

<b>TO:</b>	<b>CHAIR AND MEMBERS STRATEGIC PRIORITIES AND POLICY COMMITTEE MEETING ON NOVEMBER 24, 2014</b>
<b>FROM:</b>	<b>CATHARINE SAUNDERS CITY CLERK</b>
<b>SUBJECT:</b>	<b>REVIEW OF ACTING MAYOR POLICY</b>

<b>RECOMMENDATION</b>
-----------------------

That, on the recommendation of the City Clerk, the following actions be taken with respect to a review of the Acting Mayor Policy:

- a) the attached proposed policy, drafted in accordance with the direction of the Municipal Council from its meeting held on September 10, 2014, BE CONSIDERED; and
- b) the City Clerk BE DIRECTED to undertake the necessary steps and bring forward any necessary by-laws to enact the changes arising from consideration of the draft policy noted above; it being noted that any changes that may be required to the Council Procedure By-law will require a public participation meeting.

<b>PREVIOUS REPORTS PERTINENT TO THIS MATTER</b>
--

- Item #1 – Committee of the Whole – March 10, 2009
- Item #20 – Board of Control – June 9, 2010
- Item #17 – Board of Control – August 25, 2010
- Item #2 – Finance and Administration Committee – November 16, 2011
- Item #4b)ii) – Strategic Priorities and Policy Committee – September 29, 2014

<b>BACKGROUND</b>
-------------------

Historical Background – Private Legislation and Policies

London does have private legislation, which appears to be unrepealed, that provides for the Council to enact a by-law to provide for the appointment of a Deputy Mayor and to establish the manner of appointment. (S.O. 1973, c. 194 as amended by S.O. 1977 c. 92.) That legislation states:

“1. (1) Notwithstanding section 28 of *The Municipal Act*, the council may by by-law establish the permanent office of deputy mayor, the holder of which shall be a member of council, and any such by-law shall provide for the manner of his appointment.

(2) When the head of the council is absent from the municipality or absent through illness or his office is vacant, the deputy mayor shall act in his place and shall have and may exercise all the rights, powers and authority as the head of council including, where no appointment is made under section 213 of the *Municipal Act*, acting in place of the head of the council on any board, commission or other body of which the head of the council is a member *ex officio* under any general or special Act, except the board of commissioners of police.

(3) The deputy mayor may be paid such annual or other remuneration as the council may determine.”

The above legislation was in keeping with the Board of Control model utilized in London through to the end of the 2006-2010 Council term, when it was then abolished. While the Board of Control was in place, the Members of the Board of Control were elected on a City-wide basis. Council Policy stipulated “That a policy be established creating the position of Deputy Mayor and that the said position be filled by the person receiving the greatest number of votes on the Board of Control at the preceding municipal election who is willing to accept the appointment.”

In 2010, the Municipal Council moved to an Acting Mayor model, in keeping with the provisions of the Municipal Act, 2001. The current Council policy stipulates:

“That the following policy be established for appointing a member of Council as Acting Mayor to act in the place of the head of council or other member of council designated to preside at meetings in the municipality’s procedure by-law when the head of council or designated member is absent or refuses to act or the office is vacant, and while so acting have all the powers and duties of the head of council or designated member, as the case may be, namely:

- (a) All Ward Councillors shall be eligible to serve as Acting Mayor to act in the place of the head of Council.
- (b) Ward Councillors shall serve as Acting Mayor in an order of rotation to be determined by ward number order, commencing with Ward 1, with the rotation to continue sine die.
- (c) In the event that any Ward Councillor is unable to serve their rotation, the next Council Member in the rotation would be called upon to serve as Acting Mayor.
- (d) In the event the head of Council’s seat becomes vacant, as defined in section 259 of the *Municipal Act, 2001*, that vacancy shall be filled in accordance with section 263 of the *Municipal Act, 2001*, with the Acting Mayor to act in the place of the head of council until such time as the vacant seat is otherwise filled.”

Municipal Council, at its meeting held on September 30, 2014, resolved that:

“...the City Clerk BE DIRECTED to report back, prior to the end of the current term of Municipal Council, with a draft policy that would put in place two Deputy Mayors for the 2014-2018 Municipal Council that provides for the following:

- A) one Deputy Mayor to be appointed by the Mayor;
- B) one Deputy Mayor to be appointed by the Municipal Council, by a vote of two-thirds of the whole of the Municipal Council;
- C) a process for the appointment of the Deputy Mayor noted in B) above, that is similar to the process recently used to fill the Mayoral vacancy; and,
- D) the role of the Deputy Mayors to include budget responsibilities”.

In order for the Municipal Council’s direction of September 30, 2014 to be carried out, the current Council Policy regarding the appointment of an Acting Mayor will have to be repealed and a new policy instituted in its place to carry out Council’s direction, all of which will have to be done in accordance with section 242 of the *Municipal Act, 2001*. This is particularly so given that London’s private legislation only provides for the appointment of one Deputy Mayor.

#### Deputy Mayor Selected by the Mayor

The following basic assumptions have been made in developing the policy surrounding the appointment of a Deputy Mayor selected by the Mayor:

- i) The Mayor-Elect shall make his/her selection for Deputy Mayor at the Inaugural Meeting of Council, so the appointment of that Deputy Mayor can be confirmed at the Inaugural Meeting of the Municipal Council.
- ii) The Mayor shall be permitted to change their selection for Deputy Mayor during the course of a Council term.
- iii) The term of the Deputy Mayor selected by the Mayor shall end no later than the end of the term of the Municipal Council confirming their appointment.
- iv) There shall be no limit to the number of terms a Member of Council can serve as Deputy Mayor.

