

THE REGIONAL MUNICIPALITY OF YORK

**REPORT NO. 4
OF THE REGIONAL
CHIEF ADMINISTRATIVE OFFICER**

**For Consideration by
The Council of The Regional Municipality of York
on November 21, 2002**

**1
COUNCIL REPRESENTATION****1. RECOMMENDATIONS**

It is recommended that:

1. Regional Council request the Minister of Municipal Affairs and Housing to make a regulation declaring that section 27 of the *Municipal Act* applies to the Regional Municipality of York.
2. The Regional Clerk forward a copy of this report to the local municipalities with a request that they consent, at their meetings in December, 2002, to a by-law changing the composition and size of Regional Council to permit an additional member from the City of Vaughan.
3. Regional Council hold a public meeting at 9:30 a.m. on December 19, 2002 for the purpose of considering this by-law.
4. Staff publish notice of Council's intention to pass the by-law.

2. PURPOSE

This report outlines the process for changing Regional Council's composition and size. It also provides information pertaining to the City of Vaughan's request for additional representation on Regional Council.

3. BACKGROUND

At its meeting of June 10, 2002, City of Vaughan Council adopted a resolution asking Regional Council to request the Minister of Municipal Affairs and Housing ("the Minister") to make a regulation under the *Municipal Act* ("the Act") and under the *Municipal Act, 2001* ("the new Act"). The effect of these regulations would be to permit Regional Council to change its composition and size to adjust the representation from the

City of Vaughan. A copy of a letter dated June 11, 2002 from the City of Vaughan is attached as Appendix "A".

At its meeting of November 7, 2002, the Finance and Administration Committee recommended that Regional Council request the Minister to give Regional Council the authority to change its composition in order to permit one additional member from the City of Vaughan. The Committee also requested that a report be forwarded to Council providing background information in this regard.

4. ANALYSIS AND OPTIONS

The following paragraphs outline the statutory framework for changing the composition and size of Regional Council. They also provide information relating to representation on Regional Council, particularly as it relates to representation from the City of Vaughan.

4.1 Legislative Authority

4.1.1 The *Municipal Act*

The legislative authority for changing the composition and size of Regional Council is contained in the *Municipal Act*. The Act is in effect until December 31, 2002 when it will be superseded by the new Act.

4.1.2 By-law

Section 27 of the Act contains the current provisions for changing the composition and size of the council of an "upper-tier municipality" such as the Regional Municipality of York. It provides that Council may pass a by-law to change its composition and size so long as there is a chair, each local municipality is represented by at least one member, and the manner of election to council is not changed. The section also provides that Council must give notice of its intention to pass the by-law and hold at least one public meeting before passing it.

4.1.3 Triple Majority

Section 27 of the Act contains a number of pre-conditions to the by-law coming into force. Firstly, a majority of all votes on Regional Council must be cast in its favour. Secondly, a majority of the councils of the local municipalities must pass resolutions consenting to the by-law. Thirdly, the total number of electors in the local municipalities that pass resolutions consenting to the by-law must form a majority of all electors in York Region. This is often referred to as a "triple majority".

4.1.4 Minister's Regulation

Section 27 of the Act also contains a provision that it does not apply to an upper-tier municipality until the Minister makes a regulation declaring that this is the case. The effect of this provision is that Regional Council would need to formally request the Minister to make a regulation declaring that section 27 applies to the Regional Municipality of York.

4.1.5 Timing

All of the actions and pre-conditions set out above would need to be completed by December 31, 2002 for the current Act to apply and for the changes to take place in 2003. In other words:

- Council would need to make a request to the Minister
- The Minister would need to make the regulation
- Council would have to give notice, hold the public meeting and pass the by-law with a majority of all of the votes on Council
- At least five local municipalities containing a majority of the Region's electors would need to consent to the by-law.

Under the circumstances, it would be necessary to circulate a draft by-law to the local municipalities for their consent prior to the enactment of the by-law by Regional Council.

