

Title: Deputy Warden Position

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Strategic Plan: Leadership in Change

Council Date: October 16, 2019

Recommendation

Whereas the Council of the County of Northumberland received Report No. 2019-80, "Deputy Warden Position;

Now Therefore Be It Resolved That Council create a new position of Deputy Warden; and

Further That Council determine the process to fill the position of Deputy Warden; and

Further That the Acting Warden, Past Warden and Outgoing Warden positions, as defined in Procedural By-law 2019-26, be maintained; and

Further That Council adopt a one-year term for the Warden position, and a one-year term for the new Deputy Warden position; and

Further That the positions of Warden and Deputy Warden be filled annually at the December County Council meeting; and

Further That the Procedural By-law be updated at the November 20, 2019 County Council meeting, to incorporate these revisions, including the definition for, and the responsibilities of the Deputy Warden position; and

Further That the first Deputy Warden position be named at the December 18, 2019 County Council meeting."

Purpose

The Northumberland Council Procedural By-law 2019-26 is silent on some issues relating to the position of Warden and Acting Warden, and it does not contain any provision for a position of Deputy Warden.

Background

In August, 2019 the Northumberland County Warden permanently stepped down from his position and the office became vacant. However the Member's seat is not vacant (the Councillor is expected to return in the future).

Given the current circumstances, as well as the need to update the Council Procedural By-law to improve its clarity, this is a good opportunity to create a position of Deputy Warden.

As per the Council Procedural By-law, an Acting Warden is an assigned role, based on past and/or length of service. In other words, the Acting Warden is not appointed by the Warden, nor appointed/elected by County Council.

The creation of a Deputy Warden position could provide Council with the means of selecting the Councillor who will fill this role.

Traditionally, the Council of the County of Northumberland has elected or appointed a Warden annually, each December, to serve in that role for the subsequent twelve months. The timing of the Warden's election/appointment is specified in the Procedural By-law for new Council terms only (following a municipal election). The timing is not specified for the other years of the term.

The Warden is the Head of Council and Presiding Officer, with all of the duties as set out and as identified within Section 225 of the *Municipal Act, 2001*, S.O. 2001, c.25. As per the *Municipal Act, 2001*, these duties include:

- to act as chief executive officer of the municipality;
- preside over Council meetings so that its business can be carried out efficiently and effectively;
- to provide leadership to the council;
- to provide information and recommendations to the council with respect to the role of council described in clauses 224 (d) and (d.1); *
- to represent the municipality at official functions; and
- to carry out the duties of the head of council under this or any other Act.

* 224. Role of Council

224.(d) to ensure that administrative policies, practices and procedures and controllership policies, practices and procedures are in place to implement the decisions of council;

224.(d.1) to ensure the accountability and transparency of the operations of the municipality, including the activities of the senior management of the municipality;

As prescribed in the County's Procedural By-law 2019-26, several positions exist including: the Past Warden, the Acting Warden and the Outgoing Warden.

In the absence of the Warden from a meeting, or if the office is vacant, an Acting Warden shall be appointed. The Acting Warden shall have and may exercise all the rights, powers and authority of the Warden.

Position Titles & Definitions Within Council Procedural By-law 2019-26

Warden – existing position

“means the Member of Council duly elected or appointed by the Council of the Corporation of the County of Northumberland and by virtue of their office acts as Head of Council and Presiding Officer with all of the duties as set out and as identified within Section 225 of the Municipal Act, 2001, S.O. 2001, c.25”

Past Warden – existing position

“means a previous Warden of the County.”

Acting Warden – existing position

“means the most recent Past Warden who is a member of Council. If none, it shall mean the Councillor with the longest continuous service.”

Recommended addition: “The Acting Warden position is not determined by Council. It is based on a Member's previous position (if a Past Warden) and/or their length of service. Therefore, while an Acting Warden has all the powers and responsibilities of a Warden, the position shall not be referred to as Warden.”

