

REGULAR COUNCIL AGENDA

RC20/2022 - Inauguration

Monday, November 21, 2022

5:30 PM

Town of Pelham Municipal Office - Council Chambers

20 Pelham Town Square, Fonthill

During the ongoing global pandemic, Novel Coronavirus COVID-19, the Town of Pelham Council will continue to convene meetings in compliance with Provincial directives. Attendance by most Members of Council will be electronic. Public access to meetings will be provided via Livestream

www.youtube.com/townofpelham/live and subsequent publication to the Town's website at www.pelham.ca.

Pages

1. Call to Order and Declaration of Quorum

Town Clerk, Holly Willford

1.1. Land Recognition Statement

Read by David Cribbs, Chief Administrative Officer

We begin this meeting by acknowledging the land on which we gather is the traditional territory of the Haudenosaunee and Anishinaabe peoples, many of whom continue to live and work here today. This territory is covered by the Upper Canada Treaties and is within the land protected by the Dish With One Spoon Wampum agreement. Today this gathering place is home to many First Nations, Metis, and Inuit peoples and acknowledging reminds us that our great standard of living is directly related to the resources and friendship of Indigenous people.

2. Procession 2022-2026 Pelham Council

Please stand for the Processional, led by the 613 Royal Canadian Army Cadets and Piper

3. National Anthem

Please remain standing as Glynn A Green Public School Choir performs O' Canada.

4. Invocation and General Remarks

Please remain standing for the Invocation, Justice of the Peace Bruce Phillips

5. Declaration of Office - Mayor Marvin Junkin

Administered by Justice of the Peace Bruce Phillips

6. Declaration of Office

Administered by Justice of the Peace Bruce Phillips

- Kevin Ker, Ward One
- Wayne Olson, Ward One
- Brian Eckhardt, Ward Two
- John Wink, Ward Two
- Bob Hildebrandt, Ward Three
- Shellee Niznik, Ward Three

7. Introduction of the Town's Senior Leadership Team

Introduced by David Cribbs, Chief Administrative Officer

- Robert Lymburner, Fire Chief
- Jason Marr, Director of Public Works
- Teresa Quinlin-Murphy, Director of Corporates Services and Treasurer
- Jennifer Stirton, Town Solicitor
- Vickie vanRavenswaay, Director of Recreation, Culture and Wellness
- Barbara Wiens, Director of Community Planning and Development
- Holly Willford, Town Clerk

8. Introduction of Representatives from Other Levels of Government and School Board Trustees

Introduced by David Cribbs, Chief Administrative Officer

- Dean Allison, Member of Parliament
- Sam Oosterhoff, Member of Provincial Parliament
- Nancy Beamer, Trustee, District School Board of Niagara
- Paul Turner, Trustee, Niagara Catholic School Board

- Jo-Anne Thibodeau, Trustee, Conseil Scolaire Catholique

9. Introduction of Regional Councillor for the Town of Pelham

Introduced by David Cribbs, Chief Administrative Officer

- Diana Huson

10. Inaugural Address by Mayor Marvin Junkin

11. Approval of Agenda

12. Disclosure of Pecuniary Interests and General Nature Thereof

13. Staff Reports Requiring Action

13.1. Selection Process for Deputy Mayor, 2022-0269-Clerks 5 - 13

14. Confirming By-Law 14 - 14

1. By-Law 4498(2022): Being a by-law to adopt, ratify and confirm the actions of the Council at its regular meeting held on the 21st day of November 2022.

15. Adjournment

16. Retiring of the Colours

Please stand for the Recessional, led by the 613 Royal Canadian Army Cadets.

Reception to Follow

Prelude and Postlude: Emilio Geremia

Subject: Selection Process for Deputy Mayor

Recommendation:

BE IT RESOLVED THAT Council receive Report #2022-0269-Clerks Selection Process for Deputy Mayor, for information;

AND THAT Council Direct staff to return to Council on December 5, 2022 to determine an option to proceed with to select a Deputy Mayor for the Town of Pelham.

Background:

On October 3, 2022 Council received a Ward Boundary and Council Composition Update and Selection Process for Deputy Mayor Report and passed the following resolution:

Moved: Councillor Stewart

Seconded: Councillor Hildebrandt

BE IT RESOLVED THAT Council receive Report #2022-0224 Ward Boundary and Council Composition Update and Selection Process for Deputy Mayor, for information;

AND THAT Council authorize and direct staff to investigate the cost of a Ward Boundary and Council Composition Report from Watson & Associates for Council's consideration within the 2023 Budget process;

AND THAT Council direct staff to include a report for the new Council's consideration at their inaugural meeting for determination of the process to appointing a Deputy Mayor at the December 5, 2022 Council meeting.

