

THE REGIONAL MUNICIPALITY OF PEEL

BY-LAW NUMBER 70-2021

A by-law to change the composition of Regional Council relating to the appointment and term of office of the Head of Council pursuant to Section 218 of the *Municipal Act, 2001*, as amended.

WHEREAS the Regional Chair is the head of council and a member of Regional Council by operation of the *Regional Municipality of Peel Act, 2005* and holds office for the term of council;

AND WHEREAS, by operation of the *Regional Municipality of Peel Act, 2005*, the Regional Chair is a “stand alone” member of Regional Council in that the Chair does not sit as a member of a local municipal Council;

AND WHEREAS, the ability to enact a by-law to change the composition of Regional Council despite what was provided for in previous legislation is expressly set out in section 3 of the *Regional Municipality of Peel Act, 2005* and section 221 of the *Municipal Act, 2001* (the “Act”) as well as in section 218 of the Act;

AND WHEREAS, section 218(2)(e) of the Act expressly provides that such a by-law may require that if a member of council is appointed by council as the head of the upper tier council, the appointed member must hold office on the council of a lower tier municipality;

AND WHEREAS, section 218(4) of the Act expressly authorizes an upper-tier municipality to change the term of office of an appointed head of council so long as the new term does not extend beyond the term of council;

AND WHEREAS, such a by-law does not require triple majority support because the provision requiring triple majority support, being section 219(1) of the Act, does not require it for a by-law enacted under section 218(2)(e) or section 218(4);

AND WHEREAS, legislation does not require that the Office of the Chair be a full-time position, and further, in authorizing that an appointee who is a member of council may be required to also maintain an office as a local Councillor, the Act is consistent with the Office of the Chair being exercised on a less than full time basis;

AND WHEREAS, the compensation for the position of Regional Chair should be commensurate with the compensation for other extra responsibilities assumed by Councillors who serve on outside boards and be reflective of the part-time nature of the appointment;

AND WHEREAS, in conjunction with the adoption of such a requirement, the selection of two Vice-Chairs from amongst the members of Regional Council

who shall be from two different lower tier municipalities other than that of the Chair, should also be addressed;

AND WHEREAS, for the by-law enacting such changes to be effective immediately following the 2022 municipal election, it must, pursuant to section 219.1(1) of the Act, be enacted in the 2021 calendar year;

THEREFORE BE IT ENACTED AND IT IS HEREBY ENACTED as a By-law of The Regional Municipality of Peel through its Council as follows:

1. That should any future Chair of the Regional Council be appointed from amongst the elected Regional Councillors, that appointee shall:
 - a) be required to continue to sit as, and to fulfill the office of, a member for the lower tier municipal ward to which that appointee was elected; and,
 - b) be appointed to serve for a two-year term and until his or her successor is appointed, provided that Regional Council may re-appoint as Chair the same member or appoint a different member or appoint a Chair who is not an elected member of Regional Council, for the next ensuing two-year term, and provided further that the term shall not extend beyond the term of council.
2. That in the event that an elected member of Regional Council has been appointed as Chair, two Vice-Chairs of Regional Council shall also be appointed from amongst the remaining Regional Councillors, and such Vice-Chairs shall:
 - a) represent two lower tier municipalities that differ from one another and from the municipality represented by the appointee as Chair, and shall continue to sit as members for the lower tier municipal wards to which the appointees as Vice-Chairs have been elected;
 - b) have the role of assisting the Chair and acting from time to time in the place of the Chair at the request of the Chair or when the Chair is absent or refuses to act or the office of the Chair is vacant; and,
 - c) be appointed for a two-year term, provided that, should Regional Council appoint a Chair who is an elected member of Regional Council for the remaining term of council, Regional Council may re-appoint as Vice-Chairs the same member or members or appoint different members for the next ensuing two-year term, subject to the requirements of paragraph 2 a) of this By-law, and provided further that the term shall not extend beyond the term of council.
3. That this By-law shall not prevent Regional Council from appointing a Chair who is not an elected Regional Councillor as provided for in paragraph 1 of this By-law and, where Regional Council so appoints, paragraphs 1 and 2 of this By-law shall not apply, and such Chair shall hold office for the term of council, or such remaining portion thereof, and

until his or her successor is appointed. For greater clarity, there shall be no appointments of Vice-Chair where Regional Council appoints a Chair who is not an elected Regional Councillor as provided for in paragraph 1 of this By-law.

4. That the appointment and term of office of the Chair shall remain in all respects as it was the day before the coming into force of this By-law, except as specifically provided for in this By-law.
5. That the composition of Regional Council shall remain in all respects as it was the day before the coming into force of this By-law, except as specifically provided for in this By-law and in By-law 83-2020.
6. That this By-law shall come into force on the day the new Council is organized following the first regular election following the passing of this By-law.
7. That the issue of remuneration for the Chair and Vice-Chairs and other relevant details, including expense accounts, staffing, and such amendments to the Region of Peel's Procedure By-law as may be required to give effect to this By-law, is hereby referred to the Regional Council Policies and Procedures Committee for discussion and recommendation to Council.

READ THREE TIMES AND PASSED IN OPEN COUNCIL this 9th day of December, 2021.

Deputy Clerk

Regional Chair