



**SUBJECT: Proposed Council/Committee Changes – 2021**

**TO: Environment, Infrastructure & Community Services Cttee.**

**FROM: Office of the Mayor**

Report Number: MO-09-20

Wards Affected: All

File Numbers: 130-02

Date to Committee: December 7, 2020

Date to Council: December 14, 2020

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**Recommendation:**

That council:

1. Approve the Chair and Vice-Chair committee nominations, specified in Report MO-09-20, subject to any nominations from the floor, following an election conducted by the clerk.
2. Direct the City Manager, Mayor and City Clerk to plan and schedule Council Governance – Education & Training Workshops with council for 2021-2022 as outlined in Report MO-09-20.
3. Direct the Mayor and City Clerk to bring back a recommendation for approval on the Deputy Mayor Roles & Responsibilities and 2021 and 2022 rotation assignment at the January CSSRA
4. Receive and file the related Environmental Scan in appendix A
5. Approve the following appointment for the month of January, pending a decision on the Deputy Mayor role: Deputy, Ward 1; Alternate, Ward 3

**PURPOSE:**

**Vision to Focus Alignment:**

- Building more citizen engagement, community health and culture
  - Deliver customer centric services with a focus on efficiency and technology transformation
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## **Background and Discussion:**

### **Chair and Vice-Chair Rotation**

The Chair and Vice-Chair of council standing committees rotates annually according to calendar year. Traditionally, at the same time Chairs and Vice-Chairs are recommended, the Deputy Mayor rotation is also recommended.

**The current 2020 committee Chair/Vice-Chair rotation is as follows:**

#### **EICS: Environment, Infrastructure & Community Services Committee**

Chair: Councillor Kelvin Galbraith

Vice-Chair: Councillor Lisa Kearns

#### **CPRM: Community Planning, Regulation & Mobility Committee; AND CPM: Statutory Public Meeting**

Chair: Councillor Shawna Stolte

Vice-Chair: Councillor Rory Nisan

#### **CSSRA: Corporate Services, Strategy, Risk and Accountability Committee (includes Budget special meetings)**

Chair: Councillor Rory Nisan

Vice-Chair: Councillor Paul Sharman

#### **Council Workshop:**

Chair: Councillor Angelo Bentivegna

Vice-Chair: Councillor Lisa Kearns

#### **Audit:**

Chair: Councillor Paul Sharman

Vice-Chair: Councillor Lisa Kearns

To provide impartiality, the Election of Chair and Vice-Chair portion of this report will be dealt with by the Committee Clerk. The selection of Chair and Vice-Chairs is by "election": i.e. majority of Council selects. The list below are the nominations for these positions from the Mayor's Office, made after careful consideration of skills, experience, priorities and exposure, as well as seeking specific requests and input from each councillor. If council desires, nominations can also be made from the floor and the Clerk shall conduct an election for Chair and Vice-Chair.

**The nominations for new Chairs/Vice-Chairs for 2021 are as follows:**

#### **EICS: Environment, Infrastructure & Community Services Committee**

Chair: Councillor Paul Sharman

Vice-Chair: Councillor Kelvin Galbraith

**CPRM: Community Planning, Regulation & Mobility Committee**

Chair: Councillor Kelvin Galbraith

Vice-Chair: Councillor Shawna Stolte

**CSSRA: Corporate Services, Strategy, Risk and Accountability Committee**

Chair: Councillor Lisa Kearns

Vice-Chair: Councillor Rory Nisan

**Council Workshop:**

Chair: Councillor Angelo Bentivegna

Vice-Chair: Councillor Paul Sharman

**Option Considered:** One option committee could consider is that instead of a stand-alone Chair/Vice-Chair for workshops, that the Chair/Vice-Chair be selected based on the topic of the workshop. For example, for a workshop on planning, CPRM Chair/Vice-Chair will be assigned. This would make it easier to embed a workshop into a standing committee timeframe, where appropriate, rather than set aside a separate day and time for the workshop.

