



REGION OF YORK
CLERK'S OFFICE

FILE No. - 203

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December 11, 2013

Denis Kelly
Regional Clerk
Regional Municipality of York

regionalclerk@york.ca



C03-C13-31

Dear Mr. Kelly:

Re: Item 6 – CLS13-033 – Regional Council Representation/City of Vaughan

Please be advised that this matter was heard by General Committee at its meeting held on December 3, 2013 and in this regard the following recommendation was adopted by Council on December 10, 2013:

THAT report CLS13-033 be received; and

THAT Council refuse consent for a change in size in Regional Council to increase the number of members from the City of Vaughan from four to five.

The above is for your information and any attention deemed necessary.

Yours truly,


John D. Leach
Director of Customer and
Legislative Services/Town Clerk

JDL/pt

Attachment: Item 6 – General Committee Agenda December 3, 2013

Copy: Jeffrey Abrams, City Clerk, City of Vaughan





**TOWN OF AURORA
GENERAL COMMITTEE REPORT**

No. CLS13-033

SUBJECT: *Regional Council Representation/City of Vaughan*

FROM: *John D. Leach, Director of Customer & Legislative Services/Town Clerk*

DATE: *December 3, 2013*

RECOMMENDATIONS

THAT report CLS13-033 be received; and

THAT Council provide direction.

BACKGROUND

Regional Council at a Special Meeting held on October 24, 2013 adopted the following recommendations:

1. Council receive the email from Jennifer Franks, Senior Policy Advisor, Province of Ontario containing Ontario Regulation 279/13 which permits York Region to exercise its powers under section 218 of the *Municipal Act* to change the size of its council by increasing the number of members from The Corporation of the City of Vaughan from four to five.
2. The Regional Clerk forward a copy of this email and Regulation and the previous report to Council from the Chief Administrative Officer, dated September 10, 2012, to the local municipalities with a request that they provide their consent, by December 18, 2013, to a bylaw changing the composition and size of Regional Council by increasing the number of members from The Corporation of the City of Vaughan from four to five.
3. Regional Council schedule a public meeting at 9:30a.m. on December 19, 2013 for the purpose of considering this bylaw.
4. Staff publish notice of Council's intention to pass the bylaw.

Town of Aurora Council is being asked to provide its consent by December 18, 2013 to a By-law to change the composition and size of Regional Council by increasing the number of members from the City of Vaughan from four to five.

COMMENTS

The matter of Regional Council composition has been under consideration during this term. Regional Council at its meeting held on October 28, 2012, considered a motion to add five new members from Aurora, East Gwillimbury, King, Vaughan and Whitchurch-Stouffville which failed to carry. At that time a further motion to add a representative from Vaughan was deferred until an education session was held on April 25, 2013.

Regional Council refused a request by Aurora Council for an additional member

Aurora Council at a meeting held on May 14, 2013 passed a resolution requesting Regional Council to request the Minister of Municipal Affairs and Housing to pass a regulation to authorize Regional Council to have more additional member from the Town of Aurora. On June 27, 2013, Regional Council considered separate motions to request the Minister to enact a regulation authorizing an additional member for each of Aurora, East Gwillimbury, King and Whitchurch-Stouffville all of which did not carry.

At its meeting held on October 18, 2013, Regional Council considered a report from the Chief Administrative Officer, CAO, which addressed requests for additional members from Aurora, East Gwillimbury, King, Vaughan and Whitchurch-Stouffville (attached).

Regional Council must achieve a “triple majority” before it can change its composition

Section 219(2) of the *Municipal Act* provides that before a by-law changing the composition of Regional Council comes into force:

- There must be a majority of all votes on Regional Council cast in its favour
- A majority of the nine local municipalities' Councils must pass resolutions consenting to the by-law
- The total number of electors in the local municipalities that have passed resolutions consenting to the bylaw must form a majority of all electors in the Regional Municipality of York

Consequently, the request to consent for an addition of member on Regional Council from Vaughan has been forwarded to all lower tier municipal Councils in the Region. The tables in the attached Report No. 2 of the Regional Chief Administrative Officer provides population data relevant to the approval process as well as context for an increase in size of Regional Council relative to other upper tier municipalities.

LINK TO STRATEGIC PLAN

Promote the adaptability and flexibility of services to respond to demographic shifts.