Carried

The resolution directed staff to include a report at the inaugural meeting to determine a method to select a Deputy Mayor for the Town of Pelham. The purpose

of this report is to generate discussion of options amongst elected officials. It is anticipated that Council will either make a change or maintain the status quo, and in either event that a Deputy Mayor will be appointed at the December 5, 2022 Council meeting.

Analysis:

As stated in the October 3, 2022 report, staff reached out to all municipalities within Ontario to determine how other municipalities select a Deputy Mayor. 82 responses were received and it has been determined there are three (3) methods being commonly practiced to select a Deputy Mayor, being:

Method Type	No. of Municipalities Adopting The Method
1. Elected at Large by the Electorate (By position or elected member with the most votes within the election)	42
2. Elected / Appointed by Mayor or Council	21
3. Rotation	19

The Town of Pelham historically appoints each member of Council, in alphabetical order, as Deputy Mayor for an eight (8) month term. This method is consistently being used within the Niagara Region and appears to be the third most common practice among Ontario municipalities. Having said that, the most popular approach within Ontario is having the electorate select the Deputy Mayor, either by position or by appointing whichever elected official receives the most votes (options 1 or 2 above).

Whatever methodology appeals most to Council, this topic and process will be reviewed in an upcoming 203 report that will be commissioned from Watson and Associates. That report will address both Ward Boundaries and Council Composition. Accordingly, changes, if any, to the manner of choosing the Deputy Mayor are likely to only apply during this term of Council.

The following options are viable approaches for this Council should it be desirable to change the mechanism for selecting the Deputy Mayor:

Option 1

Continue with status quo. Council for the Town of Pelham adopts a Deputy Mayor By-Law at the start of the term. This by-law appoints each member of Council, in alphabetical order, as Deputy Mayor for an eight (8) month term.

Option 2

Council elects the Deputy Mayor at the next meeting of Council being December 5, 2022 as Deputy Mayor for a one (1) year term. This allows for the possibility that a member of Council may be selected and elected multiple times. This option allows for the possibility of up to four (4) Councillors to hold the appointment of Deputy Mayor.

Option 3

Council elect the Deputy Mayor at the next meeting of Council being December 5, 2022, bi-annually, a Deputy Mayor for a two (2) year term. A member of Council may be selected and elected multiple times. This option allows for the possibility of up to two (2) ward Councillors to hold the position of Deputy Mayor.

Option 4

Council elects the Deputy Mayor for the full, four (4) year term at the next meeting of Council being December 5, 2022.

Staff Recommendation

While examples of all four options can be found in Ontario, staff believe that Options 2 or 3 would best serve the Town's present and future governance needs. From a corporate perspective, the Town administration has benefited greatly from increased emphasis upon succession planning. It goes to follow that an equivalent process in the political realm could be equally beneficial.

At present, Pelham's Deputy Mayor has no specific powers, no elevated status, no special or additional compensation and a very limited function. While those topics are not the focus of this report, they are theoretical options. Importantly, the position of Deputy Mayor can be more than merely ceremonial; it can also be a training ground for future heads of council. Any option which allows for multiple persons with leadership aspirations to gain experience in the role strengthens the potential training and talent pool of community leaders, which in the long-term should support continued excellence in municipal leadership for the community.

Financial Considerations:

There are no financial impacts associated with options 1-4 listed above with respect to selecting a Deputy Mayor.

Alternatives Reviewed:

See options 1 and 4 listed above.

Strategic Plan Relationship: Strong Organization

Reviewing the method of selecting a Deputy Mayor leads to a strong organization by ensuring the Town of Pelham has strong leadership while encouraging succession planning.

Consultation:

Various Ontario Municipalities and the Senior Leadership Team.

Other Pertinent Reports/Attachments:

Ward Boundary and Council Composition Update and Selection Process for Deputy Mayor Report

Prepared and Recommended by:

Holly Willford, B.A.
Town Clerk

Prepared and Submitted by:

David Cribbs, BA, MA, JD, MPA
Chief Administrative Officer

Subject: Ward Boundary and Council Composition Update and Selection Process for Deputy Mayor

Recommendation:

BE IT RESOLVED THAT Council receive Report #2022-0224 Ward Boundary and Council Composition Update and Selection Process for Deputy Mayor, for information;

AND THAT Council authorize and direct staff to investigate the cost of a Ward Boundary and Council Composition Report from Watson & Associates for Council's consideration within the 2023 Budget process;

AND THAT Council direct staff to include a report for the new Council's consideration at their inaugural meeting for determination of the process to appointing a Deputy Mayor at the December 5, 2022 Council meeting.

