

Permanent electronic meetings and proxy votes for South Algonquin?

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By Mike Riley Local Journalism Initiative Reporter

In their Aug. 5 council meeting, South Algonquin Township discussed extending the ability of council to meet electronically on a permanent basis and to allow proxy voting for council members if they are absent from a meeting. These measures, part of Bill 197, the COVID-19 Economic Recovery Act, 2020, were made available to council through the Ontario government's push to help the province's financial recovery and recognizing the key role that local municipalities play in that successful rebound from the effects of COVID-19.

In a July 8 letter to the heads of local township councils in Ontario, Minister Steve Clark of the Ministry of Municipal Affairs and Housing, recognized the key role that municipalities will play in the financial recovery of Ontario and helping Ontarians get back on track. To this end, the efficient functioning and economic sustainability of councils are critical to that success. So, through Schedule 12 of Bill 197, which makes amendments to the Municipal Act, 2001, provisions were put into place to have councils have electronic meetings permanently if they wished. They had been allowed to convene temporary electronic meetings during the pandemic state of emergency due to the Municipal Emergency Act 2020 back in March. Bill 197 also allows councils to vote to allow proxy voting if a member of council cannot be present at a meeting.

In order to adopt these changes to the council meetings, councils have to amend their procedural bylaws. Holly Hayes, the clerk for South Algonquin Township, suggested that a meeting before September would be advisable to discuss and possibly amend the procedural bylaws necessary to either allow the continuation of electronic meetings permanently or not, and to allow proxy voting. She said that some councils are doing this right before their September council meetings and preferred not to do it this way as it would be difficult for staff if the council decided to do away with electronic meetings and had to do an in-person meeting at the last minute.

Hayes noted that it would be difficult to do a hybrid meeting (in person and electronic) as Zoom has feedback issues if people are too close together in a room or office space. She also noted that if in person meetings were resumed, they would need to invest in some kind of electronic broadcast system to ensure the proceedings remain public and transparent.

Meetings would also need to be advertised to the public in advance, and meeting minutes would need to be taken, as is usual practice with in person meetings. South Algonquin already does this, as well as having their council meetings posted on YouTube for the public to watch after said meeting.

There is also the issue of whether continued electronic meetings, while great for those with reliable internet and devices, would be so readily available to those who have less reliable internet and devices or none at all. In this latter case, it precludes that section of the public from observing and participating in council meetings, a restriction that would not be in place if the meetings were held in person.

Council was divided at this point, with Councillor Joe Florent saying he wanted to get back to in person council meetings as there had been no new cases of COVID-19 in the area for a while, while Mayor Jane Dumas was more cautious, citing the influx of tourists who could be contagious and lead to new cases if the township does not remain vigilant. In that same vein, Councillor Bongo Bongo was also cautious about returning to in person meetings right away, as in his day to day life as a tourism operator, he comes into distant contact with a lot of people.

?There's lots of logistics to consider. Do we all wear masks, and everything else. I'm looking forward to discussing it in more depth,? he said.

A discussion on whether to have permanent electronic meetings, go back to in person meetings or have some sort of hybrid, was scheduled by council for Aug. 19 at 9 a.m.

This Aug. 19 meeting will also discuss and decide whether proxy voting would be enabled. This measure would permit a member of council to designate another member of council to cast a vote on their behalf on issues in absentia. This is also outlined in Schedule 12 of Bill 197.

According to this schedule, it is up to the municipalities to proceed with proxy voting and to decide the scope and extent of proxy appointments. The clerk is responsible for coming up with a process for appointing or revoking proxies, and municipalities should address proxy voting in their code of conduct to make sure that votes are cast appropriately. The appointing member of council can revoke the proxy with the process established by the township clerk. As set out in legislation, the proxy holder must be a member of the same council as the proxy appointer, and a proxy holder cannot act for more than one other member of council. The appointed proxy is not counted when determining if a quorum is present. The clerk should be notified in advance if a proxy is being appointed by a member of council, and with a recorded vote, the clerk shall record the name and vote of every proxy holder and the name of the council member for whom the proxy holder is acting. Council member absence rules apply and their seat becomes vacant if they are absent for three consecutive months without the authorization of council. Accountability and transparency requirements are still required to be followed by members and their proxies. For example, they may not appoint a proxy on a matter where they have a pecuniary interest.

Proxy voting in Canada goes back to the second World War (1939-1945), when immediate relatives of Canadian prisoners of war were allowed to cast a vote in their place. This was permitted again during the Korean War (1950-1953). The 1970's saw proxy voting extended to voters in special circumstances like northern camp operators, fishermen and prospectors. It was eventually discontinued nationally with the introduction and usage of special ballots in 1993, although some provinces and territories still use proxy voting in their legislatures.

In South Algonquin's August 5 council meeting, Mayor Dumas wanted clarification on proxy voting, feeling that the information in the meeting agenda was not sufficient to have a full understanding of the process and make a fully informed decision. Councillor Florent said he has some experience with proxy voting through his association with the Ontario Archers' Association, and explained that every member has a vote and if they can't make a meeting, they pass on their vote to another member who can vote for them in their absence. While he had concerns about a possible abuse of the process with a larger membership, like the Archers' Association or similar groups, he felt there would be few if any issues with a smaller body like the South Algonquin town council. Mayor Dumas thanked Councillor Florent for his input and clarification, but still wanted to discuss the matter more fully at the next council meeting. Both permanent electronic meetings of council and proxy voting will be discussed and decided by council on Aug. 19.