



THE CORPORATION OF THE MUNICIPALITY OF KINCARDINE

Subject: Election Process for Deputy Mayor

Report Number: Clerk-2021-02

Meeting Date: Monday, January 18, 2021

Recommendation: THAT Council review of the Role of the Deputy Mayor to create a more fulsome description of their role within the Municipality of Kincardine;

AND FURTHER THAT Council provide public notice, receive public input by way of a survey on Kincardine Talks and hold a public meeting to receive input prior to making a decision on the options for the election of the Deputy Mayor.

Date to be considered by Council: Monday, January 18, 2021

Report Summary:

At the meeting of December 14, 2020 Council passed Resolution #12/14/20-05 directing Staff to bring back a report on the process for reviewing options as it relates to the election of the Deputy Mayor by electorate at large versus being elected from the candidate with most votes in the Councillor at-large Race. This report will provide the background, the legislative requirements and options as it relates to the election of the Deputy Mayor starting in the 2022 election.

Origin: Resolution # 12/14/20-05

Existing Policy: Municipal Act, 2001, S.O. 2001, c.25 and Ontario Municipal Board Order 3326 issued December 20, 2005.

Background/Analysis:

Background

An order made under the authority of the Municipal Act R.S.O. 1990 c.M. 45 by the Minister of Municipal Affairs and Housing and dated January 30, 1998 gave effect to a restructuring proposal affecting the 27 municipalities located within the

County of Bruce including what is now The Corporation of the Municipality of Kincardine.

In September 2005 the Council approved By-law No. 2005-140 to dissolve the Ward system in favour of an at-large system in which all eligible voters within the municipal boundaries vote on the same list of candidates. This was appealed and on December 20, 2005, the Ontario Municipal Board issued Order 3326 that provided that the composition of Council shall be:

- (a) A Mayor elected at-large;
- (b) Four (4) councillors elected at-large, the one with the most voted being Deputy Mayor;
- (c) Four (4) councillors elected from the three wards: (2) being elected from Ward 1, and one (1) each from Ward 2 and Ward 3.

At the December 14, 2020 Council passed Resolution #12/14/20 – 05:

WHEREAS the Ontario Municipal Board Order 3326 issued December 20, 2005 provided for the composition of Council to include Four (4) councillors elected at-large, with the one with the most votes being Deputy Mayor;

NOW THEREFORE BE IT RESOLVED THAT Council direct Staff to bring back a report on the process for reviewing options as it relates to the election of the Deputy Mayor by the electorate at large versus being elected from the candidate with the most votes in the Councillor at-large race commencing with the 2022 Municipal Election.

Role of the Deputy Mayor

The Municipal Act, 2001, S.O. 2001, c.25 (hereinafter the “Act”) does not require Municipalities to have a Deputy Mayor and therefore there is no specific role outlined in the legislation for that position. The Deputy Mayor is required to fulfill his/her normal duties as a member of council under Section 224 of the Act. The Municipality of Kincardine Procedure By-law No. 2013-161 section A2.5.4 states that “In the absence of the Mayor, the Deputy Mayor shall assume the responsibilities, and have the powers of the Mayor under this by-law.”. These power and responsibilities are outlined in section A2.2 the Role of the Mayor.

While formally in the Procedure By-law the Deputy Mayor’s role only seems contingent upon the Mayor’s absence, it appears that in every day practice the Deputy Mayor does assist with some of the Mayor’s roles and responsibilities defined in section A2.2 of the Procedure By-law including in particular representing the municipality at official functions.

Staff are recommending a review of the Role of the Deputy Mayor to create a more fulsome description of their role within the Municipality of Kincardine.

Municipal Act, 2001

Section 186 (2) of Act specifically allows Council to, among other matters, change the composition of council and/or establish, change or dissolve wards. This provision specifically prevails over the Ministers order by virtue of Section 7(3) of the Act which give a municipality the power with respect to certain matters (such as changing the composition of Council or establishing, changing or dissolving wards) to override a special Act (defined as an Act relating to a particular municipality).

Therefore, Council would have the ability to enact a by-law to change the composition of council and/or ward structure without otherwise violating or having to amend the Ministers Order.

Section 217 of the Act sets out the requirements related to changing a lower tier composition. Council may by way of a by-law change the composition of council but in order for the by-law to be effective for the 2022 election, it will need to be passed prior to January 1, 2022. If it is not in effect at that point, it will not take place to the next regular election.