Background:

The Town of Pelham was established in 1970 with a three (3) ward system. Minor ward adjustments were completed in 1978.

In 2013 the Town of Pelham underwent a boundary review which was completed by Watson and Associates. The report from Watson and Associates in 2013 cost approximately \$20,453.00.

In 2011 the Town of Pelham's population was 16,598. In 2013 the Town of Pelham's population was 17,110. In 2021 the Town of Pelham's population was 18,192. Growth has been both significant and uneven: the vast majority of residential building permits are issued in the urban boundary of Fontheil, and more recently the majority of the growth has been in the Eastern portion of Fontheil. This has likely exacerbated representation challenges.

Historically, Council for the Town of Pelham adopts a Deputy Mayor By-Law at the start of the term. This by-law appoints each member of Council, in alphabetical order, as Deputy Mayor for an eight (8) month term.

Analysis:

Ward Boundary Review

The 2013 Watson and Associates report indicated it is best practice to regularly review ward boundaries to ensure:

1. Wards should constitute an effective and equitable system of representation;
2. Wards should preserve communities of interest;
3. Wards should recognize natural physical features (rivers, lakes, swamps) or natural barriers/dividers (highways, railways);
4. Wards should recognize areas of growth/decline, population trends, density; and
5. Wards should recognize accessibility and/or communication issues.

As it is approximately 10 years since the last ward boundary review and Pelham has continued to grow since 2013, staff recommend a ward boundary and Council composition review be completed prior to the next regular municipal and school board election (2026). Staff note, conducting such reviews periodically is a municipal best practice.

Council Composition and Deputy Mayor Selection

Further to reviewing ward boundaries it is important to review Council composition. Often the two processes are reviewed in conjunction with one-another. Currently, the Town of Pelham Council consists of six (6) Councillors elected in three (3) wards and a Mayor elected at large. The 2013 report from Watson and Associates denotes this as a 'two-member' ward system. The report further states this system is increasingly uncommon with a 'one-member' ward system being the norm. Staff recommend the report commissioned include seeking recommendations on both Council composition and examine representation options (including, but not limited to election at large, two member ward systems, and a one member ward system with new wards).

It is important to note, Section 217(1) of the *Municipal Act, 2001*, states a local municipality may change the composition of its Council subject to the following rules:

1. There shall be a minimum of five members, one of whom shall be the head of council.
2. The members of council shall be elected in accordance with the *Municipal Elections Act, 1996*.
3. The head of council shall be elected by general vote.
4. The members, other than the head of council, shall be elected by general vote or wards or by any combination of general vote and wards.

5. The representation of a local municipality on the council of an upper-tier municipality shall not be affected by the by-law of the local municipality under this section

Staff would not want to prejudice the potential report, however could envision numerous potential recommendations for Council composition, such as:

At Large Election

1. One (1) Mayor elected at large and six (6) Councillors elected at large; or
2. One (1) Mayor elected at large and four (4) Councillors elected at large; or
3. One (1) Mayor elected at large and One (1) Deputy Mayor elected at large and five (5) Councillors elected at large; or
4. One (1) Mayor and One (1) Deputy Mayor elected at large and three (3) Councillors elected at large.

Ward System Election

1. One (1) Mayor and One (1) Deputy Mayor elected at large and three (3) Councillors elected within three (3) wards; or
2. One (1) Mayor elected at large and four (4) Councillors elected within four (4) wards; or
3. One (1) Mayor and One (1) Deputy Mayor elected at large and five (5) Councillors elected within five (5) wards; or
4. Continue with status quo.

Potential Changes to Deputy Mayor Selection Process

With respect to selecting a Deputy Mayor, staff reached out to all municipalities within Ontario and received 82 responses. It has been determined there are three (3) methods being commonly practiced to select a Deputy Mayor, being:

Method Type	No. of Municipalities Adopting The Method
1. Elected at Large by the Electorate (By position or elected member with the most votes within the election)	42
2. Elected / Appointed by Mayor or Council	21
3. Rotation	19

The Town of Pelham currently appoints each member of Council, in alphabetical order, as Deputy Mayor for an eight (8) month term. This method is consistently being used within the Niagara Region and appears to be the third most common practice among Ontario municipalities. Having said that, the overwhelming

approach within Ontario is having the electorate select the Deputy Mayor, either by position or by appointing whichever elected official receives the most votes. It is important to note, the method of selecting the Deputy Mayor by most votes is used within the 'at large' election system.