For this to happen, the following timetable would need to be followed:

November 21-22, 2002	Letters sent to Minister and local municipalities
Week of Nov. 25, 2002	Notice published of intent to pass by-law
December 2-16, 2002	At least 5 Local Councils containing more than 50% of Region's electors consent to by-law
Nov. 25- Dec. 18, 2002	Minister files regulation under Section 27 of the Act
December 19, 2002	Regional Council holds public hearing and passes by-law

If all of the actions and pre-conditions are not completed by December 31, 2002, then a by-law changing the composition and size of Regional Council would be under the authority of the new Act. The new Act provides that such a by-law could not be in effect until after the second regular election following its enactment (i.e. December, 2006). An amendment to *The Regional Municipality of York Act* would also not be possible. This is because it, like various other similar statutes, is repealed as part of the new Act coming into force on January 1, 2003.

4.1.6 Minister's Regulation—Niagara Region

On October 3, 2002 the Regional Municipality of Niagara sought, and obtained, a Minister's regulation under the Act authorizing it to change the size and composition of

its Council. This was to permit a change to its composition and size to accommodate an additional member from the Town of Pelham (pop. 15,272) so that it would have the same number of members (two) as Niagara-on-the-Lake (pop. 13,839). The Minister's regulation was filed on October 29, 2002 and Niagara Region Council held a public meeting to consider its by-law on that date. The by-law in Niagara Region is expected to take effect on December 1, 2003 with the beginning of the new term of office.

4.2 Council's Composition and Size

4.2.1 Historical Context

In 1971, when the Region came into being, Regional Council was comprised of the Regional Chair and 16 other members. The Region's population at the time was 165,671.

In 1979, the Province permitted Regional Council to add an additional member from Markham. It likewise permitted an additional member from each of Markham and Vaughan beginning December 1, 1988. This was done to reflect the rapid growth of these two municipalities in relation to the rest of the Region. Between 1971 and 1988, for instance, Markham's population had grown from 22.1% to 31.9% of the Region's overall population of 434,757. Vaughan's proportion of the Region's population had grown from 9.6% to 21.2% during the same period. Each of the changes to Regional Council took place after a regular election to coincide with the new term of Council.

4.2.2 Current Composition

Regional Council is now comprised of the Regional Chair and 19 other members. Nine of these members are the heads of council of each of the local municipalities. There are four additional members from Markham, two additional members from each of Richmond Hill and Vaughan, and one additional member from each of Georgina and Newmarket. Regional Council now represents a population of about 820,000.

Thus the Region's population has grown by almost 400,000 since 1988 without any change to Regional Council.

4.2.3 Representation by Population

One of the basic tenets of our democratic system of government is "representation by population". This tenet holds that, to the extent possible, equal numbers of people will be represented by equal numbers of elected representatives.

Attached as Appendix “B” is a chart outlining the population and representation of each municipality on Regional Council in 2002 and outlining the population and representation if an additional member is added from the City of Vaughan. The following paragraphs will focus on representation in the City of Vaughan as per its letter and the recommendation of the Finance and Administration Committee.

4.2.4 Vaughan’s Representation and Population

In 1971, when the Region was created, the Township of Vaughan had a population of 15,839. Its two members constituted 12.5% of Regional Council’s overall membership of 16 from the local municipalities. Its population was 9.6% of the Region’s population.

Prior to the 1988 change in representation, Markham had 31.9% of the Region’s population but only 23.5% of local representation on Regional Council. Vaughan had 21.2% of the Region’s population but only 11.8% of local representation on Regional Council.

In 2002, the City of Vaughan’s three members constitute 15.8% of the 19 local members on Regional Council. The City of Vaughan’s population as of June, 2002 was 210,000. This is 25.8% of the Region’s population. This discrepancy between membership on Council and population reflects Vaughan’s significant relative growth in population in recent years. Population projections indicate that the discrepancy will continue in upcoming years. Increasing Vaughan’s membership by one member would mean that it would have 20% (4 of 20) of the local representation on Regional Council.

4.2.5 Representation in Other Regional Municipalities

Representation on Regional Council can be compared to representation on other regional councils. Population numbers are based on 2001 estimates since not all municipalities have updated population numbers for 2002.

