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## Governance Committee

**Date:** September 28, 2020  
**Time:** 1:00 PM  
**Location:** Online Video Conference

### Members

Mayor Bonnie Crombie	
Councillor Karen Ras	Ward 2
Pat Saito	Ward 9 (Chair)
George Carlson	Ward 11
Carolyn Parrish	Ward 5
John Magill	Citizen Member
Sandy Milakovic	Citizen Member (Vice-Chair)

### Participate Virtually

Any member of the public interested in speaking to an item listed on the agenda may register at [allyson.dovidio@mississauga.ca](mailto:allyson.dovidio@mississauga.ca) or call 905-615-3200 ext. 8587 by Friday, September 25, 2020 before 2:00 P.M. Please note; the Governance Committee meeting will be streamed live.

### Contact

Allyson D'Ovidio, Legislative Coordinator, Legislative Services  
905-615-3200 ext. 8587  
Email [allyson.dovidio@mississauga.ca](mailto:allyson.dovidio@mississauga.ca)

### Find it online

<http://www.mississauga.ca/portal/cityhall/governancecommittee>

1. CALL TO ORDER

2. APPROVAL OF AGENDA

3. DECLARATION OF CONFLICT OF INTEREST

4. MINUTES OF PREVIOUS MEETING

4.1 Governance Committee Draft Minutes - January 28, 2020

5. PRESENTATIONS - Nil

6. DEPUTATIONS - Nil

7. PUBLIC QUESTION PERIOD - 15 Minute Limit (5 minutes per speaker)

Any member of the public interested in speaking to an item on the agenda may register at allyson.dovidio@mississauga.ca or call 905-615-3200 ext. 8587 by Friday, September 25, 2020 before 2:00 PM

Pursuant to Section 42 of the Council Procedure By-law 0139-2013, as amended:

Governance Committee may grant permission to a member of the public to ask a question of Governance Committee, with the following provisions:

1. The question must pertain to a specific item on the current agenda and the speaker will state which item the question is related to.
2. A person asking a question shall limit any background explanation to two (2) statements, followed by the question.
3. The total speaking time shall be five (5) minutes maximum, per speaker.

8. MATTERS TO BE CONSIDERED

8.1 Establishing an Ad Hoc Ranked Choice Voting Review Subcommittee of the Governance Committee

8.2 Proxy Voting at Council Meetings

*Council Resolution 0269-2020 and the associated Corporate Report, dated July 24, 2020 from the Commissioner of Corporate Services are attached for background information.*

8.3 Additional Agenda Deadlines

8.4 Status of Governance Committee Work Plan Items

**9. MATTERS RELATED TO THE COUNCIL PROCEDURE BY-LAW**

- 9.1 Members of Governance Committee to discuss matters in the Procedure By-law such as:  
Notice of Motions, Consent Agenda for Advisory Committees, Consent Agenda Approvals for  
Motions from Members of Council

**10. INFORMATION ITEMS - Nil**

**11. OTHER BUSINESS**

**12. DATE OF NEXT MEETING**

November 16, 2020

**13. ADJOURNMENT**

# City of Mississauga Minutes



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## Governance Committee

### Date

2020/01/28

### Time

1:01 PM

### Location

Civic Centre, Committee Room D – Second Floor  
300 City Centre Drive, Mississauga, Ontario, L5B 3C1

### Members Present

Pat Saito, Councillor - Ward 9 (Chair)  
Karen Ras, Councillor - Ward 2  
Carolyn Parrish, Councillor - Ward 5  
George Carlson, Councillor – Ward 11  
Bonnie Crombie, Mayor (Ex-Officio) (arrived at 1:48PM)  
Sandy Milakovic, Citizen Member (Vice-Chair)  
John Magill, Citizen Member

### Members Absent - Nil

### Staff Present

Janice Baker, City Manager and Chief Administrative Officer  
Gary Kent, Commissioner, Corporate Services and Chief Financial Officer  
Andra Maxwell, City Solicitor, Legal Services  
Diana Rusnov, Director, Legislative Services and City Clerk  
Sacha Smith, Manager, Legislative Services and Deputy Clerk  
Krystal Christopher, Legislative Coordinator, Legislative Services

### Find it online

<http://www.mississauga.ca/portal/cityhall/councilcommittees>

1. **CALL TO ORDER**

Councillor Saito called the meeting to order at 1:01 PM.

2. **APPROVAL OF THE AGENDA**

Approved (Councillor Parrish)

3. **DECLARATIONS OF CONFLICT OF INTEREST** – Nil.

4. **MINUTES OF THE PREVIOUS MEETING**

4.1. Governance Committee Minutes – November 4, 2019

Approved (Councillor Ras)

5. **PRESENTATIONS** – Nil.

6. **DEPUTATIONS** – Nil.

7. **PUBLIC QUESTION PERIOD - 15 MINUTE LIMIT (5 MINUTES PER SPEAKER)**

Joe Hornick, resident, inquired regarding additional advance polling days for the next municipal election and spoke to the voter turnout.

Councillor Saito spoke to the voter turnout in Ward 9 for the federal election and raised concerns with the amount of polling stations in Ward 9.

In response, Diana Rusnov, Director, Legislative Services and City Clerk, noted that staff will be considering additional advance polling days for the next municipal election.

8. **MATTERS CONSIDERED**

8.1. **Ranked Ballot Elections – Review of the City of London's Experience**

Committee Members engaged in a discussion regarding the report and spoke to the rank ballot option in London not affecting voter turnout, how the ballot was counted at the London election and challenges with educating the public on how to use voter cards.

Diana Rusnov, Director, Legislative Services and City Clerk, spoke to London's paper ballots being fed through a machine and counted similar to Mississauga.

Councillor Saito spoke to the use of a voter card to mail to residents and raised concerns regarding the size and format of the voter information letter that was used at the last municipal election.

Councillor Ras spoke to the low voter turnout in Mississauga and a further report to be brought back to look at costs associated with the rank ballots.

Sandy Milakovic, Citizen Member (Vice-Chair), inquired regarding the timeline to prepare and change the voting process. In response, Ms. Rusnov, noted the process would be 18 months.

#### RECOMMENDATION

GOV-0001-2020

That the report dated January 13, 2020 from the Director, Legislative Services be received and that a further report regarding Ranked Ballot Elections be brought back to General Committee for consideration.

Approved (S. Milakovic)

#### 8.2. 2018 City of Mississauga Municipal Election Information Overview

Councillor Ras spoke to the report and spoke to expanding the vote anywhere options, advance polling days and residents voting outside their wards.

Councillor Parrish raised concerns with the accuracy of the voters list and spoke to sending a letter to the government regarding remuneration.

Councillor Saito spoke to the possibility of going back to the voter's card and raised concerns with the letter that was sent to residents. In response, Diana Rusnov, Director, Legislative Services and City Clerk, spoke to reconsidering the options for voter cards and spoke to the reason information letters were used instead of voter cards.

Sandy Milakovic, Citizen Member (Vice-Chair), spoke to the possibility of using one voters list for provincial and municipal elections.

Committee Members engaged in a discussion regarding polling stations at schools and raised concerns with residents wandering the halls. Members of Council spoke

the school board scheduling a PA Day on the day of the election and sending a letter to the school board.

#### RECOMMENDATION

GOV-0002-2020

1. That a follow up letter be sent to the School Boards regarding scheduling a P.A. Day on the same day as the Municipal Election
2. That a letter be sent to the Ministry of Municipal Affairs and Housing to reconsider remuneration once every four years for the municipal election.
3. That staff review voter cards and additional advance polling days for municipal elections.

Approved (Councillor Parrish)

#### 8.3. City of Mississauga's 2022 Election Campaign Contribution Rebate Program

Members of the Committee engaged in a discussion regarding the election campaign rebate program and raising the rebate program for contributors to up to \$1000.

Diana Rusnov, Director, Legislative Services and City Clerk, spoke to looking at other options used at different municipalities for the contribution rebate program, the administrative work for the program and how individuals were reimbursed. Ms. Rusnov spoke to the Oakville model used for the election campaign rebate program and seeing whether that module could be applied to Mississauga.

Joe Hornick, resident, spoke in support of increasing the contribution amount for the rebate program.

#### RECOMMENDATION

GOV-0003-2020

That staff report back to General Committee on the Municipal Election Campaign Contribution Rebate Program using the Oakville model with 50 percent rebate on minimum \$100 contribution, for a maximum contribution between \$1000 to \$2500.

#### 8.4. Proposed Amendments to the Council Procedure By-law 139-13 -(Matter deferred from the November 4, 2019 Governance meeting as per Recommendation GOV-0011-2019)

Councillor Saito spoke the electronic participation for members of the Accessibility Advisory Committee.

