

Subject: Update Report – Proxy Voting for Members of Council**Recommendation:**

BE IT RESOLVED THAT Council receive Report #2021-00064, Update Report – Proxy Voting for Members of Council;

AND THAT Council further receive Report 2021-0001, consideration of Procedure By-law Amendment, Proxy Voting for Absent Municipal Council Members, Bill 197, attached as Appendix 1, which was referred to a future meeting;

AND THAT Council not proceed with amendments to the Procedure By-law to permit Proxy Voting by Members of Council.

Background:

For a full review and analysis of amendments to the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, pursuant to Bill 197, *COVID-19 Economic Recovery Act* which introduced new provisions to allow for proxy voting by Members of Council, please refer to Report # 2021-0001 dated February 1, 2021.

Council reviewed Report 2021-0001 on February 1, 2021 and referred consideration to a future meeting. The Report was not formally received. Some of the comments to support proxy voting included an unexpected or last-minute situation to prevent attendance, such as hospitalization or a sudden family matter. In contrast, additional comments indicated an inability to support proxy voting for reasons outlined in the Report and the importance associated with debate on matters before Council. Staff was subsequently directed as follows:

THAT consideration of Agenda Item 10.2.5, Procedure By-law Amendment regarding Proxy Voting for Absent Municipal Council Members, be postponed until the Second quarter of 2021, pending receipt of additional information regarding what other Ontario municipalities are doing and the parameters they will use if proxy voting is approved; AND THAT staff be directed to bring the matter back to Council for consideration once said additional information is available.

For the information of Council, decisions by Ontario municipal councils to support proxy voting remain essentially unchanged since the February report in that there appears to be little support across Ontario for this initiative. The single example found of how proxy voting is used relates to the Region of Peel, explained in the Analysis section of this Report. Based on conversations with peers, it appears that no other municipality in Niagara intends to adopt proxy voting.

Analysis:

Since the Council meeting of February 1, 2021, only one example has been found as it pertains to the use of proxy appointments, being the Region of Peel.

The Region of Peel is the upper tier level of government encompassing Brampton, Caledon and Mississauga. Peel Regional Council is comprised of 25 members including a Regional Chair, the Mayors of Brampton, Caledon and Mississauga and Council Members representing wards from each city or town. Some Regional Councillors from Brampton and Caledon represent two wards from the lower tier. Mississauga is represented by each of its Ward Councillors.

The City of Mississauga is the only municipality using proxy voting, as it does not have the option of appointing alternatives whereas Brampton and Caledon have this capability, due to the shared representative capacity. To further explain, for the City of Mississauga, all local municipal councillors sit at the Regional level as well as the City Council. In contrast, Brampton and Caledon each have some Regional representatives serving two local wards, and have the ability to appoint an alternate local Councillor to attend the upper tier meeting in their absence. Mississauga was afforded the opportunity to appoint a proxy at the Regional table, but may only appoint a fellow Mississauga Councillor to vote on its behalf. If this rationale were to be applied to Pelham, it would equate to representation by Ward, meaning that a Ward One Councillor could only appoint the other Ward One Councillor as their proxy, and the same for Wards Two and Three.

For the reasons outlined in the February 1, 2021 Report analysis, staff is not recommending the adoption of Proxy voting given the fact that a proxy appointee does not count toward quorum and that a legal meeting can occur as long as a quorum is achieved and maintained. This Council has not found it necessary to cancel or postpone any meetings due to lack of quorum.

Financial Considerations:

There are no financial considerations impacted by this report.

Alternatives Reviewed:

Council can direct the Clerk to develop a procedure to allow for the appointment of a proxy by Members of Council. Council will need to provide specific details in the stated direction to outline what circumstances would warrant such appointment. If the Peel Region example is considered, staff should be directed to ensure the procedure requires that Councillors from Ward One shall appoint the alternate Ward One representative, and the like for Wards Two and Three. It is recommended that the procedure state that the Deputy Mayor be the individual to be appointed by the Mayor.

Strategic Plan Relationship: Communication and Engagement

In person attendance, as opposed to proxy appointments, supports community engagement and encourages open communication in the decision-making process. Members of Council would have the benefit of all current information, amendments, etc. prior to casting a vote on any particular matter.

Consultation:

The Region of Peel Clerks Department was consulted as it specifically pertains to how proxy voting is used in this upper tier municipality.

Other Pertinent Reports/Attachments:

Appendix 1: Clerks Report 2021-0001, February 1, 2021

Refer Also to: Report 2020-0121, August 10, 2020, Clerks Report 2020-0160, November 16, 2020

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