

THE REGIONAL MUNICIPALITY OF PEEL

BY-LAW NUMBER 55-2020

**A by-law to amend the Region of Peel Procedure
By-law 56-2019 to allow for electronic participation
at meetings and proxy voting.**

WHEREAS the *Municipal Act, 2001*, S.O. 2001, c. 25, section 238 provides that a municipality shall establish a procedure by-law to govern meetings;

AND WHEREAS, the Council of The Corporation of the Regional Municipality of Peel has enacted Procedure By-law 56-2019;

AND WHEREAS, Bill 197 *The COVID-19 Economic Recovery Act, 2020* is expected to be enacted by the Province of Ontario to amend the *Municipal Act, 2001*, to repeal and replace section 238 (3.1) and 238 (3.3) to provide that a member of council, of a local board or of a committee of either of them, can participate electronically in a meeting to the extent and in the manner set out the Procedure By-law;

AND WHEREAS, *The COVID-19 Economic Recovery Act, 2020* to be enacted amends the *Municipal Act, 2001* by adding section 243 to permit a municipal Procedure By-law to provide for proxy voting;

AND WHEREAS, The Regional Municipality of Peel considers it desirable for members to be able to participate in Council meetings electronically;

AND WHEREAS, The Regional Municipality of Peel considers it desirable for a member of council to appoint another member of council as a proxy to act in their place when they are absent, subject to certain rules;

NOW THEREFORE, subject to the enactment of *The COVID-19 Economic Recovery Act, 2020* the Council of the Regional Corporation enacts as follows:

1. That Procedure By-law 56-2019 is hereby amended by adding the following to section 1.2:

1.2 DEFINITIONS

“proxyholder” means a member of Regional Council who has been appointed by another member of council as a proxy to act in their place when they are absent subject to the rules set out in section 243 of the *Municipal Act, 2001*, as amended, and in accordance with the process attached as Appendix 7 to this by-law.

2. That section 1.2.24 is amended to include that the name of a member of council for whom a proxyholder is voting shall be recorded and the vote cast on behalf of that member.

3. That section 4.5.1 is amended by adding the following:
 - a. A member of council, of a local board or of a committee of either of them, can participate electronically in a meeting that is open or closed to the public and may be counted in determining whether or not a quorum of members is present at any time during the meeting.
 - b. A proxyholder, appointed in accordance with Section 243 of the *Municipal Act, 2001*, as amended, shall be counted as one member and shall not be counted as both the appointing member and the proxyholder.
4. That section 4.5.7 is amended by striking the words “and place”.
5. That section 5.12 is amended by adding the following:
 - 5.12.4 A member who has a pecuniary interest described in section 5 (1) of the *Municipal Conflict of Interest Act* in a matter to be considered at a meeting shall not, if the interest is known to the member, appoint a proxy in respect of the matter.
 - 5.12.5 A proxyholder who is disabled from participating in a meeting under the *Municipal Conflict of Interest Act* may not participate in the meeting in the place of an appointing member.
7. That section 7 is amended by deleting the words “and in his/her seat” throughout that section; and, striking the words “occupy his or her seat” and replacing them with “remain present”.
8. That section 7.2.3 is amended by adding the following:
 - c. asking a proxyholder to indicate their vote and the vote of the member who appointed them.
9. That Schedule ‘A’ as attached hereto, titled “Appointing a Member of Council as a Proxy”, be included as Appendix 7 to Procedure By-law 56-2019.

READ THREE TIMES AND PASSED IN OPEN COUNCIL this 23rd day of July 2020.

K. Lockyer

Regional Clerk

N. Iannicca

Regional Chair

**APPENDIX 7
BY-LAW 56-2019**

APPOINTING A MEMBER OF COUNCIL AS A PROXY

Proxy Vote

A member of council may appoint another member of council as a proxy to act in their place when they are absent subject to the following rules: (*Municipal Act*, s.243)

- a) A member of a local council appointed as an alternate member of the upper-tier council under section 267 of the *Municipal Act* may appoint a member of the upper-tier council as a proxy to act in their place when they are absent from the upper-tier council.
- b) A member who is unable to attend a meeting of the upper-tier council and for whom an alternate member is appointed under section 267 shall not appoint a proxy.
- c) A member appointed as an alternate member of the upper-tier council under Section 268 shall not appoint a proxy.
- d) A member who is unable to attend a meeting of the upper-tier council and for whom an alternate member is appointed shall not appoint a proxy if the appointed member is acting on their behalf at the meeting.

Rules re Proxy Votes

The following rules apply with respect to the appointment of another member of council to act as a proxy:

- a) a member shall not appoint a proxy unless the proxyholder is a member of the same council as the appointing member.
- b) A member shall not act as a proxy for more than one member of council at any one time.
- c) The member appointing the proxy shall notify the Clerk of the appointment in accordance with the process established by the clerk.
- d) For the purpose of determining whether or not a quorum of members is present at any point in time, a proxyholder shall be counted as one member and shall not be counted as both the appointing member and the proxyholder.
- e) A proxy shall be revoked if the appointing member or the proxyholder requests that the proxy be revoked and complies with the proxy revocation process established by the Clerk.
- f) Where a recorded vote is to be taken, the clerk shall record the name of each proxyholder, the name of the member of council for whom the proxyholder is voting and the vote cast on behalf of that member.
- g) A member who appoints a proxy for a meeting shall be considered absent from the meeting for the purposes of determining whether the office of the member is vacant under section 259(1) (c) of the *Municipal Act*.

Pecuniary Interest

A member who has a pecuniary interest described in subsection 5 (1) of the *Municipal Conflict of Interest Act* in a matter to be considered at a meeting shall not, if the interest is known to the member, appoint a proxy in respect of the matter.

If, after appointing a proxy, a member discovers that they have a pecuniary interest described in subsection 5 (1) of the *Municipal Conflict of Interest Act* in a matter to be considered at a meeting that is to be attended by the proxyholder, the member shall, as soon as possible,

- a) notify the proxyholder of the interest in the matter and indicate that the proxy will be revoked in respect of the matter; and
- b) request that the clerk revoke the proxy with respect to the matter in accordance with the proxy revocation process established by the clerk.

For greater certainty, if, after appointing a proxy, a member discovers that they have a pecuniary interest described in subsection 5 (1) of the *Municipal Conflict of Interest Act* in a matter that was considered at a meeting attended by the proxyholder, the appointing member shall comply with subsection 5 (3) of the *Municipal Conflict of Interest Act* with respect to the interest at the next meeting attended by the appointing member after they discover the interest.

For greater certainty, nothing in this section authorizes a proxyholder who is disabled from participating in a meeting under the *Municipal Conflict of Interest Act* from participating in the meeting in the place of an appointing member.

Process for Appoint a Member of Council as a Proxy

1. A Regional Councillor shall simultaneously notify (in writing) the City Clerk, Regional Clerk, proxyholder and Regional Chair of their absence as soon as possible before the scheduled commencement of a Region of Peel Council meeting.
2. The City Clerk shall notify (in writing) all local municipal Councillors of the designation of the proxy member for the Regional Council meeting.
3. If the Regional Councillor who was to be absent, and after notification has been provided in writing wishes to revoke the proxy, notice (in writing) of the revocation shall be given, prior to the commencement of the meeting, to the City Clerk, Regional Clerk, proxyholder and Regional Chair.