

Report No. 1 of Chief Administrative Officer was adopted, without amendment, by the Council of The Regional Municipality of York at its meeting held on February 18, 2016.

Region-wide Election of the Regional Chair in Other Jurisdictions

Report No. 1 of the Chief Administrative Officer dated February 11, 2016 now follows:

1. Recommendations

It is recommended that Council receive this report for information.

2. Purpose

This report presents information relating to the Region-wide election of Regional Chairs in other jurisdictions.

3. Background

Regional Council requested further information on the Region-wide election of Regional Chairs in other jurisdictions

At its meeting on November 19, 2015, Regional Council had before it a motion in support of the *Municipal Amendment Act (Election of Chair of York Region), 2014* (Bill 42). Consideration of the motion was deferred until Council's February 18, 2016 meeting, pending a report with further information relating to the Region-wide election of Regional Chairs in other jurisdictions.

Private Member's Bill 42 seeks to amend the *Municipal Act* to require that York Region's Chair be elected by general vote

Bill 42 seeks to amend section 218 of the *Municipal Act* by adding the following:

Exception, The Regional Municipality of York

(1.1) In the case of The Regional Municipality of York, paragraph 2 of subsection (1) does not apply and instead the following rule applies:

1. The head of council shall be elected by general vote in accordance with the Municipal Elections Act, 1996.

Transition

(1.2) Subsection (1.1) does not apply until the next regular election after subsection (1.1) comes into force is held.

The Bill received its first reading on November 19, 2014 and its second reading on December 4, 2014. It is currently referred to the Standing Committee on the Legislative Assembly.

York Region's Regional Chair is appointed by election of Regional Council at its inaugural meeting

The Province appointed York Region's first Regional Chairman in 1970 for the first two 2-year terms of Council. Since 1974, the Regional Chair has been appointed by election of Regional Council at each inaugural meeting. There have been six Regional Chairs over the subsequent 16 terms of Council.

Regional Council has previously considered a change to the manner of electing the Regional Chair

At its meeting on June 28, 2012, Regional Council adopted the recommendations of the Finance and Administration Committee regarding the proposed *Municipal Amendment Act (Election of Chair of York Region), 2012* (Bill 60), as follows:

1. the Region not support Bill 60 and retain the status quo regarding the election of the Regional Chair and
2. notify the Minister of Municipal Affairs and Housing, all York Region MPPs and other interested parties of Council's decision.

4. Analysis and Options

The Regional Chair is head of council and the roles of head of council and Chief Executive Officer are set out in the *Municipal Act*

Section 225 of the *Municipal Act* (the Act) states that it is the role of the head of council:

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- (a) to act as chief executive officer of the municipality;
- (b) to preside over council meetings so that its business can be carried out efficiently and effectively;
- (c) to provide leadership to the council;
- (c.1) without limiting clause (c), to provide information and recommendations to the council with respect to the role of council described in clauses 224 (d) and (d.1) (*Note: This refers to Council's role in ensuring administrative and controllership policies, practices and procedures are in place to implement the decisions of Council as well as its role in ensuring the accountability and transparency of the municipality's operations, including the activities of senior management.*);
- (d) to represent the municipality at official functions; and
- (e) to carry out the duties of the head of council under this or any other Act.

Section 226.1 of the Act states that as chief executive officer, the head of council shall:

- (a) uphold and promote the purposes of the municipality;
- (b) promote public involvement in the municipality's activities;
- (c) act as the representative of the municipality both within and outside the municipality, and promote the municipality locally, nationally and internationally; and
- (d) participate in and foster activities that enhance the economic, social and environmental well-being of the municipality and its residents.

The *Municipal Act* provisions are mirrored by the provisions relating to the head of council and chief executive officer in the *City of Toronto Act*.

Durham, Halton and Waterloo Regions have Regional Chairs who are elected by a Region-wide vote

Originally, the Chairs of the six regional municipalities (excluding the District Municipalities of Muskoka and Oxford) in Ontario were elected by Regional Councils at their inaugural meetings. In a series of changes since 1997, the Regions of Durham, Halton and Waterloo have changed to electing their Regional Chairs by way of a Region-wide vote.

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Durham Region's Chair was first elected at-large in 2014

On December 22, 2010, following a referendum in the 2010 municipal election, Durham Council passed a resolution requesting the Minister of Municipal Affairs and Housing to enact a regulation authorizing Durham Region to change the method of selecting the Regional Chair. The legislated process for doing this was completed in time for the 2014 municipal election.

