

**To: David Creery, Chief Administrative Officer**

**From: Jeff Bunn, Manager of Legislative Services/Deputy City Clerk**

**Re: Deputy Mayor Position – Legislative Framework**

---

## **AIM**

The purpose of this report is to provide Council with information outlining the legislative framework under the *Municipal Act, 2001*, relating to the conversion of a City-County Councillor position to a Deputy Mayor position, commencing in the 2026-2030 term of Council.

## **BACKGROUND**

The current composition of the City of Woodstock council 2022-2026 includes:

- the Mayor (elected at large, represents the municipality at Oxford County Council);
- two City-County Councillors (elected at large, representing the municipality at Oxford County Council);
- four City Councillors (elected at large).

In accordance with Section 226 of the *Municipal Act, 2001*, (hereafter “the Act”), and Chapter 11 of the Municipal Code, Council elects an Acting Mayor, typically on an annual basis who steps in for the Mayor when they are unavailable to fulfill the duties of the role. The current appointed Acting Mayor is Councillor Wismer-Van Meer, for a term of January 17th, 2025 through to January 15th, 2026.

## **COMMENTS**

A lower-tier municipality, such as the City of Woodstock, can pass a by-law to modify its governance structure and composition. Unlike regional governments, lower-tier municipalities are not required to regularly review their council composition, unless there is a ward system in place, which mandates periodic ward boundary reviews. At the lower-tier, there are no automatic triggers for a composition review. Such a review is most often triggered at the political level by Council or by the public.

The latter part of this report outlines the legislative framework; role and responsibilities of a Deputy Mayor; the implication of strong mayor powers on a Deputy Mayor role; the results of a municipal scan; public notice requirements; and recommended next steps should Council wish to pursue the implementation of a Deputy Mayor role for the next regular election.

### Legislative Framework

Under the Act, Section 217(1) permits a municipality to change its council composition subject to the following conditions:

1. there shall be a minimum of five members, one of whom shall be the head of council.

2. the members of council shall be elected in accordance with the *Municipal Elections Act, 1996*.
3. the head of council shall be elected by general vote.
4. the members, other than the head of council, shall be elected by general vote or wards or by any combination of general vote and wards.
5. the representation of a local municipality on the council of an upper-tier municipality shall not be affected by the by-law of the local municipality under this section.

As such, to amend the composition of Woodstock City Council, Council must pass a resolution and corresponding by-law enacting the change.

In addition, Section 217(3) of the Act, states that a by-law to change the composition of Council, would not come into force until the day the new council is organized,

- (a) after the first regular election following the passing of the by-law; or
- (b) if the by-law is passed in the year of a regular election before voting day, after the second regular election following the passing of the by-law.

For greater certainty, Section 217 (4) of the Act, explains that:

The regular election held immediately before the coming into force of a by-law described in this section shall be conducted as if the by-law was already in force.

This means that if the municipality intends to add Council seats or a Deputy Mayor position for the 2026-2030 term, the by-law must be passed by January 1, 2026. If not passed by this deadline, the changes would only take effect after the next regular election (i.e., following the 2030 Municipal Election).

From staff's perspective, if Council is to consider a change for the next term, now is an ideal time to begin discussions, as it would allow Council sufficient time to review and assess any proposed changes and not negatively impact the 2026 municipal election planning already underway.

### Role and Responsibility of a Deputy Mayor

Sections 224 and 225 of the Act, outlines the roles of council and the head of council, respectively. Section 224 of the Act, states that it is the role of council:

- (a) to represent the public and to consider the well-being and interests of the municipality;
- (b) to develop and evaluate the policies and programs of the municipality;
- (c) to determine which services the municipality provides;
- (d) to ensure that administrative policies, practices and procedures and controllership policies, practices and procedures are in place to implement the decisions of council;
  - (d.1) to ensure the accountability and transparency of the operations of the municipality, including the activities of the senior management of the municipality;
- (e) to maintain the financial integrity of the municipality; and
- (f) to carry out the duties of council under this or any other Act.

Section 225 of the Act, provides that the role of the head of council is:

- a) to act as chief executive officer of the municipality;
- b) to preside over council meetings so that its business can be carried out efficiently and effectively;

- c) to provide leadership to the council;
  - (c.1) without limiting clause (c), to provide information and recommendations to the council with respect to the role of council described in clauses 224 (d) and (d.1)
- d) to represent the municipality at official functions; and
- e) to carry out the duties of the head of council under this or any other Act.