ALTERNATIVE(S) TO THE RECOMMENDATIONS

1. Option 1
Council could consent to the request for a change in size in Regional Council to increase the number of members from the City of Vaughan from four to five.
2. Option 2
Council could refuse consent for a change in size in Regional Council to increase the number of members from the City of Vaughan from four to five.

FINANCIAL IMPLICATIONS

Section 5 of the attached report from the Regional CAO sets out financial implications for the Region. Should Regional Council increase in size, Aurora would share in the increased cost through the Regional levy.

CONCLUSIONS

Regional Council is seeking to change its composition to add an additional member from the City of Vaughan. A "triple majority" is required. Council is being requested to consent to the change in composition.

ATTACHMENTS

The Regional Municipality of York Report No. 2 of the Chief Administrative Officer

PRE-SUBMISSION REVIEW

Prepared by: John D. Leach, Director of Customer & Legislative Services/Town Clerk, ext. 4771



John D. Leach
Director of Customer & Legislative
Services/Town Clerk



Neil Garbe
Chief Administrative Officer

THE REGIONAL MUNICIPALITY OF YORK

REPORT NO. 2 OF THE CHIEF ADMINISTRATIVE OFFICER

**For Consideration by
The Council of The Regional Municipality of York
on October 18, 2012**

**1
REGIONAL COUNCIL REPRESENTATION**

(Regional Council at its meeting on October 18, 2012 considered this Report in conjunction with a motion to add five additional members to Regional Council from Aurora, East Gwillimbury, King, Whitchurch-Stouffville and Vaughan, which motion lost. It also considered this Report in conjunction with a motion to defer consideration of a motion to add an additional member from Vaughan until after a Council Education Session to be held on April 25, 2013 to educate Members of Council on options for the governance of York Region, including the introduction of a Committee of the Whole system, which motion carried.)

(Regional Council at its meeting on September 20, 2012, received and referred this Report to the Council meeting of October 18, 2012.)

1. RECOMMENDATION

It is recommended that this report be received for information.

2. PURPOSE

This report responds to Council's request made on June 28, 2012 for a staff report on the process for changing the composition of Regional Council. This report also provides statistical and comparative information on council representation in Ontario and Canada.

3. BACKGROUND

At its meeting of October 20, 2011, Regional Council adopted Clause 9 of Finance and Administration Committee Report No. 8. In that clause the Committee recommended that staff prepare a report on options for representation on Regional Council and forward it to a Council Workshop to be held early in 2012.

On May 24, 2012 Regional Council held an education session that included information on the legislative framework for making changes to the composition of Regional Council, the history of changes to the composition of Regional Council and statistical comparators with other municipalities in Ontario and Canada.

On June 28, 2012 Regional Council received a Notice of Motion proposing a change in the composition of Regional Council to add five members — one from each of the Town of Aurora, Town of East Gwillimbury, Township of King, City of Vaughan and Town of Whitchurch-Stouffville. Council deferred consideration of this item until its September 20, 2012 meeting and requested that staff provide a report. This report responds to that request.

4. ANALYSIS AND OPTIONS

The Municipal Act, 2001 sets out basic rules for the composition of Regional Council

Regional Council is considered an upper-tier council for the purposes of *The Municipal Act, 2001* ("the Act"). The Act contains legislative provisions related to changing the composition of Regional Council. Under section 218(1), any change to the composition of an upper-tier council is subject to the following rules:

- The upper-tier council must have a minimum of five members including the head of council
- Each lower-tier municipality must be represented on the upper-tier council
- Council members are elected to the upper-tier or lower-tier council in accordance with the *Municipal Elections Act*
- Council members elected to the upper-tier or lower-tier council may be elected by general vote, wards or combination of both

The Act gives Regional Council the authority to change its composition subject to certain rules

Under section 218(2) of the Act, Regional Council's power to change its composition includes:

- Changing the size of council
- Changing the methods by which members are selected

- Allowing a council member to represent more than one lower-tier municipality

Section 218(3) of the Act authorizes Regional Council to change the number of votes given to any member, provided that each member has at least one vote. Changes are, however, subject to Regional Council achieving the "triple majority" set out in section 219(2) of the Act as described below.