This option is not being recommended at this time. However, embedding workshops into a standing committee meeting could be considered on a case by case basis, while still allowing for stand-alone workshops where needed, with a dedicated Chair & Vice-Chair as above. This could be monitored for 2021.

During discussions with council it was suggested to separate the Budget committee Chair and Vice-Chair from the CSSRA, and the Planning Statutory Public Meeting Chair and Vice-Chair from the CPRM. Doing so provides six committees, allowing every member of council to serve in a Chair and Vice-Chair role each year. In addition, given there are two budget cycles next year, and the budget discussions for this year have already begun, separating budget will allow continuity into the new year. The nominations for Chair and Vice-Chair for these committees is as follows:

**Budget:**

Chair: Councillor Rory Nisan

Vice-Chair: Councillor Lisa Kearns

**Planning Statutory Public Meeting;**

Chair: Councillor Shawna Stolte

Vice-Chair: Councillor Angelo Bentivegna

**Audit:**

Chair: To be determined by Audit again, as was last year (Councillor Paul Sharman in 2020)

Vice-Chair: To be determined by Audit, as was last year (Councillor Lisa Kearns in 2020)

### **Proposed Governance Education & Training Sessions - 2021/2022**

One of the key takeaways from several board training courses, including The Directors College, is that high performing boards provide room in their agendas for generative discussions, that are informal and in some cases self-evaluation. They deal with topics such as: How are we doing as a team? What are the issues coming at us? How can we best work together? Some of these topics may deal with confidential or personal matters. Some might be debriefings or check-ins, for example: how is emergency management working?

The Municipal Act provides limited opportunity to have these types of conversations in closed session (some could be reasonably held in open session), but there is an opportunity within the confines of Education and Training to do so.

Regular governance sessions to check in, share learnings, identify areas of concern, and mentor each other, should be part of our evolution as a council, and our aim for continuous improvement. There would be no motions or items of action arising from these meetings - that is, no city business conducted.

Any ideas arising from discussion would have to come forward at a future committee and council meeting for debates, public engagement and approval.

The Mayor, City Manager and Clerk have already begun discussing what form and content might be suitable for these sessions and will bring back a report in January with recommended meeting topics and a proposed schedule (i.e. quarterly sessions.) Your input is welcome at any time. If there is time and opportunity during our discussion of the Deputy Mayor role, we can include this item for discussion also.

### **Deputy Mayor Role:**

Each council term, a Citizen Review Committee is established to review and provide recommendations to City Council on council remuneration, expense limits, staffing support requirements and any other items that arise during the review. The terms of reference for the most recent committee (2017) is here: CL-04-17

The final report and recommendations of the committee are here:

[CL-17-17](#)

[Appendix A](#)

[Appendix B](#)

One of the recommendations arising from the Citizen Review Committee (Appendix A, Page 2) was to review and enhance the role of Deputy Mayor in the subsequent term of council, as follows:

**Role of Deputy Mayor** – The committee recognizes that the roles and responsibilities assigned to the Mayor and members of Council are many and varied, and that the current size of Council means that the city’s elected officials are extremely busy. The committee feels that the role of Deputy Mayor which is currently assigned to a member of Council on a rotational basis is one that could be explored and enhanced as a way of spreading out the work of Council to ease the burden on all. It recommends that early in the next term of Council, the Mayor work with the City Clerk to clearly outline the roles and responsibilities expected of the Deputy Mayor to ensure common understanding and transparency for the Councillors and constituents.

**Recommendation:** Direct the City Clerk to work with the Mayor to outline roles and responsibilities of the Deputy Mayor for the 2018-2022 term of Council.

This work has been delayed due to COVID-19, however there is significant merit to exploring an enhanced role especially in light of the pandemic for reasons detailed below. This council has an opportunity to implement an enhanced role for the remaining two years of the term and set our own and future councils up for success.

**The process outlined in this report to establish an enhanced role is as follows:**

- Provide the research, rationale and pros and cons of various options in this report for background and discussion in a workshop style format, embedded into the December standing committee meeting.
- Take the feedback from council and staff at the workshop and direct the Mayor and City Clerk to come back in January 2021 with a recommended option as well as a proposed 2021-2022 Deputy Mayor rotation.

