



SUBJECT: Procedure By-law Amendment – Deputy Mayor
TO: Corporate Services, Strategy, Risk & Accountability Cttee.
FROM: Office of the City Clerk

Report Number: CL-14-23

Wards Affected: All

Date to Committee: June 26, 2023

Date to Council: July 11, 2023

Recommendation:

Enact a by-law to amend, By-law 31-2021 as amended as attached as Appendix A to office of the city clerk report CL-14-23 with respect to Deputy Mayor of Emergencies/ Ceremonial and Deputy Mayors with Portfolio; and

Approve the Deputy Mayor Policy as attached as Appendix B to office of the city clerk report CL-14-23; and

Direct the Director of Finance to incorporate Deputy Mayors with Portfolio role, into the Council Member Expense Guide.

PURPOSE:

Create a framework for the Deputy Mayor programs, through a Procedure By-law amendment and a draft policy.

Vision to Focus Alignment:

- Increase economic prosperity and community responsive city growth
- Improve integrated city mobility
- Support sustainable infrastructure and a resilient environment
- Building more citizen engagement, community health and culture
- Deliver customer centric services with a focus on efficiency and technology transformation

Background and Discussion:

Sections 224 and 242 of the Municipal Act, 2001, S.O. 2001, c. 25 (the Act) outlines the duties of the Head of Council and provides for delegation of these duties in absence of the Head. These provisions ensure the continuity of municipal operations. On November 15, 2022, at the Inaugural meeting of Council, the Mayor introduced the concept of Deputy Mayors with Portfolio, a change to the current governance model. At the December 5, CSSRA meeting, Report MO-03-22 provided additional information on the portfolios assigned and their scope.

At the February 2023 Council Workshop on the Procedure By-law the topic of Deputy Mayor with Portfolio was discussed at length. At the meeting the Mayor was afforded with the opportunity to provide their rationale for the assignments. In addition, the Mayor was present to respond to questions from Members regarding the program.

During the Workshop, Members participated in a values conversation and agreed on key principles in connection to the assigned duties and the general scope of the role. Much of the discussion focused on how the program would be implemented. A staff direction was issued to the Office of the City Clerk to take the discussion held at that meeting and return with a Procedure By-law amendment and a document that provides how the program would work.

Direct the City Clerk to report back to the Corporate Services, Strategy, Risk and Accountability Committee with proposed Deputy Mayor with Portfolio guidelines by the end of Q2 2023.

In response, staff prepared a Procedure By-law amendment, attached as Appendix A and a draft policy, Appendix B, these documents work in concert with one another to provide the foundation for the Deputy Mayor program.

Legislative Context

To ensure that the Municipality has business continuity, the Act provides clear definition of the Role of Head of Council (section 225), and provisions in absence of Head of Council (section 242). The delegation of traditional Head of Council role fits with the duties associated with the existing Deputy Mayor provisions, which is now the Deputy Mayor of Emergencies/Ceremonial.

In addition, the Head of Council also serves as the Chief Executive Officer for the Municipality (section 226.1). When reviewing this section of the Act, it provides duties with a broader focus. The following is an excerpt from the Act.

Section 226.1 Head of Council as Chief Executive Officer

- (a) uphold and promote the purposes of the municipality;
- (b) promote public involvement in the municipality's activities;

- (c) act as the representative of the municipality both within and outside the municipality, and promote the municipality locally, nationally and internationally; and
- (d) participate in and foster activities that enhance the economic, social and environmental well-being of the municipality and its residents.

These above duties are closely aligned with the tenants of the Deputy Mayor with Portfolio program. Through Report MO-03-22, the Mayor assigned a portion of these duties (with parameters) and a specific focus to each Member of their Council.

Procedure By-law Amendment

The Deputy Mayor with Emergencies/Ceremonial purview will remain as is. A subheading will be included to delineate between this role and the new Deputy Mayor with Portfolio role. The By-law will also be updated to reflect current practice and change the appointment term from quarterly to three times per year. The Procedure By-law sections regarding Deputy Mayor with Emergencies/Ceremonial provides the general overview of the position, whereas the Policy provides a commonplace definition with a highlight of some of the typical duties.

