

Clause 24 in Report No. 1 of Committee of the Whole was adopted, without amendment, by the Council of The Regional Municipality of York at its meeting held on January 25, 2018.

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Establishing Procedures for Alternate Members of Council

Committee of the Whole recommends adoption of the following recommendations contained in the report dated January 18, 2018 from the Commissioner of Corporate Services:

1. Council support the use of alternates in the Towns of Aurora, East Gwillimbury, Whitchurch-Stouffville and the Township of King.
2. Council approve the Procedures for Alternate Members of Council as shown in Attachment 1.
3. Council approve an amendment to Indemnification By-Law No A-0263-1999-064 to provide reimbursement of legal expenses for Alternate Members of Council in accordance with the bylaw.
4. The Regional Clerk circulate this report to the Clerks of the local municipalities.

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Report dated January 18, 2018 from the Commissioner of Corporate Services now follows:

1. Recommendations

It is recommended that:

1. Council support the use of alternates in the Towns of Aurora, East Gwillimbury, Whitchurch-Stouffville and the Township of King.
2. Council approve the Procedures for Alternate Members of Council as shown in *Attachment 1*.
3. Council approve an amendment to Indemnification By-Law No A-0263-1999-064 to provide reimbursement of legal expenses for Alternate Members of Council in accordance with the bylaw.

4. The Regional Clerk circulate this report to the Clerks of the local municipalities.

## 2. Purpose

This report presents a process for accommodating alternate members of Council who may be appointed by local municipal councils under new provisions in the *Municipal Act*. The purpose is to provide clarity to all parties and reduce disruption to Council.

## 3. Background

Regional Council has previously discussed alternate members in the context of those municipalities with only one Regional Council Member

In both this and the previous term, Regional Council has broadly considered its overall composition and representation. During this consideration, there was discussion, but no formal position, on how the Towns of Aurora, East Gwillimbury and Whitchurch-Stouffville and the Township of King might benefit from legislative amendments to permit them to use alternates in the event their single member was unable to attend a meeting. This would ensure that each Town was duly represented at meetings.

The *Modernizing Ontario's Municipal Legislation Act, 2017* amended the *Municipal Act* in several ways, including to permit local municipalities to appoint alternates for their members of Regional Council

Following municipal consultation, the province enacted the *Modernizing Ontario's Municipal Legislation Act, 2017*, which contained a number of amendments to the *Municipal Act* in areas such as accountability and transparency, financial sustainability and governance. Council submitted comments in response to the consultation at its [October 15, 2015](#) meeting. Council received additional updates on the proposed legislation on [April 20, 2017](#) and [June 29, 2017](#).

The amendments have different implementation dates but the provision relating to alternates came into effect on January 1, 2018. The provision permits a local municipality to appoint one of its members to act in place of any of its Regional Council members when any of those members are unable to attend a Regional Council meeting for any reason. It does not apply to Committee of the Whole, Board or other meetings.

## Establishing Procedures for Alternate Members of Council

The new legislation contains parameters for the appointment of alternates

Local municipalities are able to appoint an alternate member of Regional Council in accordance with the following provisions:

1. There can only be one alternate member appointed per municipality
2. The appointment is for the term of Council
3. Municipalities cannot appoint another alternate to act in place of the appointed alternate member.

### 4. Analysis and Implications

The authority to appoint alternate members resides with the local municipalities

Each of the nine local municipalities has the option to appoint one of its members to act as an alternate if any of their Regional members are unable to attend any meeting for any reason. The alternate is appointed for the term of Council.

Although each of the nine local municipalities is authorized to appoint an alternate it might be prudent to start with the Towns of Aurora, East Gwillimbury and Whitchurch-Stouffville and the Township of King should they so desire. This aligns with previous discussion at Regional Council about the use of alternates as a way to ensure those municipalities with only one member are always represented at Regional Council meetings. It also allows the opportunity to tune and streamline related procedures while the use of alternates is at a relatively small scale.

Regional Council has no role in the appointment of alternates but it can establish procedures for accommodating alternates at Regional Council meetings.

Establishing procedures for alternate members helps to ensure the ongoing effectiveness of Regional Council meetings

There are several things to consider in relation to alternate members of Regional Council. For example, each alternate will need to make their declaration of office before they are permitted to first take their seat as an alternate member of Council.

Additionally, it is important to establish notification requirements from the Clerk or incumbent member so that Regional Council knows when an alternate will be attending a Council meeting. This helps to ensure the Regional Clerk's Office can

## Establishing Procedures for Alternate Members of Council

provide the alternate with the agenda, reports and other material being considered at the meeting and also minimizes potential disruption at the start of a meeting.

Consideration has also been given to appropriate remuneration, administrative processes, indemnification and in-meeting procedures.

