



SUBJECT: Appointment of Deputy City Clerk and Deputy Clerk Pro Tem
TO: Corporate Services, Strategy, Risk & Accountability Cttee.
FROM: Office of the City Clerk

Report Number: CL-14-21

Wards Affected: All

File Numbers: 110-03

Date to Committee: May 5, 2021

Date to Council: May 18, 2021

Recommendation:

Enact the proposed By-law XX-2021 to appoint a Deputy City Clerk and Deputy Clerk Pro Tem, included as Appendix "A" to office of the city clerk report CL-14-21.

PURPOSE:

To appoint a Deputy City Clerk and establish Deputy Clerk Pro Tem's to ensure business continuity and formalize an existing process.

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:

The *Municipal Act, S. O. 2001, c. 25, as amended*, requires the appointment of a municipal Clerk who has a wide range of legislated duties (under the *Municipal Act* and other Acts) and non-legislated duties that may be assigned or delegated by the Council, and the City Manager.

Kevin Arjoon, was appointed as the City Clerk on February 24, 2020 through By-law 8-2020.

The *Municipal Act* provides that a municipality may appoint a Deputy Clerk who has all the powers and duties of the Clerk under the Municipal Act and any other Act. A recruitment was issued in May 2020 and the successful candidate, Amanda Fusco, commenced employment in June 2020.

By extension, the role of the Committee Clerk is to support the City Clerk and Deputy City Clerk and to act for them in their absence. Jo-Anne Rudy, Suzanne Gillies and Georgie Gartside serve as Committee Clerks for the City. To ensure continuity of operations and that meetings are duly constituted as having a Clerk present, staff performing this function are typically empowered with a 'Pro Tempore' or Pro-tem designation enabled them to fulfill responsibilities of the City Clerk and Deputy City Clerk should they be unable to act for any reason.

Strategy/process

In 2018 the process to appoint staff was changed in favour of delegating the duties of the Clerk under section 228(4) of the *Municipal Act* by way of letter from the Clerk.

Recently staff conducted research and best practice scanning and conferred with Legal Services on the appropriate process. Legal staff have confirmed that the delegation of clerk's duties in writing does not in effect appoint staff to statutory positions, and that only Council may appoint statutory officers, and that this is typically done by by-law.

Therefore, staff are recommending that the process to appoint the Clerk's statutory positions be formalized through by-law.

In reviewing the file, additional housekeeping is required to repeal By-law 05-2011 to appoint Angela Morgan as Clerk and By-law 24-2015 which had appointed staff as Deputy Clerks, who are no longer with the City.

The proposed by-law attached as Appendix A to this report appoints Amanda Fusco, Deputy City Clerk to support the Clerk and to act in their absence and appoints Jo-Anne Rudy, Suzanne Gillies and Georgie Gartside as Deputy Clerk Pro Tem to act as Clerk in the absence of the City Clerk and Deputy City Clerk. In addition, the By-law will be retroactive to the Deputy City Clerk start date to ensure that any actions under the previous delegation are supported by the appointment.

Financial Matters:

None.

Climate Implications

None.

Engagement Matters:

None.

Conclusion:

To conclude, Council must pass a by-law to appoint the new Deputy City Clerk to satisfy the authority of the Municipal Act and allow the Deputy Clerk to legally conduct the appointed duties.

Additionally, appointing the Committee Clerks as Deputy Clerk Pro Tem ensures that in the absence of the City Clerk and Deputy City Clerk, the Committee Clerks may exercise certain authorities on behalf of the Corporation to ensure operational, business continuity, prevention and recovery planning.

Respectfully submitted,

Kevin Arjoon

City Clerk

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Appendices:

- A. Proposed By-law to Appoint a Deputy City Clerk and Deputy Clerk Pro Tem

Report Approval:

All reports are reviewed and/or approved by Department Director, the Chief Financial Officer and the Executive Director of Legal Services & Corporation Counsel.