

Administrative Policy No:	
Policy:	Leave of Absence by Member of Council
Effective:	
Revised:	
Current Legislation:	<i>Municipal Act, 2001, S.O. 2001, c. 25</i>
Applicable to:	The Mayor and Councillors

1. **DEFINITIONS**

- a) **Leave of Absence** - the absence of a Member of Council from Council meetings for medical (health), vacation, employment or for personal reasons.
- b) **Informal Leave of Absence Period** - An Informal Leave commences on the day a Member of Council was not in attendance at a meeting of Council and continues from that date to the end of the third (3rd) successive month of absence.
- c) **Formal Leave of Absence** - A Formal Leave of Absence, if approved by a resolution of council, commences at the beginning of the fourth (4th) successive month from the date a Member of Council was not in attendance at meetings of Council.
- d) **Mandatory Leave of Absence** – A Mandatory Leave of Absence commences on the day a Member of Council becomes a candidate in a municipal by-election, a provincial election or a federal election.
- e) **Member of Council** - A Member of Council includes the Mayor and Councillors of the City of Port Colborne

2. **REQUESTS FOR LEAVE OF ABSENCE**

- a) **Request for Leave of Absence during Informal Leave of Absence Period**
 - i. A Member of Council may be on an Informal Leave of Absence from meetings of Council for up to three (3) successive months as per section 259 of the *Municipal Act, 2001, S.O. 2001, c. 25*.
 - ii. A request for an Informal Leave of Absence by a Member of Council is not required, and no Council action is required respecting the Informal Leave of Absence period.
 - iii. While a request is not required, it is expected that a Member of Council who knows they will be absent during an Informal Leave will advise the Clerk of the anticipated absence.
- b) **Request for Leave of Absence during Formal Leave of Absence Period**
 - i. A Member of Council may be granted a Formal Leave of Absence by Council for a period of three (3) months, commencing on the expiration of the Informal Leave of Absence period, in accordance with section 259 of the *Municipal Act, 2001, S.O. 2001, c. 25* ("the Act").



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- ii. If the request for a Formal Leave of Absence is denied by Council, the Member of Council requesting such leave must return to attending meetings of Council prior to the end of the three-month period or their seat becomes vacant in accordance with subsection 259 (1) (c) of the *Act*.
- iii. The request for a Formal Leave of Absence must be made prior to the expiration of the Informal Leave of Absence period and may only be granted by resolution of Council.
- iv. If a Formal Leave of Absence is approved, it shall be for a three (3) month period and any subsequent requests for extensions to the Formal Leave of Absence must be made prior to the expiration of the current Formal Leave of Absence period.

c) Mandatory Leave of Absence

- i. In the event that a Member of Council becomes a candidate in a municipal by-election for a different office than the office the Member holds on the same Council, the Member shall notify the Clerk of such candidacy and shall take an unpaid leave of absence pending the outcome of the election.
- ii. If successful in the municipal by-election, Council shall declare the seat held by the Member prior to the by-election vacant in accordance with section 259(1) of *the Act*.
- iii. In the event that a Member of Council becomes a candidate in a provincial or federal election during their term in office as a Member of Council, the Member shall notify the Clerk of such candidacy and shall take an unpaid leave of absence pending the outcome of the election.
- iv. If the Member of Council is the successful candidate in the above-noted federal or provincial elections, in accordance with subsection 258(1)3. of *the Act*, the Member becomes ineligible to hold office as a Member of Council, and Council shall then declare the seat vacant in accordance with 259(1) of *the Act*.

3. REMUNERATION

- a) **Remuneration During Informal Leave of Absence Period** - A Member of Council will continue to receive full remuneration from the Corporation during the Informal Leave of Absence period unless such is related to other employment or potential employment which could include but not be limited to running for a provincial or federal office.
- b) **Remuneration during Formal Leave of Absence Period** - A Member of Council will not receive any remuneration from the Corporation during the Formal Leave of Absence Period.