

Report No. 2 of Chief Administrative Officer was adopted by the Council of The Regional Municipality of York at its meeting held on February 18, 2016 as amended to read as follows:

1. Council approve the terms of reference for a review of Regional governance to consider one or more of the following issues:
 - a. Manner of electing the Regional Chair
 - b. Council composition, including various options for calculating the optimal number of Members
 - c. Direct vs double direct election of Members – including at large, within each municipality, by wards or shared between two or more municipalities
 - d. Weighted voting
2. The review target a completion date of no later than December 15, 2016.

Terms of Reference for a Review of
Regional Governance

Report No. 2 of the Chief Administrative Officer dated February 11, 2016 now follows:

1. Recommendations

It is recommended that:

2. Council approve the terms of reference for a review of Regional governance to consider one or more of the following issues:
 - a. Manner of electing the Regional Chair
 - b. Council composition, including various options for calculating the optimal number of Members

Terms of Reference for a Review of Regional Governance

- c. Direct vs double direct election of Members – including at large, within each municipality, by wards or shared between two or more municipalities
- d. Weighted voting

3. The review target a completion date of no later than December 15, 2016.

2. Purpose

This report seeks approval of terms of reference for a York Region governance review. It also provides information on governance review activities in other Regional municipalities and presents a historical context for governance in York Region.

3. Background

At its meeting on November 19, 2015, Regional Council adopted a motion to direct staff to report back to the February 18, 2016 Council meeting with Terms of Reference for a comprehensive review of Regional governance.

4. Analysis and Options

Other Regional Municipalities have governance reviews underway

Both Peel and Durham Regions are undertaking governance reviews. These reviews are expected to take 12 to 18 months from the time they were originally proposed until completion.

Peel's governance review is limited to options for electing the Regional Chair and the composition of Regional Council. Following its original decision of January 22, 2015, it has established a Task Force comprising the Mayors of the local municipalities, the Regional Chair, the Chief Administrative Officers of Peel Region and its local municipalities and the Regional Clerk to develop and report back on terms of reference and an approach for reviewing Peel Region's governance, the options for electing the Regional Chair and the composition of Regional Council.

Peel has also agreed to retain a neutral facilitator to work with the Task Force and assist with the review and development of options pertaining to the review. The contract for the neutral facilitator has not yet been awarded. The Task Force is currently scheduled to report to Council in May 2016.

Durham Region is also undertaking a governance review focused solely on Council composition. To this end, it established a Regional Council Composition Review Committee at its meeting on May 13, 2015. The Committee comprises the Regional Chair, one Regional Council Member from each of the local municipalities, one representative from each of the local Chambers of Commerce or Boards of Trade and one member from each of the University of Ontario Institute of Technology, Durham College and Trent University.

The Durham Committee is to undertake public consultation and engage external experts and report back in March 2016.

The terms of reference for the comprehensive review of Regional governance could include a broad range of issues, some of which have been previously considered

This review of governance in York Region could consider a number of issues and options as follows:

- Manner of electing Regional Chair
- Council composition, including various options for calculating the optimal number of Members of Council
- Direct vs double direct election of Members – including at large, within each municipality, by ward or shared between two or more municipalities
- Weighted voting

Council Representation has been considered several times during the history of York Region

Regional Council has considered governance issues on numerous occasions since York Region was formed in 1970. Generally, consideration has been focused on Council composition and the appropriate number of Members for each local municipality based on representation by population.

Originally, Regional Council comprised 17 Members including the Regional Chair. An additional Member for Markham was added in 1979. Since then, one additional Member for Markham and Vaughan was added in 1988 and a further Member for Vaughan in 2003 bringing the total composition to 21, including the Regional Chair.

Council more recently considered its composition in 2012 and 2013. On May 16, 2013, Council approved a motion to request the Minister of Municipal Affairs to enact a regulation permitting an additional Member for the City of Vaughan. On June 27, 2013, motions to approve an additional Member from each of the Towns of Aurora, East Gwillimbury, King and Whitchurch-Stouffville did not carry.

At the same meeting, on June 27, 2013, Council approved a change to the Committee structure from Standing Committees to the Committee of the Whole on a pilot basis. This was, in part, intended to help address the challenges in attending Committee meetings and keeping up with Regional business that were expressed by the Towns of Aurora, East Gwillimbury, King and Whitchurch-Stouffville whose only representative on Regional Council is the Mayor. On June 26, 2014 Council decided to continue with the Committee of the Whole structure. Council confirmed this again on September 24, 2015.