Given that a Deputy Mayor is not required under the Act, there is no specific legislative role outlined for the position. Like all other members of Council, a Deputy Mayor would be required to fulfil the legislative responsibilities as a member of council as outlined under Section 224 of the Act.

In some cases, the role of the Deputy Mayor is defined in the Council's Procedural By-law or by by-law. For instance, Council could define the role to include:

1. acting as head of council and assuming the duties of the Mayor for a duration requested by the Mayor, should the Mayor be absent from the Municipality;
2. acting as head of council and assuming the duties of the Mayor should the Mayor be unable to perform their duties as a result of illness, incapacity, or if the Office becomes vacant;
3. assisting the Mayor with administrative functions and ceremonial obligations for the City and acts as a second ambassador for the City.
4. serving as a member of Oxford County Council for the City of Woodstock.

Any additional functions, including the four identified above, are at the discretion of Council.

The resolution carried by Council suggests that one of the two City-County Councillor positions could be amended to include the Deputy Mayor function. A municipal scan of like sized municipalities illustrates that it is a common practice where there is an upper-tier municipality with locally elected seats to have the Deputy Mayor duly elected to both the lower and upper tier municipal councils. Practically speaking, a duly elected at large position would help support the continuity of city leadership on County Council, and the added benefit of ensuring the Deputy Mayor is well-informed of County business, in the absence of the Mayor. Likewise, from a financial perspective, it would be cost-neutral to add the function to an existing role to avoid added costs (e.g., remuneration, conference and meeting expenses, technology, etc.) associated with establishing a new position altogether.

### Implications of Strong Mayor Powers

While not the focus of this report, it's important for Council to understand how strong mayor powers would relate to a Deputy Mayor position. As outlined under Part VI.1 of the Act, strong mayor powers do not transfer to an interim or acting head of council. If the head of council's seat becomes vacant before March 31 of a regular election year, the municipality must hold a by-election to elect a new head of council. If the vacancy occurs after March 31 of a regular election year, the Council would be required to appoint a head of Council. The appointed head of Council would not have the additional powers outlined under Part VI.1.

The specific powers that can be delegated by a strong mayor, under Part VI.1 of the Act, include:

- appointing a chief administrative officer;
- creating, assigning functions and appointing chairs of committees of council;
- hiring or dismissing certain municipal division heads; and,
- changing the organizational structure of a municipality.

According to *The Ontario Municipal Councillor's Guide*, “[o]nce a new head of council has been elected pursuant to a by-election, that person will be the head of council and will be able to exercise the strong mayor powers and duties. The head of council may choose to delegate certain strong mayor powers. If the head of council chooses to delegate certain powers, these powers can still be exercised by the individual(s) to whom the powers were delegated to, in the event that head of council’s seat becomes vacant.”

This means that if the Deputy Mayor was acting as head of council and assuming the duties of the Mayor in the absence of the Mayor, they would not have the authority to exercise strong mayor powers. This is not unlike the current framework for the City of Woodstock Acting Mayor appointment. Strong Mayor powers may only be delegated to Council as a whole by an elected head of council.

### Municipal Scan

To provide Council with additional information relating to municipal best practices, a scan was completed including Ontario municipalities with a population between 40,000-60,000. The results of the municipal scan are summarized and provided below:

<b>Municipality</b>	<b>Pop.</b>	<b>Council Composition</b>	<b>Deputy Mayor Position</b>	<b>Upper-tier Representation by Deputy Mayor</b>	<b>Deputy Mayor Renumeration</b>
City of Belleville	55,071	<u>9 Members</u> (Strong) Mayor 8 Ward Councillors (elected among 2 wards)	No	Not applicable	Not applicable
Town of Bradford West Gwillimbury	42,880	<u>9 Members</u> (Strong) Mayor Deputy Mayor 7 Ward Councillors	Yes	Yes (Simcoe County)	\$49,113.16 (2024)
City of Cornwall	47,845	<u>11 Members</u> Mayor 10 Councillors	No	Not applicable	Not applicable
Town of Georgina	47,642	<u>7 Members</u> (Strong) Mayor Regional Councillor 5 Ward Councillors	No	Not applicable	Not applicable
Haldimand County	49,216	<u>7 Members</u> Mayor 6 Councillors	No	Not applicable	Not applicable
Town of Innisfil	43,326	<u>9 Members</u> (Strong) Mayor Deputy Mayor 7 Ward Councillors	Yes	Yes (Simcoe County)	\$30,365 (2023)
Town of Lakeshore	40,410	<u>8 Members</u> Mayor Deputy Mayor 6 Ward Councillors	Yes	Yes (Essex County)	\$33,718 (2024)
Town of New Tecumseth	43,948	<u>10 Members</u> Mayor Deputy Mayor	Yes	Yes (Simcoe County)	\$35,509 (2024)