Waterloo and Halton Regions' Chairs have been elected at-large since 1997 and 2000 respectively

In Waterloo Region the Regional Chair has been elected by Region-wide vote since 1997. As with Durham and Halton Regions, the change was initiated by Waterloo Region.

In January 1998, following an extensive review and report, Halton Region Council passed a resolution similar to Durham's. The legislated process was completed in time for the 2000 municipal election.

For these Regions, the total number of votes cast for Regional Chair candidates in the 2014 municipal election was 94% to 95% of the total number of votes cast for the local municipal mayoralty candidates.

To date, the Province has not unilaterally passed legislation to change the manner for electing Regional Chairs.

Niagara, Peel and York Regions have Regional Chairs who are elected by Regional Council at its inaugural meeting

Niagara Region's Regional Chair is currently elected by Council at its inaugural meeting. At its October 1, 2015 meeting, Niagara Region Council considered a motion requesting Provincial authorization for Niagara Region to change the method of selecting the Regional Chair. The motion was defeated on a recorded vote of 21 to 7.

Peel Region's Regional Chair is also elected by Council at its inaugural meeting. A change in the manner of electing Peel's Regional Chair is being considered as part of a broader review of regional governance. The Region issued a Request for Proposal for facilitation services related to a Task Force on Regional Governance. The Peel report to Council is currently scheduled for May 2016.

As noted earlier, York Region's Regional Chair has been elected by Council at its inaugural meeting since 1974.

Table 2
Summary of how Regional Chairs are elected

Chair elected by Council	Chair elected at-large
Niagara	Durham
Peel	Halton
York	Waterloo

The heads of council for the District Municipality of Muskoka and the County of Simcoe are elected by Council

The District Municipality of Muskoka operates in a similar way to Ontario’s regional municipalities. Its Chair is elected by Council at its inaugural meeting for a term of four years. Simcoe County is adjacent to York Region and is part of the Provincial Growth Plan. The County Warden is elected by Members of Council although only for a term of two years. The election process happens in the first and third years of the term of Council.

The Prime Minister and the Premier of Ontario are not directly elected to their offices

Prime Minister Trudeau became Prime Minister by virtue of being elected Liberal leader at the Party’s 2013 leadership convention, winning his seat in the 2014 Federal election and the Liberal Party securing the majority of the seats in Parliament.

Premier Wynne became Premier of Ontario by virtue of winning the Liberal Party leadership convention in early 2013 and replacing outgoing Premier McGuinty. She was re-elected as Premier in 2014 by virtue of being elected in her riding and the provincial Liberal Party winning a majority of the seats in the Legislature.

An election held on a Region-wide basis can be compared to other elections in Regions and large municipalities

A Region-wide election for the Regional Chair would involve approximately 750,000 eligible electors based on population projections for 2018. This would make it the third largest municipal election in Canada if Peel continues with electing its Regional Chair at the inaugural meeting. About 550,000, or 73%, of the Region’s eligible electors would come from Markham, Vaughan and Richmond Hill.

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Candidates could incur significant expenses in a region-wide election campaign for Regional Chair

Campaign spending limits are prescribed by the *Municipal Elections Act* using a formula based on the number of eligible electors. For a head of council, the spending limit is \$7,500 plus \$0.85 per eligible elector. Based on 2014 statistics, a candidate in a Region-wide election for the Regional Chair would have a spending limit close to \$600,000. Based on population projections the spending limit in 2018 could be in excess of \$650,000.

The spending limit applies to most expenses related to an election campaign up to voting day with the exception of fundraising events and activities.

Table 1 shows how a Region-wide election for Regional Chair can be compared to other major elections for heads of council across Canada in terms of the number of eligible electors and campaign spending limits.

Table 2
Comparison of major elections for heads of council - 2014

Municipality	2014 Eligible Electors	Spending limit (\$)
Toronto	1,602,524	1,369,611
Montreal ¹	1,101,998	944,198
Peel Region ²	780,858	686,213
York Region ²	687,571	591,935
Calgary ¹	667,910	575,224
Ottawa	632,285	544,942
Durham Region	445,982	386,575
Mississauga	445,961	386,567
Waterloo	359,431	312,849
Halton	350,952	305,802
Brampton	288,458	252,689

¹ Quebec and Alberta have different spending limit rules so spending limit information has been calculated based on Ontario's rules.