Table 1

Representation by Population in Regional Municipalities

Municipality	Local Members	2001 Population(est.)	Population Ratio
Durham	28	506,900	18,104
Halton	20	375,200	18,760
Niagara	29	420,000	14,483

Peel	21	950,000	45,238
Waterloo	16	458,400	28,650
York	19	792,000	41,684

Increasing Regional Council's representation by one member would mean that, given the current and projected populations, each member, on average, would still represent over 40,000 people. Members of Regional Council would continue to represent an average population greater than that in four of the five regional municipalities.

4.2.6 Draft By-law

A draft by-law to change Regional Council's composition and size to include an additional member from the City of Vaughan will be provided to Regional Council at its meeting of November 21, 2002.

5. FINANCIAL IMPLICATIONS

Adding an additional member of Regional Council would result in the normal salary, benefit and administrative costs to support a member.

6. LOCAL MUNICIPAL IMPACT

An additional member from the City of Vaughan would result in a minor shift in the membership to population percentages of each of the other municipalities. The City of Vaughan would likely need to take the necessary steps to increase the size of its Council by December 31, 2002. This would not require a Minister's regulation.

7. CONCLUSION

The difference between the City of Vaughan's percentage of membership on Regional Council and its percentage of the Region's population indicates that there is merit in its contention that it should have additional representation on Regional Council. Regional Council would need to obtain a regulation authorizing it to pass a by-law to change its composition and size. There would be a number of other actions and pre-conditions that would need to occur prior to the by-law coming into force. These would all need to be completed by December 31, 2002 for the change to take place in 2003.

Appendix A

06-14-02A10:26 RCVD

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10689
REGION OF YORK
CLERK'S OFFICE

FILE No. - 103
Clerk's Department
2141 Major Mackenzie Drive
Vaughan, Ontario
Canada L6A 1T1

Tel (905) 832-8504
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SENT BY FAX 1-905-895-3031 AND MAIL

FOR INQUIRIES: PLEASE QUOTE ITEM & REPORT NO.

June 11, 2002

Mr. Denis Kelly, Regional Clerk
Regional Municipality of York
P.O. Box 147
17250 Yonge Street
Newmarket, ON
L3Y 6Z1

Dear Mr. Kelly:

**RE: CITY OF VAUGHAN
REPRESENTATION ON REGIONAL COUNCIL**

The City of Vaughan Council at its meeting held on June 10, 2002, adopted the following resolution:

"WHEREAS there have been substantial population increases in different areas of the Regional Municipality of York over the past ten years;

AND WHEREAS the current composition of the Council for The Regional Municipality of York does not ensure fair and equitable representation of The Corporation of the City of Vaughan based on the population increase in Vaughan;

AND WHEREAS the Council of the City of Vaughan has advised the Region of York that it is essential to take all required actions to adjust the representation on York Council to more closely reflect the population of the area municipalities and the apportionment of costs among the area municipalities on a number of occasions including, most recently, by a resolution of the Council of the City of Vaughan on March 19, 2001;

AND WHEREAS the continuing inequitable representation of the residents and ratepayers of the City of Vaughan on the Region of York Council must be addressed immediately;

BE IT RESOLVED THAT the Council of The Regional Municipality of York hereby requests the Minister of Municipal Affairs and Housing to make a regulation under subsection 27(10) of the Municipal Act, R.S.O. 1990, c. M.45, as amended, declaring that section 27 of the Municipal Act applies to The Regional Municipality of York, and further that a regulation to the same effect be made by the Minister under section 218 of the Municipal Act, 2001, S.O. 2001, c. 25, since the new legislation will come into force on January 1, 2003 and any changes to the composition of the upper-tier Council many not be completed prior to January 1, 2003;

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AND THAT, once the Minister of Municipal Affairs has filed the regulation(s) referred to above, that The Regional Municipality of York shall immediately take all required actions and obtain all required approvals under section 27 of the existing Municipal Act and under sections 218 and 219 of the Municipal Act, 2001, as required, to adjust the representation of The Corporation of the City of Vaughan on the Region of York Council;

AND THAT a copy of this resolution be forwarded to the Premier of Ontario, the Minister of Municipal Affairs and Housing, all York Region MPP's, and to each of the area municipalities in the Region of York."