		8 Ward Councillors			
City of North Bay	52,662	<u>11 Members</u> (Strong) Mayor 10 Councillors	No	Not applicable	Not applicable
City of Quinte West	46,560	<u>13 Members</u> Mayor 12 Ward Councillors	No	Not applicable	Not applicable
City of St. Thomas	42,840	<u>8 Members</u> Mayor 7 Councillors	No	Not applicable	Not applicable
City of Timmins	41,145	<u>9 Members</u> Mayor 8 Ward Councillors	No	Not applicable	Not applicable
City of Welland	55,750	<u>13 Members</u> (Strong) Mayor 12 Ward Councillors (2 of which are dual-elect to Regional Council)	No	Not applicable	Not applicable
Town of Whitchurch-Stouffville	49,864	<u>7 Members</u> (Strong) Mayor 6 Ward Councillors	No	Not applicable	Not applicable
Oxford County					
Town of Tillsonburg	15,872	<u>7 Members</u> Mayor Deputy Mayor 5 Councillors	Yes	No	\$20,159.68 (2022)
Town of Ingersoll	12,757	<u>7 Members</u> Mayor Deputy Mayor 5 Councillors	Yes	No	\$26,347 (2023)
Township of Norwich	11,001	<u>5 Members</u> Mayor 4 Ward Councillors	No	Not applicable	Not applicable
Township of Zorra	8,058	<u>5 Members</u> Mayor 4 Ward Councillors	No	Not applicable	Not applicable
Township of South-West Oxford	7,544	<u>7 Members</u> Mayor 6 Ward Councillors	No	Not applicable	Not applicable
Township of Blanford-Blenheim	7,359	<u>5 Members</u> Mayor 4 Councillors	No	Not applicable	Not applicable
Township of East Zorra-Tavistock	6,836	<u>7 Members</u> Mayor Deputy Mayor 5 Councillors	Yes	No	\$20,522.76 (2024)

In summary, of the 14 municipalities reviewed, 4 municipalities have a Deputy Mayor, all of which sit on their respective upper tier Council, and have a collective average remuneration of \$37,176. For reference, the 2024 City of Woodstock remuneration (not including any remuneration from Oxford County) for a City-County Councillor was \$37,982 (including

salary, pay in lieu, and car allowance). Currently, the Council appointed Acting Mayor receives an annual 8.35% premium in addition to their base remuneration as a member of Council. In theory, the 8.35% premium would be allocated to the Deputy Mayor-County Councillor position, for the additional role they would take on as a Deputy Mayor.

### Public Notice Requirements

Under Section 217 of the Act, there is no additional requirement for public notice of a proposed by-law to change the council composition for a lower-tier municipality. This differs from Section 218 of the Act, which applies to upper-tier municipalities (like Oxford County) and mandates notice of intention to pass such a by-law, along with at least one public meeting to discuss the change (refer to Section 219).

### Next Steps

Given there are no specific notice requirements for amending Council's composition, in order to proceed Council would need to pass a resolution providing for the addition of the title of Deputy Mayor to one of the two City-County Councillor positions and subsequently directing staff to bring forward a by-law to enact the change.

Further, should a by-law be supported by Council, a subsequent staff report would be presented to Council recommending amendments to various City policies, as appropriate, to support the new position (e.g., defining the role of the Deputy Mayor-County Councillor, and providing for remuneration). Such a staff report would be brought to Council in advance of the opening of the Nomination Period for the 2026 Municipal Election in order to give potential candidates sufficient information about the new position.

## **RECOMMENDATION**

That Woodstock City Council receives the report on the Deputy Mayor Position – Legislative Framework as information.

OR

That Woodstock City Council, in accordance with Section 217(1) of the *Municipal Act, 2001*, amends the composition of Woodstock City Council to revise one of the two City-County Councillor positions to establish the Office of Deputy Mayor-County Councillor; and further,

That the position of Deputy Mayor-County Councillor be elected at large during the next regular municipal election, scheduled for October 26, 2026, and each subsequent election thereafter; and further,

That Woodstock City Council directs staff to proceed with preparing a by-law for the next regular City Council meeting to enact the amendment outlined above to the composition of Woodstock City Council.

*Authored by: Jeff Bunn, Manager of Legislative Services/Deputy City Clerk*

*Approved by: Amy Humphries, Deputy Chief Administrative Officer/City Clerk*

*Approved by: David Creery, Chief Administrative Officer*