



The Corporation of the City of Cornwall
Regular Meeting of Council
Report

Department: Corporate Services
Division: Clerk's Division
Report Number: 2020-378-Corporate Services
Prepared By: Manon Levesque, City Clerk
Meeting Date: April 12, 2021
Subject: Proxy Voting – Procedural By-law – Local State of Emergency

Purpose

To allow Council to decide whether to provide for proxy appointments.

Recommendation

That Council provide direction as to whether it wishes to provide for proxy appointments during a local state of emergency.

Background / Discussion

Bill 197, is an Act to amend various statutes in response to COVID-19 and received Royal Assent on June 21, 2020, amends the Municipal Act, 2001.

The Procedural By-law passed under section 189 may provide that, in accordance with a process to be established by the clerk, a member of City Council may appoint another member of City Council as a proxy to act in their place when they are absent, subject to certain limitations.

This initiative is optional, and it is up to Council to decide whether to provide for proxy appointments. The author of this report has canvassed other municipalities and AMCTO and could not find one that allowed for proxy appointments. They have allowed members to participate electronically when not able to attend meetings in person rather than appointing a proxy.

On November 23, 2020, Council, at its Regular Meeting directed Administration to outline what proxy voting would look like.

Should Council wish to provide for proxy appointments, Article 20.13 will be added to the Procedural By-law and the Clerk will create a Proxy Form and process established.

Procedural By-law Potential Addition

20.13 Proxy votes

A Member may appoint another Member of city council as a proxy to act in their place at a council meeting that is open to the public when they are absent during any period where an emergency has been declared to exist in all or part of the municipality under section 4 or 7.0.1 of the Emergency Management and Civil Protection Act or while on medical or parental leave.

20.13.1 Rules

The following rules apply with respect to the appointment of another Member of city council to act as a proxy under this subsection:

- (a) A Member shall not act as a proxy for more than one Member of city council at any one time.
- (b) A Member appointing the proxy shall include the agenda item(s) or meeting date(s) for which the appointment is made.
- (c) A Member shall not act as a proxy if they are attending virtually.
- (d) The Member appointing the proxy shall notify the clerk of the appointment in accordance with the process established by the clerk.
- (e) 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.
- (f) A proxy shall be revoked if the appointing Member or the proxyholder requests that the proxy be revoked, and the request complies with the proxy revocation process established by the clerk.

- (g) All votes shall be recorded votes when a proxy has been appointed.
The clerk shall record the name of each proxyholder, the name of the Member of city council for whom the proxyholder is voting and the vote cast on behalf of that Member.
- (h) 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 clause 259 (1) (c).
- (i) A Member who is on an approved leave of absence may not appoint a proxyholder.
- (j) Although a proxyholder may vote to the Member of city council for whom the proxyholder is voting, they may not speak or read a prepared statement on their behalf.
- (k) A proxyholder may not make a motion on behalf of the Member of city council for whom the proxyholder is voting.
- (l) There shall be a maximum of two proxies are one meeting.

20.13.2 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.

20.13.3 Same, pre-meeting discovery

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.

20.13.4 Same, post-meeting discovery

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.

20.13.5 Conflict etc., proxyholder

For greater certainty, no member of council who is disabled from participating in a meeting under the Municipal Conflict of Interest Act may participate in the meeting as a proxyholder for another Member.

Document Title:	Proxy Votes - Procedural By-law - Local State of Emergency - 2020-378-Corporate Services.docx
Attachments:	- Information sheet - Proxy Voting for Municipal Council Members.pdf
Final Approval Date:	Apr 7, 2021

This report and all of its attachments were approved and signed as outlined below:

Geoffrey Clarke - Apr 6, 2021 - 10:43 AM

Maureen Adams - Apr 7, 2021 - 9:10 AM