Attached for your attention and information is **Item 36, Report No. 46** of the Committee of the Whole regarding the above-noted matter.

As this outstanding issue is a matter of considerable importance, your assistance in placing this resolution before Regional Council at the earliest opportunity would be appreciated.

Thank you for your assistance to this matter.

Yours sincerely



J. D. Weach
City Clerk

Attachment:

Extract

Attachment # 1 – Extract from Council Meeting Minutes of March 19, 2001

JDL/pa

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CITY OF VAUGHAN**EXTRACT FROM COUNCIL MEETING MINUTES OF JUNE 10, 2002**

Item 36, Report No. 46, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on June 10, 2002.

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**CITY OF VAUGHAN
REPRESENTATION ON REGIONAL COUNCIL**

The Committee of the Whole recommends approval of the recommendation contained in the following report of the Deputy City Manager and City Solicitor, dated June 3, 2002:

Recommendation

The Deputy City Manager and City Solicitor recommends that Council resolve that the Council of The Regional Municipality of York be requested to pass the following resolution regarding representation on Regional Council:

"WHEREAS there have been substantial population increases in different areas of the Regional Municipality of York over the past ten years;

AND WHEREAS the current composition of the Council for The Regional Municipality of York does not ensure fair and equitable representation of The Corporation of the City of Vaughan based on the population increase in Vaughan;

AND WHEREAS the Council of the City of Vaughan has advised the Region of York that it is essential to take all required actions to adjust the representation on York Council to more closely reflect the population of the area municipalities and the apportionment of costs among the area municipalities on a number of occasions including, most recently, by a resolution of the Council of the City of Vaughan on March 19, 2001;

AND WHEREAS the continuing inequitable representation of the residents and ratepayers of the City of Vaughan on the Region of York Council must be addressed immediately;

BE IT RESOLVED THAT the Council of The Regional Municipality of York hereby requests the Minister of Municipal Affairs and Housing to make a regulation under subsection 27(10) of the Municipal Act, R.S.O. 1990, c. M.45, as amended, declaring that section 27 of the Municipal Act applies to The Regional Municipality of York, and further that a regulation to the same effect be made by the Minister under section 218 of the Municipal Act, 2001, S.O. 2001, c. 25, since the new legislation will come into force on January 1, 2003 and any changes to the composition of the upper-tier Council many not be completed prior to January 1, 2003;

AND THAT, once the Minister of Municipal Affairs has filed the regulation(s) referred to above, that The Regional Municipality of York shall immediately take all required actions and obtain all required approvals under section 27 of the existing Municipal Act and under sections 218 and 219 of the Municipal Act, 2001, as required, to adjust the representation of The Corporation of the City of Vaughan on the Region of York Council;

AND THAT a copy of this resolution be forwarded to the Premier of Ontario, the Minister of Municipal Affairs and Housing, all York Region MPP's, and to each of the area municipalities in the Region of York."

Purpose

To request the Region of York to pass the necessary resolution to request the Minister of Municipal Affairs and Housing to make a regulation and take all required actions to adjust the representation of the City of Vaughan on the Region of York Council.

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF JUNE 10, 2002

Item 36, CW Report No. 46 – Page 2

Background - Analysis and Options

On March 19, 2001, Council passed a resolution, Attachment #1, advising the Council of the Region of York that actions should be taken regarding Vaughan's representation on Regional Council. This resolution was forwarded to the Regional Clerk on March 23, 2001, however, no resolution was passed by Regional Council. The matter was further brought to the attention of Regional Council by Mayor Di Biase (then Regional Councillor Di Biase).

One suggestion regarding increasing Vaughan's Regional representation without increasing the total number of elected officials in Vaughan above the present eight, was to review a restructuring of the ward boundaries to adjust the number of local councillors and regional councillors.

The report of the City Clerk on this agenda regarding ward boundary restructuring indicates that this is not feasible.

