

**APPROVED AT REGIONAL COUNCIL
February 27, 2020**

**14.4 Report of the Regional Council Policies and Procedures Committee (PPC-1/2020)
meeting held on February 6, 2020**

4.4 Review of Regional Council Composition

RECOMMENDATION PPC-2-2020:

That the report of the Acting Commissioner of Corporate Services, titled "Review of Regional Council Composition", be deferred to the next Regional Council Policies and Procedures Committee meeting.

Approved

2020-128

For Information

DATE: November 28, 2019

REPORT TITLE: **REVIEW OF REGIONAL COUNCIL COMPOSITION**

FROM: Catherine Matheson, Commissioner of Corporate Services

OBJECTIVE

To seek direction on the method for conducting a review of the composition of Regional Council, as required under the *Municipal Act, 2001*, as amended.

REPORT HIGHLIGHTS

- Regional municipalities are required under the *Municipal Act, 2001*, as amended, to review, for each of their lower-tier municipalities, the number of members of their council that represent the lower tier.
- Within two years of the date that the new Council is organized following the regular election in 2018, if the region does not pass a by-law to change its council composition or pass a resolution to affirm, for each of its lower-tier municipalities, the number of the members of its council, then the Minister of Municipal Affairs and Housing may make a regulation changing the composition of Regional Council.
- A resolution or by-law passed to change the current composition of Regional Council by the Region must achieve a triple majority.
- This report provides options for Council's consideration regarding the method of conducting a review of the composition of Regional Council.

DISCUSSION**1. Background**

Section 218 (6) of the *Municipal Act, 2001*, as amended, requires that a regional municipality review, for each of its lower-tier municipalities, the number of members of its council that represent the lower tier.

If within two years of the date that the new Council is organized following the regular election in 2018, the regional municipality does not

- Pass a by-law to change, for one or more of its lower-tier municipalities, the number of the members of its council that represent the lower-tier municipality; or

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- Pass a resolution to affirm, for each of its lower tier municipalities, the number of the members of its council that represent the lower-tier municipality,

the Minister of Municipal Affairs and Housing may make a regulation changing the composition of the Council of the regional municipality.

When considering whether to make such a regulation, the Minister shall, in addition to anything else the Minister wishes to consider, have regard to the principle of representation by population.

A by-law or resolution under Section 218 is not valid unless triple majority support is received:

- a majority of all votes on the upper-tier council are cast in favour of the by-law or the resolution;
- a majority of the councils of all lower-tier municipalities forming part of the upper-tier municipality have passed resolutions consenting to the by-law or the resolution; and
- the total number of electors in the lower-tier municipalities that passed resolutions consenting to the by-law or the resolution form a majority of all the electors in the upper-tier municipality.

Section 218.2 of the *Municipal Act, 2001*, as amended, permits a municipality to change the method of selecting its head of council for any regular election after 2018.

2. Previous Review of Regional Council Composition

During the 2010 – 2014 Term of Regional Council, issues related to the method of electing a Regional Chair and Brampton's representation on Regional Council were raised. A task force consisting of the Mayors of Caledon, Brampton and Mississauga, the Regional Chair, the Chief Administrative Officers (or their designate) from the Region of Peel, Cities of Brampton and Mississauga, the Town of Caledon and the Regional Clerk was established. Upon receipt of the Task Force's report, Council passed a resolution directing staff to report in early 2015 to initiate a review of the governance of the Region of Peel, including a review of the options for election of the Regional Chair and a review of the composition of Regional Council.

In January 2015, the Task Force appointed a facilitator through a Request for Proposal and Regional Council passed a resolution directing that the Terms of Reference for the Governance Review Facilitator include the opportunity for all members of Regional Council to participate in the process, either as a whole or through one on one consultation.

Meetings with individual Councillors were scheduled with the Facilitator and a presentation by the Facilitator was presented to the local councils for feedback and direction which formed the basis for an extended facilitation session with the Task Force.

The report titled "Recommendations Arising from the Governance Review Task Force" was presented to Regional Council on June 23, 2016 and included acknowledgements by the Task Force as follows:

- Brampton is under-represented at Regional Council and that any change to the size and composition of Regional Council should address this imbalance.

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- Mississauga residents continue to make-up more than 50 per cent of the Region's population.
- Over the next 20 years, the population gap between the two largest municipalities will continue to narrow, while growth in Caledon will begin to accelerate. Different rates of growth among its three municipalities mean that Regional Council may adjust its size and allocation of seats for its members to ensure effective representation.

