

City of Mississauga
Corporate Report



<p>Date: November 5, 2021</p> <p>To: Chair and Members of Governance Committee</p>	<p>Originator's files:</p>
<p>From: Shari Lichterman, CPA, CMA, Commissioner of Corporate Services and Chief Financial Officer</p>	<p>Meeting date: November 15, 2021 and March 28, 2022</p>

Subject

Proxy Voting at Council - Update

Recommendation

That the corporate report dated November 5, 2021 from the Commissioner of Corporate Services and Chief Financial Officer entitled "Proxy Voting at Council - Update", be received for information.

Background

On November 16, 2020, Governance Committee considered the report entitled "Proxy Voting at Council Meetings" report (Appendix 1) and directed that the decision regarding Proxy Voting at Council meetings be deferred and that a report be brought back to the Governance Committee in the fall of 2021 to review both Electronic Participation and Proxy Voting.

Since the original direction from Governance Committee much work and discussion has occurred related to electronic participation. On September 22, 2021, General Committee considered a report from the City Solicitor entitled "Summary of the Temporary By-laws and By-law Amendments enacted by Council in response to the COVID-19 Pandemic". As a result, the Council Procedure By-law 0139-2013 and the Committee of Adjustment Procedure By-law were amended to extend the period for virtual meetings and electronic participation until June 30, 2022.

Subsequently, on November 20, 2021 Council adopted Resolution 0200-2021 that endorsed the continuation of hybrid and virtual meetings until March 31, 2022 and directed that the matter be revisited before the end of March 2022. The specific resolution stated:

1. That Council and Standing Committee meetings, except Audit Committee, remain in a hybrid format until March 31, 2022.
2. That Advisory and Quasi-Judicial Committee of Council meetings continue to be held in a virtual format until March 31, 2022.

3. That staff or Councillor led community meetings continue to be held in a virtual format until March 31, 2022, unless a Councillor wishes to host a hybrid meeting.
4. That if Council chooses to enact a bylaw that requires members of the public who attend public meetings to show proof of vaccination, such meetings are to be conducted using a hybrid format with an option for members of the public to participate virtually.
5. That staff report back on the options before the March 31, 2022 date on whether to continue.”

Comments

Given that previous reports dealt with electronic participation, this report will focus on the option of proxy voting. Proxy voting was introduced in Bill 197, which made a number of amendments to the *Municipal Act, 2001*, including allowing a member of council to appoint another member as a proxy to act in their place when they are absent. The *Municipal Act, 2001*, sets out limits to the proxy appointment process for members of Council as follows:

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)

Benchmarking with seven municipalities found that only the Region of Peel has implemented the provision of proxy voting for Members of Council.

Although proxy voting provides benefits for those absent from a meeting, there are also concerns which include: when there are new agenda items, late items (walk-on items) or additional information provided at a meeting, or when amendments are made during debate to the main motion, procedural motions, approvals, deferrals or referrals of a matter etc; the proxyholder would not have direction on the new information and would need to exercise their discretion without any voting instructions provided by the absent member.

Should Council decide to implement proxy voting, an amendment to the Procedure By-law would be required to reflect the process outlined in Appendix 1 attached to this report.

Financial Impact

There is no financial impact.

Conclusion

The Procedure By-law permits electronic participation for meetings of Council and Committees until June 30, 2022. Members that cannot attend in person, have the option to participate and vote virtually, however the Municipal Act allows for the provision of proxy voting as well. Should Council consider implementing proxy voting for members of Council, consideration should be given to when changes occur or additional information is presented at the meeting thereby potentially affecting the original direction given.

Attachments

Appendix 1: Previous Proxy Voting at Council Report dated November 4, 2020



Shari Lichterman, CPA, CMA, Commissioner of Corporate Services and Chief Financial Officer

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