

THE CORPORATION OF THE MUNICIPALITY OF EAST FERRIS

BY-LAW NO. 2020-27

BEING A BY-LAW TO AMEND BY-LAW NO. 2020-17 A BY-LAW TO GOVERN THE PROCEEDINGS OF COUNCIL, LOCAL BOARDS AND COMMITTEES OF EITHER, THE CONDUCT OF ITS MEMBERS, THE CALLING OF THE MEETINGS AND TO ESTABLISH RULES OF ORDER.

WHEREAS section 238 of the *Municipal Act, 2001*, as amended, provides that every municipality shall pass a Procedure By-Law for governing the calling, place and proceeding of meetings;

AND WHEREAS The Corporation of the Municipality of East Ferris has enacted Procedural By-Law 2020-17;

AND WHEREAS on July 21st, 2020, the Province of Ontario enacted Bill 197, *COVID-19 Economic Recovery Act*, 2020, to enact section 243.1 of the *Municipal Act, 2001* to allow for proxy voting;

NOW THEREFORE the Corporation of the Municipality of East Ferris hereby enacts as follows:

1. That the Corporation of the Municipality of East Ferris' Procedural By-Law No. 2020-17 be amended by adding **Article 5.13 "Proxy Voting"** as follows:

5.13. **Proxy Voting**

5.13.1 **Appointment of Proxy**

Notwithstanding any other provision of Procedural By-law No. 2020-17, a member of Council may appoint another member of Council as a proxy to act in their place when they are absent from a meeting in accordance with section 243.1 of the *Municipal Act, 2001* by notifying the Clerk of such appointment in accordance with the Proxy Form - Schedule "A".

5.13.2 **Rules for Appointing Proxy**

The following rules apply with respect to the appointment of another member of council to act as a proxy under Article 5.13:

- a) A member shall not appoint a proxy unless the proxyholder is a member of the same council as the appointing member.
- b) A member shall not act as a proxy for more than one member of council at any one time.
- c) 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.
- d) A member who is disabled from participating in a meeting under the *Municipal Conflict of Interest Act* shall not, if the interest is known to the member, accept a proxy appointment in respect of the matter.
- e) For the purpose of determining whether a quorum of members is present at any point in time, a proxyholder shall be counted as one member and shall not be counted as both the appointing member and the proxyholder.
- f) 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.
- g) 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).

5.13.3 Pecuniary Interests – Appointing Member

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.

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.

5.13.4 Pecuniary Interest – Proxyholder

If, after accepting a proxy, the proxyholder 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 proxyholder shall, as soon as possible,

- a) notify the appointing member 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.

For greater certainty, if, after accepting a proxy, a proxyholder 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 proxyholder 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.

5.13.5 Revocation of Proxy

A proxy may be revoked by the appointing member or the proxyholder in accordance with the process established by the Clerk.

5.13.6 Participation of Proxyholder

A proxyholder participating in a meeting of Council shall identify when he or she is voting, speaking or asking a question on behalf of the appointing member.

READ A FIRST AND SECOND TIME this 8th day of September, 2020.

READ A THIRD TIME AND FINALLY PASSED this 8th day of September, 2020.

Mayor
Pauline Rochefort

Clerk
Monica L. Hawkins

Schedule "A" to By-law No. 2020-27

Municipality of East Ferris



PROXY FORM

(This form must be original handwritten)

I _____ hereby appoint _____ to
(Councillor making appointment) *(Councillor appointed)*
serve as my proxy and to vote on my behalf at the Council Meeting to be held
_____.
(Specify meeting)

This proxy shall be valid for all matters to be voted on at the Council Meeting of
_____.
(Meeting date)

A voting member of Council wishing to vote via proxy shall personally contact the Council member of their choice to be their voting proxy.

The duly executed hand-written proxy form shall be delivered to the Clerk by the appointed Council Member by 12:00 p.m. prior to the applicable Council meeting date. A separate proxy form shall be completed for each individual Council meeting.

The proxy may be revoked at any time by the appointing member or the proxyholder by presenting in writing to the Clerk prior to the set time of the Council meeting date.

Councillor making the Appointment

Name: _____

Signature: _____

Date: _____

Councillor appointed as Proxy

Name: _____

Signature: _____

Date: _____

Monica L. Hawkins, AMCT
Clerk

Date received: _____
Time Received: _____