

TO:	CHAIR AND MEMBERS CORPORATE SERVICES COMMITTEE MEETING ON NOVEMBER 15, 2016
FROM:	CATHARINE SAUNDERS CITY CLERK
SUBJECT	PROPOSED AMENDMENTS TO COUNCIL PROCEDURE BY-LAW – ACTING MAYOR AND COUNCIL POLICY 5(1) APPOINTMENT OF DEPUTY MAYORS

RECOMMENDATION

That, on the recommendation of the City Clerk, the following actions be taken with respect to the appointment of an Acting Mayor and a Deputy Mayor:

- a) the attached proposed by-law (Appendix “A”) BE INTRODUCED at the Municipal Council meeting to be held on November 22, 2016 to amend the Council Procedure By-law, By-law No. A-50, as amended, to provide for the elimination of the position of Deputy Mayor selected by the Council; and,
- b) the attached proposed by-law (Appendix “B”) BE INTRODUCED at the Municipal Council meeting to be held on November 22, 2016 to repeal Council Policy 5(1) Appointment of Deputy Mayors and to replace it with a new Council Policy 5(1) Appointment of Deputy Mayor to eliminate reference to the position of Deputy Mayor selected by the Council.

PREVIOUS REPORTS PERTINENT TO THIS MATTER
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- Item #6 – Corporate Services Committee – August 23, 2016
- Item #4 – Strategic Priorities and Policy Committee – October 24, 2016

BACKGROUND

Municipal Council, at its meeting held on October 25, 2016 resolved that “the City Clerk BE REQUESTED to report back, at the earliest possible date, with respect to the necessary changes to Council policies and procedures to implement the elimination of the second Deputy Mayor position, in which case the duties currently assigned to that position are to be appropriately redistributed.”

The attached proposed by-law (Appendix “A”) will put in place the necessary changes to the Council Procedure By-law to implement the elimination of the position of Deputy Mayor selected by the Council.

The attached proposed by-law (Appendix “B”) will put in place the necessary changes to Council Policy 5(1) Appointment of Deputy Mayors to eliminate reference to the position of Deputy Mayor selected by the Council.

RECOMMENDED BY:
CATHARINE SAUNDERS CITY CLERK

APPENDIX "A"

Bill No.
2016

By-law No.

A by-law to amend By-law A-50, as amended, being a by-law to provide for the Rules of Order and Procedure for the Council of The Corporation of the City of London to eliminate the provision for and references to the position of Acting Mayor selected by the Council.

WHEREAS subsection 5(3) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that a municipal power shall be exercised by by-law;

AND WHEREAS section 9 of the *Municipal Act, 2001* provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

AND WHEREAS the Municipal Council enacted the Council Procedure By-law (By-law No. A-50) on May 31, 2016 to provide for the rules of order and procedure for the Council of The Corporation of the City of London;

AND WHEREAS the Municipal Council wishes to amend the Council Procedure By-law (By-law No. A-50), as amended, to eliminate the provision for and references to the position of Deputy Mayor selected by the Council;

NOW THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

1. **Section 1.0 DEFINITIONS** – "Deputy Mayor - defined" is amended by deleting the definition in its entirety and by replacing it with the following new definition:

"Deputy Mayor – defined

"Deputy Mayor" shall mean a member of Council selected and appointed to serve as Deputy Mayor in accordance with Council Policy 5(1), to assist the Mayor in carrying out their duties and/or act in 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 unable or refuses to act or the office is vacant."

2. **Section 2.0 GENERAL** is amended as follows:

- i) in section 2.5 "Absence – Deputy Mayor – selected by the Mayor" by deleting section 2.5 in its entirety;
- ii) in section 2.6 "Absence - Deputy Mayors", by deleting section 2.6 in its entirety and by replacing it with the following new section 2.5:

"2.5 – Absence Deputy Mayor

In the event that the Deputy Mayor is unable, for any reason to act in the place and stead of the Mayor, the Council shall appoint an Acting Mayor to act in the place and stead of the Mayor and while so acting, shall have all rights, powers and authority of the head of council. In circumstances where an Acting Mayor is required to serve prior to the next regular meeting of Council, the Mayor shall select an Acting Mayor for the time period for which that appointment is required. However, if the Mayor is unable, for any reason, to select an Acting Mayor, a special meeting of the Council shall be held at the earliest possible opportunity for the purpose of appointing an Acting Mayor."; and,

iii) in section 2.7 “Meeting Location” by renumbering it to section 2.6.

3. **Section 7.0 COMMENCEMENT OF COUNCIL MEETINGS** is amended as follows:

i) in section 7.5 “Mayor and Deputy Mayor selected by the Mayor – absence”, by deleting section 7.5 in its entirety; and,

ii) in section 7.6 “Mayor and Deputy Mayors – absence” by deleting section 7.6 in its entirety and by replacing it with the following new section 7.5:

“7.5 Mayor and Deputy Mayor – absence

In the absence of the Mayor and Deputy Mayor the Acting Mayor shall call the meeting to order 15 minutes after the hour appointed for the meeting.

iii) by adding the following new section 7.6:

“7.6 Mayor, Deputy Mayor and Acting Mayor – absence

In the absence of the Mayor, Deputy Mayor and Acting Mayor the Clerk shall call the meeting to order 15 minutes after the hour appointed for the meeting and the members shall elect a member to preside during the meeting or until the arrival of the Mayor, or Deputy Mayor, or Acting Mayor.”

