

Extract from COVID-19 Economic Recovery Act, 2020

SCHEDULE 12

Municipal Act, 2001

2 The Act is amended by adding the following section:

Proxy vote

243.1 (1) The procedure by-law may provide that, in accordance with a process to be established by the clerk, a member of council may appoint another member of council as a proxy to act in their place when they are absent subject to the following rules:

1. A member of a local council appointed as an alternate member of the upper-tier council under section 267 may appoint a member of the upper-tier council as a proxy to act in their place when they are absent from the upper-tier council.
2. A member who is unable to attend a meeting of the upper-tier council and for whom an alternate member is appointed under section 267 shall not appoint a proxy.
3. A member appointed as an alternate member of the upper-tier council under section 268 shall not appoint a proxy.
4. A member who is unable to attend a meeting of the upper-tier council and for whom an alternate member is appointed under section 268 shall not appoint a proxy if the appointed member is acting on their behalf at the meeting.

Rules re proxy votes

(2) The following rules apply with respect to the appointment of another member of council to act as a proxy under subsection (1):

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 the 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 the purposes of determining whether the office of the member is vacant under clause 259 (1) (c).

Pecuniary interest

(3) 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.

Same, pre-meeting discovery

(4) 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.

Same, post-meeting discovery

(5) 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.

Conflict, etc., proxyholder

(6) For greater certainty, nothing in this section authorizes a proxyholder who is disabled from participating in a meeting under the Municipal Conflict of Interest Act from participating in the meeting in the place of an appointing member.

Regulations, proxy votes

(7) The Minister may make regulations providing for any matters which, in the Minister's opinion, are necessary or desirable for the purposes of this section.