Outgoing Warden – existing position

“means the Warden whose term has come to an end.”

It is possible that a Member could hold the titles of Deputy Warden and Past Warden concurrently.

Currently, it is possible that an Acting Warden position could fall on someone who is neither a Past Warden nor a Councillor with the longest continuous service. For example, a municipal election could result in seven brand new members of Council.

If a new Deputy Warden position is created, the definition must be created and the selection criteria and term of office must be specified in the Procedural By-law.

Consultations

Including Northumberland County, there are 22 upper-tier county municipalities within Ontario (19 counties and 3 united counties).

Staff canvassed the 21 counties and received responses from the majority of them, as illustrated in the chart below. 7 Counties did not respond (a second attempt was made to obtain the information.) The counties marked with asterisks are Northumberland County's approved comparators.

4 of the responding Counties have a Deputy Warden position. 9 of the responding Counties do not have a Deputy Warden position. One County has an optional position of Deputy Warden, as determined by Council annually.

These counties represent a wide range of population densities, from a low of 18,000 (Haliburton) to a high of 480,000 (Simcoe). Northumberland County ranks 8th smallest in population size of the 22 counties.

County	Deputy Warden Position	Information
Bruce	unknown	no reply
Dufferin	No	No Deputy Warden position (Acting Warden is a Chair of one of the Standing Committees, when necessary.)
Elgin	unknown	no reply
Essex	unknown	no reply
Frontenac	Yes	-Deputy Warden position is appointed annually at their December meeting, as per their Procedural By-law -“Deputy Warden” means the position appointed to fulfill the responsibilities of the Warden in his absence -The term of office of the Warden and Deputy Warden shall be 1 year unless re-elected to remain in Office by Council. -The same process shall be followed for the election of the Deputy Warden as for the Warden.
Grey	Yes	-The immediate Past Warden is the Deputy Warden, as per their Procedural By-law (no election). -Duties limited to: chair meetings in Warden’s absence, representing Warden at Warden’s request, signing documents in Warden’s absence. -One year term as per their Procedural By-law, but some serve for two years through election or acclamation.
Haliburton	unknown	no reply
Hastings*	No	
Huron	No	
Lanark*	No	In the absence of the Warden, they rely on the Past Warden (no additional compensation)
Lennox and Addington*	No	Past Warden fulfills the duties of Warden, if required
Middlesex	Yes	Deputy Warden is the most immediate Past Warden who is a member of Council.
Perth	unknown	no reply

County	Deputy Warden Position	Information
Peterborough	Yes	<p>-2 year term, appointed annually</p> <p>-After the annual Warden's Election in December, the newly elected or incumbent Warden shall invite Council to advise the Warden confidentially of his or her interest in serving as Deputy Warden commencing in January of the following year.</p> <p>-At the first Regular County Council Meeting held in January of the following year, the Warden shall announce the Warden's choice for Deputy Warden.</p> <p>-The County Councillor so named by the Warden shall be asked to confirm his or her intent on serving as Deputy Warden for the current year.</p> <p>-Upon confirmation being received from the appointed Deputy Warden, the Warden shall ask for a confirming resolution from County Council.</p>
Renfrew*	Optional	<p>-As per their Procedural By-law, a member of council may be appointed by the Warden every year and represents the county at ceremonial functions when the Warden is unable to attend. If a Deputy Warden is appointed, the individual is compensated on a per diem basis for events or functions attended.</p> <p>-Should the Warden not be able to perform their regular duties as Warden, the Deputy Warden does not step in; Renfrew typically uses the most recent past Warden to take over the role.</p>
Simcoe	unknown	no reply
Sussex	unknown	no reply
United Counties of Leeds and Grenville*	No	The Past Warden acts as Warden, in the Warden's absence
United Counties of Prescott and Russell*	No	
United Counties of Stormont, Dundas and Glengarry	No	They have an Acting Warden position that rotates monthly to Members who are interested in serving (schedule created in January, for the year)
Wellington*	No	If the Warden is absent or refuses to act, or if the office is vacant, Chairs of Committees are designated to act.