Councillor Ras raised a question regarding the start time for Audit Committee. In response, Diana Rusnov, Director, Legislative Services and City Clerk, noted the start time for Audit Committee can be changed to 9:30 AM to align with Council and General Committee start times.

Mayor Crombie spoke to maintaining the current order of the agenda where the Consent Agenda is after Public Question Period.

#### RECOMMENDATION

GOV-0004-2020

That the report dated October 28, 2019 from the Commissioner of Corporate Services and Chief Financial Officer be approved as outlined with the following amendments:

1. That electronic participation be permitted for Accessibility Advisory Committee members to allow voting and to count for quorum.
2. That the current procedure for the Consent Agenda remain the status quo.

Approved (Councillor Parrish)

#### 8.5. Electronic Participation at Accessibility Advisory Committee Meetings

No discussion took place on this item.

#### RECOMMENDATION

GOV-0005-2020

That the memorandum dated January 21, 2020 regarding Electronic Participation at Accessibility Advisor Committee meetings be recieved.

#### 8.6. Status of Governance Committee Work Plan Items

Sandy Milakovic, Citizen Member (Vice-Chair), spoke to the Workplan Item list and requested that milestones be set for item #25. Staff were directed to work with Ms. Milakovic and John Magill to establish milestones.

#### 9. INFORMATION ITEMS – Nil.

#### 10. OTHER BUSINESS – Nil.

#### 11. ADJOURNMENT - 2:04 PM (S. Milakovic)



# City of Mississauga Memorandum



Date: September 9, 2020

To: Chair and Members of Governance Committee

From: Diana Rusnov, Director, Legislative Services and City Clerk

Meeting date: September 28, 2020

Subject: **Establishing an Ad Hoc Ranked Choice Voting Review Subcommittee of Governance Committee**

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## Background

At the January 28, 2020 Governance Committee meeting, the Committee was presented with a Corporate Report from the Director of Legislative Services and City Clerk, dated January 13, 2020 entitled Ranked Ballot Elections – Review of the City of London’s Experience (attached as Appendix 1). At this meeting, Governance Committee directed staff to conduct a review of Ranked Choice Voting (RCV) and the effects of implementation in the City of Mississauga and report to General Committee for consideration.

At the September 9, 2020 General Committee meeting, the Committee was presented with a Corporate Report from the Commissioner of Corporate Services and Chief Financial Officer dated June 22, 2020, entitled Election Administration Information Report: Ranked Choice Voting (attached as Appendix 2). General Committee referred the matter to Governance Committee to review the possibility of striking an Ad Hoc Ranked Choice Voting Review subcommittee to evaluate and consider the implementation of RCV for the 2022 Municipal Election.

## Comments

Ontario Regulation (O.Reg) 310/16 provides for the implementation of RCV. The O.Reg stipulates that if RCV is implemented, a public consultation is required and a by-law must be passed by May 1, 2021. Below is an estimated timeline that includes establishing a citizen subcommittee, conducting the public consultation process and passing the by-law. The following schedule is based on the minimum amount of public consultation required under the regulation.

Governance Committee	2020/09/28	2
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### Estimated Timeline

Item	Timeline/Deadline
Governance Committee to consider establishing an Ad Hoc RCV Review Subcommittee (subcommittee) including the clarification of the subcommittee's mandate	September 28, 2020
Corporate Report with a recommendation regarding the subcommittee to General Committee for discussion	October 7, 2020
Subcommittee recommendation to Council	October 14, 2020

### Subject to the Decision of Council

Item	Timeline/Deadline
Advertise for applicants to sit on the subcommittee (Citizen Appointment policy stipulates opportunities are advertised for 3 weeks)	October 22, 2020 – November 5, 2020
Determine applicants and contact applicants for interview	November 6, 2020 – November 11, 2020
Interview applicants for the subcommittee.	November 16, 2020 – November 20, 2020
Recommended appointments regarding citizen members for the subcommittee to Council	November 25, 2020
Subcommittee to review RCV and provide input into whether or not to commence the public consultation process	November 30, 2020 January 15, 2020
Make recommendation to Governance Committee related to commencing the public consultation process	January 25, 2021
Recommendation on commencing the public consultation process from Governance to General Committee	January 27, 2021
Recommendation to Council	February 3, 2021
Under O/Reg. 310/16 9(1) post/circulate and generally make the following available: <ul style="list-style-type: none"> <li>• A detailed description of how the election would be conducted, including a description of how votes would be distributed to candidates based on the rankings marked on ballots</li> <li>• An estimate of the costs of conducting an RCV election</li> <li>• A description of the voting equipment and vote-counting equipment, being considered</li> <li>• A description of any alternative voting method being considered</li> </ul> <p>As per sections 9(3) and 9(4):  <i>The council shall ensure that the information required by this section is made available free of charge to any member of the public upon request.</i></p> <p><i>The council of an upper-tier municipality shall ensure that the information required by this section is made available to the public at least 15 days before the public meeting required by section 11 is held</i></p>	February 4, 2021
Publish notice of an open house as per section 10 (3)	February 4, 2021
Publish notice of a public meeting as per section 11 (2)	February 19, 2021

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Item	Timeline/Deadline
<p>Open House for the public to review the information noted above (see details from section 10 of the O/Reg. below).</p> <p>Sections 10 (1) to (5):</p> <ol style="list-style-type: none"> <li>1. <i>Before passing a by-law with respect to ranked ballot elections, the council of a single-tier or lower-tier municipality shall ensure that at least one open house is held in accordance with this section for the purpose of giving the public an opportunity to review and ask questions about the information required by section 9.</i></li> <li>2. <i>The open house shall be held at least 15 days before the public meeting required by section 11 is held.</i></li> <li>3. <i>At least 30 days before the open house is to be held, the council shall publish notice of the open house in a newspaper having general circulation in the municipality.</i></li> <li>4. <i>The council shall give at least 30 days' notice of the open house to every person and organization that has, within two years before the day of the open house, requested that the municipality provide the person or organization with such notice and has provided an address for the notice.</i></li> <li>5. <i>The council shall ensure that the information required by section 9 is available at the open house.</i></li> </ol>	March 8, 2021
<p>Public Meeting (see details from section 11 of the O/Reg. below).</p> <p>Section 11 (1) to (6)</p> <ol style="list-style-type: none"> <li>1. <i>Before passing a by-law with respect to ranked ballot elections, the council shall ensure that a public meeting is held in accordance with this section in respect of the proposed by-law.</i></li> <li>2. <i>At least 30 days before the public meeting is to be held, the council shall publish notice of the public meeting as follows:</i> <ol style="list-style-type: none"> <li>a. <i>for a proposed by-law of a single-tier or lower-tier municipality, in a newspaper having general circulation in the municipality</i></li> <li>b. <i>for a proposed by-law of an upper-tier municipality, in one or more newspapers that, together, have general circulation in each lower-tier municipality within the upper-tier municipality</i></li> </ol> </li> <li>3. <i>The council shall give at least 30 days notice of the public meeting to every person and organization that has, within two years before the day of the public meeting, requested that the municipality provide the person or organization with such notice and has provided an address for the notice</i></li> <li>4. <i>The council shall ensure that the notices required by subsections (2) and (3) set out the intention of the municipality to pass the by-law</i></li> <li>5. <i>The council shall ensure that any person who attends the public meeting is given the opportunity to make representations in respect of the proposed by-law</i></li> <li>6. <i>The council shall ensure that the information required by section 9 is available at the public meeting</i></li> </ol>	March 24, 2021 (to be part of a Council meeting)
Report to General Committee with comments made by the public during the public consultation process regarding RCV	April 14, 2021
Alternative Voting Methods by-law to Council	April 21, 2021
Deadline to approve an Alternative Voting Methods by-law	May 1, 2021 (as May 1, 2021 is a Saturday the deadline is presumed to be May 3, 2021)

Governance Committee	2020/09/28	4
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In establishing the above timeline staff recognize that time is extremely limited. With this in mind, staff, Governance Committee, the Nominating Committee and the subcommittee must work together to avoid any possible delays. Establishing Governance Committee's expectations and the subcommittee's mandate may help determine if there is enough time for the subcommittee to conduct a fulsome review of RCV.

### Financial Impact

Information Technology, Communications and Elections Administration staff have conducted a thorough review of the costs for implementing RCV. They are estimated as follows:

Item	Cost
I.T. and Elections Administration staffing	\$535,000
Optical Scan Vote Counting Units	\$234,000
Location preparation and set up	\$15,000
Logic and Accuracy Testing	\$120,000
Additional funding related to ballots	\$13,000
Additional election workers	\$251,000
Mock election	\$25,000
Communications – design, advertising, education, social media, marketing and promotion etc.	\$200,000
<b>Total</b>	<b>\$1,393,000</b>

The City of London, which is the only municipality in Ontario to have used RCV, invested \$202,108 in their outreach to communicate to approximately 248,000 voters. This represents 55% of the City of Mississauga's electoral population and has been considered as staff look to develop a communications plan for City of Mississauga voters.