² Estimate is based on the number of eligible electors in the 2014 local municipal elections

The Regional Clerk would have a role in the election of a Regional Chair

The roles of the local Clerks and Regional Clerk are set out in the *Municipal Act*. The local Clerks are responsible for conducting the election and reporting the

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vote on the Regional Chair to the Regional Clerk. The Regional Clerk's role would include responsibility for accepting nominations for the position of Regional Chair as well as summarizing the vote and announcing the result on voting day.

The Regional Clerk would also have a role in managing election finances documentation and related issues as well as the setup and administration of a Compliance Audit Committee.

There is a legislated process for changing the manner of electing a Regional Chair

The *Municipal Act* sets out the process by which a Regional municipality can change the manner for electing the Regional Chair.

Regional Council would first need to pass a resolution requesting the Minister of Municipal Affairs and Housing to enact a Regulation authorizing the Region to exercise its powers to change the method of electing the Regional Chair pursuant to section 218 of the *Municipal Act*.

Once the Regulation is enacted, Regional Council can, after holding at least one public meeting, pass a bylaw to change the manner of electing the Regional Chair to a Region-wide election. Before the bylaw comes into effect it must receive a "triple majority" which occurs when:

1. the bylaw receives the support of a majority of votes on Regional Council;
2. a majority of the councils of all local municipalities pass resolutions consenting to the bylaw; and
3. the total number of electors in the local municipalities that have passed resolutions consenting to the bylaw form a majority of all the electors in York Region.

This process would need to be complete by December 31, 2017 to be in place for the 2018 election. Given the various approvals that are needed, including the Provincial Regulation and associated notice period, a request for a Provincial Regulation should be made by December 15, 2016.

The Province can legislate for a directly-elected Regional Chair

In the absence of a request by York Region, the Province may also unilaterally enact an amendment to the *Municipal Act* requiring that the manner of electing the Regional Chair be by general vote across the Region. This is the purpose of Bill 42.

Link to key Council-approved plans

Under the *Municipal Act*, the Regional Chair, as head of Council, provides leadership to Council and provides information and recommendations to Council relating to its role in ensuring the Region has administrative and controllership policies, practices and procedures to ensure the implementation of Council's decisions.

Consequently, the Regional Chair has a role in the approval and implementation of all Council-approved plans.

5. Financial Implications

York Region may incur election-related expenses

The Region would incur some election-related costs associated with a Region-wide election for the Regional Chair. These costs relate to such items as communications activities, responding to election-related inquiries and issues, the administration of the Compliance Audit Committee and staffing on voting day. Based on experience in other Regions the cost is likely to be in the range of \$25,000 to \$30,000.

There are additional costs related to election rebate programs

Seven Ontario municipalities have election rebate programs, each with their own formula for calculating the total rebate. For example, in Toronto the maximum amount rebated to an individual is \$1,000, in Markham it is \$350 and in Vaughan it is \$150. Neither corporations nor trade unions are eligible for rebates under any Ontario municipal rebate program.

If the Region adopted a similar rebate program there would be cost implications based on whatever rebate formula the Region adopted and the total amount of contributions the candidates receive. These costs could be in the range of \$150,000 to \$200,000 or more for a Regional Chair elected on a Region-wide basis.

6. Local Municipal Impact

If the Regional Chair was elected by a general Region-wide vote the local municipal Clerks would be responsible for conducting the election for Regional Chair as part of their current municipal election duties. There would be some additional interaction with the Regional Clerk to coordinate the inclusion of Regional Chair candidates on the ballots as well as reporting and announcing the vote.

7. Conclusion

The Regional Chair is currently elected by Regional Council at its inaugural meeting. The Regions of Niagara and Peel use the same method whereas the Regions of Durham, Halton and Waterloo have Regional Chairs who are elected by general vote.

Based on projected 2018 population statistics, a change to directly electing York Region's Regional Chair would involve an election comprising approximately 750,000 eligible electors – the third largest municipal election in Canada. Candidates for Regional Chair would have a spending limit in excess of \$650,000.

The election process would primarily be administered by the local Clerks with the Regional Clerk being responsible for managing election finances, Compliance Audit Committee and collating and announcing the outcome of the vote on voting day.

The *Municipal Act* sets out the process by which Regional Council can change the manner of electing the Regional Chair. If Regional Council initiated the change it would require a Regulation from the Minister of Municipal Affairs and Housing and then “triple majority” support from Regional Council and the local municipalities. The Province can also unilaterally amend the *Municipal Act* to provide for a Region-wide election of the Regional Chair.

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

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