

# Town of Riverview

## COUNCIL REPORT FORM



Presented to: Riverview Town Council

Date: January 4, 2023

Subject: Motion to Amend Section 6 of By-Law 100-10-05 "A By-Law Relating to the Proceedings of Council of the Town of Riverview"

---

### **BACKGROUND**

In 2021, council approved a revised and comprehensive update to the procedural by-law. This new by-law provided more clarity on council procedures and added some new elements. One of the changes related to the election of the Deputy Mayor, in section 6 of the by-law. That section of the by-law currently reads:

*Not later than the second Regular meeting of Town Council following a regular quadrennial election, Council shall nominate and, by majority vote, elect a Deputy Mayor in an open session. The successful candidate shall hold office for a period of one year, at which time the process shall be repeated.*

The motion before council is to amend this section of the by-law to instead read:

*Town Council shall elect a Deputy Mayor no later than the second regular meeting after the election of the Council by a majority vote. The successful candidate shall hold office for a period of one year, at which time the process shall be repeated.*

I believe there are a few issues with the current wording of the by-law that warrant changing this section.

### **Electoral Cycle**

The by-law refers to "regular quadrennial elections." The intent of this wording is to ensure that the cycle commences after each regular municipal election. However, as we have seen, the previous and current cycles for council have been for five years instead of for four years. Given that the province can change the electoral cycle, we should be flexible in our wording to ensure that we are aligning with the municipal electoral cycle as scheduled by the province. For this reason, I recommend that the reference to "quadrennial" be removed from the by-law wording.

### **Limitations on Discussion**

The current wording of the by-law requires the nomination and vote for the Deputy Mayor to be conducted in an open session. During the first application of this by-law in June 2022, we saw this

process unfold: a call for nominations for candidates from the mayor, an opportunity for those candidates to outline their interest in the position for two minutes, and then a vote of council.

This process does not permit council to have any discussion, nor does it permit council to ask questions of the nominees. It is understandable why the current process unfolds this way: it preserves the unity of council and helps to ensure its continued smooth functioning. However, it does mean that council is potentially casting a vote without having all the information it needs to make an informed choice.

Before the adoption of this revised by-law, council was able to have discussions in private before the vote in council chambers. This is the process used in several other municipalities, allowing councillors to express interest in the position in the current or future years, for councillors to ask questions regarding the nominees' availability for deputy mayor functions, and to then enter council chambers prepared to make a public vote.

This council may not want to fully return to the previous process, but it can be argued that the current wording of the by-law restricts how council conducts the process and gathers information to make an informed vote. Council's hands are currently tied. The proposed revision to the by-law removes the reference to "in an open session" to allow council the flexibility to gather information.

#### **Additional Reference – Moncton & Dieppe**

For council's reference, here is the wording used by the Cities of Moncton and Dieppe in their respective by-laws concerning the election of their Deputy Mayors:

Moncton

*Council shall elect a Deputy Mayor at its first meeting and annually thereafter at a regular meeting following the anniversary date of the preceding municipal election.*

Dieppe

*Council shall elect a deputy mayor at its first meeting and every year thereafter at a regular meeting following the anniversary date of the preceding municipal elections.*

#### **CONSIDERATIONS**

Legal: Should council agree to this motion, the amendment would have to go through three readings as part of the usual by-law approval process.

Financial: N/A

Policy: N/A

Stakeholders: Town Council

Strategic Plan: N/A

Interdepartmental Consultation: N/A

Communication Plan: If this motion is approved, the public would be notified of the proposed change to the by-law as part of the normal by-law approval process.

### **OPTIONS**

Council can choose to:

1. Maintain the existing wording in the by-law and maintain the current process for electing the Deputy Mayor.
2. Approve the motion to amend the by-law to change the selection process of the Deputy Mayor.

### **RECOMMENDATION**

That council endorse the motion to amend the by-law.

**Prepared by:** Councillor Heath Johnson