Based on direction in the O.Reg, costs in addition to the above related to the public consultation process include:

- Designing and producing information items for the public to review as per section 9 of the O.Reg
- Circulating a notice regarding the open house meeting as per section 10 of the O.Reg
- Circulating a notice regarding the public meeting as per section 11 of the O.Reg
- Hosting the open house and public meeting and any staff and/or technology related costs which are unknown at this time

### Conclusion

Staff are seeking direction from Governance Committee related to establishing a subcommittee to review the possible implementation of RCV. Staff are also requesting that if the Committee recommends striking a subcommittee, Governance Committee outline their expectations for the subcommittee and establish its mandate.

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## Attachments

Appendix 1: Ranked Ballot Elections – Review of the City of London's Experience

Appendix 2: Election Administration Information Report: Ranked Choice Voting



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Prepared by: Diana Rusnov, Director, Legislative Services and City Clerk

City of Mississauga  
**Corporate Report**



Date: 1/13/2020

To: Chair and Members of Governance Committee

From: Diana Rusnov, Director, Legislative Services and City Clerk

Originator's files:

Meeting date:  
1/28/2020

## Subject

**Ranked Ballot Elections - Review of the City of London's Experience**

## Recommendation

That the Corporate Report dated January 13, 2020, from the Director of Legislative Services and City Clerk, entitled Ranked Ballot Elections - Review of the City of London's Experience be received.

### Report Highlights

- This report looks at the City of London's experience with implementing Ranked Choice Voting (RCV) in the 2018 municipal election.
- In the City of London's experience, voter turnout did not increase with the use of RCV.
- The use of RCV did not change the outcome of the election; the winning candidate in all 15 races in the City of London would have been the same winning candidate had the first past the post system of voting been used.

## Background

At the November 4, 2019 Governance Committee meeting it was requested that staff report back to the committee regarding RCV. This report looks at the City of London's experience and the outcomes related to implementing RCV.

## Comments

### Overview

Prior to the 2018 Municipal Election, Bill 181, the *Municipal Elections Modernization Act, 2016*, amended the *Municipal Elections Act, 1996*, to allow municipal Councils to implement Ranked Choice Voting (RCV) for municipal elections. In accordance with Ontario Regulation 310/16, RCV, if implemented, would apply to races for municipal council only.

In the City of Mississauga's current first-past-the-post method of voting, voters are allowed to pick one candidate from each race and the candidate with the most votes wins. There is no requirement for the percentage of votes a candidate must get in order to win a race.

Alternatively, in a RCV election, voters are given the option to rank candidates in order of preference for each race. A candidate must obtain 50% + 1 of the vote to win. Initial results are tabulated based on the first choices of voters. If no candidate obtains 50% + 1 of the vote, a runoff occurs.

In a runoff:

- the candidate with the lowest number of votes is eliminated from the contest
- the first choice votes that originally went to the eliminated candidate are set aside
- the second choices on those ballots are counted

Runoffs continue until a candidate receives 50% + 1 of the vote. There is no legislated requirement regarding how many choices a voter can be given.

The intention of RCV is to:

- Provide more choice for voters
- Discourage negative campaigning
- Eliminate vote splitting
- Reduce strategic voting
- Ensure the candidate with the most support wins

### Implementation Summary of Outcomes

During the 2018 Municipal Election the only municipality in Ontario to implement RCV was the City of London. The City of London produced a report entitled "*2018 Municipal Election*" which summarises their experience with implementing RCV.

<https://pub-london.escribemeetings.com/filestream.ashx?DocumentId=59976>

In their report, the City of London notes the following:

- Ranked Choice Voting (RCV) did not increase voter turnout. The historical voter turnout in the City of London is as follows:
  - 2010 turnout = 42.93%
  - 2014 turnout = 43.2%
  - 2018 turnout = 39.46%
- The winning candidate in all 15 races would have been the winning candidate had the election been a first-past-the-post election; RCV did not change the outcome
- For the Mayoral race:
  - 47% of voters made three choices
  - 22% marked their first and second choice
  - 30% ranked one candidate

#### Challenges Related to RCV Implementation

A summary of the challenges related to the implementation of RCV as reported by the City of London and the City of Kingston, which also produced a report on the City of London's experience with RCV, include:

##### Vote Counting Technology

- As the City of London was the first municipality to implement RCV, they requested that the Province consider certifying the vote-counting equipment, the Province declined
- The City of London requested funding from the Province to pay for an auditor to monitor a review the RCV process, this request was also declined
- As it was the first year that RCV was permitted, the City of London hired their own independent auditor to review the City's RCV procedures

##### Results Reporting

- On election night, only the first choice votes were tabulated
- For races requiring a runoff, additional rounds of ballot counting began at 10am the next day and unofficial results were announced by 3pm.
- Generally, it is anticipated that in an RCV election results will take longer to post. On election night, poll by poll results are irrelevant until all results are added since all results must be counted to determine the 50%+1

##### Voter Education

- The City of London felt that education and communication were vital to ensure that voters were aware of the change in how to vote and how the votes would be calculated
- The City of London spent \$141,000 on community outreach related to RCV to communicate to their 248,000 voters
- In their "*2018 Municipal Election*" report the City of London notes:



*The enhanced communication protocols... was very labour intensive, with all the Elections staff and Managers in the City Clerk's Office working evenings and weekends attending events, including festivals, community meetings and meetings of organizations.*

- To communicate to voters, City of London staff:
  - held two candidate information sessions
  - attended 160 community events
  - increased communication over social media platforms
  - conducted voting demonstrations for the media
- The City of London's website, billboards and bus shelters were used to help with communication

#### Expenses

- The additional cost of implementing Ranked Choice Voting (RCV) for the City of London was \$515,446
- A comprehensive breakdown of the expenses related to the City of London's implementation of RCV is included on page 8 of their Report, but highlights include:
  - \$147,752 spent on an independent auditor
  - \$41,000 spent on additional election workers
  - \$82,686 spent on staff resources, including a full time communications staff

#### City of Kingston

As previously noted the City of Kingston produced a report entitled "*City of London Experiences with Ranked Choice Voting*" which also explores the City of London's experience with implementing RCV.

[https://www.cityofkingston.ca/documents/10180/35286121/City-Council\\_Meeting-17-2019\\_Report-19-165\\_City-of-London-Experiences-with-Ranked-Choice-Voting\\_UPDATED.pdf/a754749e-cb6d-4dcb-95f6-e0bd2bcecab](https://www.cityofkingston.ca/documents/10180/35286121/City-Council_Meeting-17-2019_Report-19-165_City-of-London-Experiences-with-Ranked-Choice-Voting_UPDATED.pdf/a754749e-cb6d-4dcb-95f6-e0bd2bcecab)

The City of Kingston's City Council have directed staff to implement RCV for the 2022 Municipal Election.

## Financial Impact

The financial impact of implementing RCV is dependent on:

- If the City of Mississauga determines it necessary to hire an independent auditor
- Communications initiatives employed
- Additional staffing costs required to provide I.T. and administrative support
- Additional election workers required at the voting locations to assist and explain the process

Other possible dependencies include potentially having to upgrade the vote counting equipment and software.

## Conclusion

Staff will continue to research and review new technology with the intention of making voting easier and more convenient for voters while upholding the principles of the *Municipal Elections Act, 1996*.



Diana Rusnov, Director, Legislative Services and City Clerk

Prepared by: Laura Wilson, Elections Officer

# City of Mississauga Corporate Report



Date: June 22, 2020

To: Mayor and Members of General Committee

From: Gary Kent, CPA, CGA, ICD.D, Commissioner of  
Corporate Services and Chief Financial Officer

Originator's files:

Meeting date:  
September 9, 2020

## Subject

**Election Administration Information Report: Ranked Choice Voting**

## Recommendation

That the Corporate Report dated June 22, 2020 from the Commissioner of Corporate Services and Chief Financial Officer titled Election Administration Information Report: Ranked Choice Voting (RCV) be received.

## Report Highlights

- In 2016 Bill 181, the *Municipal Elections Modernization Act* enabled municipalities to implement Ranked Choice Voting for municipal elections
- In 2018, the only municipality in Ontario to implement ranked choice voting was the City of London
- This report looks at various aspects of ranked choice voting, including the costs, legislated requirements and roll out
- Ontario Regulation 310/16, directs municipal Council's to consider the costs related to ranked choice voting, the availability of equipment and software and the impact implementation would have on election administration

## Background

At the January 28, 2020 Governance Committee meeting, the committee reviewed a Corporate Report from the Director of Legislative Services and City Clerk, dated January 13, 2020 titled *Ranked Ballot Elections - Review of the City of London's Experience*. (Appendix 1)

The Corporate Report provided information on the impact of Ranked Choice Voting (RCV) in the City of London. The committee directed staff to report back to General Committee on the possible impact of RCV if it were implemented for the City of Mississauga's 2022 Municipal Election.

