
REPORT TITLE: Region of Peel Procedure By-law Amendments

**FROM: Gary Kent, CPA, CGA, ICD.D, Chief Financial Officer and Commissioner
 of Corporate Services**

RECOMMENDATION

That a new Region of Peel Procedure By-law incorporating the amendments outlined in Appendix I to the Report of the Chief Financial Officer and Commissioner of Corporate Services, listed on the April 21, 2022 Regional Council Policies and Procedures Committee agenda titled “Region of Peel Procedure By-law Amendments”, be approved;

And further, that the Terms of Reference for all Committees requiring the appointment of certain Council Section Chairs and Vice Chairs as members, be revised in accordance with section 2. d of the subject report;

And further, that the necessary by-law be presented to Regional Council for enactment;

And further, that should Regional Council pass any additional amendments to the Procedure By-law prior to the date when the new Procedure By-law comes into force in accordance with section 1.b of the subject report, such amendments shall be deemed to be incorporated into the Procedure By-law and the Regional Clerk shall be authorized to insert such amendments into the new Procedure By-law prior to the new Procedure By-law coming into force, to ensure correct and complete implementation of the intention of Council, without necessitating the passing of a separate amending by-law.

REPORT HIGHLIGHTS

- On December 9, 2021, Regional Council passed By-law 70-2021 to change the composition of Regional Council relating to the appointment and term of office of the Head of Council.
 - The passing of By-law 70-2021 necessitates significant amendments to the Region of Peel Procedure By-law.
 - Some additional amendments to the Region of Peel Procedure By-law are also recommended at this time in order to facilitate efficient meetings, clarify current practices, and reflect administrative updates.
 - The existence of five previous by-law amendments and the extent of those now proposed make it preferable to repeal and re-enact the Procedure By-law rather than further amend it.
 - The new Procedure By-law will come into force on the same date that By-law 70-2021 comes into force, namely, the day the new Council is organized following the 2022 election.
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Region of Peel Procedure By-law Amendments

DISCUSSION

1. Background

a) Amendments to Procedure By-law to give effect to By-law 70-2021

On December 9, 2021 Regional Council passed By-law 70-2021 (Appendix II), being 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.

One of the changes brought about by By-law 70-2021 is to provide that, should any future Chair of the Regional Council be appointed from amongst the elected Regional Councillors who are lower tier municipal ward councillors, that appointee shall be required to continue to sit as a member for the lower tier municipal ward to which that appointee was elected, and be appointed to serve for a two-year term.

In addition, By-law 70-2021 provides that, if an elected member of Regional Council is appointed as Chair, then two Vice-Chairs of Regional Council shall also be appointed. Such Vice Chairs shall: represent two lower tier municipalities that differ from one another and from the municipality represented by the Chair; continue to sit as members of the lower tier municipal wards to which the Vice-Chairs have been elected; be appointed for a two-year term; and 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. By-law 70-2021 does not authorize a mayor of one of the lower tier municipalities to hold the position of Regional Chair or Regional Vice-Chair while also holding the position of mayor.

In order to give effect to these potential changes to the composition of Regional Council brought about by By-law 70-2021, corresponding changes are required to be made to the Region of Peel Procedure By-law.

b) Additional Amendments to Procedure By-law

In addition to the by-law amendments which are currently required in order to give effect to By-law 70-2021, staff are also recommending some additional amendments to the Region's Procedure By-law at this time in order to facilitate efficient meetings, clarify current practices, and reflect administrative updates.

The new Procedure By-law will repeal the current Procedure By-law 56-2019, as amended. Although the new Procedure By-law will be passed by Council upon Council's acceptance of the proposed amendments, the new Procedure By-law will not come into force until the date that By-law 70-2021 comes into force, namely, the day the new Council is organized following the 2022 election. Should Regional Council pass any additional amendments to the Procedure By-law between the time when the new Procedure By-law is passed and the time when the new Procedure By-law comes into force, such additional amendments shall be deemed to be incorporated into the new Procedure By-law and it is recommended that the Regional Clerk be authorized to insert such amendments into the new Procedure By-law prior to the new Procedure By-law coming into force, to ensure correct and complete implementation of the intention of Council, without necessitating the passing of a separate amending by-law.

Region of Peel Procedure By-law Amendments

2. Findings – Re Proposed Amendments

a) Role and Appointment of Regional Vice-Chairs

By-law 70-2021 provides that, where the Regional Chair is an elected Regional Councillor, the two new Regional Vice-Chairs will 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. Where the Regional Chair is an elected Regional Councillor, and is absent from a Council Meeting, it is proposed that one of the Regional Vice-Chairs will serve, on a monthly rotating schedule basis, in the Chair's absence for the purposes of presiding over Council meetings and fulfilling the Chair's duties. If both Regional Vice-Chairs are also absent from a meeting, the Acting Chair as set out on the Acting Regional Chair list will preside. Notwithstanding the Regional Vice Chair Acting Schedule, the Regional Chair may from time to time call upon either Vice-Chair to assist the Chair and/or to attend a ceremonial function or special event on behalf of the Chair, based on the subject matter of the event, the geographic location involved etc.

