



Staff Report for Council Meeting

Date of Meeting: September 22, 2021

Report Number: SRCFS.21.048

Department: Corporate and Financial Services

Division: Office of the Clerk

Subject: SRCFS.21.048 – Resignation of Mayor Dave Barrow – Declaration of Vacancy in the Office of Mayor

Purpose:

To recommend that Council declare the Office of Mayor of the City of Richmond Hill vacant due to his resignation effective September 15, 2021.

Recommendation(s):

- a) That staff report SRCFS.21.048 be received;
- b) That the resignation of Mayor Dave Barrow addressed to the City Clerk, attached as Attachment “A” to staff report SRCFS.21.048, be received for information.
- c) That the Office of Mayor of the City of Richmond Hill be declared vacant.
- d) That, pursuant to the requirements of Section 262(3) of the *Municipal Act, 2001*, the City Clerk be directed to send a copy of Council’s resolution to Regional Council, Regional Municipality of York.

Contact Person:

Stephen M.A. Huycke, Director, Legislative Services/City Clerk, extension 2529.

Report Approval:

Submitted by: Sherry Adams, Commissioner of Corporate and Financial Services

Approved by: Mary-Anne Dempster, City Manager

All reports are electronically reviewed and/or approved by the Division Director, Treasurer (as required), City Solicitor (as required), Commissioner, and City Manager. Details of the reports approval are attached.

Page 2

Background:

Mayor Dave Barrow announced his retirement as Mayor of the City of Richmond Hill on September 14, 2021. By signed letter addressed to the City Clerk, Mayor Barrow resigned his Office effective September 15, 2021 (Attachment “A”).

Section 259(1) (d) of the *Municipal Act, 2001*, as amended, (the “Act”) provides that:

259(1) The office of a member of council of a municipality becomes vacant if the member,

(d) resigns from his or her office and the resignation is effective under section 260.

Section 260(1) of the Act states that:

260(1) A member of council of a municipality may resign from office by notice in writing filed with the clerk of the municipality.

Restriction

(2) Despite subsection (1), a resignation is not effective if it would reduce the number of members of the council to less than a quorum and, if the member resigning from office is a member of the councils of both a local municipality and its upper-tier municipality, the resignation is not effective if it would reduce the number of members of either council to less than a quorum.

Mayor Barrow’s resignation does not reduce the number of Members of either Richmond Hill Council or York Region Council below quorum.

Section 262 of the Act provides that:

262(1) If the office of a member of a council becomes vacant under section 259, the council shall at its next meeting declare the office to be vacant, except if a vacancy occurs as a result of the death of a member, the declaration may be made at either of its next two meetings.

Lower-tier declaration

(3) If a local municipality declares the office of one of its members who also holds office on the council of the upper-tier municipality to be vacant, the local municipality shall immediately forward a copy of its declaration to the council of the upper-tier municipality.

As a result of Mayor Barrow’s resignation Council is required to declare the Office of Mayor vacant. Additionally, because Mayor Barrow was a member of both Richmond Hill Council and York Region Council, the City is obligated to send notice of the vacancy to Regional Council.

Following the declaration of vacancy in the Office of Mayor, the Act requires Council to decide how to fill the vacancy for the rest of the term of Council. Options to fill the vacancy will be considered when Council considers staff report SRCFS.21.049.

Page 3

Financial/Staffing/Other Implications:

There are no financial or other implications associated with declaring the Office of Mayor vacant.

Relationship to Council's Strategic Priorities 2020-2022:

Declaring a seat on Council vacant is a mandatory legislative requirement and not directly related to Council's Strategic Priorities 2020-2022.

Climate Change Considerations:

Climate change considerations are not applicable to this staff report.

Conclusion:

Mayor Dave Barrow resigned his Office effective September 15, 2021. The Municipal Act requires Council to declare the Office of Mayor vacant. The Act also requires that Region Council be notified of the vacancy.

Attachments:

The following attached documents may include scanned images of appendixes, maps and photographs. All attachments have been reviewed and made accessible. If you require an alternative format please call the contact person listed in this document.

- Attachment "A" – Resignation of Mayor Dave Barrow effective September 15, 2021

Page 4

Report Approval Details

Document Title:	SRCFS.21.048 - Resignation of Mayor Dave Barrow - Declaration of Vacancy in the Office of Mayor.docx
Attachments:	- SRCFS.21.048 - Attachment A - Mayor Barrow Resignation dated Sept 14 2021.pdf
Final Approval Date:	Sep 17, 2021

This report and all of its attachments were approved and signed as outlined below:

Sherry Adams - Sep 17, 2021 - 10:55 AM

MaryAnne Dempster - Sep 17, 2021 - 11:26 AM