Staff have reviewed the feedback provided at the Council Workshop and drafted a by-law amendment reflecting a general overview of the Deputy Mayor with Portfolio program. The amendment is connected to the proposed principles and roles as presented slides 31 and 32 of the [Workshop PowerPoint](#). At the meeting there was little discussion on these slides, and no proposed additions. The following themes are featured in the amendment:

Rationale

How Portfolios are Determined and Assigned

Deputy Mayor with Portfolio Role

How the Deputy Mayor with Portfolio will Work with Staff

Scope and Authority

Through Legal Services review, it was pointed out that additional terms should be defined and added to the Procedure By-law. Staff have reviewed the suggestions and will incorporate them into the larger Procedural By-law amendment, that will be presented later this year.

Deputy Mayors Policy

Staff reviewed the feedback provided at the Council workshop and determined that a policy (attached as Appendix B) would best codify how the program will work. The policy

is created to support the Procedure By-law. The following are key highlights of the proposed policy.

Review: Staff are proposing to review and potentially amend the policy next year. This approach creates an early check in and provides an opportunity to make policy changes if required.

Scope: The Deputy Mayors Policy applies to all members of Council serving as Deputy Mayor with Portfolio, as Deputy Mayor of Emergencies/Ceremonial or in their capacity as ward councillor. The Policy applies to City administration which includes the City Manager, and their appointed Executive Leads.

Role Clarity: the policy provides a detailed account of all roles in the process and what their accountabilities are to the program and to the other roles within the program.

Appointment and Approval: A narrative on how the appointment and approval processes will occur. Deputy Mayors with Portfolio are assigned their portfolio by the Mayor. As Deputy Mayor with Portfolio, Members do not serve as the Head of Council; therefore, these appointments do not require Council approval. The policy provides how the assignments are documented and made public. Staff suggest that the Mayor's website features a section that outlines the program, links to supporting documents and posts current portfolios. Several administrative processes are articulated to provide clarity.

Accountabilities: Reinforces the values outlined in the Procedure By-law amendment, with additional clarification. Establishes that the Deputy Mayors with Portfolio serve at the pleasure of the Mayor, and that the Mayor retains the right to remove or modify any assignment at any time, for any reason.

How We Work Together: Builds upon various sections of the policy to illustrate how work will be completed. This section is based on the role discussion from the Council Workshop, and what has occurred since the program started in late 2022.

Intergovernmental Matters: Outlines what is expected when sponsoring an advocacy motion. Additionally, the section sets out the expectations for attending a ministerial delegation, the role, materials provided, and the protocols that occur at the meeting.

Conflict Resolution: Affirms to keep conflict resolution paths, to existing corporate functions. Conflict between Members may be subject to a breach of the Code of Conduct and will be directed to the Integrity Commissioner. Conflict between Members of Council and staff may be subject to a breach of the Council-Staff Relations Policy, and in accordance with the Policy, shall be directed to the City Clerk. Creating a separate resolution mechanism is duplication of methods, which may lead to confusion, with resolutions that may not be aligned to the overarching existing resolution routes.

Strategy/process/risk

Both the Procedure By-law amendment and the proposed policy reflects what was provided for through the Council Workshop and practical experience thus far with the assignments. The proposed amendment and policy may not address every potential situation. Together, both documents create the principles and a foundation, from which decisions outside the policy, based on what is established, may be made. Items that may be contentious or cannot be reconciled may be addressed in a future iteration of the policy. The review of the policy is set for next year, this will allow for changes to be made based on real time experience and will afford for the policy to be responsive.

Options Considered

Initial considerations were to only create a simple procedure by-law amendment for the program. However, based on the feedback provided at the Workshop it was clear that there were more questions on implementation of the program, and therefore the Policy was created to provide clarity.