It is proposed that, where the Regional Chair is an elected Regional Councillor, the two Regional Vice-Chairs will be appointed at the first Council meeting after the Inaugural Meeting following the same voting process that is used for the appointment of the Committee Chairs and Vice-Chairs. Upon completion of the two-year term, the appointment of the new Regional Chair and, where applicable, the appointment of the new Regional Vice-Chairs will take place at a Midterm Special Meeting of Council which would be held on the day of the first Council meeting following November 15 at the commencement of the third year of Council's term. Council may reappoint as Chair the same member, appoint a different member, or appoint a Chair who is not an elected member of Council at its Midterm Special meeting, in accordance with the procedures set out in the Procedure By-law.

Should the office of the Regional Chair become vacant, the vacancy will be filled by appointment in the same manner as the Chair was originally appointed and in accordance with the provisions of the *Municipal Act, 2001* and subject to the provisions of By-law 70-2021. If the new Regional Chair is an elected Regional Councillor, then any existing appointment of a Regional Vice-Chair representing the same lower tier municipality as the new Regional Chair shall terminate and that Regional Vice-Chair position shall be deemed to be vacant. If the position of a Regional Vice-Chair becomes vacant, or is deemed to be vacant, the vacancy shall be filled by appointment in the same manner as the Regional Vice-Chair was originally appointed and subject to the provisions set out in By-law 70-2021.

b) Regional Chair may delegate membership on Committees of which they are a member by virtue of their ex-officio status to a Regional Vice-Chair upon consent of Regional Council

Pursuant to the current Procedure By-law and consistent with other Greater Toronto Area municipalities, the Regional Chair sits as an ex-officio member of all committees of Council. Given the passing of By-law 70-2021, it is recommended that, if the Regional Chair is an elected Regional Councillor, and two Vice-Chairs have as a result been appointed, the Regional Chair may delegate the Chair's membership on any particular committee or committees of which they are a member by virtue of their ex-officio status to one of the Regional Vice-Chairs, with the consent of Council. Such delegation shall not extend beyond the term of office of the Regional Chair who makes the delegation.

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Further, where a committee's Terms of Reference require its membership to include a minimum or maximum number of Councillors representing each lower tier municipality, the membership of the Regional Chair (where the Regional Chair is an elected Regional Councillor), or the delegated Regional Vice Chair where applicable, shall be counted in determining whether such requirements have been met.

c) Appointment of Alternate Member and Proxy where Chair is a Regional Councillor

Where the Regional Chair is an elected Regional Councillor and will be absent from a meeting, one of the Regional Vice Chairs will preside over the meeting. The absent Councillor, if from the City of Brampton or Town of Caledon, may designate an alternate member to attend the meeting in their place in the capacity as a Regional Councillor, but not in the capacity as Chair. The Region's Procedure By-law and the *Municipal Act, 2001* prohibit an alternate member from being appointed as an alternate Chair for the Region of Peel. An alternate member may not serve as Regional Chair nor as Regional Vice Chair.

Where the Chair is an elected Regional Councillor, the Regional Chair and the Regional Vice-Chairs will be permitted to appoint another member of Council as a proxy to vote in their place in their capacity as a voting member of Regional Council when they are absent, subject to the rules set out in the Region's existing Procedure By-law. In such circumstances, the proxyholder may vote on behalf of the absent Councillor but the proxyholder may not exercise any of the duties or powers of the Regional Chair as Head of Council, unless the proxyholder has also been appointed as Vice Chair or Acting Chair and is presiding over the meeting in the Chair's absence, in accordance with the provisions of the By-law.

d) Voting

Where the Regional Chair is an elected Regional Councillor, then the Regional Chair shall have one vote and shall in no case have more than one vote. If the Regional Chair is not an elected Regional Councillor, then the Regional Chair shall not vote in a Council meeting except in the event of an equality of votes.

e) Elimination of Council Section Chairs and Vice Chairs

The role of Regional Council Section Chairs and Vice Chairs was discontinued when electronic meetings commenced in March 2020 to provide for an effective and efficient meeting flow. As Council meetings are transitioning to a hybrid format, it is recommended that these roles not be reinstated. The Regional Chair will continue to preside over meetings of Council. The elimination of the Regional Council Section Chairs and Vice-Chairs will require corresponding amendments to the Terms of Reference for certain committees where the Terms of Reference provide for the automatic appointment of certain Council Section Chairs and Vice-Chairs as members of committees. With the elimination of Council Section Chairs and Vice-Chairs these membership positions on committees will now be open to any Regional Councillor.

3. Proposed Direction

Appendix I shows the proposed amendments to the Region of Peel Procedure By-law, which are necessary to give effect to By-law 70-2021.

Region of Peel Procedure By-law Amendments

Appendix I also shows the additional proposed amendments to the Region of Peel Procedure by-law which are being recommended by staff at this time.

Given the extent of the amendments required, the Region's current Procedure By-law 56-2019, as amended, will be repealed and replaced with a new, updated Procedure By-law, to come into force on the same date that By-law 70-2021 comes into force, namely, the day the new Council is organized following the 2022 election.

FINANCIAL IMPLICATIONS

The remuneration of the Regional Chair and Regional Vice-Chairs and other relevant details, including expense accounts and staffing do not require amendments to the Procedure By-law. Amendments would be required to other policies, such as the Remuneration of Council Members (HR-10-08) and Business Expense Accounts – Members of Council (F30-02). By-law 70-2021 referred these matters to the Regional Council Policies and Procedures Committee for discussion and recommendation to Council.

APPENDICES

Appendix I - Current Region of Peel Procedure By-law 56-2019, as amended, showing all proposed amendments

Appendix II – By-law 70-2021

Authored By: Carrie Foerster, Senior Legal Counsel