4. **Section 15.0 COUNCIL – IN CAMERA** is amended as follows:

i) by replacing any reference to the term “in camera” with the term “in closed session”;

ii) in section 15.3 “Chair – where Mayor and Deputy Mayor selected by the Mayor absent” by deleting section 15.3 in its entirety;

iii) in section 15.4 “Chair- appointed – where Mayor and Deputy Mayor absent” by deleting section 15.4 in its entirety and by replacing it with the following new section 15.3:

“15.3 – Chair – appointed - where Mayor and Deputy Mayor absent

In the absence of the Mayor and the Deputy Mayor, the Acting Mayor shall preside in their absence and maintain order during the in closed session portion of the Council meeting.”;

iv) by renumbering sections 15.5 to 15.11, respectively to sections 15.4 to 15.10, respectively;

v) in section 15.8 “Report – recommendations – adopted – confirmed” by deleting reference to section 15.8 in the body of section 15.8 and replacing it with “15.7”; and,

vi) in 15.9 – “Request – to vote separately – requirements” by deleting reference to section 15.8 in the body of section 15.9 and replacing with “15.7”.

5. **PART 4 – STANDING COMMITTEES – 24.0 COMPOSITION – STANDING COMMITTEES** is amended as follows:

i) in section (c) of part 24.1 “Standing Committees – composition” by deleting section 24.1(c) in its entirety and by replacing it with the following new section 24.1 (c):

“(c) the Corporate Services Committee, which shall be composed of 5 members of Council;”;

- ii) in section 24.5 “Chairs – appointment – nomination – procedure” by deleting section 24.5 in its entirety and by replacing it with the following new section 24.5:

“24.5 – Chairs – appointment – nomination – procedure

“The Chairs of the standing committees shall be appointed by the Council upon receipt of the nominations by the Strategic Priorities and Policy Committee.”; and,

- iii) in section 24.7 – “Chair – replacement – by Council – at any time” by deleting part 24.7 in its entirety and by replacing it with the following new section 24.7:

“24.7 Chair – replacement – by Council – at any time

The Council may, at any time replace the Chair of a standing committee except where the Mayor serves as Chair.”

6. By-law A-50, as amended, is further amended by deleting any reference to the term “in camera” and by replacing it with the term “in closed session”.

7. This by-law comes into force and effect on the day it is passed.

PASSED in Open Council on _____, 2016.

Matt Brown
Mayor

Catharine Saunders
City Clerk

First Reading –
Second Reading –
Third Reading –

APPENDIX "B"

Bill No.
2016

By-law No.

A by-law to repeal Council Policy 5(1) entitled "Appointment of Deputy Mayors" and to replace it with a new Council Policy 5(1) entitled "Appointment of Deputy Mayor" to provide for the elimination of the Deputy Mayor position selected by Municipal Council.

WHEREAS subsection 5(3) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that a municipal power shall be exercised by by-law;

AND WHEREAS section 9 of the *Municipal Act, 2001* provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

AND WHEREAS section 244 of the *Municipal Act, 2001* provides that except as provided in sections 233 and 238 of the *Municipal Act, 2001*, no vote shall be taken by ballot or by any other method of secret voting, and every vote so taken is of no effect;

AND WHEREAS the Municipal Council wishes to repeal Council Policy 5(1) – Appointment of Deputy Mayors and replace it with a new Council Policy 5(1) which no longer includes the position of Deputy Mayor selected by Municipal Council;

NOW THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

1. Council Policy 5(1) - Appointment of Deputy Mayors is hereby repealed and replaced with a new Council Policy 5(1) attached hereto as Schedule "A".
2. This by-law comes into force and effect on the day it is passed.

PASSED in Open Council on _____.

Matt Brown
Mayor

Catharine Saunders
City Clerk

First Reading –
Second Reading –
Third Reading –

Schedule "A"

5(1) Appointment of Deputy Mayor

A Member of Council shall be appointed to serve as Deputy Mayor to assist the Mayor in carrying out their powers and duties and/or 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. This shall include general business continuity in the absence of, or refusal to act by, the Mayor; attendance at meetings/events on behalf of the Mayor; participation/representation on civic committees, local boards, commissions or agencies and other related organizations and assistance with the operation and capital budget process through participation on the Audit Committee.

General

- (a) All Ward Councillors shall be eligible to serve as Deputy Mayor.
- (b) The Deputy Mayor shall be selected by the Mayor, confirmed by a majority vote of the Municipal Council and appointed by by-law.
- (c) The Mayor shall be solely responsible for determining which of their powers and duties are to be allocated to the Deputy Mayor and may adjust that allocation from time to time at their discretion.
- (d) There shall be no limit to the number of terms a Member of Council can serve as Deputy Mayor.
- (e) In the event the head of Council's seat become 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 Deputy Mayor to act in the place of the head of council until such time as the vacant seat is otherwise filled.

Selection of Deputy Mayor Process

- (a) The Mayor's initial selection for Deputy Mayor shall be determined and confirmed at the Inaugural Meeting of Municipal Council, and appointed by by-law.
- (b) The term of the Deputy Mayor shall last no longer than the Council term during which the Deputy Mayor was selected.
- (c) The Mayor may, at their discretion, change their selection for Deputy Mayor throughout the course of his/her term as Mayor, in order to allow the Mayor to effectively draw upon the varied skill sets of Council Members.
- (d) In the event the Mayor exercises their right under (c) above, any subsequent selection for Deputy Mayor shall be confirmed by Council, and appointed by by-law.