

Note: this item was approved at the Special Council meeting of July 9, 2020.

Moved by Councillor Kearns

Direct the City Manager to proceed with implementing the interim service delivery program recommendations as outlined in Appendix A and B of city manager's office report CM-18-20 related to adult and older adult programming and festival and events – recreation services respectively; and

Receive and file Appendix C of city manager's office report CM-18-20 providing interim service delivery modifications approved by the Burlington Leadership Team, Emergency Control Group and/or service leads for park ambassadors – recreation services; and

Receive and file Appendix D of city manager's office report CM-18-20 providing interim service delivery modifications approved by the library board for the Burlington Public Library; and

Receive and file Appendix E and F of city manager's office report CM-18-20 providing interim service delivery modifications for the Burlington Art Gallery and the Burlington Performing Arts Centre respectively; and

Direct the Chief Financial Officer to track and monitor the financial implications of the above service delivery program changes in the ongoing COVID-19 financial impact reporting to Council.

CARRIED

4.6 Establishment of a lobbyist registry (CSSRA-06-20)

Moved by Mayor Meed Ward

Refer memorandum from Councillor Lisa Kearns regarding the establishment of a lobbyist registry to the July 13, 2020 City Council meeting. (CSSRA-06-20)

CARRIED

5. Confidential Items:

5.1 Confidential legal advice respecting a planning matter (L-18-20)

Moved by Councillor Galbraith

Authorize the Executive Director of Legal Services or her designate to proceed in accordance with the instructions given in confidential legal department report L-18-20.

CARRIED

5.2 Confidential COVID-19 emergency response verbal update (if required)

Moved by Mayor Meed Ward

Refer confidential COVID-19 emergency response verbal update (if required) to the July 13, 2020 City Council meeting.

CARRIED

5.3 Confidential organizational update (verbal)

Moved by Mayor Meed Ward

Refer the confidential organizational update to the July 13, 2020 City Council meeting.

CARRIED

5.4 Confidential contingency report - May 31, 2020 (F-31-20)

Moved by Mayor Meed Ward

Refer confidential finance department report F-31-20 regarding the reserve for contingencies as at May 31, 2020 to the July 13, 2020 City Council meeting.

CARRIED

5.5 Confidential update on a litigation matter (L-11-20)

Moved by Mayor Meed Ward

Refer confidential legal department report L-11-20 regarding a litigation matter to the July 13, 2020 City Council meeting.

CARRIED

5.6 Confidential litigation update February 1 to May 31, 2020 (L-15-20)

Moved by Mayor Meed Ward

Refer confidential legal department report L-15-20 providing the litigation update - February 1 to May 31, 2020 to the July 13, 2020 City Council meeting.

CARRIED

5.7 Confidential human resources matter (verbal)

Moved by Mayor Meed Ward

Refer the confidential human resources matter to the July 13, 2020 City Council meeting.

CARRIED

6. Procedural Motions:

6.1 Motion to proceed into closed session

Moved by Mayor Meed Ward

Move into closed session in accordance with the following provisions under the Municipal Act, sections 239(2)(f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose, with respect to confidential legal department report L-18-20 regarding legal advice respecting a planning matter.

CARRIED

7. Information Items:

Moved by Councillor Kearns

Receive and file the following ten items, having been given due consideration by the Corporate Services, Strategy, Risk and Accountability Committee.

CARRIED

- 7.1 Delegation material from Jim Young regarding mandatory mask bylaw (MO-07-20)
- 7.2 Delegation material from Anthony Veres regarding mandatory mask bylaw (MO-07-20)
- 7.3 Delegation material from Greg Pesic regarding mandatory mask bylaw (MO-07-20)
- 7.4 Correspondence from Wayne Bertoia regarding mandatory mask bylaw (MO-07-20)
- 7.5 Correspondence from Jennifer Keenan regarding mandatory mask bylaw (MO-07-20)
- 7.6 Correspondence from Julie regarding mandatory mask bylaw (MO-07-20)
- 7.7 Correspondence from Drew Bertoia regarding mandatory mask bylaw (MO-07-20)
- 7.8 Correspondence from Dr. Hamidah Meghani, Region of Halton's Medical Officer of Health, regarding mandatory mask bylaw (MO-07-20)
- 7.9 Correspondence from Michelle regarding mandatory mask bylaw (MO-07-20)
- 7.10 Staff presentation regarding COVID-19 emergency response verbal update (CSSRA-05-20)

8. Staff Remarks:

9. Committee Remarks:

10. Adjournment:

10:51 a.m. (recessed), 11:02 a.m. (reconvened), 12:55 p.m. (recessed), 2:01 p.m. (reconvened), 2:02 p.m. (closed), 2:56 p.m. (public), 4:05 p.m. (recessed), 4:12 p.m. (reconvened)

Chair adjourned the meeting at 5:35 p.m.