## Comments

### General

In accordance with section 5(1) of *Ontario Regulation 310/16*:

*Before passing a by-law with respect to ranked ballot elections, the council of a single-tier or lower-tier municipality shall consider the following matters:*

- 1. The costs to the municipality of conducting the elections.*
- 2. The availability of technology, such as voting equipment and vote-counting equipment and software, for conducting the elections.*
- 3. The impact the proposed by-law would have on election administration.*

### History

Prior to the 2018 Municipal Election, Bill 181, the *Municipal Elections Modernization Act, 2016*, amended the *Municipal Elections Act, 1996*, to allow municipal councils to implement RCV. The only municipality that implemented RCV during the 2018 Municipal Election was the City of London. The City of Kingston is working toward implementation for the 2022 municipal election.

### Differences between First Past the Post (FPTP) and RCV Elections

In the City of Mississauga's current FPTP method of voting, voters choose one candidate from each of the three races on a ballot. The three races on a City of Mississauga ballot are:

- Mayor
- Ward Councillor
- School Board Trustee

The candidate with the most votes wins. There is no minimum requirement for the percentage of votes a candidate must receive in order to win a race.

Alternatively, in a RCV election, voters are given the option to rank candidates in order of preference for two of the three races noted above. In accordance with Ontario Regulation 310/16, which provides direction on how to conduct a RCV election, Trustee races cannot be determined by the RCV system of voting. A winner for Trustee races would be determined via the FPTP system.

A candidate in a race subject to RCV must obtain 50% + 1 of the vote to win. Initial results are tabulated based on the first choices of voters. If no candidate obtains 50% + 1 of the vote, a runoff occurs.

In a runoff:

- The candidate with the lowest number of votes is eliminated from the contest
- The first choice votes that originally went to the eliminated candidate are set aside
- The second choices on those ballots are counted

Runoffs continue until a candidate receives 50% + 1 of the vote. There is no legislated requirement regarding how many choices a voter can be given.

Before passing a by law to implement RCV, City Council must hold a consultation process which includes:

- Providing information to the public about:
  - how the RCV election will be conducted
  - an estimate of the cost
  - a description of the voting and vote counting equipment being considered
  - a description of any alternative voting methods being considered
- Holding at least one open house to provide information to the public about RCV. This open house is intended to give the public the ability to review and ask questions about the information above
- Holding a legislated public meeting at which information about RCV will be provided and feedback from the public will be heard

The consultation process must be complete before the by-law to proceed with RCV can be passed. The by-law must be passed by May 1, 2021.

When applying the RCV principle to past City of Mississauga Elections, 75% (9 out of 12 races) in each election were won with 50% + 1 of the vote in the first round (see below).

Of the 12 races in the last four elections that would require runoffs, five of the races were won with more than 40% of the vote. Four races were won with 30% or more of the vote, and only one was won with less than 30%. Noted below are the past elections races that would have required runoffs:

	2006	2010	2014	2018
<b>Mayor</b>	91.41%	76.4%	63.49%	76.68%
<b>Ward 1</b>	79.24%	<b>49.71% - Runoff(s)</b>	71.14%	<b>47.59% - Runoff(s)</b>
<b>Ward 2</b>	78.22%	85.97%	<b>28.03% - Runoff(s)</b>	92.77%
<b>Ward 3</b>	58.08%	70.08%	78.13%	74.28%
<b>Ward 4</b>	80.94%	59.15%	70.88%	52.71%

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<b>Ward 5</b>	<b>45.77% - Runoff(s)</b>	66.75%	<b>39.18% - Runoff(s)</b>	63.87%
<b>Ward 6</b>	<b>48.54% - Runoff(s)</b>	51.78%	59.47%	<b>36.24% - Runoff(s)</b>
<b>Ward 7</b>	65.64%	60.04%	60.48%	<b>41.25% - Runoff(s)</b>
<b>Ward 8</b>	79.43%	75.41%	<b>43.89% - Runoff(s)</b>	79.69%
<b>Ward 9</b>	70.74%	67.22%	65.20%	77.93%
<b>Ward 10</b>	<b>32.44% - Runoff(s)</b>	<b>35.64% - Runoff(s)</b>	77.24	90.11%
<b>Ward 11</b>	66.86%	<b>47.65% - Runoff(s)</b>	68.20%	68.98%

While Mississauga does not have statistics related to the use of RCV in a Mississauga Election, it's possible to look at the City of London's experience to get an idea of how voters may respond. The City of London notes:

- RCV did not increase voter turnout; turnout decreased from 43.2% in 2014 to 39.46% in 2018
- The winning candidate in all 15 races would have been the winning candidate had the election been a first-past-the-post (FPTP) election
- For the Mayoral Race:
  - 47% of voters made three choices
  - 22% of voters marked their first and second choice
  - 30% ranked only one candidate

The City of London will continue to use RCV for the 2022 Municipal Election. More information about the City of London's experience with implementing RCV can be found in the City of London's Report titled [2018 Municipal Election](#) and the City of Kingston's Report titled [City of London's Experiences with Ranked Choice Voting](#).

#### Vote Counting Equipment

The City of Mississauga owns 201 M100 Optical Scan Units (vote tabulators) that cannot accommodate RCV. Renting 250 of DS200 optical scan units for the 2022 Municipal Election at a cost of \$225,000 to accommodate wireless transmission of voting results is in the 2022 budget proposal. The DS200s that staff intended to rent can be used for RCV, but if RCV is implemented, staff propose adding a second or, in high traffic locations, a third tabulator at each voting location. Additional tabulators are intended to help manage lineups that could potentially form as voters may take longer to mark their ballots correctly. Staff will have to work with Elections Systems and Software (ES&S), which provides the vote counting equipment to ensure that this amount of equipment can be rented.

A detailed list of costs is included in the Financial Impact section of this report.

### Results Reporting

The results reporting process for RCV is as follows (based on the City of London experience) and best practices:

#### Election Night

- The first round results will be tabulated and reported
- The RCV algorithm can only be applied once all results are received from every polling location
- Those races not won with 50%+ 1 of the vote will be identified
- The first round results will be reported

#### Day 1 Following Election Day

- Elections staff, I.T. and the vendor will conduct runoffs and apply the RCV algorithm to races not won by 50% + 1 of the vote
- Runoffs will occur until a candidate wins with 50% + 1 of the vote for each race
- The time it takes to report the results will depend on how many races require runoffs, and how many runoffs are required for a candidate to win 50% + 1 of the vote

#### Day 2 Following Election Day

- An audit of the results will be conducted

### Election Workers

Staff has reviewed the current election worker structure that has been used at voting locations. As the process for voting will change, staff feels that educating the voters and providing opportunities for education before voters mark their ballots is important. This will hopefully reduce under and over voting. If RCV is implemented, it is suggested that the following additions to the election worker structure be made:

- Create RCV ambassadors to help answer questions at the polls
- Add one or two Deputy Returning Officers at each location (ballot issuing election workers)
- Add an Operator at each location to manage the extra vote tabulator(s)

The intention for the RCV ambassadors is to relay the process of RCV to voters as they come into the voting location and/or wait in line to receive their ballot. The ambassadors would have information and materials to aid voters and would be available to assist voters who are unclear of the directions.

As this is the first time we would use a ranked ballot, voters would require more time with the ballot issuing election workers. To ensure that voters can take the time they need it is suggested that more ballot issuing election workers be added.

The cost of adding election workers is estimated at \$251,000 but is dependent on:

- The number of Advance Poll Days held
- The number of voting locations offered during Advance Poll Days
- The number of voting locations offered during Election Day
- The number of election workers added at each location; currently the following is suggested:
  - One RCV ambassador be hired for each Advance Poll Day voting location
  - Two RCV ambassadors be hired for each Election Day voting location as voter turnout tends to be higher on election day
  - One additional ballot issuing election worker be hired for each Advance Poll Day voting location
  - Two additional ballot issuing election workers be hired for each Election Day voting location as voter turnout tends to be higher on Election Day
  - One additional Operator to monitor the vote tabulators for each Advance Poll and Election Day voting location

#### Communications and Community Outreach

Because RCV would be a significant change to the way electors cast their vote, the Communications Division will ensure that there is a fulsome communications plan in place.

