
REPORT TITLE: **The *COVID-19 Economic Recovery Act, 2020* – Electronic Participation in Meetings and Proxy Voting**

FROM: Kathryn Lockyer, Interim Commissioner of Corporate Services

RECOMMENDATION

That, upon Bill 197 receiving Royal Assent, amendments to the Region of Peel Procedure By-law 56-2019, attached as Appendix I to the report of the Interim Commissioner of Corporate Services titled “The *COVID-19 Economic Recovery Act, 2020* – Electronic Participation in Meetings and Proxy Voting”, be approved;

And further, that the process for appointing a proxy member, attached as Appendix II to the subject report, be approved;

And further, that a by-law to amend the Region of Peel Procedure By-law regarding electronic participation at meetings and proxy voting, be presented for enactment.

REPORT HIGHLIGHTS

- The *COVID-19 Economic Recovery Act, 2020* is expected to receive Royal Assent and includes revisions to the *Municipal Act, 2001*.
 - *Municipal Act* amendments allow electronic participation in open and closed meetings, with electronic participants being counted towards quorum.
 - *Municipal Act* amendments permit a municipal procedure by-law to provide that a member of council may appoint another member of council as a proxy to act in their place when they are absent.
 - Amendments to the Region of Peel Procedure By-law are required to permit electronic participation at meetings and to provide for proxy voting.
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DISCUSSION

1. Background

The *Municipal Emergency Act, 2020* provides that, during a declared municipal or provincial emergency, a municipality’s procedure by-law may be amended to provide that members of council, local boards and committees may participate electronically in open and closed meetings and be counted for the purposes of quorum.

At a Special Meeting of Regional Council held on March 26, 2020, Regional Council enacted By-law 23-2020 to amend the Region of Peel Procedure By-law to enable electronic meetings to be held during a period of declared emergency.

On December 19, 2019, Regional Council, by Resolution 2019-1153, approved a recommendation from the Regional Council Policies and Procedures Committee that the

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Region of Peel initiate the option to use Council's authority under the *Municipal Act* to provide an additional vote to one of Mississauga's Regional Council members when another is absent, subject to certain procedural requirements.

Resolution 2019-1153 recognized that while both the City of Brampton and the Town of Caledon passed by-laws appointing alternate members pursuant to s. 268 of the *Municipal Act, 2001* to attend Peel Regional Council meetings, the City of Mississauga was disadvantaged as the only lower-tier municipality in Ontario that cannot appoint an alternate pursuant to the *Act*, given that all its members are also Regional Councillors.

2. Amendments to the Municipal Act, 2001

The *COVID-19 Economic Recovery Act, 2020* (the *Act*) is expected to receive Royal Assent. The *Act* is aimed at giving municipalities and their communities the tools they need to spur recovery efforts. The *Act* sets out revisions to multiple Acts, including the *Municipal Act, 2001*, as amended, with respect to electronic participation at meetings and proxy voting.

The *Act* also provides that a special meeting may be held to amend the procedure by-law related to electronic participation and that the members of the council may participate in that meeting electronically and be counted towards quorum.

a) Electronic Participation in Meetings

Currently, members of council, local boards and committees may only participate electronically in open and closed meetings, and be counted for the purposes of quorum, during a Declaration of Emergency made by either the Province of Ontario or the municipality under the *Emergency Management and Civil Protection Act*.

The *COVID-19 Economic Recovery Act, 2020* amends the *Municipal Act, 2001* to allow electronic participation, in open and closed meetings, to occur outside of an emergency; with electronic participants being counted towards quorum.

b) Proxy Voting

The *COVID-19 Economic Recovery Act, 2020* amendments to the *Municipal Act, 2001*, permit a municipal procedure by-law to provide that a member of council may appoint another member of council as a proxy to act in their place when they are absent subject to certain rules:

1. A member shall not appoint a proxy unless the proxyholder is a member of the same council as the appointing member.
2. A member shall not act as a proxy for more than one member of council at any one time.
3. The member appointing the proxy shall notify the clerk of the appointment in accordance with the process established by the clerk.
4. 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 appointing member and the proxyholder.
5. 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.

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6. Where a recorded vote is requested, under section 246, 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.
7. A member who appoints a proxy for a meeting shall be considered absent from the meeting for purposes of determining whether the office of the member is vacant under clause 259(1) (c).

A member who has a pecuniary interest 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.

Alternate members appointed by the City of Brampton and the Town of Caledon under section 267 of the *Municipal Act* to act in place of an absent member for a period exceeding one month 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.

Alternate members appointed by the City of Brampton and the Town of Caledon under section 268 of the *Municipal Act* to act in place of an absent member for a meeting of the upper-tier council shall not appoint a proxy.

There are no provisions that would prevent a member from the City of Brampton or the Town of Caledon from having their appointed alternate attend a meeting on their behalf, in addition to other members of that local council who are going to be absent, appointing proxies, provided that quorum requirements are met.

3. Proposed Direction

Appendix I lists proposed amendments to the Region of Peel Procedure By-law 56-2019, to facilitate electronic participation in meetings.

It is proposed that the Emergency Electronic Meeting Procedures for Regional Council and Committee Meetings, attached as Appendix 6 to the Region of Peel Procedure By-law, be applied at any meeting at which a member(s) attends electronically, with minor modifications as required.

A proposed process for appointing a proxy member is attached as Appendix II. The proposed process is consistent with the process that is in place for the appointment of an alternate member.

RISK CONSIDERATIONS

The ability for members to participate electronically in meetings and be counted for quorum will help to ensure the continuity of Regional business when a member(s) is unable to attend in-person.

The adoption of a process for appointing a proxy member would enable the City of Mississauga to preserve its voting weight at a Regional Council meeting when one of its members is absent and would have the same practical effect as if Mississauga could appoint an alternate member.

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APPENDICES

Appendix I – Proposed Amendments to the Region of Peel Procedure By-law 56-2019

Appendix II – Proposed Process for Appointing a Proxy Member

For further information regarding this report, please contact Kathryn Lockyer, Regional Clerk and Interim Commissioner of Corporate Services, Ext. 4325, Kathryn.lockyer@peelregion.ca.

Authored By: Christine Thomson, Legislative Specialist

Reviewed and/or approved in workflow by:

Department Commissioner and Legal Services.

Final approval is by the Chief Administrative Officer.



N. Polsinelli, Interim Chief Administrative Officer