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Report 2024-110

Report Title: Warden and Deputy Warden Responsibilities

Committee Name: Corporate Support

Committee Meeting Date: September 3, 2024

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Corporate Services

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Approved by: Jennifer Moore, CAO

Council Meeting Date: Select Council Meeting Date

Strategic Plan Priorities: Innovate for Service Excellence
 Ignite Economic Opportunity
 Foster a Thriving Community
 Propel Sustainable Growth
 Champion a Vibrant Future

Recommendation

“That the Corporate Support Committee, having considered Report 2024-110 ‘Warden and Deputy Warden Responsibilities’, recommend that County Council direct staff to arrange a meeting for the 2025 Warden, Deputy Warden and the County’s Chief Administrative Officer, sometime after December 18, 2024 and prior to the January 2025 Council meeting, to discuss the division of responsibilities between the Warden and Deputy Warden, and to bring forward a report to the January 2025 Council meeting regarding the division of responsibilities for Council’s input / consideration.”

Purpose

The purpose of this report is to provide Council with background information on the Deputy Warden position and responsibilities. This report also provides Council with an opportunity to discuss the process for the division of responsibilities between the Warden and Deputy Warden

in advance of the election / appointment of the Warden and Deputy Warden at the December 18, 2024 Council meeting.

Background

The Northumberland County Warden and Deputy Warden positions historically have been one-year terms, each filled by one of the seven members of County Council. Each year at its December meeting, Council Members nominate one or more of their colleagues to serve as Warden and Deputy Warden for the upcoming year. If there is only one nomination, that individual is acclaimed as Warden / Deputy Warden. If there are nominations for two or more individuals, a secret ballot (non-weighted) vote determines the outcome.

The Deputy Warden position was created by Council in October 2019 to assist with business continuity, as the Warden at that time permanently stepped down from the Warden position and the Acting Warden role lacked clarity in the Council Procedural By-law (refer to Council Report 2019-80 'Deputy Warden Position'). Council then adopted a definition for the responsibilities of Deputy Warden as follows:

“the position acts as Head of Council and Presiding Officer with all of the duties as set out and as identified with Section 225 of the Municipal Act, 2001, including:

- a) To act as Chief Executive Officer of the municipality;
- b) 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.”

Council also authorized that the Warden, in consultation with the Deputy Warden and with Council, will decide upon how the responsibilities are divided between the two individuals (refer to Council Resolution 2019-10-16-275).

The Council Procedural By-law was then updated in November 2019 to incorporate the new position of Deputy Warden, which included a general description of the Deputy Warden's responsibilities (refer to Council Report 2019-87 'Council Procedural By-law 2019-26 Updates'). Northumberland County's first Deputy Warden was elected on December 18, 2019.

In January 2020, Council considered Report 2020-07 'Deputy Warden Position and Council Remuneration' (attached) and had further discussions regarding the Deputy Warden responsibilities. As per Council Resolution 2020-01-29-16 (attached), Council decided to “generally define the Deputy Warden's responsibilities within the next six months and determine, at a later date, the information that will be included in the Council Procedural By-law.”

By-law 2020-11 'A By-law to Provide for the Remuneration and Expenses of County Council Members and Repeal By-law 2019-27' (attached) was enacted by Council on February 19, 2020. This by-law speaks to the Deputy Warden's responsibilities, outlining that the Deputy Warden will receive an annual salary for “attending all meetings of Council, including training and education meetings as required, meetings with the area MP and MPP as required, attendance at community announcements, Eastern Ontario Wardens' Caucus meetings (as

requested by the Warden), meetings with the County's senior management team, and meetings and events that require the presence of Deputy Warden when the Warden is not available."

However, due to the COVID-19 pandemic and response, Council did not have further discussions regarding the Deputy Warden responsibilities, as indicated in Council Resolution 2020-01-29-16.

Consultations

When first creating the Deputy Warden position, staff canvassed 21 Counties for information (refer to Council Report 2019-80 'Deputy Warden Position').