*Attachment 1* sets out procedures to address these matters. Additionally alternates will be provided with a general orientation to allow them to effectively transition into their new role.

Alternate Members of Council will receive the same indemnification coverage as incumbent Members

The Indemnification Bylaw provides certain coverage and reimbursement to members of Regional Council and employees for expenses incurred as a result of acting in such capacity. Members of Regional Council are entitled to reimbursement for legal expenses relating to actions or proceeding 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. The bylaw should be amended to ensure coverage for Alternate Members of Council for matters relating to their capacity when serving as members of Regional Council.

### 5. Financial Considerations

Financial considerations will be minimal since alternates are proposed to only receive mileage for the meetings they attend. Mileage will be calculated based on the shorter of the 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 from the relevant local municipal office to the Region's Administrative Centre. This is in accordance with the Region's Reimbursement for the Use of Personal Motor Vehicles which also applies to Council Members. Mileage will be paid as set out in the Canada Revenue Agency's tax-exempt kilometre limit.

### 6. Local Municipal Impact

Local municipalities have the power to appoint alternates for their Regional Council Members. However, Council might choose to initially support alternates for the four local municipalities with only one Regional Council Member.

Alternates can attend Regional Council meetings if the elected member is unable to attend for any reason. Should a local municipality appoint an alternate, the attached procedures will help inform the alternate and ensure they have a relatively smooth transition into their new role. Once adopted, these procedures will be shared with the local municipal clerks.

## 7. Conclusion

Regional Council has previously discussed the hypothetical use of alternates in the Towns of Aurora, East Gwillimbury and Whitchurch-Stouffville and the Township of King as they each only have one Regional Council member.

On January 1, 2018, local municipalities received powers through the *Municipal Act* to appoint alternates from their local councils to fill the role of a Regional Council Member should that member be unable to attend a Regional Council meeting for any reason. Council might consider encouraging the use of alternates only in the four municipalities with a single elected member.

Although Regional Council has no role in the appointment process it can adopt procedures to help accommodate alternate members. Proposed procedures are set out in *Attachment 1* and cover such things as notice requirements prior to an alternate's attendance, remuneration and in-meeting procedures. The procedures will ensure that alternates are transitioned smoothly into their role on Regional Council and will minimize disruption as the Region works with the local municipalities to implement the new *Municipal Act* provisions.

The Region's Indemnification Bylaw covers certain expenses occurred by Members of Council while acting in such capacity. The Bylaw should be amended to permit the same coverage for alternate Members when they are acting in such capacity.

For more information on this report, please contact Christopher Raynor, Regional Clerk at 1-877-464-9675 ext. 71300.

The Senior Management Group has reviewed this report.

January 18, 2018

Attachments (1)

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Accessible formats or communication supports are available upon request

## Attachment 1

### Procedures for Alternates to Regional Council

This Procedure relates to alternates to Regional Council who are appointed by local municipalities under section 268 of the *Municipal Act* when they are required to attend a Regional Council meeting. Alternates are only able to attend Regional Council meetings. This excludes Committee of the Whole, standing committee or other meetings.

#### Remuneration

1. Alternate members shall be entitled to mileage reimbursement in accordance with the Region's Reimbursement for the Use of Personal Vehicles Policy.
2. Mileage shall be calculated based on the shorter of the 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.

#### Notification processes

3. A local municipality shall notify the Regional Clerk in the event that its council appoints an alternate member of Regional Council.
4. The Regional Clerk shall keep a record of all appointed alternate members which shall be available to the public.
5. The local Clerk or incumbent Council Member shall notify the Regional Clerk, in writing, as soon as reasonably possible when an alternate shall be attending a meeting of Regional Council.
6. Each local municipality will be responsible for notifying its alternate member that they are to attend any Regional Council meeting.
7. In situations where no prior notice has been given the alternate member shall at the time they attend a Regional Council meeting, provide the Regional Clerk, or designate, with written confirmation that they are acting as an alternate for that Council meeting.
8. Alternate members shall receive hard copy agendas, including confidential material, for any Council meeting for which notice of their attendance was provided. If no notice was provided they shall receive hard copy agendas at the time they attend the Council meeting and confirm they are acting as an alternate member.

## **Meeting Administration**

9. No alternate member shall take their seat unless they have first taken their declaration of office. This is not required for subsequent meetings they might attend.
10. Alternate members must only be used when the Regional Council Member is unable to attend an entire Council meeting.
11. 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 Procedure Bylaw and Code of Conduct, as applicable.
12. The alternate member's powers and duties as a Regional Council Member extend only to the time they are present at the Council meeting.
13. Regional Council minutes shall note the absence of the incumbent member and the attendance of the alternate member.
14. Where both an alternate member and the Regional Council Member attend a Council meeting the Regional Council Member shall assume their seat. The alternate member may attend as a spectator.

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