The City of London reports that their communications costs related to RCV totalled \$202,108 (updated costs) to communicate to just over 248,000 voters. Their outreach and education included:

- 2 candidate information sessions
- attendance at over 160 community events
- demonstrations for media
- enhanced media relations
- website updates
- billboards
- bus ads

The City of Kingston has estimates that their RCV related communication costs would be approximately \$100,000 or more for just under 84,000 voters.

Considering the high number of voters in Mississauga and the breadth of communication tactics and outreach required, staff estimate an additional communications cost of \$200,000 to communicate to over 451,000 voters.



The following additional communication initiatives and costs are suggested:

Initiative	Cost
Advertorial placement in local publications	\$50,000
Print, digital and social media advertising	\$30,000
Surveys and research to gauge baseline for voter knowledge	\$35,000
Partnerships with community groups and influencers	\$20,000
Host Information Sessions / Mock Elections, attend community events	\$30,000
Creative materials including videos, ads/posters, images etc.	\$25,000
Additional resources for social media platforms and 3-1-1	\$10,000
<b>Total</b>	<b>\$200,000</b>

## Financial Impact

The financial impact of implementing RCV is dependent on a variety of factors including:

- The number of Advance Poll Days held
- The number of vote tabulators that are required for each voting day at each voting location
- The number of additional Election Workers hired to accommodate for RCV roll out at voting locations
- The number of vote tabulators at each voting location – it is recommended that two or three machines be placed at each location on Election Day

- Additional Election Administration and I.T. staffing costs required to support the rollout of RCV

With the above in mind, staff has compiled an estimate of the potential costs associated with RCV:

Item	Cost
I.T. and Election Administration Staffing	<b>\$535,000</b>
Machines	<b>\$234,000</b>
Location Prep and Set Up	<b>\$15,000</b>
L&A Testing	<b>\$120,000</b>
Additional Funding for Ballots	<b>\$13,000</b>
Additional Advance Poll Day and Election Day workers	<b>\$251,000</b>
Mock Election Total	<b>\$25,000</b>
Communications	<b>\$200,000</b>
	<b>\$1,393,000</b>

*\*Staff are working toward using laptops from the City of Mississauga's lifecycle replacement program to provide laptops to the additional ballot issuing election workers on voting days. In the event that additional laptops cannot be provided, an additional \$300,000 may be required to purchase laptops.*

There is no current budget available for this cost. If implemented, a net budget of approximately \$1.65M will be requested for cost center 22450 (Elections) for 2022.

## Conclusion

Staff will continue to research and review new technology with the intention of making voting easier and more convenient for voters while upholding the principles of the Municipal Elections Act, 1996.

## Attachments

Appendix 1: Ranked Ballot Elections – Review of the City of London's Experience (This Report is attached as Appendix 1 to the Memorandum)



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Gary Kent, CPA, CGA, ICD.D, Commissioner of Corporate Services and Chief Financial Officer

Prepared by: Gus Mangos, Elections Officer



RESOLUTION 0269-2020  
adopted by the Council of  
The Corporation of the City of Mississauga  
at its meeting on August 5, 2020

0269-2020

Moved by: P. Saito

Seconded by: K. Ras

1. That the report from the Commissioner of Corporate Services dated July 24, 2020 entitled "Bill 197 and the Resumption of Council and Committee Meetings" be received.
2. That Council and Committee meetings resume with their regular schedule effective September 8, 2020.
3. That the Council Procedure By-law 193-2013 be amended to allow for electronic participation at all Council and Committee meetings until August 1<sup>st</sup> 2021.
4. That the Committee of Adjustment Procedure By-law 0350-2007 be amended to allow for electronic participation until August 1<sup>st</sup> 2021.
5. That the Rules of Practice and Procedure for Property Standards and Mississauga Appeal Tribunal be amended to allow for electronic participation until August 1<sup>st</sup> 2021.
6. That prior to the August 1<sup>st</sup> 2021 expiry date of the extension of electronic participation at Council and Committee meetings, that staff report back to Governance Committee on the option of continuing with the provision of electronic participation at Council and/or Committee meetings and Quasi-Judicial Hearings.
7. That staff be directed to report to Governance Committee regarding implementing proxy voting for Council meetings.

Recorded Vote	YES	NO	ABSENT	ABSTAIN
Mayor B. Crombie			X	
Councillor S. Dasko	X			
Councillor K. Ras	X			
Councillor C. Fonseca	X			
Councillor J. Kovac	X			
Councillor C. Parrish	X			
Councillor R. Starr	X			
Councillor D. Damerla	X			
Councillor M. Mahoney	X			
Councillor P. Saito	X			
Councillor S. McFadden	X			
Councillor G. Carlson	X			

Carried (11, 0, 1 – Absent)

City of Mississauga

# Corporate Report



<p>Date: July 24, 2020</p> <p>To: Mayor and Members of Council</p> <p>From: Gary Kent, CPA, CGA, ICD.D, Commissioner of Corporate Services and Chief Financial Officer</p>	<p>Originator's files:</p> <hr/> <p>Meeting date: August 5, 2020</p>
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## Subject

**Bill 197 and the Resumption of Council and Committee Meetings**

## Recommendation

1. That the report from the Commissioner of Corporate Services dated July 24, 2020 entitled "Bill 197 and the Resumption of Council and Committee Meetings" be received.
2. That Council and Committee meetings resume with their regular schedule effective September 8, 2020.
3. That the Council Procedure By-law 193-2013 be amended to allow for electronic participation at all Council and Committee meetings until August 1<sup>st</sup> 2021.
4. That the Committee of Adjustment Procedure By-law 0350-2007 be amended to allow for electronic participation until August 1<sup>st</sup> 2021.
5. That the Rules of Practice and Procedure for Property Standards and Mississauga Appeal Tribunal be amended to allow for electronic participation until August 1<sup>st</sup> 2021.
6. That prior to the August 1<sup>st</sup> 2021 expiry date of the extension of electronic participation at Council and Committee meetings, that staff report back to Governance Committee on the option of continuing with the provision of electronic participation at Council and/or Committee meetings and Quasi-Judicial Hearings.
7. That Council provide direction related to implementing proxy voting for Council meetings.

## Report Highlights

- Bill 197 has introduced legislation that would allow Council to amend their Procedure By-law to allow for electronic participation in Council, local boards and committee meetings on a permanent basis.
- Bill 197 also introduces the option of allowing proxy voting during Council meetings.
- Electronic participation at Council and Committee meetings during the post-COVID transition period provides flexibility in the resumption of Council, Standing and Advisory Committee meetings and the Committee of Adjustment.
- By extending the electronic participation provisions in the Procedure By-laws until August 1, 2021, it allows Council and staff to review the desire and appropriateness of making these provisions permanent.

## Background

The *Municipal Emergency Act, 2020*, allowed municipalities to allow for electronic participation in open and closed meetings and for those participating electronically to be counted for purposes of quorum. Council adopted By-law 50-2020, which amended the Council Procedure By-law to implement these changes during a declared emergency for Council and its Standing Committees (Audit, Budget, General Committee and Planning and Development Committee).

Since the declaration of the Provincial Emergency, all meetings have been held virtually, including Council, which has met on a weekly basis, Audit and Budget Committees. Planning and Development Committee and the Committee of Adjustment have resumed with virtual participation of Committee members, applicants and the public. All other Committees and Quasi-judicial tribunals were cancelled during this period.

Bill 197, *the COVID-19 Economic Recovery Act, 2020*, which received Royal Assent on July 21, 2020, amends among other Acts, the Municipal Act, 2001 by allowing municipal councils, committees and boards to determine whether they choose to amend their procedure bylaws to:

- allow the use of electronic participation at meetings on a permanent basis;
- state whether members can participate electronically in both open meeting and closed meetings;
- state whether members participating electronically count towards quorum;
- allow the use of proxy voting

Appendix 1 and 2 are the Ministry of Municipal Affairs and Housing Information Guides related to the legislative changes.

## Comments

### Resumption of Council and Committees and Electronic Participation

As we move towards recovery, the resumption of the regularly scheduled Council, Standing and Advisory Committees and Quasi-Judicial Tribunals is appropriate.

Bill 197, *the COVID-19 Economic Recovery Act*, 2020, amends the Municipal Act, 2001 to allow municipalities to amend their procedure by-laws to allow for electronic participation in open and closed meetings and allows those members of Council participating electronically be counted towards quorum outside of an emergency declaration period. Currently, the Procedure By-law 139-2013 only permits electronic participation during a declared emergency period; however it is recommended that the Procedure By-law be amended to allow for an extension of this provision until August 1, 2021 to provide greater flexibility during this transition period. Staff should report back prior to the extension period expires to determine whether to allow electronic participation a permanent provision in the By-law and where it should be subject to certain conditions such as medical leave, parental leave or business travel purposes. The flexibility of electronic participation allows for the resumption of Council and all committee meetings as originally scheduled from September 8<sup>th</sup> onward.

