



Report of the Commissioner of Corporate Services and Regional Clerk **Appointing the Regional Chair and Clarifying Authority of Acting Chair**

1. Recommendation

1. Council amend Delegation Bylaw 2023-31 by inserting a new section 3.5 as follows:

3.5 The Acting Chair, when so acting, shall have the same signing authority as the Regional Chair.

2. Council amend the approved schedule of meetings to provide for Council meetings on December 5 and 12, 2024.

2. Purpose

This report responds to the Regional Chair's announcement he will be resigning effective November 29, 2024. It provides an overview of the replacement process and recommends an update to Delegation Bylaw 2023-31 to provide clarity on the Acting Chair's signing authority as well as adjustments to Council's calendar to expedite the appointment process.

3. Background

The Regional Chair announced his intention to resign

At Council's meeting on October 24, 2024, the Regional Chair announced he is resigning his seat effective November 29, 2024. The Regional Chair's resignation will be official following submission in writing to the Regional Clerk under section 260 of the *Municipal Act, 2001* (the "Act") and, once effective, triggers a legislated process.

Acting Chair Bylaw 2023-05 does not provide signing authorities to the Acting Chair

The Acting Chair bylaw designates a Member to act when the Regional Chair is absent. However, the bylaw is limited to the provisions of section 242 of the Act, which states that municipalities may appoint a member to act in place of the head of council and “*such member has all the powers and duties of the head of council or designated member, as the case may be, with respect to the role of presiding at meetings* [emphasis added].”

The Acting Chair needs specific delegated signing authority to completely cover the role of Regional Chair during an absence and, specifically, during this pending transition period between resignation and appointment of the new Chair.

4. Analysis

Resignation by a Member of Council triggers a vacant seat and a legislated process to fill it

Under section 259(1)(d) of the Act, a seat becomes vacant when a member resigns in writing to the clerk. Once a seat becomes vacant, Council must declare it to be vacant at its next meeting. Unlike with lower tier vacancies, section 263(4) of the Act specifically provides that for upper tier municipalities, a vacancy for the head of council must be filled in the same manner as originally appointed. Council has 60 days to make the appointment, starting from the date the seat is declared vacant.

The Regional Chair was appointed by Council at its inaugural meeting on November 17, 2022. The appointment process is described in detail in Council’s Procedure Bylaw, with some key points set out below:

- Nominees must be eligible York Region electors and need not be sitting Members of Council
- Nominees require a mover and seconder in support
- Council may choose to vote publicly or by secret ballot
- A successful candidate must receive a majority vote

The *Regional Municipality of York Act, 1970* established the requirement that when a sitting member of council is appointed chair, they are deemed to have resigned from their local council. The most recent occurrence of this was in 1997, when Bill Fisch was appointed Regional Chair and was subsequently replaced on the then-Town of Markham’s Council by Regional Councillor Tony Wong.

The current meeting schedule means Council would appoint a Regional Chair in January 2025, but it may be done sooner

Using the current schedule, Council can declare the seat vacant at its meeting on December 19, 2024 and undertake the appointment process at the next Council meeting on January 30, 2025.

However, there is no minimum period of time for which the seat must remain vacant and Council could choose to complete the appointment process before the end of the current year. In that case, Council could take advantage of time already set aside for Regional business and slightly adjust the calendar.

A potential approach could be to schedule a Council meeting on December 5, 2024 instead of the already-scheduled Committee of the Whole meeting. At this meeting, Council would declare the seat vacant and could also deal with any business that may have been scheduled for Committee of the Whole. Council could then undertake the appointment process on December 12, 2024. This provides a good balance between speed and public notice. It also ensures certainty for Council prior to the end of the year and minimizes the period for which an acting chair is required.

Both options are set out in Table 1.

Table 1
Potential Timelines for Appointing Regional Chair

Milestone	Current Scheduled Date	Expedited Date
Resignation effective	November 29, 2024	November 29, 2024
Declare vacancy	December 19, 2024	December 5, 2024
Make appointment	January 30, 2024	December 12, 2024
Latest possible date to appoint	February 17, 2024	February 3, 2024

To ensure continuity of Regional business the Delegation Bylaw should be amended to provide signing authority to the Acting Chair

Regardless of how Council schedules its business, there will be a short transition period between the Regional Chair’s resignation date and the new Chair’s appointment date which would be bridged by an Acting Chair. Under current authorities, the Acting Chair will only be able to take over presiding at meetings and associated activities such as signing bylaws and minutes.

To ensure continuity of business during this transition as well as any other future periods where the Regional Chair is absent or unable to act, staff recommend updating the Delegation Bylaw to provide the Acting Chair with all the delegated authorities of the Regional Chair. This includes executing Regional documents and other responsibilities such as signing on behalf of the Shareholder of the Region's corporations.

5. Financial Considerations

This report does not have a financial component or financial implications.

6. Local Impact

The *Regional Municipality of York Act, 1970* established the requirement that when a sitting member of council is appointed chair, they are deemed to have resigned from their local council. The most recent occurrence of this was in 1997, when Bill Fisch was appointed Regional Chair and was subsequently replaced on the then-Town of Markham's Council by Regional Councillor Tony Wong.

7. Conclusion

The Regional Chair announced his intention to resign effective November 29, 2024, which will be official once submitted in writing to the Regional Clerk. Council is required to declare the seat vacant at its first meeting following the effective date and must appoint a replacement using the same method of appointment as originally used.

Under Council's current schedule, the Regional Chair position would be declared vacant at Council's meeting on December 19, 2024, with the appointment process undertaken on January 30, 2025. However, the report suggests that Council could expedite the process and declare the seat vacant at a newly-scheduled December 5, 2024 meeting, with the appointment process happening on December 12, 2024.

To ensure continuity of business, staff recommend an amendment to the Delegation Bylaw providing the Acting Chair with all the signing authority of the Regional Chair. This will ensure a seamless bridge during the pending transition period as well as any future periods where the Regional Chair is absent or unable to act.

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.



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October 29, 2024
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