Recently, the County's CAO discussed the division of responsibilities between these two Council roles with the current Warden and Deputy Warden.

Legislative Authority / Risk Considerations

- Municipal Act, 2001, SO 2001
- Council Procedural By-law 39-2023

Discussion / Options

In advance of the December 18, 2024 Council meeting, and the election / appointment of Warden and Deputy Warden, Council has an opportunity to review the Deputy Warden responsibilities, and the process for the division of responsibilities between the Warden and Deputy Warden.

Option 1 (recommended option)

Staff recommend that County Council maintain the current general definition of the Deputy Warden's duties in order to maintain flexibility. Council Resolution 2019-10-16-275 states that the "Warden, in consultation with the Deputy Warden, and in consultation with Council, will decide upon how the responsibilities are divided between the two individuals". In alignment with this direction, staff recommend that once the Warden and Deputy Warden are determined in December 2024, that a meeting with these two individuals and the County's CAO takes place to discuss the division of responsibilities. A report would be brought forward to the January 2025 Council meeting outlining the division of responsibilities between the Warden and Deputy Warden, where Council would adopt the roles' responsibilities by resolution. Based on the division of responsibilities, this report to Council would also outline recommendations for any changes to the Warden and Deputy Warden remuneration if required.

This process would be repeated in each subsequent year, following the election / appointment of the Warden and Deputy Warden.

A potential risk with this option is if the Warden and Deputy Warden are unable to agree on the division of responsibilities. Although the division of responsibilities between the Warden and Deputy Warden has historically been a collaborative process, Council will ultimately decide how the responsibilities will be divided if agreement / consensus cannot be reached.

Option 2

Council may wish to establish specific responsibilities for the Deputy Warden and revise the Council Procedural By-law to incorporate these duties.

This option ensures clarity of the Warden and Deputy Warden's responsibilities. If a Member of Council is interested in standing for nomination for the Deputy Warden position, they would have greater understanding of the role.

However, this option does not allow for flexibility, or for the role to change and evolve depending on circumstances. Thus, staff feel that it is important to have the Warden and Deputy Warden in place first, and then develop the responsibilities for these positions collaboratively.

Financial Impact

By-law 2020-11 'A By-law to Provide for the Remuneration and Expenses of County Council Members and Repeal By-law 2019-27' provides for the remuneration of the Warden and Deputy Warden positions. As outlined in the by-law, the Clerk will review the remuneration and expenses of all Members of Council every four years, in the third year of the term, and provide a report to Council, which will take place in 2025.

Member Municipality Impacts

N/A

Conclusion / Outcomes

Staff recommend that County Council maintain the current general definition of the Deputy Warden's duties in order to maintain flexibility. As such, staff recommend that County Council direct staff to arrange a meeting for the 2025 Warden, Deputy Warden and the County's Chief Administrative Officer, sometime after December 18, 2024 and prior to the January 2025 Council meeting, to discuss the division of responsibilities between the Warden and Deputy Warden, and to bring forward a report to the January 2025 Council meeting regarding the division of responsibilities for Council's input / consideration.

Attachments

- 1) Report 2024-110 ATTACH 1 'Council Report 2019-80 'Deputy Warden Position''
- 2) Report 2024-110 ATTACH 2 'Council Resolution 2019-10-16-275 (October 16, 2019 Council Meeting)'
- 3) Report 2024-110 ATTACH 3 'Council Report 2019-87 'Council Procedural By-law 2019-26 Updates''
- 4) Report 2024-110 ATTACH 4 'Council Report 2020-07 'Deputy Warden Position and Council Remuneration''
- 5) Report 2024-110 ATTACH 5 'Council Resolution 2020-01-29-16 (January 29, 2020 Council Meeting)
- 6) Report 2024-110 ATTACH 6 'By-law 2020-11 being A By-law to Provide for the Remuneration and Expenses of County Council Members and Repeal By-law 2019-27'