Legislative Authority/Risk Considerations

Ontario Municipal Act, 2001, 2001, Section 220:

“Change of titles – Without limiting sections 9, 10, and 11, [of the *Ontario Municipal Act*] those sections authorize a municipality to change the titles for its head of council and other members of its council.”

Discussion/Options

If Northumberland County Council chooses to create a Deputy Warden position, there are a number of issues to be considered, and decisions to be made.

In addition to this new position, staff recommend that the existing positions of “Past Warden”, “Acting Warden” and “Outgoing Warden” remain status quo.

Appointment/Election of Deputy Warden

If Council chooses to approve a Deputy Warden position, there are several options on how the position is filled. The Deputy Warden could be:

1. appointed by the Warden;
or
2. appointed or elected by Council;
or
3. the Past Warden, where applicable.*

* If option 3 is adopted, there may be times when a Past Warden is not a current member of Council. Thus, Council should approve Option 1 or Option 2 as the back-up method to fill the position. Staff do not recommend Option 3 due to potential ambiguities.

Staff defer to Council regarding how the Deputy Warden is selected. Once decided, the process should be clearly outlined. The Procedural By-law would be revised and then adopted by Council.

Eligibility

Council Alternates are not permitted to hold the position of Deputy Warden. The exclusion is specified within the *Ontario Municipal Act, 2001*, (and is also contained within the Council Procedural By-law). Section 268.(1) of the Municipal Act states:

“Temporary replacement, member of upper-tier council – ...the council of a local municipality may appoint one of its members as an alternate member of the upper-tier council, to act in place of a person who is a member of the council of a local municipality and its upper-tier municipality, when the person is unable to attend a meeting of the upper-tier council for any reason.”

and 268.(2):

“Limitation – Subsection (1) does not authorize,
(c) the appointment of an alternate head of council of the upper-tier municipality.”

Remuneration

The Warden is currently compensated at an annual rate of \$45,477. Additionally, the position receives remuneration for attending meetings, and mileage is reimbursed for County business. The County Warden receives remuneration commensurate with the role’s additional responsibilities, work and powers.

Staff recommend that a Deputy Warden receive compensation on a per diem basis for meetings s/he attends in the execution of the position’s responsibilities, as well as receive reimbursement for mileage, as per the existing policies.

If a Warden is absent for a prolonged time period, Council may decide to reimburse the Deputy Warden, above and beyond the per diem compensation and mileage reimbursement. For example, Council may decide to provide a pro-rated amount of the Warden’s annual salary to the Deputy Warden, for a set period of time.

As prolonged absences by a sitting Warden are not routinely encountered, Council could decide to consider remuneration issues on a case-by-case basis, when and/or if necessary.

Financial Impact

No significant financial impact is anticipated as a result of the staff recommendations and the creation of a Deputy Warden position.

Member Municipality Impacts

As is the case with the Warden position, a County Councillor who is appointed or elected to the position of Deputy Warden recognizes that their responsibilities, commitments, and work load increases, and accepts the position with this understanding.

Conclusion/Outcomes

A Deputy Warden position would benefit Northumberland County and provide smooth business continuity when a sitting Warden is absent for a short or long period of time, due to expected or unexpected circumstances.

Staff recommend that:

- Council create a new position of Deputy Warden;
- Council determine the process to fill the position of Deputy Warden (at the October 16th Council meeting);
- Council maintain the existing positions of Acting Warden, Past Warden and Outgoing Warden;

- Council adopt a one-year term for the Warden position and a one-year term for the new Deputy Warden position;
- the positions of Warden and Deputy Warden be filled annually at the December County Council meeting;
- the Procedural By-law be updated at the November 20, 2019 County Council meeting, to incorporate these revisions, including the definition for and the responsibilities of the Deputy Warden position; and
- the first Deputy Warden be named at the December 18, 2019 County Council meeting.

Attachments

n/a