Regional Council must pass a resolution requesting the Minister of Municipal Affairs and Housing to make a regulation authorizing Regional Council to change its composition

Section 218(5) of the Act provides that a regional municipality must not pass a bylaw authorizing a change in the composition of Regional Council until the Minister of Municipal Affairs and Housing has made a regulation authorizing the regional council to do so. Section 218(7) of the Act provides that the Minister shall not make a regulation until the Minister has received a resolution from the regional municipality requesting the regulation.

Thus Regional Council must pass a resolution requesting the Minister to make a regulation authorizing Regional Council to change its composition, submit the resolution to the Minister and await the Minister's response.

Regional Council must also achieve a "triple majority" before it can change its composition

After receiving the Minister's regulation, Regional Council must give public notice of its intention to pass a bylaw changing the composition of Council. Then it must hold at least one public meeting to consider the matter.

Section 219(2) of the Act provides that before a bylaw changing the composition of Regional Council comes into force:

- There must be a majority of all votes on Regional Council cast in its favour
- A majority of the nine local municipalities' Councils must pass resolutions consenting to the bylaw
- The total number of electors in the local municipalities that have passed resolutions consenting to the bylaw must form a majority of all electors in the Regional Municipality of York

A change in Regional Council's composition can be in place for the 2014 municipal election only if changes are implemented before December 31, 2013

Any bylaw changing the composition of Regional Council would come in effect on the day a new council is organized. To be in effect for the next newly elected council of

December 1, 2014 the *Municipal Act, 2001* requires the requisite steps to be completed by December 31, 2013.

REGIONAL COUNCIL'S COMPOSITION

Regional Council now has 21 members

Regional Council is comprised of the Regional Chair and 20 members elected from the local municipalities. Nine of these members are the mayors from the local municipalities. There are four additional members from Markham, three from Vaughan, two from Richmond Hill and one from each of Georgina and Newmarket. This leaves four municipalities — Aurora, East Gwillimbury, King and Whitchurch-Stouffville, with only one member being the mayor of each municipality. For more information on the history of York Region Council, please see *Attachment #1*.

At the end of 2011 the Region's population was 1,073,158. This means that each member represented, on average, a population of 53,658. The population represented by each member ranges from a low of 21,439 in King to a high of 75,139 in Vaughan as set out in Table 1.

Table 1 shows the current Regional Council structure with the population of each local municipality at the end of 2011, the population per elected member, the percentage of the Region's population and the percentage of representation on Regional Council.

Table 1
Current Regional Council Structure
York Region Council (2011)

Municipality	# of Elected Members	Population	Population Per Elected Member	Percentage Population	Percentage Representation
Aurora	1	55,626	55,626	5	5
East Gwillimbury	1	23,727	23,727	2	5
Georgina	2	46,505	23,253	4	10
King	1	21,439	21,439	2	5
Markham	5	312,135	62,427	29	25
Newmarket	2	84,639	42,320	8	10
Richmond Hill	3	189,551	63,184	18	15
Vaughan	4	300,557	75,139	28	20
Whitchurch-Stouffville	1	38,979	38,979	4	5
Totals	20	1,073,158	53,658	100	100

Source: York Region Office of the CAO, Long Range Planning Branch based on Statistics Canada

York Region has fewer Members of Council and a higher population per elected representative than most similar municipalities

York Region's Council has 20 elected members. This is less than three other Regions — Peel (24), Durham (28) and Niagara (30) and tied with Halton. It is also far less than abutting Simcoe County (32) and Toronto (45).

The Region's population per elected member, at 53,658, ranks as the second highest of the regional municipalities. Niagara's population per elected member is significantly less at 14,378, Durham's is 21,719, Halton's is 25,083 and Waterloo's is 33,806.

The Region's population per elected member is also significantly higher than one abutting municipality, Simcoe, whose population per elected member is 13,939, but slightly lower than Toronto's which is 60,900.

Table 2 shows a comparison of the number of elected members, population and population per elected member for the six Regions, Simcoe County and the City of Toronto. For more comparisons to smaller municipalities, please see *Attachment #1*.