The most popular method, and perhaps best practice, for electing a Deputy Mayor appears to be an election at large by the electorate, however it is impossible for the upcoming term. Staff note this may be a recommendation from Watson and Associates and may be considered by the next Council.

Council may select any below referenced option for selecting the Deputy Mayor.

Option 1

Continue with status quo. Council for the Town of Pelham adopts a Deputy Mayor By-Law at the start of the term. This by-law appoints each member of Council, in alphabetical order, as Deputy Mayor for an eight (8) month term.

Option 2

Council elects the Deputy Mayor at the first meeting of the start of the year (January) as Deputy Mayor for the year. This allows for the possibility that a member of Council may be selected and elected multiple times. This option allows for the possibility of up to four (4) ward Councillors to hold the appointment of Deputy Mayor.

Option 3

Council elect the Deputy Mayor at the first meeting of the start of the year, bi-annually (January), a Deputy Mayor for a two (2) year term. A member of Council may be selected and elected multiple times. This option allows for the possibility of up to two (2) ward Councillors to hold the position of Deputy Mayor.

Option 4

Council elects the Deputy Mayor for the full, four (4) year term at the inaugural meeting or the first regular meeting of Council thereafter.

Staff Recommendation

While examples of all four options can be found in Ontario, staff believe that Options 2 or 3 would best serve the Town's present and future governance needs. From a corporate perspective, the Town administration has benefited greatly from increased emphasis upon succession planning. The position of Deputy Mayor can be more than merely ceremonial; it can also be a training ground for future heads of council. Any option which allows for multiple persons to gain experience in the

role strengthens the potential training and talent pool of community leaders, which in the long-term should support continued excellence in leadership.

Staff intend to present these options to the newly elected Council at their inaugural meeting, so that they may adopt any methodology deemed appropriate. Staff encourage feedback and commentary from all members of Council, each of whom has a unique insight into the relative merits and associated potential of the various options.

Financial Considerations:

Council will consider the cost of the Ward Boundary and Council Composition Report from Watson & Associates during the 2023 budget process.

There are no financial impacts associated with options 1-4 listed above with respect to selecting a Deputy Mayor.

Alternatives Reviewed:

See options 2-4 listed above.

Strategic Plan Relationship: Strong Organization

Regularly reviewing the Town's ward boundaries and Council composition leads to building a strong organization by ensuring democratic representation is fair amongst the residents of Pelham. Conducting such reviews demonstrates the Town's commitment to the democratic and electorate process.

Consultation:

Ontario Municipalities

Other Pertinent Reports/Attachments:

2013 Watson & Associates Ward Boundary Review Report

Prepared and Recommended by:

Holly Willford, B.A.
Town Clerk

Prepared and Submitted by:

David Cribbs, BA, MA, JD, MPA
Chief Administrative Officer



The Corporation of the Town of Pelham

By-law No. 4498(2022)

Being a by-law to adopt, ratify and confirm the actions of the Council at its regular meeting held on the 21st day of November 2022.

WHEREAS section 5(3) of the *Municipal Act, 2001*, S.O. 2001, c. 25 ("*Municipal Act, 2001*" or "the statute") provides that, unless otherwise authorized, the powers of Council shall be exercised by by-law;

AND WHEREAS it is deemed desirable and expedient that the actions of the Council as herein set forth be adopted, ratified and confirmed by by-law;

NOW THEREFORE the Council of the Corporation of the Town of Pelham enacts as Follows:

- 1.** (a) The actions of the Council at its meeting held on the 21st day of November, 2022, including all resolutions or motions approved, are hereby adopted, ratified and confirmed as if they were expressly embodied in this by-law.

(b) The above-mentioned actions shall not include:
 - i. any actions required by-law to be taken by resolution; or
 - ii. any actions for which prior Ontario Municipal Board approval is required, until such approval is obtained.
- 2.** The Mayor and proper officials of the Corporation of the Town of Pelham are hereby authorized and directed to do all things necessary to give effect to the above-mentioned actions and to obtain approvals where required.
- 3.** Unless otherwise provided, the Mayor and Clerk are hereby authorized and directed to execute and the Clerk to affix the seal of the Corporation of the Town of Pelham to all documents necessary to give effect to the above-mentioned actions.
- 4.** This By-law shall come into force on the date that it is enacted.

Read, enacted, signed and sealed this 21st day of November, 2022.

Marvin Junkin, Mayor

Holly Willford, Town Clerk