Council, General Committee, Budget, Audit, Planning and Development Committee and the Committee of Adjustment meetings are held in the Council Chambers. The Chambers are being modified to address physical distancing requirements, including the installation of plexi-glass dividers, seating decals and directional signage. The Chambers will be ready for in-person meetings effective September 8<sup>th</sup>, 2020 subject to delivery of materials. Should Council support the continuation of electronic participation in meetings, a member could chose to participate in these meetings electronically, a hybrid model could be used to allow for in-person and electronic participation in the meeting. Given the physical distancing requirements, the capacity of the Chambers is significantly reduced; however overflow for the public could be accommodated in the Great Hall. It is also recommended that the Committee of Adjustment Procedure By-law 350-2007 be amended to allow for an electronic or hybrid model. Electronic or hybrid meetings require additional staff resources and are more costly to run.

Legislative Services staff will work with committee members of all the advisory and quasi-judicial committees on a resumption plan. Most advisory committees meet in various committee rooms in the Civic Centre, given the need for physical distancing and space constraints of the meeting rooms, it may be difficult to accommodate the advisory committees. It is most appropriate to meet electronically for the foreseeable future. Over the past few months, it has been demonstrated that electronic meetings can be effective and have allowed for participation by all interested parties.

It is recommended that the current electronic meeting provisions be extended until August 1, 2021. This would give Council and Committees more experience with these types of meetings to determine whether this should be allowable on a permanent basis. Staff would report to Governance Committee prior to July 2021.

## Proxy Voting

The COVID-19 Economic Recovery Act, 2002 amendments to the Municipal Act, 2001, allows 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:

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
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).

Proxy voting allows Members of Council the ability to participate in votes when absent from meetings subject to the provisions of Municipal Act. Should Council wish to investigate proxy voting for Council meeting purposes, staff should be requested to report back to Governance Committee in the fall on options for proxy voting such as general or specific proxies, rules and processes for its implementation.

## Financial Impact

N/A

## Conclusion

The ability for Council and Committee members to participate in meetings electronically and be counted towards quorum will ensure the continuity and/or resumption of meetings and the business of the City. This will allow for greater flexibility for advisory committees where physical distancing may not be feasible. By extending the electronic provisions in the Council and Committee and Committee of Adjustment Procedure By-laws flexibility is granted through the post COVID transition period and allows a review of the appropriateness and conditions by which this provision could be used on a more permanent basis.

The ability to have a proxy vote when unable to attend a meeting allows Council members to participate in votes however requires further review to determine the appropriate processes and implementation options.



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## Attachments

Appendix 1 - Information Sheet Electronic Participation in Municipal Meetings

Appendix 2 - Information Sheet Proxy Voting for Municipal Council Members



A handwritten signature in black ink that reads "G. Kent." with a period at the end. The signature is written in a cursive, flowing style.

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Gary Kent, CPA, CGA, ICD.D, Commissioner of Corporate Services and Chief Financial Officer

Prepared by: Diana Rusnov, Director, Legislative Services & City Clerk

# Electronic Participation in Municipal Meetings

July 2020

This document is intended to give a summary of complex matters. It does not include all details and does not take into account local facts and circumstances. This document refers to or reflects laws and practices that are subject to change. Municipalities are responsible for making local decisions that are in compliance with the law such as applicable statutes and regulations. This document applies only to those municipalities whose meeting rules are governed by the Municipal Act, 2001.

This document replaces previous guidance released in March 2020 regarding electronic participation in municipal meetings during emergencies.

This document, as well as any links or information from other sources referred to in it, should not be relied upon, including as a substitute for specialized legal or other professional advice in connection with any particular matter. The user is solely responsible for any use or application of this document.

## Overview

The province has made changes to the *Municipal Act* to allow members of councils, committees and certain local boards who participate in open and closed meetings electronically to be counted for purposes of quorum (the minimum number of members needed to conduct business at a meeting).

These provisions are optional. Municipalities continue to have the flexibility to determine if they wish to use these provisions and incorporate them in their individual procedure bylaws.

Municipalities may wish to review their procedure bylaws to determine whether to allow members to participate in meetings electronically, and whether to take advantage of the new provisions based on their local needs and circumstances.

## What a municipality can do

A municipality can choose to hold a special meeting to amend their procedure bylaw to allow electronic participation. During this special meeting, members participating electronically can be counted for the purposes of quorum.

Municipal councils, committees and boards can choose to amend their procedure bylaws to:

- allow the use of electronic participation at meetings
- state whether members can participate in both open meeting and closed meetings
- state whether members participating electronically count towards quorum

It is up to municipalities to determine:

- whether to use these provisions
- the method of electronic participation
- the extent to which members can participate electronically (for example, it is up to municipalities to decide whether all council members participate electronically or whether some still participate when physically present in council chambers)

## Technology to use for electronic meetings

Municipalities, their boards and committees can choose the technology best suited to their local circumstances so:

- their members can participate electronically in decision-making
- meetings can be open and accessible to the public

Municipalities may want to engage with peers who have electronic participation in place to find out about best practices as they revise their procedure bylaws. Some municipalities may choose to use teleconferences while others may use video conferencing.

## Open meeting requirements

If a municipality chooses to amend their procedure bylaw to allow people to participate electronically, meetings would still be required to follow existing meeting rules, including that the municipality:

- provides notice of meetings to the public
- maintains meeting minutes
- continues to hold meetings open to the public ([subject to certain exceptions](#))

The *Municipal Act* [specifies requirements for open meetings](#) to ensure that municipal business is conducted transparently, and with access for and in view of the public. There are limited circumstances under the *Municipal Act* when municipal meetings can be conducted in closed session.

## Rules for local boards

Local boards subject to the meeting rules in the *Municipal Act* include:

- municipal service boards
- transportation commissions
- boards of health
- planning boards
- many other local boards and bodies

Some local boards may not be covered. For example, police services, library and school boards have different rules about their meetings, which are found in other legislation.

Municipalities are best positioned to determine whether a local entity is considered a local board. If in doubt whether a local entity is covered under these rules, municipalities can seek independent legal advice regarding the status of local entities and whether these new provisions would apply to them.

## Contact

If you have questions regarding how these new provisions might impact your municipality, contact your [local Municipal Services Office](#).

- **Central Municipal Services Office**  
Telephone: 416-585-6226 or 1-800-668-0230
- **Eastern Municipal Services Office**  
Telephone: 613-545-2100 or 1-800-267-9438
- **Northern Municipal Services Office (Sudbury)**  
Telephone: 705-564-0120 or 1-800-461-1193
- **Northern Municipal Services Office (Thunder Bay)**  
Telephone: 807-475-1651 or 1-800-465-5027
- **Western Municipal Services Office**  
Telephone: 519-873-4020 or 1-800-265-4736

## Additional Resources

- Municipal Act, 2001: <https://www.ontario.ca/laws/statute/01m25>
- The Ontario Municipal Councillor's Guide: <https://www.ontario.ca/document/ontario-municipal-councillors-guide-2018>

# Proxy Voting for Municipal Council Members

July 2020

This document is intended to give a summary of complex matters. It does not include all details and does not take into account local facts and circumstances. This document refers to or reflects laws and practices that are subject to change. Municipalities are responsible for making local decisions that are in compliance with the law such as applicable statutes and regulations. This document applies only to those municipalities whose meeting rules are governed by the Municipal Act, 2001.

This document, as well as any links or information from other sources referred to in it, should not be relied upon, including as a substitute for specialized legal or other professional advice in connection with any particular matter. The user is solely responsible for any use or application of this document.

## Overview

The province is providing municipalities with the flexibility to choose to allow proxy votes for municipal council members who are absent. This power helps ensure continuing representation of constituents' interests on municipal councils when a member is unable to attend in person due to, for example, illness, a leave of absence, or the need to practice physical distancing.

Municipalities that wish to allow proxy voting must amend their procedure bylaws to allow a member of council to appoint another member of the same council to act in their place when they are absent.

## Optional and Flexible

Allowing proxy voting is optional and it is up to each municipality to determine whether to allow proxies for council and under what circumstances. If a municipal council chooses to allow proxy voting, it is up to each member to decide whether they wish to appoint a member of that council as a proxy or not if they are to be absent.

Municipalities have the flexibility to determine the scope and extent of proxy appointments including, for example, any local rules or limitations, the process for appointing or revoking a proxy, and how proxyholders may participate in meetings. Municipalities may wish to consider:

- how proxies may be established and revoked;
- circumstances where proxies may or may not be used; and
- how a proxyholder may participate in a meeting including voting, speaking, or asking questions on behalf of the appointing member.

If a municipality chooses to allow proxy voting, it would be the role of the municipal clerk to establish a process for appointing and revoking proxies. Municipalities may also wish to consider addressing proxy voting in their code of conduct or other local policies to help ensure that votes are appropriately cast and that the local process is followed.

