



**Committee of the Whole Meeting
Agenda**

**Tuesday, October 4, 2022, 6:30 p.m.
S.H. Blake Memorial Auditorium**

Pages

1. Open Session - Special Session

Chair: Councillor Mark Bentz

2. Disclosures of Interest

3. Confirmation of Agenda

WITH RESPECT to the October 4, 2022 Committee of the Whole meeting, we recommend that the agenda as printed, including any additional information and new business, be confirmed.

4. Reports of Municipal Officers

4.1. Vacant Position - Resignation of Mayor Bill Mauro

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Report R 160/2022 (City Manager's Office - Office of the City Clerk) recommending that City Council declare the Mayor's seat vacant and continue to utilize the authority of the Acting Mayor By-law for the remainder of the 2018-2022 Term of City Council.

Pending the passage of the resolution at the Committee of the Whole meeting, the resolution will be presented for ratification at the City Council meeting to be held later in the evening and will require a two-thirds vote.

WITH RESPECT to Report 160/2022 (City Manager's Office – Office of the City Clerk), we recommend that City Council declare the Mayor's seat vacant as per Section 259(1) of the *Municipal Act*,

AND THAT By-law 69/2021, as amended, remain in force to govern the authority for Acting Mayors for the City of Thunder Bay for the remainder of the 2018-2022 Term of City Council;

AND THAT any necessary by-laws be presented to City Council for ratification.

5. **New Business**

6. **Adjournment**

DEPARTMENT/ DIVISION	City Manager's Office - Office of the City Clerk	REPORT NO.	R 160/2022
DATE PREPARED	09/20/2022	FILE NO.	
MEETING DATE	10/04/2022 (mm/dd/yyyy)		
SUBJECT	Vacant Position – Resignation of Mayor Bill Mauro		

RECOMMENDATION

WITH RESPECT to Report 160/2022 (City Manager's Office – Office of the City Clerk), we recommend that City Council declare the Mayor's seat vacant as per Section 259(1) of the *Municipal Act*;

AND THAT By-law 69/2021, as amended, remain in force to govern the authority for Acting Mayors for the City of Thunder Bay for the remainder of the 2018-2022 Term of City Council;

AND THAT any necessary by-laws be presented to City Council for ratification.

LINK TO STRATEGIC PLAN

Lead

Provide civic leadership to advance mutual respect, equal opportunity and hope.

EXECUTIVE SUMMARY

On August 23, 2022 Mayor Mauro announced his resignation from office effective as of October 4, 2022, his last day in office being October 3, 2022. This announcement requires a decision of Council as it relates to a vacancy on City Council.

The *Municipal Act, 2001* prescribes the requirements associated with the declaration of a vacant seat on municipal councils. A vacancy is triggered in this case as a result of a member of council of a municipality providing notice of resignation in writing and filed with the clerk of the municipality. This report confirms the receipt of the Mayor's resignation and appropriate filing to the City Clerk and provides Council with the options available to fill the vacant seat or leave it vacant and utilize the existing structure in the Acting Mayor By-law (By-law 69/2021, as amended).

DISCUSSION

As a result of Mayor Mauro's notice of resignation, this report provides Council and the public with information relative to how Council may respond to the vacancy with an associated recommendation on how to move forward.

The *Municipal Act, 2001* sets out the requirements relative to timelines of filling vacancies via a By-election or by Appointment.

As per the *Municipal Elections Act* (Section 65 sub 2), due to the timelines of this resignation, a By-election is prohibited as the municipality is concurrently preparing for the Municipal Election to take place on October 24, 2022.

The vacancy policy, Council Vacancies/Leaves of Absences (Policy 08-01-03) prescribes the options available to City Council to fill a vacant seat.

1) Appointment

When a vacancy is declared on or:

- after January 1 of a regular election year and 90 days prior to voting day, the position shall be filled by appointment only
- City Council will establish a nominations committee comprised of four (4) members of Council. The Nominations Committee will oversee a call for nominations (utilizing such forms and materials as deemed necessary), the Committee will review the submitted nominations selecting, as appropriate a short-list of candidates who will be invited to make presentations to the Committee. Following which the Committee will make a recommendation for appointment to City Council
- The Nominations Committee will develop and submit to City Council for approval Terms of Reference for the Committee and detailed procedures for the nomination process.