Section 217 of the Act does not require any type of required public notice or a proposed by-law for a local municipal council composition change. This is unlike Section 218 which does make it mandatory to provide notice of intention to pass such a by-law when changing the composition for upper tier council. It also requires a upper tier Council to hold at least one public meeting to consider the matter.

Staff are recommending that although it is not required, that Council consider proceeding in the same manner required of an upper-tier municipality, with regards to any proposed by-law providing for a change in composition of council. This would include providing adequate public notice, receiving public input by way of a survey on Kincardine Talks and holding a public meeting to receive input. This would provide an opportunity for community engagement, and a transparent, open process.

Options

Staff did a survey of Municipalities across Ontario to determine how their deputy mayor is chosen. The survey provided common options and the results from the 114 responses were as follow:

No Deputy Mayor	6
Deputy Mayor Selected by Council Amongst the Members	17
Vote at-Large	50
Received highest number of votes in a particular race	17
Fulfilled by assignment to Councillors on a rotational basis	12
Other	12

Those who answered Other were also asked what their system was and the answers included: most number of votes in all races and elected by the Mayor.

The options below are reflective of the options outlined in the survey that received the most votes.

Option 1 - Vote at-Large

The Vote at -Large option was the most common amongst the responses to the survey. If the Municipality of Kincardine were to go with this option, without altering the current number of members, the composition of Council would then be:

- (a) A Mayor elected at-large;
- (b) A Deputy Mayor elected at-large;
- (b) Three (3) councillors elected at-large;
- (c) Four (4) councillors elected from the three wards: (2) being elected from Ward 1, and one (1) each from Ward 2 and Ward 3.

This option would still provide for 5 members voted at large and 4 members voted by ward.

It would also have no financial impact as Per GG.1.9 Remuneration, Council and Others Policy amended April 15, 2019 already sets out a basic salary for Deputy Mayor of \$26,187.75 with an annual CPI increase.

This option would allow the electors to choose the candidate that they wanted to fill the role of Deputy Mayor. Additionally, the candidate would know that they are running for that position. In the current model, a candidate may run for a Councillor at-large and potentially may not want to be Deputy Mayor.

Option 2 - Selected by Council from amongst its members

If the Municipality of Kincardine were to go with this option, without altering the current number of members, the composition of Council would then be:

- (a) A Mayor elected at-large;
- (b) Four (4) councillors elected at-large,
- (c) Four (4) councillors elected from the three wards: (2) being elected from Ward 1, and one (1) each from Ward 2 and Ward 3.

This option would still provide for 5 members voted at-large and 4 members voted by ward.

It would also have no financial impact as Per GG.1.9 Remuneration, Council and Others Policy amended April 15, 2019 already sets out a basic salary for Deputy Mayor of \$26,187.75 with an annual CPI increase.

This option would allow Council to choose from amongst any of the Council members, including the members who wish to continue to represent their ward.

The potential disadvantage to this option is that the Deputy Mayor could potentially not be voted on by the entire electorate i.e. if a member from Ward 1 was chosen as Deputy Mayor the electorate in Ward 2 and Ward 3 would not have had an opportunity to vote for this candidate to even be on Council.

Option 3 - Fulfilled by assignment to Councillors on a rotational basis

This option would allow for each member of Council to have an opportunity to be Deputy Mayor for a set amount of time. The Council composition would be as in Option 2. There are different options for choosing the order of the rotation. One Municipality shared that each Council member is assigned a term and the order in which they take the responsibility is based on the Council member with the most experience so that the one with the least experience has the opportunity to learn and gain experience before their turn. With 8 members, in a four year term, it would be approximately 6 month per member.

This option would see the Council composition remain as in Option 2 but there is potentially a financial saving if the Council decided to eliminate the Deputy Mayor annual salary.

The advantage to this option is that all Council members from all wards would have an opportunity to serve as Deputy Mayor.

Option 4 – Status Quo – Councillor who receives the most votes in the Councillor At-Large race

This option would see no change in the current system and there would be no financial impact. The Council composition would remain per the Ontario Municipal Board Order 3326:

- (a) A Mayor elected at-large;
- (b) Four (4) councillors elected at-large, the one with the most voted being Deputy Mayor;
- (c) Four (4) councillors elected from the three wards: (2) being elected from Ward 1, and one (1) each from Ward 2 and Ward 3.

Corporate Strategic Plan 2020-2025: The Municipality is organizationally efficient using innovative practices in how it operates and delivers services.

Financial Implications: The financial implications are outlined above with each option.

Attachments: