



Report to: General Committee

Meeting Date: April 8, 2019

SUBJECT: Possible Appointment of Markham's Alternate Member for Regional Council
PREPARED BY: Kimberley Kitteringham, City Clerk, ext. 4729
Josh Machesney, Elections & Committee Coordinator, ext. 2211

RECOMMENDATION:

1. That the report entitled "Possible Appointment of Markham's Alternate Member for Regional Council" be received; and,
2. That the City Clerk notify the Regional Clerk of the appointment of Markham's Alternate Member for York Region Council for the 2018-2022 term of Council should Markham City Council choose to do so; and further,.
3. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

PURPOSE:

This report provides information regarding the amendment to the Municipal Act, 2001 (the "Act") which permits Markham City Council to appoint an Alternate Member of Regional Council who would attend Regional Council meetings when the Mayor, Deputy Mayor, or any of the three Regional Councillors is unable to attend a meeting for any reason.

BACKGROUND:

The Modernizing Ontario's Municipal Legislation Act, 2017 contains a number of amendments to the Act, including permitting lower-tier municipalities to appoint one alternate member to attend an upper-tier council meeting when a Councillor who is both a member of the lower-tier municipality and upper-tier municipality is unable to attend for any reason (Section 268 of the Act). This legislative amendment was sought by municipalities who wanted to ensure they continued to have representation on their upper-tier council in the event their local Councillor(s) was absent or unable to attend an upper-tier Council meeting for any reason.

The following conditions apply to the appointment of an alternate Member:

1. The Alternate Member must be a Member of the lower-tier municipality.
2. There can only be one Alternate Member appointed per municipality.
3. The appointment is for the term of Council.
4. Municipalities cannot appoint another Alternate to act in place of the appointed Alternate Member.

The appointed Alternate Member is able to attend Regional Council meetings only. The appointed Alternate Member may not attend Committee of the Whole meetings.

To date, the Town of Stouffville and Township of King have appointed an Alternate Member to York Region Council. The Region of York has developed procedures for Alternate Members of Regional Council to address issues of indemnification, remuneration, and notification as well as the powers and duties of Alternate Members (see **Appendix “A”**) and are summarized below:

1. Indemnification

Alternate Members will receive the same indemnification coverage as incumbent Members. The Region’s Indemnification By-law provides that Members of Regional Council are entitled to reimbursement for legal expenses related to actions or proceedings as well as expenses incurred in obtaining legal advice to determine whether the Member has a pecuniary interest in a matter which is the subject of consideration by Regional Council.

2. Remuneration

Alternate Members are entitled to mileage reimbursement in accordance with the Region’s Reimbursement for the Use of Personal Vehicles Policy. Mileage is calculated based on the shorter distance between the Alternate Member’s home and the Region’s Administrative Centre or the Alternate Member’s municipal office and the Region’s Administrative Centre.

3. Notification Processes

The City will be required to notify the Regional Clerk in the event that Markham City Council appoints an Alternate Member. The incumbent Council Member shall notify the Regional Clerk, in writing, as soon as reasonably possible when an Alternate Member will be attending a meeting of Regional Council in place of an incumbent Member. It is the responsibility of the incumbent Council Member to notify the Alternate Member that they are to attend a Regional Council meeting in their place. In situations where no prior notice has been given, the Alternate Member shall, at the time they attend the Regional Council meeting, provide the Regional Clerk with written confirmation that they are acting as an Alternate Member for that Council meeting.

Alternate Members will receive hard copy agendas, including confidential materials, for any Council meeting for which notice of their attendance was provided. If notice of their attendance has not been provided, they shall receive hard copy agendas at the time they attend the Council meeting and confirm they are acting as an Alternate Member.

4. Meeting Administration

The Alternate Member shall not take their seat unless they have first taken their declaration of office. This is not required for subsequent meetings they might attend. Alternate Members must only be used when the Regional Council Member is unable to attend an entire Council meeting. The Alternate Member shall have all the powers and duties of a Regional Council Member, including the power to make motions and vote, and the duty to abide by the Region’s Procedural By-law and Code of Conduct. The Alternate Member’s powers and duties as a Regional Council Member extend only to the time they are present at the Council meeting.

OPTIONS/ DISCUSSION:

The City of Markham has five Councillors on York Region Council. In accordance with the Municipal Act, one of Markham's local Councillors may be appointed as the Alternate Member of Regional Council. Markham City Council is not obligated under the Act to appoint an Alternate Member, and may choose not to do so. If Markham City Council wish to do so, it is recommended that the appointment be done by resolution of Council. Should such a resolution be adopted, the City Clerk will notify the Regional Clerk (in writing) of the appointment of the Alternate Member.

FINANCIAL CONSIDERATIONS

Not applicable.

HUMAN RESOURCES CONSIDERATIONS

Not applicable.

ALIGNMENT WITH STRATEGIC PRIORITIES:

Not applicable.

BUSINESS UNITS CONSULTED AND AFFECTED:

Not applicable.

RECOMMENDED BY:

Kimberley Kitteringham

Trinela Cane

ATTACHMENTS:

Appendix "A" – Region of York - Procedures for Alternate Members of Regional Council