Once a proxy has been appointed, the appointing member could revoke the proxy using the process established by the municipal clerk.

## Limitations

Limits to the proxy appointment process are set out in legislation. These include:

- A proxyholder cannot be appointed unless they are a member of the same council as the appointing member:
  - For upper-tiers, this means that a proxyholder has to be a member of the same upper-tier council as the appointee, regardless of lower-tier membership;

- A member cannot act as a proxyholder for more than one other member of council at a time;
- An appointed proxy is not counted when determining if a quorum is present;
- A member appointing a proxy shall notify the municipal clerk of the appointment in accordance with a local process established by the clerk; and
- When a recorded vote is taken, the clerk shall record the name and vote of every proxyholder and the name of the member of council for whom the proxyholder is acting.

Council member absence rules still apply. This means that a member's seat would become vacant if they are absent from the meetings of council for three successive months without being authorized to do so by a resolution of council.

## Accountability and Transparency

Members appointing proxies or acting as proxyholders are required to follow existing accountability and transparency requirements. For example, a member may not appoint a proxy or serve as a proxyholder on a matter in which they have a pecuniary interest under the *Municipal Conflict of Interest Act*. Municipalities may also want to consider transparency measures such as:

- communicating to the public who has appointed a proxy and who is serving as a proxy;
- publishing meeting agendas in advance so that proxies can be appointed, if needed, and potential conflicts of interest can be identified; and
- allowing members to participate electronically when not able to attend meetings in person rather than appointing a proxy.

For more information about existing accountability and transparency requirements, including the Municipal Conflict of Interest Act, codes of conduct and the role of the local integrity commissioner, please see the [Municipal Councillor's Guide](#).

## Contact

If you have questions regarding how these new provisions may impact your municipality, contact your local Municipal Services Office with the Ministry of Municipal Affairs and Housing.

- **Central Municipal Services Office**  
Telephone: 416-585-6226 or 1-800-668-0230
- **Eastern Municipal Services Office**  
Telephone: 613-545-2100 or 1-800-267-9438
- **Northern Municipal Services Office (Sudbury)**  
Telephone: 705-564-0120 or 1-800-461-1193
- **Northern Municipal Services Office (Thunder Bay)**  
Telephone: 807-475-1651 or 1-800-465-5027
- **Western Municipal Services Office**  
Telephone: 519-873-4020 or 1-800-265-4736



## Additional Resources

- Municipal Act, 2001: <https://www.ontario.ca/laws/statute/01m25>
- The Ontario Municipal Councillor's Guide: <https://www.ontario.ca/document/ontario-municipal-councillors-guide-2018>

## Appendix 3

The COVID-19 Economic Recovery Act, 2020 – Proxy Voting

## Process to Appoint a Member of Council as a Proxy for Council Meetings

1. A Member of Council appointing a proxy shall by email simultaneously notify the City Clerk and the proxyholder of their absence as soon as possible before the scheduled Council meeting.
  - a. The email appointing the proxy shall detail whether the Proxyholder is given the proxy to vote on all matters or only on specific agenda items;
  - b. If the proxy is only for specific agenda items, these are to be listed in the email.
2. The Proxyholder shall by email response, acknowledge their ability to fulfill their responsibility as a proxyholder for the matters outlined.
3. The City Clerk shall by email notify all members of Council of the designation of the proxy member for the Council meeting.

## Revoking a Proxy

1. If the Member of Council who was to be absent wishes to revoke the proxy, the Member of Council shall by email notify the City Clerk and proxyholder of this change as soon as possible prior to the meeting.
2. The City Clerk shall by email notify all Members of Council notice of the revocation prior to the commencement of the meeting.

## Conflict of Interest

1. If after appointing a proxy, a Member of Council 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 of Council shall:
  - a. as soon as possible, notify the proxyholder of the Conflict of Interest in the matter;
  - b. indicate that the proxy will be revoked in respect of the matter; and
  - c. request that the City Clerk revoke the proxy with respect to the matter in accordance with the proxy revocation process established by the City Clerk.
2. If, after appointing a proxy, a Member of Council 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.

3. If the Proxyholder discovers that they have a Conflict of Interest in a matter to be considered at the meeting where they have proxy

## Status of Governance Committee Workplan Items

Issue	Timeline	Details
1. Review of Code of Conduct	Completed.	<p>GC-0399-2018 That the review of the Council Code of Conduct be deferred until the 2018-2022 term of Council.</p> <p>GOV-0003-2019 That the Governance Committee meet to review the Council Code of Conduct and discuss possible amendments, upon completion of the citizen appointments to the Committee for the current term of Council.</p> <p>Update:</p> <p>GC-0672-2019 That the report dated December 2, 2019 titled "Council Code of Conduct Review" from Principals Integrity, Integrity Commissioner for the City of Mississauga be approved.</p>
2. Follow up from Council Strategic Direction Setting Workshop	<b>Ongoing</b>	<p>Update:</p> <p>GOV-0008-2019 That the report dated September 4, 2019, from the City Manager and Chief Administrative Officer: Council Strategic Direction Setting Workshop Debrief, be received and referred to staff to obtain feedback from Members of Council and report back to Governance Committee.</p>
3. Electronic Participation at meetings.	<b>Completed.</b>	<p><b>GC-0064-2020</b></p> <ol style="list-style-type: none"> <li><b>1. That the report dated October 28, 2019 from the Commissioner of Corporate Services and Chief Financial Officer be approved as outlined with the following amendments:</b></li> <li><b>2. That electronic participation be permitted for Accessibility Advisory Committee members to allow voting and to count for quorum.</b></li> <li><b>3. That the current procedure for the Consent Agenda remain the status quo.</b></li> </ol>

Status of Governance Committee Workplan Items

Issue	Timeline	Details
4. Survey of Election Candidates	<b>Completed</b>	<b>GC-0152-2020</b> <ol style="list-style-type: none"> <li><b>1. That the Corporate Report dated June 1, 2020 from the Director of Legislative Services and City Clerk titled Election Administration Information Report: City of Mississauga Campaign Contribution Rebate Program and Consolidated Statistics be received.</b></li> <li><b>2. That the Mississauga's 2022 Election Campaign Contribution Rebate Program be referred to the Budget Committee.</b></li> </ol>
5. Issues resulting from the Region of Peel representation discussions	Ongoing.	On-going consultation at the Region of Peel.
6. Tour de Mississauga Delivery Model for 2016 and beyond	Completed.  Adopted by Council on February 10, 2016.	<b>MCAC-0004-2016</b> <ol style="list-style-type: none"> <li>1. That the letter dated December 18, 2015 from Glenn Gumulka, Executive Director, SustainMobility, regarding the management of the Tour de Mississauga, be received for information.</li> <li>2. That the Members of the Mississauga Cycling Advisory Committee support the transfer of the management of the Tour de Mississauga to SustainMobility.</li> <li>3. That the Tour de Mississauga Subcommittee of the Mississauga Cycling Advisory Committee continue to work with SustainMobility on the Terms and Conditions relating to the transfer of the management of the Tour de Mississauga to SustainMobility.</li> </ol>

Status of Governance Committee Workplan Items

Issue	Timeline	Details
7. Feasibility Study for Internet Voting	Completed	<p>The following recommendation was approved by Governance on June 20, 2016:</p> <p>1. That the Corporate Report dated June 7, 2016 from the Director of Legislative Services and City Clerk, outlining the potential enhancements for the 2018 Municipal Election be received for information.</p> <p>2. That staff be directed to implement Vote Anywhere for the 2018 Municipal Election on Election Day and Advance Poll Days and that the City of Mississauga will wait for the Province to test the ranked ballot option before it is implemented for a municipal election.</p>
8. Procedure By-law Review	Completed	<p>The following recommendation was approved by Governance on November 14, 2016:</p> <p>That a by-law be enacted to amend By-law 0139-2013, being the Corporation of the City of Mississauga Council Procedure By-law as amended, in accordance with the Corporate Report dated October 5, 2016, from the Commissioner of Corporate Services and Chief Financial Officer titled 'Proposed Amendments to the Council Procedure By-law 0139-2016.</p>
9. Report on Pilot Committee of Adjustment Streaming	Completed	<p>The following recommendation was approved by Governance Committee on September 19, 2016:</p> <p>GOV-0014-2016</p> <p>1. That the Corporate Report dated August 8, 2016 from the</p>

