

MEMORANDUM

To: Regional Chair Emmerson and Members of Regional Council

From: Bruce Macgregor
Chief Administrative Officer

Date: February 20, 2020

Re: Council Composition – Further Information Relating to Regional Chair Position

At the February 6, 2020 Committee of the Whole meeting, staff were directed to provide additional information related to the Regional Chair position; specifically details about (i) direct election, (ii) requiring the Chair to also be an elected member of a local Council and (iii) maintaining the status quo.

The Chair is currently confirmed by vote of Regional Council at its inaugural meeting

Section 4 of the Region's Procedural Bylaw, sets out the process to be followed for appointing the Regional Chair. To be considered for the position, a candidate must be nominated in writing by two members of Regional Council. The successful candidate must obtain the vote of a majority of the members present.

Currently, the Procedural Bylaw does not preclude only having Members of Council nominated for the Regional Chair position. Determining the person who fills that position is solely the discretion of Regional Council.

There is no legislated requirement to review the method of selecting the head of council

Regional Council must review the number of members on council that represent the lower-tier municipalities this year, and following every second regular election. This mandated review has to be completed within the first two years of the term of council; in this instance, by December 2020.

There is no legislated requirement to review how the head of council is selected or the method by which members are elected.

Upper-tier municipalities can elect or appoint heads of council

The Municipal Act, 2001 also sets out the process, independent of the mandated review of Council composition, by which a Regional municipality can change the manner for electing the Regional Chair.

Council has previously considered the method of electing the Regional Chair

At its meeting on June 28, 2012, Regional Council adopted a recommendation indicating it would not support proposed amendments to the *Municipal Act*, and endorsed the status quo regarding the election of the Regional Chair.

On February 18, 2016 Council considered a motion in support of Private Member’s Bill 42, *Municipal Amendment Act (Election of Chair of York Region), 2014*. The Bill sought to amend the *Municipal Act* by requiring the York Region Chair to be directly elected. This motion lost on a 14-5 recorded vote.

The Province has also considered the method of electing the Regional Chair

The *Municipal Act* was amended in December 2016 and required all regional chairs to be elected by a general vote.

On August 14, 2018 these changes were repealed. Consequently, each regional municipality continues to elect or appoint its head of council as it did prior to the 2016 changes. Table 1 shows the method of electing the heads of council in each regional municipality.

Table 1
Summary of how Regional Chairs are elected

Chair elected by Council	Chair elected at-large
Niagara	Durham
Peel	Halton
York	Waterloo

Council must achieve a ‘triple majority’ and hold at least one public meeting before it can implement a method of having the Chair directly elected by a general vote

Regional Council can, after holding at least one public meeting, pass a bylaw to change the manner of electing the Regional Chair to a Region-wide election. Before the bylaw comes into effect it must receive a ‘triple majority’ which occurs when:

1. The bylaw receives the support of a majority of votes on Regional Council;
2. A majority of the councils of all local municipalities pass resolutions consenting to the bylaw; and
3. The total number of electors in the local municipalities that have passed resolutions consenting to the bylaw form a majority of all the electors in York Region.

A change in the method by which the Chair is elected must be implemented before December 31, 2021 to be in place for the 2022 election

This process would need to be complete by December 31, 2021 to be in place for the 2022 election. If the Regional Chair was elected by a general Region-wide vote the local municipal Clerks would be responsible for conducting the election for Regional Chair as part of their current municipal election duties.

York Region has a history of appointing a Chair from sitting, or former, Members of Regional Council

The first Regional Chair of York Region was appointed by the Province for two 2- year terms beginning in 1970. York Regional Council has elected its Regional Chair at its Inaugural meeting since 1974. Four of the six Chairs of York Region were members of a lower-tier council at the time of their appointment. The other two Chairs had recently completed terms on the council of a lower-tier municipality.

Council has the authority to determine whether the Chair should hold office on the councils of both the upper and lower-tier municipalities

Council has authority to determine whether or not the appointed Chair must also hold office on a local municipal council. Through inherited provisions from the long ago repealed *Regional Municipality of York Act* it has been the practice in York Region for the appointed Chair to resign their seat at the local level. However, Council can enact a requirement for the Chair to retain their local office. This change can be implemented without a ‘triple majority’.

Having the Regional Chair serve a dual role would affect Council’s composition

If Regional Council were to enact a bylaw stipulating that the Regional Chair must also hold office on the council of a lower-tier municipality this would effectively reduce the overall number

of Members to 20. As this change does not impact the number of Members representing the lower-tier municipalities it is not subject to approval through a 'triple majority'.

Any potential reallocation of the vacant chair position to serve as an additional representative for one of the local municipalities would alter the number of lower-tier representatives. Accordingly, this would require approval through a 'triple majority'.

The current Council, regardless of any changes that may be enacted to the method of electing the Regional Chair, needs to dispense with the review of its composition. This is done by either adopting a bylaw to change the number of members representing each local municipality, or a resolution affirming the current number of members.

If Council fails to meet the deadline and/or any decision fails to achieve the 'triple majority', the Minister may change the composition of Regional Council by regulation.

Bruce Macgregor
Chief Administrative Officer

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