

The Regional Municipality of York

Committee of the Whole
Finance and Administration
February 6, 2020

Report of the Chief Administrative Officer

Mandated Review of Regional Council Composition

1. Recommendations

1. Council approve the timelines to complete the legislated review of Council composition as detailed in Attachment 1.
2. Council provide direction regarding its intent to change or maintain the number of its members representing each local municipality.
3. The Regional Clerk circulate this report to the local municipalities.

2. Summary

This report seeks Council approval of the timelines to complete the review of Council composition, as required by section 218(6) of the *Municipal Act, 2001*. It also seeks Council direction on its intent to change or maintain its composition.

Key Points:

- The review is legislatively required and must be completed by December 7, 2020
- Council has the discretion to reduce, increase, reallocate its members or maintain the status quo
- A triple majority approval is required in all cases
- If Council fails to meet the deadline, the Minister may change the composition of Regional Council by regulation

3. Background

The *Municipal Act* requires all regional municipalities to review the composition of their council, unless they enacted a change to their composition during the previous term

In 2018, the *Municipal Act* was amended to require regional municipalities to review the number of members of its council that represent the lower-tier municipalities. Council can

either adopt a bylaw to change the number of members representing each local municipality, or a resolution affirming the current number of members.

During the 2014-2018 Council term, Durham, Halton and Niagara Regions all enacted changes to their councils' composition. Niagara added an extra representative for the Township of West Lincoln. Halton added two members for the Town of Milton and one for the Town of Oakville. Durham reallocated two members from the City of Oshawa, with one going to the Town of Ajax and the other to the Town of Whitby. Consequently, only the Regional Municipalities of Peel, Waterloo and York are required to review their compositions this term.

Regional Council's composition has changed since its first meeting in 1971

Originally, York Region's Council comprised 17 members including the Regional Chair. Table 1 details the changes that have occurred over the past 49 years.

Table 1
Historical Changes to Council Composition

Year	Population	No. of Councillors (excl. Chair)	Average / Member
1970	151,000	16	9,438
1978	232,838	17	13,696
1988	434,757	19	22,882
2003	855,000	20	42,750
2018	1,191,356	20	59,568

Council has recently considered further changes to its composition

In 2013, Council considered motions to add an extra member from Vaughan and an additional member from each of Aurora, East Gwillimbury, King and Whitchurch-Stouffville. The motion relating to Vaughan's additional member carried while the motions relating to the other four municipalities lost.

At Council's request, the Minister of Municipal Affairs enacted Regulation 279/13 permitting York Region to add an additional member from Vaughan. However, the proposal subsequently failed to meet the 'triple majority' requirements.

In 2016, the Region undertook a detailed review of its governance, including an education session. This resulted in the reintroduction of the proposal for an additional member for Vaughan. The proposal also failed to meet the 'triple majority' requirements.

An amendment to the *Municipal Act* means that the Region no longer requires a regulation to permit changes to its composition.

The Province recently considered municipal governance, including council size

In July 2018, the provincial government announced a reduction in the number of councillors and wards in the City of Toronto from 47 down to 25. At the same time the Province announced its intention to undertake a review of regional government.

On January 15, 2019, the Province appointed Ken Seiling and Michael Fenn as special advisors to review regional governments. The review spanned over eight months and focused on governance, decision-making and service delivery in the 82 municipalities in the regions of Durham, Halton, Niagara, Peel, Waterloo and York as well as Muskoka District, Oxford County and the County of Simcoe.

On October 25, 2019, the Province announced that it had decided against pursuing a top-down approach to changing the structure of regional governments.

4. Analysis

Council must achieve a ‘triple majority’ and hold at least one public meeting before it can either enact a bylaw to change its composition or pass a resolution to maintain the status quo

A ‘triple majority’ is attained when all of the following factors are met:

- A majority of all votes on Regional Council must be cast in its favour
- A majority of the nine local municipal councils must pass resolutions consenting to the bylaw or resolution
- The total number of electors (i.e. eligible voters from the last municipal election), in the local municipalities that have passed resolutions consenting to the bylaw or resolution must form a majority of all electors in York Region

The proposed schedule allows sufficient time to complete the review in advance of the legislated deadline

Attachment 1 details a proposed schedule for undertaking the composition review. It is designed to allow sufficient time for regional and local councils to debate potential changes and respond as required. It also schedules the legislated public meeting.

In the proposed schedule, a final decision needs to be made by November 2020 which is ahead of the required provincial deadline.

Failure to render a decision by December 7, 2020 could lead to Ministerial intervention

This review must be done by December 7, 2020 and then after every second regular municipal election (i.e., by December 2028, December 2036, etc.). 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.

Section 218(10) of the *Municipal Act* indicates that when considering whether to make a regulation the Minister shall, in addition to anything else they may wish to consider, have regard to the principle of representation by population.

Representation by population is one consideration of effective representation and it varies widely across regional and local municipalities

Representation by population is a factor that can be used to determine the appropriate number of members of Council. However, there is no consistent formula to determine the optimal number of members.