Status of Governance Committee Workplan Items

Issue	Timeline	Details
		<p>Commissioner of Corporate Services and Chief Financial Officer titled. "Video streaming and On-demand videos for Additional Committee meetings" be received.</p> <p>2. That staff be directed to implement video streaming and on-demand videos for the Audit and Governance Committees as a one year pilot project.</p>
10. Municipal Election Campaign Contribution Rebate Program for the 2018 Election	Completed	Adopted by Council on February 22, 2017.
11. Review of Section 29 of the Committee of Adjustment Procedure By-law	Completed	Adopted by Council on September 14, 2016.
12. Election Lawn Signs	Completed	<p>Resolution 0220-2016 adopted by Council on November 16, 2016 to establish the period of time that the signs can be up.</p> <p>Resolution 0221-2016 adopted by Council on November 16, 2016 which gives direction to staff to provide further information on the Sign By-law as it relates to Municipal Elections.</p>

Status of Governance Committee Workplan Items

Issue	Timeline	Details
13. Community Group Support	Completed	<p>The following recommendation was approved by Governance Committee on March 6, 2017:</p> <p>GOV-0001-2017 That the report entitled Community Group Support Program Policy 08-01-01 dated February 28, 2017 from the Commissioner of Community Services be received for information.</p>
14. Budget Allocation Process for Advisory Committees	Completed	Adopted by Council on December 14, 2017.
15. Integrity Commissioner RFP and Recruitment	Completed	Integrity Commissioner appointed by Council on June 21, 2017.
16. Posting of comments from Planning Staff with respect to Committee of Adjustment applications	Completed	
17. Bill 8 (Accountability Act) implementation	Completed	



Status of Governance Committee Workplan Items

Issue	Timeline	Details
18. Procedure for establishing committees or task forces	Completed	
19. Corporate Policy Review pertaining to Municipal Elections	Completed.	<p>The following recommendation was approved by General Committee on November 15, 2017:</p> <p>GC-0742-2017 That the draft Corporate Policy titled ‘Use of City Resources During an Election Campaign, attached as Appendix 2 to the Corporate Report dated November 2, 2017 from the Commissioner of Corporate Services and Chief Financial Officer titled ‘Corporate Policy and Procedure - Use of City Resources During an Election Campaign’, be approved with the exception of paid campaign ads in City facilities and that staff report back on campaign material as it relates to the Placing Advertisement with the City Policy 03-09-01.</p>
20. Corporate Policy Review - Citizen Appointment Process (including a review to limit citizen member appointments to one committee)	Completed	<p>The matter was considered by General Committee at its meeting on March 21, 2018 and the following recommendation was issued:</p> <p>GC-0175-2018</p> <p>1. That the report dated January 25, 2018, entitled ‘Requirements for Citizen Appointments to Committees of Council’, from Gary Kent, CPA, CGA, Commissioner of Corporate Services and Chief Financial Officer, be received.</p>

Updated items in **Bold**

Status of Governance Committee Workplan Items

Issue	Timeline	Details
		2. That the Canadian citizenship remain as a requirement for citizen appointments to Committees of Council, as outlined in Corporate Policy 02-01-01 Citizen Appointments to Committees, Boards and Authorities.
21. Citizen appointments to committees (membership/ composition)	Completed.	Arising from discussion at General Committee on June 15, 2016.
22. Review of committees for 2018-2022 term of Council	Completed	
23. Review of Protocol Corporate Policy 06-02-01	Completed	<p>The following recommendation was approved at General Committee on November 15, 2017:</p> <p>GC-0732-2017</p> <p>That staff be directed to incorporate the following changes to the Civic Protocol Policy 06-02-01 and report back to General Committee:</p> <p>a) Move the Regional Chair to appear directly following Members of Council in the Order of Precedence for Processions.</p> <p>b) Move the Regional Chair to speak directly following the Mayor or Acting Mayor in the Speaking Order at Official City Openings/Events.</p> <p>c) Clarify that Federal and Provincial Government representatives be invited to speak if there is a partnership/funding agreement in</p>

Updated items in **Bold**

Status of Governance Committee Workplan Items

Issue	Timeline	Details
		place.
24. Government Relations with Federal and Provincial Governments	Completed	<p>The following recommendation was approved by General Committee on February 28, 2018.</p> <p>GC-0137-2018 That the Draft Government Relations Protocol as outlined in Appendix 1, attached to the memorandum dated, February 6, 2018 from Robert Trewartha, Chief of Staff, Office of the Mayor, be approved as amended at the February 28, 2018 General Committee meeting.</p>
25. Governance Subcommittee - Municipal Governance Leadership Challenge	<p>GC-0138-2018</p> <p>Completed.</p> <p>Implementation of Recommendations Ongoing.</p>	<p>The following recommendation was approved by General Committee on February 28, 2018.</p> <p>GC-0138-2018</p> <ol style="list-style-type: none"> <li>1. That the report from John Magill, Citizen Member, entitled "Governance Subcommittee Report –Municipal Governance Leadership Challenge", dated February 5, 2018, be received.</li> <li>2. That the Guide to Good Municipal Governance Concluding Chapters Question Review be reviewed on a semi-annual basis by the Governance Committee to maintain and update the document.</li> <li>3. That the recommendations from the Citizen members</li> </ol>

Updated items in **Bold**

Status of Governance Committee Workplan Items

Issue	Timeline	Details
	<p><b>GOV – 0004-2018</b></p> <p><b>1. a. Completed at the beginning of each term.</b>  <b>b. Completed at the beginning of each term.</b></p> <p><b>2. a. Completed during the annual budget process.</b></p>	<p>outlined in this report be added to the Governance Committee work plan.</p> <p>(GOV-0004-2018)</p> <p>As a result of the review and discussions, the Citizen Members of Governance Committee have the following recommendations:</p> <ol style="list-style-type: none"> <li>1. That a more comprehensive orientation be prepared for new/incoming Council Members.               <ol style="list-style-type: none"> <li>a. The orientation at the beginning of each term would establish agreed upon City priorities and the principles upon which decisions and strategic priorities will be based and prioritized. Councillors will understand the fit of their ward priorities and appropriate ward actions.</li> <li>b. Create a governance culture supportive of consensus building among councillors beginning with the early mandate orientation sessions and a strategy to reinforce it throughout the mandate.</li> </ol> </li> <li>2. Ensure decisions are being made aligned with and have a balance between City-wide and ward specific issues.               <ol style="list-style-type: none"> <li>a. Annually as staff begin to prepare next year's budget Council should be informed of potential challenges and priorities.</li> </ol> </li> <li>3. Ensure Strategic and Master Plans are provided in an</li> </ol>

Updated items in **Bold**

Status of Governance Committee Workplan Items

Issue	Timeline	Details
	<p><b>3. a. &amp; b. Ongoing by the Community Relations section of the Planning and Building Department.</b>  <b>c. Ongoing by staff as required and during the budget process.</b></p> <p><b>4. a., b., &amp; c. Ongoing by the Community Relations section of the Planning and Building Department as part of the Community Engagement Strategy.</b></p> <p><b>5. a. Ongoing by staff in the City Manager's Office and with direction from Council.</b></p> <p><b>6. a. Completed</b>  <b>b., c., d., e., Ongoing implementation of recommendations.</b></p>	<p>informative and user friendly format.</p> <ul style="list-style-type: none"> <li>a. Include an executive summary to large documents</li> <li>b. Provide simplified information for the public</li> <li>c. Staff to present an executive summary to Council following approval of the Budget regarding major projects coming forward.</li> </ul> <p>4. Effectively and efficiently expand and experiment with methods for consultation with the public including the hard to access for:</p> <ul style="list-style-type: none"> <li>a. Consensus building around priorities and unique City characteristics</li> <li>b. Strategic planning</li> <li>c. Decision making</li> </ul> <p>5. Manage relationships more effectively</p> <ul style="list-style-type: none"> <li>a. Establish a plan of action with specific objectives and resources for approaching other levels of government for support of the City's strategic priorities and asset requirements utilizing all appropriate staff and Council members.</li> </ul> <p>6. Process improvements and the role of the Governance Committee</p> <ul style="list-style-type: none"> <li>a. Report to Governance Committee and Council on the</li> </ul>

Status of Governance Committee Workplan Items

Issue	Timeline	Details
		<p>implications of Bill 68</p> <ul style="list-style-type: none"> <li>b. Continue to identify opportunities for improvements in governance</li> <li>c. Consider the impact on governance improvements contained in procedural rules for Council and in the Code of Conduct</li> <li>d. Add the City's core values to signature blocks</li> <li>e. Monitor the progress of achievement of recommendations applicable to staff contained in Appendix 2</li> </ul>
26. New Council Orientation	Completed	<p>GOV-0010-2018</p> <p>That staff be directed to organize orientation and strategic direction setting sessions for the Members of Council for the 2018-2022 term, as outlined in the report entitled, 'New Council Orientation and Strategic Direction Setting' dated March 15<sup>th</sup>, 2018, from the City Manager and Chief Administrative Officer.</p> <p>(GOV-0010-2018)</p>