#### Deputy Mayor Selected by the Municipal Council

The following basic assumptions have been made in developing the policy surrounding the appointment of a Deputy Mayor selected by the Municipal Council:

- i) A decision with respect to the selection of a Deputy Mayor by the Municipal Council shall occur at the Inaugural Meeting of the Municipal Council, or as soon as possible thereafter.
- ii) The Municipal Council shall be permitted to change their selection for Deputy Mayor during the course of a Council year.

- iii) The term of the Deputy Mayor selected by the Municipal Council shall be concurrent with the Council year for which they are appointed..
- iv) There shall be no limit to the number of terms a Member of Council can serve as Deputy Mayor.
- v) The process for the appointment of the Deputy Mayor selected by the Municipal Council shall be similar to the process used to fill the recent Mayoral vacancy.

Allocation of Responsibilities to Deputy Mayors

The four primary areas where Deputy Mayors can assist the Mayor are:

1. business continuity in the absence of the Mayor, or if the Mayor refuses to act;
2. attendance at meetings/events on behalf of the Mayor;
3. participation/representation on civic committees; local boards, commissions or agencies and other related organizations; and
4. operating and capital budgets.

In order to accommodate the latter, and with a view to strengthening the budget decision-making process, it is suggested that a complementary change be made to the composition and mandate of the Audit Committee. The Audit Committee’s role should be expanded to oversee service reviews to ensure that the existing “base” budget is effective and efficient. The Committee would use the following methods to review budgets on a “continual” basis:

- a) Reviews by Finance Business Administrators who would undertake 4-5 service reviews each year that would employ a zero-based budget approach. Those reviews would ask the following questions, the results of which would lead to recommendations about right sizing the budget, or changes to programs/services:
  - i) Is the program/service effective? – Are we doing the right thing? Is the service achieving the objectives desired by Council or the Administration?
  - ii) If effective, is the program/service efficient? – Are we doing things in the right way? Could this program be delivered in a way that is less costly, but achieves the same goals?
- b) Reviews by the Internal Audit contractor, supported by any specialized assistance that might be necessary (e.g. a value engineer to review road maintenance), that generate value-for-money recommendations that will identify revenue enhancement opportunities, cost avoidance or real budget savings.

Furthermore, the Audit Committee’s composition should be changed to replace one Council Member position with the Deputy Mayor selected by the Mayor (who shall serve as Chair).

It is suggested that the responsibilities of the two Deputy Mayors be allocated as follows:

<b>RESPONSIBILITY</b>	<b>DEPUTY MAYOR SELECTED BY MAYOR</b>	<b>DEPUTY MAYOR SELECTED BY COUNCIL</b>
Business continuity (includes various statutory responsibilities of the Mayor, general Mayor’s Office oversight, ex officio membership on CWC, CPSC, IEPC and PEC and other bodies not specified, etc.)	First designate in the event of the absence or refusal to act by the Mayor.	Second designate in the event of the absence or refusal to act by the Mayor or the Deputy Mayor selected by the Mayor.
Strategic Priorities and Policy Committee (including Budget Chair) and Committee of the Whole*	First designate in the event of the absence or refusal to act by the Mayor.	Second designate in the event of the absence or refusal to act by the Mayor or the Deputy Mayor selected by the Mayor.
Corporate Services Committee*	Acting Chair in the absence of the Deputy Mayor selected by the Municipal Council.	Chair
Audit Committee (subject to enhanced mandate to include service reviews oversight to support budget development)* **	Chair	Acting Chair in the absence of the Deputy Mayor selected by the Mayor.

Town and Gown Committee**	Alternate Member in the absence of the Deputy Mayor selected by the Municipal Council.	Member
LDCSB Liaison Committee**	Alternate Member in the event of the absence or refusal to act by the Mayor and the Deputy Mayor selected by the Municipal Council.	Member
TVDSB Liaison Committee**	Alternate Member in the event of the absence or refusal to act by the Mayor and the Deputy Mayor selected by the Municipal Council.	Member
London Convention Centre Corporation	Second designate in the event of the absence or refusal to act by the Mayor and the Deputy Mayor selected by the Municipal Council.	First designate in the event of the absence or refusal to act by the Mayor.
London Economic Development Corporation	First designate in the event of the absence or refusal to act by the Mayor.	Second designate in the event of the absence or refusal to act by the Mayor or the Deputy Mayor selected by the Mayor.
Large Urban Mayors' Caucus of Ontario and Mayors and Regional Chairs of Ontario	First designate in the event of the absence or refusal to act by the Mayor.	Second designate in the event of the absence or refusal to act by the Mayor or the Deputy Mayor selected by the Mayor.
Emergency Operations Control Group	First designate in the event of the absence or refusal to act by the Mayor.	Second designate in the event of the absence or refusal to act by the Mayor or the Deputy Mayor selected by the Mayor.

\*Requires Procedure By-law change to effect, which means an advertised public participation meeting.

\*\*Requires change to Terms of Reference

Allocation of Resources

It is expected that when fulfilling their role as Ward Councillors, the two individuals appointed as “Deputy Mayor” would continue to use their designated support persons from the Councillors’ Office. Any expenses they incur in their role as Councillor would be accommodated within their annual expense allocation or the general budget for the Councillors’ Office, as appropriate. However, when fulfilling mayoral responsibilities, they would be supported by the Mayor’s Office staff and any associated costs incurred when doing so would be accommodated within the budget of the Mayor’s Office. There is also a limited budget available for travel costs for out of town meetings that the Deputy Mayors may be required to attend on behalf of the Mayor.

<b>RECOMMENDED BY:</b>
<b>CATHARINE SAUNDERS CITY CLERK</b>