**Rationale:**

**Why enhance the role of Deputy Mayor? There are three key reasons:**

1. **Continuity of Operations:** Should the Mayor become incapacitated for a period of time, there is no one currently who could reasonably and quickly step in to fulfill the duties. The learning curve is steep and long and is quite different from the responsibilities of a council member. Roles are similar on constituent service and attendance at Standing Committees and other boards.

In addition, under the Municipal Act, the Mayor is the Head of Council, and Chief Executive Officer of the Corporation, and maintains a leadership role, to guide the organization and council, and set the tone at the top. The Mayor represents council and the community at the Emergency Control Group; meets with Canadian and International businesses as Chief Salesperson for investing in Burlington; leads a number of initiatives including the Red Tape Red Carpet and COVID19 Task Force; engages in

advocacy to other levels of government; represents the city at the Ontario Big City Mayors, Halton Mayors and other tables; and speaks on behalf of the city to media, among other duties. These roles constitute a significant portion of the Mayor's time.

2. **Good Governance:** High functioning organizations and boards plan for succession and provide mentoring and learning opportunities along the way. As council will know, the Mayor is enrolled in the Charter Directors Program at The Directors College through McMaster University/DeGroot School of Business. The final module is early December - a board simulation, followed by an exam in January.

Council functions much like a board of directors, and the Mayor's role is much like the chair of the board. The major difference is that we are also directly elected to represent our citizens. The course learnings have been invaluable in enhancing and deepening the Mayor's competence to serve council in the municipally mandated role of Chief Executive Officer and Head of Council. These learnings will be summarized and shared with council in 2021-2022.

One key learning was this: succession planning for your role should start the day you arrive. In practice, that means mentoring and grooming others to potentially step into the role - even if they never do. In municipal governance, residents decide who they want to choose as Mayor. Having a broad pool of trained and mentored candidates to choose from, who can quickly and competently step into the role day one, serves our community - and democracy - well. Even if the Deputy Mayor chooses never to stand for election as Mayor, they are a valued additional resource to the entire council, during their council terms, especially for any new members of council to lean on.

3. **Advice/Partnership:** Two heads are better than one - to brainstorm ideas, and at times partner and share the workload on various initiatives. Such partnerships have been happening both formally and informally already, through co-chairing task forces (Red Tape, Red Carpet), to consulting and sharing perspectives and proposed action on city wide issues, such as racism. These collaborations have been invaluable to the current Mayor's Office in our service to the community.

The Municipal Act prevents council from gathering informally for advice and partnerships - no more than three of us at a time, so as not to breach quorum. A small group meeting informally for advice/partnerships, without benefit of solid rationale and formalized transparent roles, could create factions on council or lead to some feeling excluded.

Formalizing a Deputy Mayor role (or roles, if two Deputies are assigned), with clear rationale and responsibilities, provides transparency, accountability and purpose. It allows the development over a longer time horizon of a relationship of trust and sharing of select responsibilities. It allows those who are interested and might be suited to the role, to put their names forward for consideration, recognizing not everyone may wish to do so. Depending on the term of office, it allows for regular review, and rotating of the opportunity to others.

**Options:**

**Option 1. Status Quo:**

Section 1.10 of the Procedure Bylaw defines the Deputy Mayor role: "Deputy Mayor" means a member acting in place of the Mayor when they are absent. This position is alternated by two members on a quarterly rotating basis by ward.

Previously, there was one Deputy Mayor that rotated monthly. The frequent switch made it hard to track who was on deck, so it was changed to quarterly. Two deputies were assigned to provide coverage if both the Mayor and the Deputy Mayor were occupied. This too has led to some confusion as to who was the assigned Deputy, and who was the alternate.

