



COMMON COUNCIL REPORT

M&C No.	2021-179
Report Date	June 7, 2021
Meeting Date	June 14, 2021
Service Area	Legislative Services

Her Worship Mayor Noade Reardon and Members of Common Council

SUBJECT: Process for Selection of Deputy Mayor

AUTHORIZATION

Primary Author	Commissioner/Dept. Head	City Manager
<i>Jonathan Taylor</i>	<i>Jonathan Taylor</i>	<i>John Collin</i>

RECOMMENDATION

That this report be received for information.

EXECUTIVE SUMMARY

At the first meeting of the 2021 Council on June 14th, councillors wishing to serve as deputy mayor will declare their interest. At the next meeting on June 21st, Council will elect a deputy mayor by majority vote for the term of Council. A balloting voting procedure in Committee of the Whole will be used to assist in the appointment process and will be completed before a majority vote in Open Council.

PREVIOUS RESOLUTION: (March 22, 2021)

RESOLVED that that as recommended by the City Manager in the submitted report M&C 2021-083, Council approve Option 3 for the selection of the Deputy Mayor and direct staff to prepare a Procedural Bylaw amendment for council's approval reflecting the following:

Council Nominates and Elects the Deputy Mayor

During the first meeting of Council following the quadrennial election, councillors who are interested in the deputy mayor position will self-identify declaring their interest and stating their reasons at the meeting in Open Session; and, at the second meeting of Council following the quadrennial election, council members will elect the deputy mayor by a show of hands and adopt a resolution to appoint the deputy mayor for the 4-year term of Council.

REPORT

In New Brunswick, the positions of mayor and councillor are chosen by the local electorate in the quadrennial municipal election, however, the position of deputy mayor does not appear on the voting ballot and is not elected by the public. The *Local Governance Act* (“LGA”) s.48(3) provides that the “*Council of a local government shall elect the deputy mayor in accordance with a procedural bylaw*”.

Each local Council is therefore responsible for determining how it elects the deputy mayor; which council members are eligible for appointment (ward councillors, at-large councillors, or both); the election process to be employed and the term length of office.

Role of the Deputy Mayor

The role of the deputy mayor is to act in the place of the mayor in the absence or inability of the mayor to act, or if the office of Mayor is vacant. When the mayor is present the deputy mayor’s role and responsibilities are the same as those of other councillors. When acting in place of the mayor, per s. 48(1) of the Local Governance Act, the deputy mayor is expected to fulfill the following duties of the mayor:

- (a) preside at all meetings of council, except as provided for otherwise in a procedural by-law made under paragraph 10(2)(a) or in a municipal charter or a private or special Act,
- (b) provide leadership to council,
- (c) communicate information and recommend actions to council for the improvement of the local government’s finances, administration and government,
- (d) speak on issues of concern to the local government on behalf of council, and
- (e) perform any other duties conferred on him or her by this or any other Act or by council.

The role of deputy mayor, under the Local Governance Act, does not have any regular or day-to-day responsibilities or authorities over and above those assigned under the Act to other councillors.

Deputy Mayor – Procedural By-law Provisions

In May 2021 Common Council enacted its current procedural by-law, a “*By-law Respecting the Procedures of the Common Council of The City of Saint John*”. This by-law prescribes how Council meetings are conducted, how decisions are made and recorded, how participants (including the public) are involved in meetings, and how the Deputy Mayor is elected.

Pursuant to s. 12.2 of the by-law, the deputy mayor appointment process as follows:

- (a) At the first regular Meeting of Council following an election, newly elected Councillors may nominate themselves for the position of Deputy Mayor by verbal declaration in open session.
- (b) Consideration by Council of these nominations shall be scheduled for the following regular Meeting of Council, at which time Council shall openly elect by show of hands a Deputy Mayor from the list of Councillors who nominated themselves pursuant to paragraph (a).
- (c) The successful candidate shall hold office until the next municipal election.

Prior to this by-law change, Council had followed a custom of electing as deputy mayor the councillor having received the most votes in the municipal election.

Deputy Mayor Appointment

The 2021 Council will hold its first regular Council meeting on June 14, 2021. Councillors wishing to serve as deputy mayor must verbally declare their interest at this meeting. At the next regular meeting, Council must adopt a motion by majority vote to elect the deputy mayor.

Should more than one councillor declare an interest in serving as deputy mayor, a balloting voting method would be employed to allow Council to determine which Councillor has majority support.

Although Council's procedural by-law does not address balloting as described above, when a matter relating to proceedings in Council or Committee of the Whole arises that is not covered in provisions of the procedural by-law, the procedure to be followed is decided with reference to Robert's Rules of Order (s. 4.2).

Robert's Rules recommends employing a repeated balloting procedure until 1 candidate receives majority support. The method would be a Plurality Vote and would involve each council member choosing 1 councillor to be elected as deputy mayor. Should the first round of voting not result in a majority candidate (a tie), the councillor(s) receiving the lowest number of votes would be dropped from the ballot and an additional round of voting would commence. This procedure would continue a councillor receives the majority vote.

The procedure is as follows:

- Councillors having declared their interest to serve as deputy mayor on June 14th would be added to a ballot;
- The ballots would be distributed to Council members in Open Session of Committee of the Whole on June 21st;
- Each Council member, including the Mayor, would select the top candidate of their choice and submit it to the clerk;
- The Clerk and General Counsel would tally the votes separately and the Clerk would announce the name of the candidate who received the most votes;
- Should a tie occur, the candidate with the lowest vote count would be removed from the ballot and additional rounds of voting would occur until one candidate has received the majority of votes;
- Council would adjourn the Committee of the Whole meeting and reconvene in open session of Council;
- The Committee of the Whole would recommend the appointment of the successful candidate;
- Council would vote to elect the Deputy Mayor. The Mayor does not vote in Council unless to break a tie.

STRATEGIC ALIGNMENT

Good governance

SERVICE AND FINANCIAL OUTCOMES

N/A

INPUT FROM OTHER SERVICE AREAS AND STAKEHOLDERS

General Counsel's Office

ATTACHMENTS

N/A