Table 2
Population and Representation for Regional Municipalities,
Simcoe and Toronto 2011

Region	# of Elected Local Members	Population 2011	Population Per Elected Member
Simcoe	32	446,063	13,939
Niagara	30	431,346	14,378
Durham	28	608,124	21,719
Halton	20	501,669	25,083
Waterloo	15	507,096	33,806
York	20	1,073,158	53,658
Peel	24	1,327,000	55,292
Toronto	45	2,740,500	60,900

Four local municipalities only have one representative on Regional Council

Four of York Region's municipalities — Aurora, East Gwillimbury, King and Whitchurch-Stouffville - only have one representative on Regional Council. The representative is the Mayor in each case. It has been submitted that this places an undue burden on each of these Mayors to attend to the heavy workload at Regional Council and

Committees as well as the formal and ceremonial duties of being the Mayor and Chief Executive Officer of a local municipality. Likewise, it has been submitted that local municipalities with only one representative are largely unrepresented at some Regional Committees and that they are entirely unrepresented in case of a Mayor's absence from Council.

Local councils may appoint one member as an alternate to an upper-tier council when a member is unable to act for an extended period

Section 267(1) of the *Municipal Act* provides that if a person who is a member of the councils of a local municipality and its upper-tier municipality is unable to act as a member of those councils for a period exceeding one month, the local council may appoint one of its members as an alternate member of the upper-tier council to act in place of the member until the member is able to resume acting as a member of those councils. This section provides some relief to local municipalities with one member but can only be invoked if the absence is for more than a month. It doesn't allow for representation when a member is unable, particularly on short notice, to attend an individual meeting.

Representation by population varies significantly in the other five regional municipalities

Equal representation by population is very difficult to achieve statistically. The population per elected representative in the other five regional municipalities varies significantly. In Durham Region, it ranges from just over 6,000 population per elected representative to over 37,000 per elected representative. In Halton Region the range is from about 19,000 to about 30,000. In Niagara Region it is from about 7,000 to over 25,000. In Peel the range is from just over 12,000 (Caledon) to over 72,000 (Brampton). Similarly Waterloo has a range of about 10,000 population per elected representative in North Dumfries to over 45,000 in Kitchener. The discrepancies generally exist between rural municipalities that have a much lower population per elected representative ratio and urban municipalities that tend to have a much higher ratio.

The Notice of Motion before Council contemplates an additional member from each of Aurora, East Gwillimbury, King, Vaughan and Whitchurch-Stouffville

The Notice of Motion on Council's Agenda contemplates that Aurora, East Gwillimbury, King and Whitchurch-Stouffville would each have two elected members. Vaughan would have five elected members.

Table 3 shows what the population per elected member, percentage of population and percentage of representation would be for each of the Region's local municipalities if the proposed motion carries, based on projected populations in each of the Region's local municipalities at the end of 2014.

Table 3
Regional Council Structure under Proposed Notice of Motion (2014)

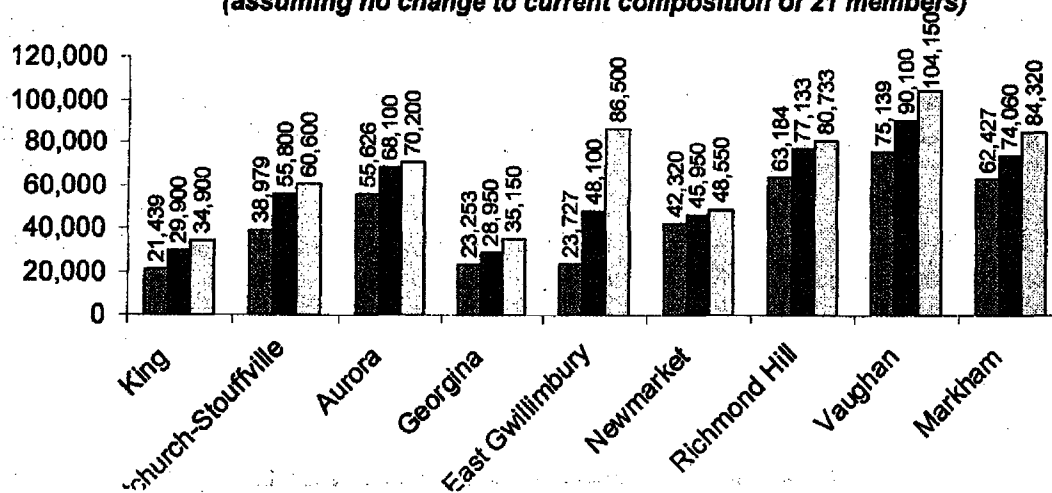
York Region Council (2014)					
Municipality	# of Elected Members	Projected Population	Population Per Elected Member	Percentage Population	Percentage Representation
Aurora	2	60,470	30,235	5	8
East Gwillimbury	2	30,311	15,155	3	8
Georgina	2	50,282	25,141	4	8
King	2	24,776	12,388	2	8
Markham	5	327,534	65,507	28	20
Newmarket	2	87,076	43,538	8	8
Richmond Hill	3	205,960	68,653	18	12
Vaughan	5	317,683	63,537	28	20
Whitchurch-Stouffville	2	45,232	22,616	4	8
Totals	25	1,149,323	45,973	100	100

