



February 24, 2021

Email: [regionalclerk@york.ca](mailto:regionalclerk@york.ca)

Mr. Christopher Raynor, Regional Clerk  
Regional Municipality of York  
17250 Yonge Street  
Newmarket, Ontario L3Y 6Z1

Dear Mr. Raynor,

**Re: City of Richmond Hill Resolution – Time Sensitive Members Motion regarding Mayor Barrow’s Leave of Absence**

Richmond Hill City Council, at its meeting held on February 24, 2021, adopted the following resolution:

Whereas, Mayor Dave Barrow, who is the head of Council under the provisions of the *Municipal Act, 2001*, S.O. 2001, c. 25, (the “Act” or “*Municipal Act, 2001*”), is required to be absent from his duties and meetings of Council for a presently undetermined amount of time for medical reasons;

Whereas Section 259(1)(c) of the *Municipal Act, 2001* provides that a seat of a Member of Council becomes vacant if that person is absent from meetings of Council for three consecutive months without being authorized to do so by a resolution of Council;

Whereas, under Section 4.2 of the City’s Procedure By-law No. 74-12, as amended (the “Procedure By-law”), Council appointed two Deputy Mayors to exercise all the Mayor’s rights and duties as set out in the Procedure By-law or Applicable Law (as defined in the Procedure By-law) (“Applicable Law”) when the Mayor is not available;

Whereas it would be beneficial to ensure continuity in the Office of the Mayor during Mayor Barrow’s medical leave of absence;

Whereas Section 226 of the *Municipal Act, 2001* provides that a municipality may, with the consent of the head of council, appoint a member of council to act in the place of the head of council on any body, other than on the council of another municipality, of which the head of council is a member by virtue of being head of council;

Whereas Subsection 267(1) of the *Municipal Act, 2001* provides that if a person who is a member of both a local and upper-tier Council is unable to act as a member of those councils for a period exceeding one month, the local council may appoint one of its members as an alternate member of the upper-tier council to act in place of the member until the member is able to resume acting as a member of both councils;

Whereas an appointment of an alternate member of Regional Council under Subsection 267(1) of the *Municipal Act, 2001*, is a separate appointment one made under Section 268 of the Act.

And whereas, Mayor Dave Barrow will be unable to act as a member of Regional Council for a period that will be greater than one month.

Now therefore be it resolved:

- (a) That Council authorizes Mayor Dave Barrow (“Mayor Barrow”) to be absent from meetings of Council, and from his other rights and duties as head of Council as set out in the *Municipal*

Act 2001, the Procedure By-law or Applicable Law, effective the date on which he notifies the City Clerk.

- (b) That as a result of Council's authorization of Mayor Barrow's absence, and for greater certainty, Mayor Barrow's seat on Richmond Hill Council shall not become vacant under Section 259 of the *Municipal Act, 2001* if he is absent from meetings of Council for more than three consecutive months.
- (c) That, notwithstanding anything in Section 4.2 of the Procedure By-law to the contrary, Regional and Local Councillor Joe DiPaola ("Regional and Local Councillor DiPaola") shall be Acting Mayor for the entire duration of the Mayor's absence or inability to perform the duties of head of Council, and may exercise all the Mayor's rights and duties as set out in the *Municipal Act, 2001*, the Procedure By-law or Applicable Law.
- (d) That in the event that Regional and Local Councillor DiPaola is absent or unable to fulfill the duties of the Acting Mayor for a period of time, Regional and Local Councillor Carmine Perrelli shall be Acting Mayor during any such period of time and may exercise all the Mayor's rights and duties as set out in the Procedure By-law or Applicable Law.
- (e) That pursuant to Section 226 of the *Municipal Act, 2001*, and with the consent of Mayor Barrow, Regional and Local Councillor DiPaola be authorized to act in the place of the Mayor Barrow on any body, other than on the council of another municipality, of which the Mayor is a member by virtue of being head of Richmond Hill Council during the Mayor's absence.
- (f) That the City Clerk be directed to forward a copy of this resolution to the Regional Clerk, to request that Regional Council authorize Mayor Barrow to be absent from meetings of that council, and from his other rights and duties as a member of Regional Council, without his seat on Regional Council becoming vacant under Section 259 of the *Municipal Act, 2001*.
- (g) That Council appoints Ward 6 Councillor Godwin Chan as an alternate member of Regional Council pursuant to Subsection 267(1) of the *Municipal Act, 2001*, to act in place of Mayor Barrow until he is able to resume his duties as a member of both Richmond Hill and Regional councils.

If you have any questions, please feel free to contact me at (905) 771-9996, ext. 2529.

Yours sincerely,

A handwritten signature in black ink, appearing to read "S. Huycke".

Stephen M.A. Huycke  
Director of Legislative Services/City Clerk