Customarily revisions to corporate policy are to occur every three years. However, based on the infancy of the program, staff propose a shortened revision period to ensure that a review occurs, and any required changes are brought forward.

At the March 20, 2023, Council Workshop, a discussion regarding the role of Deputy Mayor Emergencies/Ceremonial occurred. As Council established the schedule for Deputy Mayor in December 2022, all members should be trained to assist if called upon during an emergency. Staff will be scheduling Ministry training sessions for Members of Council, in existing staff cohorts. The organizers will ensure that no more than three Members of Council are present at each session. Staff will also connect with Communications to determine media training, and the appropriate level required. With new teleconferencing and video technology, the likelihood that deputies may be called upon to serve is relatively low.

Should committee have concerns about finances, staff could be directed to recall the Council Remuneration Review Working Group for discussion and a potential recommendation. This is not recommended at this time due to program being in its initial phases. Staff could be directed to specifically look at financing for the policy review slated for 2024.

Financial Matters:

The Council Review Working Group confirmed the annual budget of \$10,000 provided to each Member of Council. For this budget line, there is no delineation between the Deputy Mayor with Portfolio program, and other City business.

All expenses of Members of Council are reported publicly by way of section 284(1) of the Act, a report is produced annually by Finance and provided to committee.

Total Financial Impact

At this time, staff do not recommend that the Deputy Mayor with Portfolio program receive additional funding without consultation with the Council Remuneration Working Group. Members of Council are encouraged to utilize their existing municipal budgets. In addition, a funding source was created by the Council Special Initiatives Reserve Fund which may be accessed. Based on the program needs, financing may form part of a future policy review.

Source of Funding

In 2022, Council approved the implementation plan for the recommendations arising from the Council Remuneration Review Working Group (F-17-22). Through this report By-law 45-2022 was enacted establishing a Council Special Initiatives Reserve Fund. Annual deposits to this reserve fund will be made at year end reflecting any unspent discretionary funds in the respective Mayor and Councilor budgets. These funds will be utilized for Council member special initiatives as approved by the CFO. For 2022 year end \$48,995 was transferred to this Reserve Fund.

Other Resource Impacts

Working with Executive Leads, most staff assigned may be at the Executive Director level, this may impact some work at the City of Burlington.

Climate Implications:

The Deputy Mayor with Portfolio program has provided for one of the portfolios to be focused on the environment. This delegation may help to forward the city's environmental initiatives and further related advocacy.

Engagement Matters:

The concept of Deputy Mayor with Portfolio was introduced by the Mayor at the Inaugural on November 15, 2022. Report MO-03-22 was first discussed at the CSSRA meeting of December 5, 2022. On February 27, 2023, Council was provided an opportunity to have an in-depth conversation at the Council Workshop on the Procedure By-law. Staff along with the facilitator were able to connect with all members of Council to get feedback on the proposed amendments and the Deputy Mayor program.

The Procedure By-law amendment and the draft policy was provided to the Strategy & Risk Team (comprising of the City Manager and the Executive Directors) for feedback, with a focus on the How We Work Together and Accountabilities sections.

In accordance with the Public Notice Policy a notice providing details of the proposed changes to the Procedure By-law was issued by the Office of the City Clerk and posted to the City's website on June 16, 2023, ten days in advance of the first meeting where the matter was discussed.

The Deputy Mayor with Portfolio program has provided for one of the portfolios to be focused on engagement. This delegation may help to forward the city's engagement initiatives and further other related activities.

Conclusion:

Changes to create a robust Deputy Mayors program represent an experiment in our local governance model. It is anticipated that the Procedure By-law Amendment and draft policy will provide context to the program and ensure compliance and accountability.

Respectfully submitted,

Kevin Arjoon

City Clerk

Appendices: (if none delete section)

- A. Amendment to Procedure By-law 31-2021 as amended
- B. Draft Deputy Mayor Policy

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.