Source: York Region Office of the CAO, Long Range Planning Branch based on Statistics Canada

York Region's population is expected to grow significantly

York Region is one of Canada's fastest growing municipalities. Its population is expected to grow to 1.5 million by 2031 in accordance with the Province's *Places to Grow Act* and the *Regional Official Plan*. If current population projections are realized, then York Regional Council members will be representing, on average, much more population than now if there are no adjustments to the composition of Regional Council. For instance, each Vaughan representative on Regional Council will represent an average population of 90,100 by 2021 and 104,150 by 2031. Chart 1 sets out the current and projected population per local representative in 2021 and 2031 if the composition of Regional Council remains the same.

Chart 1
2011 Actual and Projected Population Per Local Member
(assuming no change to current composition of 21 members)



Weighted Voting may offer some opportunity to offset discrepancies in "representation by population"

Simcoe County has two elected representatives for each of its 16 local municipalities. Populations in these local municipalities range from about 10,000 to 45,000. This means that an adjustment must be made to achieve "representation by population".

Weighted voting is used by Simcoe County for recorded votes at its Council. The weight of each vote is determined at the beginning of each term by the number of municipal electors. Each Mayor's weighted vote has the same weight or one more than the Deputy Mayor.

There is a minimum of four votes per municipality on each recorded vote on the basis that each small municipality's member's vote has a minimum weight of two. The highest weighted vote on Simcoe County Council is seven for the Mayor of the largest municipality (Innisfil).

Link to Key Council-approved Plans

Appropriate Council representation links most directly to the Fundamental Principle of 'Good Government' on which the 2011-2015 Strategic Plan is founded.

5. FINANCIAL IMPLICATIONS

Five additional Council Members would cost approximately \$305,000

Effective October 1, 2012 the salary for each elected representative on Regional Council will be \$51,254. The salary cost for five additional Members of Council, based on 2012 rates, would be \$256,270.

Benefits are paid at the local level and reimbursed by the Region. The benefits costs for five additional members from Aurora, East Gwillimbury, King, Vaughan and Whitchurch-Stouffville are approximately \$30,000.

Eligible expenses are also paid to Members of Council. The prime expense is mileage relating to attendance at Regional Council and Committee meetings. These expenses amount to about \$12,600 for members from the pertinent five municipalities in 2011.

Each Member of Council is also still supplied with hard copies of Council and Committee Agendas. The cost for hard copies of Agendas would total about \$5,000 (\$1,000 each) for the five additional members.

The estimated additional annual cost for five additional members of council would therefore be in the order of \$305,000.

There would be a one-time cost for alterations to the Council Chambers of approximately \$55,000

The Regional Council chambers would need to be modified to accommodate additional members. The existing counter and seating platform would need to be extended and raised. This would require approximately \$35,000 of millwork, \$5,000 to raise the seating area and an additional \$15,000 for electrical and data improvements.

6. LOCAL MUNICIPAL IMPACT

Additional representatives would increase the proportional representation of the municipalities they represent and decrease the proportional representation of all other local municipalities. Additional representation would mean that there would be more members of the affected municipalities who could supply a "Regional voice" in local Councils.

7. CONCLUSION

On June 28, 2012 Regional Council received a Notice of Motion proposing a change in the composition of Regional Council. This report responds to Council's request for a staff report on the process for changing the composition of Regional Council

For more information on this report, please contact Bruce Macgregor, Chief Administrative Officer at Ext. 1200.

Respectfully submitted,

**September 10, 2012
Newmarket, Ontario**

**Bruce Macgregor
Chief Administrative Officer**