On October 18, 2013 the Minister of Municipal Affairs filed Regulation 279/13 permitting York Region to exercise its powers under section 218 of the *Municipal Act* and change the size of its Council to increase the number of Vaughan members from four to five. There was no time restriction on this Regulation and it is still in force. The *Municipal Act* “triple majority” requirements for adding the Member from Vaughan were not met when a majority of local councils did not agree to the increase in Vaughan’s representation on Regional Council.

Weighted voting is sometimes used as an alternative to representation by population

Weighted voting could be considered as part of a governance review. It is used in some counties, including Simcoe County, to address discrepancies in representation by population. The weight of each member’s vote is adjusted each term to address population changes over the past four years.

Council has previously confirmed the manner of selecting its Members

Members of Regional Councils can be elected in two ways – direct or double-direct. In a direct election, electors select one or more Regional Councillors to represent their municipality on Regional Council. In this case, the successful candidates sit only on Regional Council and do not sit on the local Council. With a double-direct election, the successful candidates sit on both the local and Regional Councils.

Governance reviews in other jurisdictions including Halton and Niagara have sometimes considered the manner of selecting the Members of Council. This can include the manner of electing Members (direct, double direct), at large, within each municipality or shared by two or more municipalities, possibly by wards

within each local municipality, as in Peel, or following federal and provincial riding boundaries.

The outcome in these reviews has been to confirm the double-direct method of selection whereby Members of Council are elected to serve on both the local Council and Regional Council. Members have also continued to be elected at-large from within current municipal boundaries.

York Region's Council last affirmed double-direct election on July 11, 1996. This followed a governance review that was conducted with the assistance of a facilitator, Gardner Church. The governance review was considered necessary in light of extensive changes to municipal governance being contemplated at the time by the Provincial Government of Premier Mike Harris.

The manner of electing a Regional Chair is the subject of a separate report

The manner of electing a Regional Chair could be part of a Regional Governance review as it is with Peel.

The first Regional Chair of York Region was appointed by the Province for two 2-year terms beginning in 1970. York Regional Council has elected its Regional Chair at its Inaugural meeting since 1974.

Regional Council has also requested a report on the election of the Regional Chair for the February 18, 2016 meeting. A separate report has been provided to Regional Council on this item.

An independent facilitator could be required for the Regional Governance Review

The Peel governance review is being assisted by the services of an independent facilitator. York Region's governance review in 1995-96 was assisted by an independent facilitator. An independent facilitator would be advisable if the scope of the Regional Governance review extends beyond the manner of electing the Regional Chair and the number of Members of Council representing each local municipality.

The governance review should be completed by no later than December 15, 2016 to ensure any changes are in place in time for the 2018 municipal election

Some outcomes of the governance review, such as those that affect Council's composition, the election of its members and the number of votes assigned to Members, will require "triple majority" support and also a provincial Regulation before they can be implemented. Based on the Region's prior experience, and

the experience of other municipalities, it can take several months for the Regulation to be enacted at which point the Region can provide notice of its intention to pass a bylaw to implement any changes stemming from the governance review.

Before the bylaw comes into force the Region must hold at least one public meeting and the bylaw must also secure the support of a majority of the local Councils that, in turn, represent a majority of the Region's total number of electors. This process could take up to three months depending on the timing of local Council meetings.

The bylaw must be in force by December 31, 2017 in order for any changes to be in effect for the 2018 municipal election. Consequently, a request for a provincial Regulation should be made by December 15, 2016.

Link to key Council-approved plans

A review of Regional governance responds to the Strategic Priority Area of "Provide responsive and efficient public service" in the 2015-2019 Strategic Plan.

5. Financial Implications

There are no financial implications associated with this report. However, it is likely that external expertise will be required to assist with the governance review. These costs will be identified in the subsequent report addressing the process for conducting the governance review.

6. Local Municipal Impact

There is no local municipal impact associated with this report. However, any change to Regional Council's composition may result in changes to one or more local Councils.

7. Conclusion

Both Peel and Durham Regions are undertaking governance reviews with outcomes expected in 2016.

In York Region, governance has been considered a number of times throughout its history and it has mostly focused on the appropriate number of Regional Council Members for each local municipality. A governance review could include topics such as direct versus double direct, election by local wards and weighted voting. It could also include the manner of electing the Regional Chair.

Terms of Reference for a Review of Regional Governance

For more information on this report, please contact Denis Kelly, Regional Clerk at ext. 71300.

February 11, 2016

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