- 2)** Section 263 (5) 3 of the *Municipal Act, 2001* provides that a vacancy that occurs within 90 days before voting day of a regular election is **not required** to be filled by the municipal council.

Of the two options above, it is administration's recommendation to leave the Mayor's seat vacant until the completion of the 2022 Municipal Election. By-law 69/2021, as amended, remains in force and outlines the responsibilities and authorities assigned to the Acting Mayor in the absence of the Mayor. City Council is well aware of the provisions of the Acting Mayor By-law and there is only a short time prior to the conclusion of the Election period. There is only one further meeting of Council remaining in this term (November 14, 2022).

Further, it is a significant amount of work to establish a Nominations Committee, develop and submit a Terms of Reference for the committee along with details to oversee the call for nominations, short list candidates, accept presentations and bring a recommendation for appointment to City Council. With only one meeting remaining in this term, this is unlikely to get completed without adding additional meetings of council for approval and significant work for the Office of the City Clerk. This team is also currently dedicated to the work of the Municipal Election and this work would be impactful to an office already stretched to complete additional work as required by the *Municipal Elections Act*. It is also important to note that onboarding of a new member of council requires time from several departments outside of the Office of the City Clerk including but not limited to Human Resources, Corporate Information Technology and other areas as mandatory training is required under specific legislation and will be required regardless of the period of time that a Mayor is appointed to be in place.

In preparation of the recommendation for Council's consideration, it has been confirmed that all authorities required to be in place to safeguard and protect the corporation are secure via By-law 61/2021. Further, work was completed by Financial Services and Corporate Information Technology divisions to ensure business continuity as required for signing authority for city-issued cheques is in place with the Acting Mayors for the remainder of October and for the period of November 1 – 14, 2022.

The Acting Mayor has been involved on rare occasion with the Municipal Emergency Control Group in the absence of the Mayor and this would continue for the period of October 4 – November 14, 2022 should an emergency occur and the corresponding declaration of an emergency be required.

FINANCIAL IMPLICATION

The city will save approximately \$15,000 in salary costs, internet and cellular telephone charges by declaring the seat vacant between October 4 and November 14. Acting Mayors do not receive compensation outside of their regular remuneration.

Should Council seek to fill the vacancy via an appointment and create a nomination committee, costs in the order of \$1,500 will be required for advertising and up to \$2,000 will be required for administrative costs for training, information and technology requirements. These costs do not include additional staff time which is a required to support and assist a new Mayor for the period of 5 weeks.

Further, should council seek to fill the vacancy and appoint outside of the Vacancy Policy, costs of \$15000 - \$17000 should be considered. These costs would be for remuneration, required stationary, portrait session and framing of Mayor's photo in City Council Chambers and potential increase to cellular and internet costs.

CONCLUSION

It is concluded that City Council approve the recommendation to declare the Mayor's seat vacant and continue to utilize the authority of the Acting Mayor By-law (By-law 69/2021, as amended) to manage the vacancy created by the resignation of Mayor Mauro for the period of October 4 – November 14, 2022.

BACKGROUND

On August 21, 2022, Mayor Mauro filed notice of resignation with the City Clerk as required under the *Municipal Act, 2001*.

On August 23, 2022, Mayor Mauro announced his intention to resign to the public as of October 4, 2022.

At the September 12, 2022 Committee of the Whole meeting, a memorandum from City Clerk, Krista Power advised of the resignation and a meeting was established for October 4, 2022 for City Council to respond to the vacancy.

REFERENCE MATERIAL ATTACHED:

None.

PREPARED BY: KRISTA POWER, CITY CLERK

THIS REPORT SIGNED AND VERIFIED BY: (NAME OF GENERAL MANAGER) Norm Gale, City Manager	DATE: September 22, 2022
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