



The Corporation of the County of Essex
By-Law Number 40-2018

**A By-Law to Establish the Roles and Duties of An
Alternate Member of Essex County Council,
appointed by a Local Municipality.**

Whereas Bill 68, Modernizing Ontario's Municipal Legislation Act, 2017 received Royal Assent on May 30, 2017, and amended the Municipal Act, 2001, S.O. 2001, c. 25, herein referred to as the "Act";

And Whereas the Lieutenant Governor proclaimed that Section 268(1) of the Act came into force on January 1, 2018;

And Whereas Section 268(1) of the Act provides that 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;

Now therefore the Council of the Corporation of the County of Essex hereby enacts as follows:

1. Definitions:

"Alternate Member" means an elected member of a local municipality in Essex County that has been appointed under section 268 of the Municipal Act to attend meetings of Essex County Council on behalf of the local municipality's County Councillor when the County Councillor is unable to attend a meeting of Essex County Council. Where appropriate, when reference to a "member" is cited, it may also be read to include "Alternate member" in the execution of their prescribed duties;

"Member" means a Member of Council and includes the Head of Council. See also "Alternate member";

1. An Alternate Member may take their seat on Essex County Council upon the County Clerk receiving a certified appointment by-law passed by the local municipality, which names the Alternate Member, and the Alternate Member has taken the Oath of Office as administered by the County Clerk.
2. An Alternate Member's appointment shall be for the term of the Council that appointed them, or until their appointment by-law is rescinded, or until such time as the Alternate Member's seat is declared vacant in accordance with section 259 of the Act.
3. An Alternate Member may, in the absence of the elected member, participate at meetings of Essex County Council, however membership and voting rights are limited to only those privileges held by the elected member they are deemed to be the Alternate Member for.
4. An Alternate Member shall be limited to replacing the elected member of the municipality at a meeting of County Council, with the exception of the Inaugural Meeting, and not at a Committee, Board or Agency, to which County Councillor has been appointed.
5. An Alternate Member shall not be eligible for election to the County's Head of Council (Warden) or Deputy Warden, nor shall an Alternate Member assume the role of Warden/ Deputy Warden/Presiding Officer when attending meetings of Essex County Council.
6. An Alternate Member shall receive a meeting per diem, as well as mileage (where applicable) in accordance with the County of Essex Procedure By-law, for any meetings of Essex County Council he/she is required to attend in the absence of the elected member.
7. An Alternate Member shall not be eligible to be reimbursed for a convention, or seminar, or training.
8. An Alternate Member, while acting in their capacity, shall be governed by all applicable policies of Essex County

Council, such as but not limited to the Council Code of Conduct and shall have access to applicable support resources, such as but not limited, to the Integrity Commissioner.

9. An Alternate Member, when possible, shall provide at least 48 hours notice to the County Clerk, regarding the absence of the member, at which time the County Clerk shall provide a copy of the Agenda and any additional information for the meeting.
10. This By-law shall come into force and take effect after the final passing.

Read a first, second and third time and Finally Passed this 7th day of November, 2018.



Tom Bain, Warden



Mary S. Birch, Clerk

Clerk's Certificate

I, Mary S. Birch, Clerk of the Corporation of the County of Essex, do hereby certify that the foregoing is a true and correct copy of **By-law Number 40-2018** passed by the Council of the said Corporation on the 7th, day of November **2018**.

Mary S. Birch, Clerk
Corporation of the County of Essex