**Section 4 of the Procedure Bylaw 4-2020** deals with roles and responsibility of the Deputy Mayor:

**4.1** Except as outlined in section 3, when the Mayor gives notice to the Clerk that they will be absent from the City, or is absent through illness, or their office is vacant, then the Deputy Mayor will act in the place of the Mayor, and while so acting, has and may exercise all the rights, powers and authority of the Head of Council.

The function of the Deputy Mayor is for corporate/administrative purposes, and will be filled by two members, on a quarterly rotating basis by ward.

**4.2** The rotation of the Deputy Mayor will be on a quarterly basis, determined by the mayor in consultation with council prior to the start of each calendar year, subject to the provisions of section 4.1 and availability.

More specifically, in the absence of the Mayor, the Deputy Mayor has signing authority, can declare a State of Emergency, and presides over council meetings. According to the Procedure Bylaw, the Mayor selects the Deputy after consultation with council, but does not specify a vote or authorization from council. In recent practice, the Mayor's recommended rotation has been voted on by council.

In practice, the Deputy Mayor role has been entirely ceremonial. If the Mayor is unable to attend a flag raising, ribbon cutting, proclamation or bring greetings to an event, the Deputy Mayor fills in. In a typical year, when the Mayor is travelling for business or conferences, this has led to some opportunities for the Deputy, for speaking engagements, signing documents or presiding in over council. However, in our current environment, with no travel and meetings moving online, the Mayor has been able to complete almost every assignment this year. For most of the year there was no role for the Deputy.

This system could be retained, with clear distinction of Deputy and Alternate, with selection in order of Ward as follows:

**2021:**

Quarter 1: Deputy, Ward 1; Alternate, Ward 3

Quarter 2: Deputy, Ward 2; Alternate, Ward 4

Quarter 3: Deputy, Ward 3; Alternate, Ward 5

Quarter 4: Deputy, Ward 4; Alternate, Ward 6

**2022:**

Quarter 1: Deputy, Ward 5; Alternate, Ward 1

Quarter 2: Deputy, Ward 6; Alternate, Ward 2

Quarter 3: Deputy, Ward 1; Alternate, Ward 3

Quarter 4: Deputy, Ward 2; Alternate, Ward 4

**NOTE: For reference, the Deputy Mayor Rotation for 2020 has been:**

Quarter 1: Ward 1; Ward 6

Quarter 2: Ward 2; Ward 4

Quarter 3: Ward 3; Ward 5

Quarter 4: Ward 6; Ward 1

This rotation was determined based on consultation with council members, taking into account their planned travel and activities in the year.

**Pros:**

Simple, allows all members an opportunity to serve as Deputy Mayor, in a numerical-by-ward and impartial system. No training required, due to largely ceremonial and signing function.

**Cons:**

Retains a limited functional and mostly ceremonial role, and no role at all unless the Mayor is unavailable due to scheduling. Does not provide for Continuity of Operations, Good Governance (Mentoring), or Advice/Partnerships. Does not honour the recommendation of the Citizen Review Committee for an enhanced Deputy Mayor role.

**Option 2. Enhanced Role:**

There are many variations of the Deputy Mayor role across Ontario and beyond, from a largely ceremonial position, as in Burlington, to a directly elected position with additional stipend - and everything in between. The roles vary from one-month duration to four years (term of council). Appendix A provides an Environmental Scan that outlines some research collected by staff and council.

The following areas need to be considered in developing a made in Burlington Deputy Mayor role. These will be raised as questions to facilitate broad discussion and hearing various perspectives.

1. What should the role include? Reference the sections above for existing and potential roles for the Deputy Mayor.
2. What should be the term, and the term extension (if any)?

**Options:**

**A) Quarterly:**

**Pro:** Provides regular rotation every 18 months if all council members wished to serve. All could do so one or more times.

**Con:** Does not provide enough time to dig into and really learn the role. The risk is it would remain largely ceremonial, perhaps with more meeting attendance alongside the Mayor. Would create unsustainable additional work for the Mayor's Office "training" a new individual every three months.

**B) Six months:**

**Pro:** Provides rotation 8 times in a term, so all council members could serve, if they wished, with two serving twice.

