

Staff Report 2019-09

Meeting Date: Tuesday, January 15, 2019

Subject: Appointment of an Alternate Member to Regional Council

Submitted By: Amanda Fusco, Manager of Legislative Services / Interim Town Clerk

RECOMMENDATION

That _____ be appointed as the alternate member to Region of Peel Council for the 2018-2022 Term of Council;

That the necessary by-law be brought forward to give effect thereto; and

That Town Staff notify the Regional Clerk of the appointment.

REPORT HIGHLIGHTS

- In 2017, Bill 68, *Modernizing Ontario's Municipal Legislation Act*, enacted various amendments to the *Municipal Act, 2001* ("the Act"), including a new provision to permit local councils to appoint one (1) Member of Council to serve as an alternate member on Regional Council should a local Regional Councillor be unable to attend. This provision is permissive. It is not a requirement.
- In 2018, Councillor N. deBoer was appointed as the Town's alternate member to Regional Council for the term ending on November 30, 2018.
- With section 268 of the Act still in effect, staff are recommending that Council appoint an Area Councillor to act as an alternate member on Regional Council. Appointment of an alternate will ensure that the Town is duly represented at Regional Council in the event that a Regional Councillor is unable to attend Regional Council.
- Peel municipalities were consistent in their approach to the provision in the past term regarding notification procedures, powers/duties of an alternate, indemnification, and remuneration.
- Should a Regional Councillor not be able to attend a Regional Council meeting they shall notify the Regional Clerk in writing, as soon as possible.
- Alternate members may receive mileage compensation at the approved corporate rate from the Region of Peel for attendance at the Regional meeting's. No additional compensation for attending will be provided.
- The alternate member attendance is limited to Regional Council meetings only and they shall follow the provisions outlined in this report with respect to meeting administration.

DISCUSSION

In 2017, Bill 68, *Modernizing Ontario's Municipal Legislation Act*, enacted various amendments to the *Municipal Act, 2001* ("the Act"), and other municipal legislation. Many of the changes affected governance matters and came into effect on January 1, 2018, including a new provision to permit local councils to appoint one (1) Member of Council to serve as an alternate member on Regional Council should a local Regional Councillor be unable to attend. The appointment must be one member for the Term of Council and cannot be the appointment of an alternate head of council of the upper tier municipality.

Section 268 of the Municipal Act, 2001, sets out the following:

"Temporary replacement, member of upper-tier council

268 (1) Subject to subsection (2), the council of a local municipality may appoint one of its members as an alternate member of the upper-tier council, to act in place of a person who is a member of the councils of the local municipality and its upper-tier municipality, when the person is unable to attend a meeting of the upper-tier council for any reason.

Limitation

(2) Subsection (1) does not authorize,

(a) the appointment of more than one alternate member during the term of council;

(b) the appointment of an alternate member to act in place of an alternate member appointed under subsection 267 (1) or (2); or

(c) the appointment of an alternate head of council of the upper-tier municipality.

Other temporary replacement

(3) Despite clause (2) (a), if the seat of the member who has been appointed as an alternate member under subsection (1) becomes vacant, the council of a local municipality may appoint another of its members as an alternate member for the remainder of the council term."

At the Council meeting on February 20, 2018, Councillor N. deBoer was appointed as the Town's alternate member to Regional Council for the term ending on November 30, 2018. With section 268 of the Act still in effect, Town Council is entitled to appoint one Area Councillor to be the designated alternate member for an absent Caledon Regional Councillor.

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The Town does not currently have a process in the Town's Procedural By-law to appoint an alternate member of Regional Council. Staff are recommending that the appointment be made by a motion as noted in the recommendation to this report.

Staff will be investigating other processes with respect to appointments to committees, boards and agencies and will report back as part of the Procedural By-law review process.

Staff recommends that any appointment of an Area Councillor as an alternate Regional Council member be created by by-law and the respective appointment by-law be forwarded to the Region of Peel Clerk.

It is advantageous for the Town to appoint an alternate member, as it will ensure that the Town is duly represented at Regional Council in the event that a Regional Councillor is unable to attend Regional Council.

On December 4, 2018 Brampton City Council passed a resolution to appoint City Councillor Harkirat Singh as the alternate Regional Councillor in the event of a temporary absence of a Brampton Regional Councillor at Region of Peel Council for the 2018-2022 Term.

Peel municipalities were consistent in their approach to the provision in the past term regarding notification procedures, powers/duties of an alternate, indemnification, and remuneration. The following considerations will continue to be in place.

Notification

- Regional Council members shall notify the Regional Clerk in writing, as soon as possible, once they know they will not be able to attend a Regional Council meeting.

Remuneration

- Alternate members may receive mileage compensation at the approved corporate rate from the Region of Peel for attendance at the Regional meeting's. No additional compensation for attending will be provided.

Meeting Administration

- The alternate would be appointed for the entire term of Council. Should the seat of the alternate become vacant, then the municipality may appoint another member to act as the alternate to Regional Council.
- The alternate member attendance is limited to Regional Council meetings only. Prior to, or after the meeting, the alternate cannot submit agenda items such as notices of motion.

- Alternate members may only substitute when a regular member of Regional Council from their local municipality is unable to attend. Substitutions for part of a meeting will not be permitted.
- The alternate member will have the same powers and duties as a regular member of Regional Council only during a Regional Council meeting (e.g. may move motions and vote).
- The alternate must adhere to all applicable policies and procedures that apply to members of Regional Council while in attendance at a meeting (e.g. Region's Procedural By-law and Council Code of Conduct).
- If a discrepancy should arise where a Regional Councillor and an alternate are both in attendance at the start of the meeting, the Regional Councillor shall assume their role at the meeting.
- Once the determination has been made that an alternate is attending on a Regional Councillor's behalf, the alternate shall remain as the Regional Councillor for the duration of the meeting, regardless of whether the Regional Councillor arrives. The alternate will be noted as the member in attendance for the entire meeting.
- The alternate will only be considered a member of Regional Council during attendance at a Regional Council meeting. The alternate would not be entitled to Indemnification from the Region for any statutory prosecution or disciplinary proceeding brought against them, unless such action is the result of an incident that occurred during the alternate acting in good faith, in the course of their duties, at a Regional Council meeting, if during such time they were acting as an alternate member of Regional Council.
- While in attendance at a Regional Council meeting, the alternate member will have all of the same powers and duties as a regular member of Regional Council e.g. may move motions and vote. The alternate must adhere to all applicable policies and procedures that apply to members of Regional Council while in attendance at a meeting e.g. the Region's Procedural By-law and Council Code of Conduct.

FINANCIAL IMPLICATIONS

Alternate members may receive mileage compensation at the approved corporate rate from the Region of Peel for attendance at the Regional meeting's. No additional compensation for attending will be provided.

No additional remuneration from the Town of Caledon is required.

COUNCIL WORK PLAN

The matter is not relative to the Council Work Plan.

ATTACHMENTS

None.