Accordingly, it is necessary for the Region of York to pass the resolution recommended herein to initiate the process to ensure that the representation of the City of Vaughan on the Region of York Council is adjusted to reflect the population and apportionment of costs borne by the City of Vaughan.

Conclusion

To obtain the necessary adjustment to Vaughan's representation on Regional Council, it is recommended that Council pass the resolution included herein requesting the Region to pass the resolution included in this recommendation.

Attachment

Attachment # 1 – Extract from Council Meeting Minutes of March 19, 2001

Report prepared by:

Theresa A. Caron

(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)

Attachment #1

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF MARCH 19, 2001

Item 28, Report No. 18, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on March 19, 2001.

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CITY OF VAUGHAN
REPRESENTATION ON REGIONAL COUNCIL

The Committee of the Whole recommends approval of the recommendation contained in the following report of Regional Councillor DiBiase, dated March 5, 2001:

Recommendation

Regional Councillor Michael Di Biase recommends:

That the following resolution be approved:

WHEREAS the Premier of the Province of Ontario has announced that there will be no forced restructuring of the municipalities within the 905 area;

AND WHEREAS the Final report in respect of the Review of the Greater Toronto Services Board suggests that the Board should consider options which would involve significant changes in the GTSB's authority;

AND WHEREAS as a result of these decisions, the Region of York will continue to play an important role in respect to the delivery of services and the governance of the residents of the City of Vaughan;

AND WHEREAS the budget of the Region of York has increased substantially as a result of the transfer of services from the Province of Ontario as well as the local municipalities;

AND WHEREAS the residents of the City of Vaughan, for the Year 2000, have paid 28.7165 percent of the Region of York levy while they are represented on Regional Council by three (3) members constituting only 15.7% of Regional Council;

AND WHEREAS the residents of the Town of Markham for the Year 2000 have paid 28.8268 percent of the Region of York levy while they are represented on Regional Council by five (5) members constituting 26.3% of Regional Council;

AND WHEREAS the City of Vaughan has requested consideration of an increase to its representation in 1987, 1990, 1994, 1996, and 1999;

AND WHEREAS this continuing inequity in representation for the residents of the City of Vaughan must be addressed immediately;

BE IT HEREBY RESOLVED THAT The Council of the City of Vaughan advises the Council of the Region of York that it is essential and urgent that required actions be taken immediately to adjust the representation on the Region of York Council to more closely reflect population and, more particularly, the apportionment of costs between and among the area municipalities of the Region;

AND THAT the additional representatives assume office as soon as possible during this term of Council;

AND THAT a copy of this resolution be forwarded to the Premier of Ontario, the Minister of Municipal Affairs and Housing, York Region MPPs, Regional Council, and area municipalities within the Region of York.

Appendix B

REPRESENTATION ON YORK REGION COUNCIL

2002 ¹					2002- 1 Additional Member from Vaughan			
Municipality	Members	Estimated Population June 2002	% Members	% Population	Members	Estimated Population June 2002	% Members	% Population
Aurora	1	43,500	5.3	5.4	1	43,500	5.0	5.4
East Gwillimbury	1	21,800	5.3	2.7	1	21,800	5.0	2.7
Georgina	2	43,000	10.5	5.3	2	43,000	10.0	5.3
King	1	19,700	5.3	2.4	1	19,700	5.0	2.4
Markham	5	231,300	26.3	28.5	5	231,300	25.0	28.5
Newmarket	2	71,200	10.5	8.8	2	71,200	10.0	8.8
Richmond Hill	3	148,200	15.8	18.2	3	148,200	15.0	18.2
Vaughan	3	210,000	15.8	25.8	4	210,000	20.0	25.8
Whitchurch-Stouffville	1	23,800	5.3	2.9	1	23,800	5.0	2.9
York Region	19	812,500			20	812,500		

¹ Source – York Region Planning and Development Services Department, Economic & Development Review, Mid-Year 2002

Respectfully submitted,

**November 14, 2002
Newmarket, Ontario**

**Michael R. Garrett
Chief Administrative Officer**

(Report No. 4 of the Chief Administrative Officer was adopted, without amendment, by the Council of The Regional Municipality of York at its meeting on November 21, 2002.)