**Con:** Though better than quarterly, six months is a short period of time to learn the role or complete any major initiatives. For example, the Red Tape Red Carpet task force was roughly nine months, with continuing actions after that. The COVID19 Task Force is now in its 8th month of operation, and still continuing each month.

**C) One year, two years or term of council (four years):**

**Pro:** Provides a meaningful length of time to learn the role and complete initiatives, provides consistency to the community (and council and staff) so they know who is in the role - it's not a constant revolving door.

**Con:** Only some members of council will be eligible to serve - up to four, with a one-year term; up to two with a two-year term; one with a four-year term. That said, not every member of council will want to serve in this enhanced role, with the inevitable additional workload. Also, someone may wish to discontinue the role before a longer term is up. Shorter (eg. one year), renewable terms provide flexibility and opportunity for review.

**Term Renewal:**

**Options:**

**A) Consecutive unlimited terms**

**Pro:** Builds competency and continues a relationship if it is working

**Con:** Does not allow others an opportunity to serve

**B) Consecutive limited terms (for example only one additional term)**

**Pro:** Builds competency and continues a relationship if it is working, while allowing limited opportunity to others to serve.

**Con:** Does not allow a successful relationship to continue which may not be in the best interest of the corporation or residents.

**C) No ability to stand again during the same term of council.**

**Pro:** Allows opportunity for several councillors to serve.

**Con:** May lead to someone serving who may not be suited or doesn't want the role, by virtue of rotation rather than merit or interest.

**3. How is the role selected?**

The options for selecting a Deputy Mayor range from vote of council (with or without a recommendation from the Mayor) to direct election. Election is not being proposed for this term but could be something considered by a future council. This role should be constantly evolving, reviewed and modified as needed, at minimum each term of council, with periodic check ins during a term of council.

In some cases, the Mayor simply appoints the Deputy. Since the two will work very closely together and need to develop trust and collaboration, it is reasonable for the Mayor to have final say in the selection. However, there is also merit in the role being approved by council - providing an additional level of accountability and, potentially, democratic legitimacy to the office. A vote by council, based on a recommendation by the Mayor, would work best where there is a collaborative, collegial council, versus a fractious one.

**4. Other?** During our discussion, there will be time to table additional matters for consideration.

**Financial Matters:**

Not applicable

**Total Financial Impact**

Not applicable

**Source of Funding**

Not applicable

### **Other Resource Impacts**

Not applicable

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### **Climate Implications**

Not applicable

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### **Engagement Matters:**

Input from all members of council on the Chair/Vice-Chair rotation and Deputy Mayor role was gathered in one-on-one conversations leading up to this report. Several councillors provided research on practices found in other municipalities, which was consolidated with staff research and has been attached in as Appendix A. The City Manager and City Clerk were also consulted on this report.

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### **Conclusion:**

The above Chair and Vice-Chair recommendations will provide the desired level of governance, focus and expertise to successfully oversee Standing Committees. The rotation allows all members of council to serve as Chair and Vice-Chair of different committees several times during the term of council.

Council also has an opportunity to enhance the role of Deputy Mayor, to honour the recommendation from the Citizen Review Committee, and provide for Continuity of Operations, Good Governance and Advice/Partnerships. This is an opportunity for a made-in-Burlington role, with appropriate review, revision and further enhancement along the way. This is a step in the journey, not the destination.

Following our discussion at committee, a recommended option for Deputy Mayor and the schedule for 2021-2022 will be brought forward in January for a decision, to be implemented Feb. 1.

As there will need to be a Deputy Mayor selected for the month of January, while council continues its deliberations on any potential enhanced role and rotation, the Deputy Mayor rotation for the month of January 2021 only is proposed to be: Deputy, Ward 1; Alternate, Ward 3 (per the sample quarterly schedule for 2021 above).

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Respectfully submitted,

Mayor Marianne Meed Ward

**Appendices:**

- A. Environmental Scan of Deputy Mayor role

**Report Approval:**

Reviewed by City Manager