The report described the four options that were discussed in detail by the Task Force:

1. Increase the size of Regional Council at the time of the 2018 election to 28 seats. Brampton's representation would increase by four seats to 11 seats. Mississauga's representation would remain constant at 12 seats. Caledon's representation would remain constant at five seats.
2. Increase the size of Regional Council at the time of the 2018 election to 32 seats. Brampton's representation would increase by four seats to 11 seats. Mississauga's representation would increase by four seats to 16 seats. Caledon's representation would remain constant at five seats.
3. The size of Regional Council at the time of the 2018 election would remain at 24 seats. Brampton's representation would increase by two seats to nine seats. Mississauga's representation would remain constant at twelve seats. Caledon's representation would decrease by two seats to three seats.
4. Increase the size of Regional Council at the time of the 2018 election to 28 seats. Brampton's representation would increase by two seats to nine. Mississauga's representation would increase by two seats to 14. Caledon's representation would remain constant at five seats.

At the June 23, 2016 Regional Council meeting, Council passed a resolution approving Option 2. A second resolution was passed to request that the Minister of Municipal Affairs and Housing enact a regulation authorizing the Region of Peel to exercise its powers under the *Municipal Act* to change the composition of Regional Council; that subject to the Minister enacting the regulation, the Regional Solicitor draft a by-law pursuant to the provisions of the regulations, and that the Regional Clerk report to Regional Council with a recommendation related to the date that the statutory public meeting of Regional Council would be held to consider the matter.

On February 16, 2017, the Minister of Municipal Affairs and Housing issued Ontario Regulation 45/17 permitting the Region of Peel to exercise its powers to change the composition of Regional Council by increasing the number of members from the City of Brampton from seven to 11; and increasing the number of members from the City of Mississauga from 12 to 16.

The Regional Clerk reported to the March 30, 2017 Regional Council meeting with a recommendation to schedule a public meeting for April 27, 2017.

Regional Council passed a resolution that a public meeting regarding a by-law to change the size and composition of Regional Council not be held. The Regional Solicitor advised

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that Regional Council's decision to not hold a public meeting would end the process to change the size and composition of Regional Council.

3. 2018 – 2022 Term of Council Review of Regional Council Composition Process

With the change in legislation, a Minister's regulation is no longer required to change the composition of Regional Council.

A by-law to change the council composition does not come into force until the day the new council is organized following the first regular election following the passing of the by-law. However, if the by-law is passed in the year of a regular election before voting day, the by-law does not come into force until the second regular election following the passing of the by-law. A change in Regional Council's composition can therefore be in place for the 2022 municipal elections only if changes are implemented before December 31, 2021.

Prior to passing a by-law to change or maintain the composition of Regional Council, public notice of Council's intention to pass a by-law or resolution must be given and at least one public meeting held to consider the matter.

The by-law or resolution would need to pass a triple majority.

Prior to the start of the term of office, additional administrative work would be required such as amendments to the Procedure By-law and possible renovations to the Council Chamber to accommodate a change in the number of Councillors.

Next Steps

Direction from Regional Council is required regarding the method for conducting a review of the composition of Regional Council, as required under the *Municipal Act, 2001*, as amended.

Options for Council's consideration include:

1. Do nothing. The Minister of Municipal Affairs and Housing may make a regulation changing the composition of the council of the regional municipality.
2. The Region of Peel may proceed in accordance with Ontario Regulation 45/17 which has not been repealed. This option does not eliminate the requirement for a triple majority process.
3. Establish a task force comprised of Councillors and staff to make recommendations to Regional Council.
4. Refer the issue to the Council Policies and Procedures Committee to make recommendations to Regional Council.
5. Schedule Special Meetings of Regional Council for the purpose of conducting the review.

On October 25, 2019, the provincial government announced that funding would be made available to all municipalities to support municipal transformation efforts. Council could direct staff to explore whether these funds could be used to hire a facilitator to assist in conducting a review of council's composition.

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RISK CONSIDERATIONS

Should Regional Council decide not to conduct a review of the composition of Regional Council, the Minister of Municipal Affairs and Housing could issue a regulation to change council's composition.

Regional Council's review of its composition could result in the inability to achieve the required triple majority required for the change to take effect.

In each case, the Region could be faced with a solution that was not "made in Peel" and that would have significant impacts to the Region and its local municipalities.

CONCLUSION

Based on direction received from Regional Council, staff will report back to a future Council meeting as appropriate.



Catherine Matheson, Commissioner of Corporate Services

Approved for Submission:



N. Polsinelli, Interim Chief Administrative Officer

For further information regarding this report, please contact Kathryn Lockyer, Regional Clerk and Director, Legal Services, ext. 4325 or kathryn.lockyer@peelregion.ca.

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