The [Supreme Court of Canada](#) considers representation by population as a prime, but not an exclusive, condition of effective representation. Other factors such as geography, community history, community interests and minority representation can be considered.

Representation by population varies widely across regional and local municipalities

Attachment 2 shows, based on 2018 population statistics for each local municipality, the population per elected member, the percentage of the Region’s population and the percentage of the representation on Regional Council.

The Region’s 2018 population was 1,191,356, which equates to each member, on average, representing a population of 59,568. The local population represented by each member ranges from 24,200 in Georgina to 82,258 in Vaughan.

As outlined in Table 2, similar ranges exist in the other Regions. Generally, the rural local municipalities in the Regions have a lower population per member and the urban municipalities have a higher ratio.

Table 2
Range of local municipal representation per Council member in regional municipalities

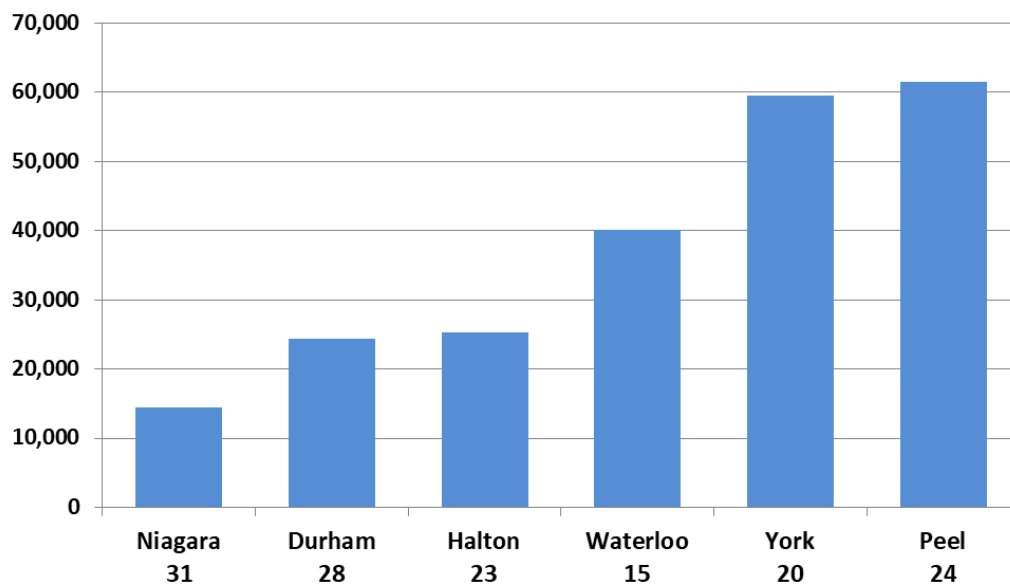
Municipality	Range of local municipal representation
Durham	6,000 to 29,000
Halton	20,000 to 26,000
Niagara	6,000 to 22,000
Peel	14,000 to 91,000
Waterloo	10,000 to 51,000
York	24,000 to 82,000

York Region Council is lean compared to other regional municipalities

York Region has 20 elected members plus the Regional Chair. As outlined in Figure 1, York Region has fewer members than all but one other regional municipality.

Figure 1

Population per Member, excluding Chair



5. Financial

There are no financial implications associated with this report. Pending the direction received from Regional Council, potential financial implications will be brought forward as part of any future analysis.

6. Local Impact

Local municipalities play a decision-making role and will also be affected by any change in composition

A majority of local municipalities, representing a majority of the electors in York Region, must support any proposed decision of Regional Council.

Additionally, should Regional Council's composition change it will directly impact the composition of the affected local council.

The local municipalities can anticipate Council's notice of its intention to pass a bylaw to change its composition or a resolution to maintain the status quo by April 24, 2020. Local municipalities will be requested to provide an indication of whether they support the proposed bylaw or resolution by no later than June 25, 2020.

7. Conclusion

Section 218(6) of the *Municipal Act* requires all regional municipalities to review, for each of its local municipalities, the number of members of its council representing each local municipality within the first two years of the 2018-22 term. The Regions of Durham, Halton and Niagara made changes during the last council term and are therefore exempted from further consideration this term. The Regions of Peel, Waterloo and York are required to conduct composition reviews.

Although representation by population is a prime consideration for effective representation there is no optimal number and it varies widely across municipalities. Regional Council has only grown by four members since its inception and is a relatively small council compared to other regional municipalities.

Regional Council must either pass a bylaw to change the composition of Council, or a resolution to maintain the status quo before December 7, 2020. Either option requires 'triple majority' support and at least one public meeting before it can be adopted.

Failure to comply with the legislated process by the set deadline may result in the Minister enacting a regulation to unilaterally change the composition of Council.

For more information on this report, please contact Christopher Raynor, Regional Clerk at 1-877-464-9675 ext. 71300. Accessible formats or communication supports are available upon request.

Approved for Submission: **Bruce Macgregor**
Chief Administrative Officer

January 27, 2020
Attachments (2)
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