



**LEGISLATIVE AND COURT
SERVICES DEPARTMENT
MEMORANDUM**

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TO: MAYOR J. LEHMAN AND MEMBERS OF COUNCIL

FROM: W. COOKE, CITY CLERK/DIRECTOR OF LEGISLATIVE AND COURT SERVICES

NOTED: D. MCALPINE, GENERAL MANAGER OF COMMUNITY AND CORPORATE SERVICES

M. PROWSE, CHIEF ADMINISTRATIVE OFFICER

RE: MAYOR LEHMAN'S LEAVE OF ABSENCE

DATE: MARCH 7, 2022

The purpose of this Memorandum is to provide members of Council with responses to questions staff have received related to Mayor Lehman's upcoming leave of absence..

1. Who will assume Mayor Lehman's role and responsibilities?

For the duration of Mayor Lehman's leave of absence, Deputy Mayor Ward will act in the capacity of Mayor.

Motion 20-G-190 was adopted by City Council on November 23, 2022 to appoint Councillor Ward to serve the remainder of the Council term as Deputy Mayor.

Staff Report LCS014-18 provided a job description for the Deputy Mayor. Based on Section 225 of the *Municipal Act*, the role of the Deputy Mayor would be to act in the capacity of the Mayor either in his/her absence, or alongside him/her. The role of the Mayor is identified as follows:

- (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;
- (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.

This Staff Report, also identified the following responsibilities for the Deputy Mayor position:

- Attending events on behalf of the Mayor;
- Acting as Chair of the Finance and Corporate Services Committee in the years that they are not serving as Deputy Mayor;
- Maintain an active working role on Council's Strategic Priorities, assisting the Mayor and Council to advance special projects or initiatives supportive by Council's direction; and
- Acting as Chair of General Committee or presiding over City Council Meetings in the Mayor's absence or in the case of the Mayor declaring a conflict of interest

2. Will the Deputy Mayor assume the title of Mayor during Mayor Lehman's leave of absence?

No, the Deputy Mayor will continue to use the title of Deputy Mayor and not assume the title of Mayor.



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3. Will the Deputy Mayor receive additional compensation/renumeration during this time period?

Council adopted motion 18-G-106 that provides the Deputy Mayor receives additional compensation in the amount of \$5,000 per year and an additional car allowance of \$100 per month. City Council would have to approve any additional renumeration for the Deputy Mayor during the Mayor's leave of absence.

4. What happens if Mayor Lehman is successful in the election bid for MPP of Barrie- Springwater- Oro-Medonte

If Mayor Lehman is successful in his election bid, he would need to resign his Mayor's seat, as he would be no longer qualified to serve as Mayor under section 258 of the *Municipal Act*. His resignation does not need to take effect until officially sworn into provincial office.

Once a resignation is received by the Clerk, Section 262 of the *Municipal Act* provides that the Council, at its next meeting, shall declare the office to be vacant.

Section 263(5) of the *Municipal Act* provides that within 60 days after the vacancy is declared, the municipality shall either appoint a person to fill the vacancy or pass a by-law to require a by-election. Given that this vacancy will occur after March 31 of an election year, a by-election is not permitted under the *Municipal Elections Act*. However, an appointment would be required, as its outside of the 90 day window of the municipal election.

If a vacancy is declared, the Clerk would report back to Council on the appointment process.