

# Memorandum

Date: November 30, 2020

To: Members of Council

From: Carey Herd, Chief Administrative Officer

Subject: Composition of Regional Council

The purpose of this memo is to provide Caledon Council with a history of Peel regional council representation and current legislation regarding composition of upper-tier council.

The Region of Peel and the lower-tier municipalities have reviewed Regional Council composition a number of times. As a result of facilitated discussions in 2005 and recommendation from Justice Adams, the province passed Bill 186 modifying Regional Council composition to 24 members total, with Mississauga, Brampton and Caledon at 12, 7 and 5 seats respectively. This composition remains status quo today.

In 2013, a Task Force consisting of the Mayors of the lower-tier municipalities, the Regional Chair, the Chief Administrative Officers of each municipality and the Regional Clerk was established to consider a request from Brampton to add four seats. Regional Council endorsed the Task Force's recommendation to maintain status quo for the 2014 election, but to report back in 2015 to initiate a review of regional governance for the 2018 election.

In 2015, Regional Council established the Peel Regional Governance Task Force made up of the Mayors and Chief Administrative Officers of the lower-tiers and the Regional Clerk to consider changes to representation. In 2016, Caledon Council supported the options that would not reduce the number of Caledon representatives. Peel Regional Council endorsed the Task Force option to increase the size of Council to 32 seats and sent a letter to the Ministry of Municipal Affairs and Housing requesting approval. However, since Mississauga Council did not support the recommendation, the request did not meet the Province's "triple majority" rule requiring majority support of regional council, lower-tier councils and electors. The Ministry rejected the change in composition.

Throughout discussions of regional governance, Caledon Council has advocated that the interest of Caledon and rural Ontario is protected in decisions related to regional governance. Representation purely by population has the potential to limit the voice from rural areas. While smaller from a population perspective, Caledon plays a large role in the economic and environmental sustainability of the Region of Peel.

In 2018, the Municipal Act was amended requiring regional governments to review its composition within a specific timeframe. 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
- 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 regional by-law or resolution under Section 218 is not valid unless triple majority support is received.

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 after 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.

The Region created a Regional Council Policies and Procedures Committee to review the Region's Council operational structure, procedures and regulatory tools and provide recommendations to Regional Council regarding: Council transparency and accountability; Council's effective and efficient decision making structures and procedures; and, methods/tools to build on current practices. The Committee deferred a report and discussion in February 2020 to a future meeting. This item was brought forward once again on October 1, 2020 and the item was deferred until February 2021. At the meeting in October the minutes reflect that the Regional Clerk informed the Committee that a decision was to be made by December 31, 2021 for the composition to be effective for the next term of Council beginning in 2022.

On Thursday, November 26, 2020 Regional Council adopted a resolution regarding the Composition of Regional Council:

Whereas the Council of the Regional Municipality of Peel (the "Council") has reviewed the number of its members that represent each of its local municipalities pursuant to s.218(6) of the *Municipal Act, 2001* (the "Act");

And whereas, the Council has formed the intention to pass a by-law pursuant to s.218(2)(a) of the Act to change the number of its members that represent the City of Brampton and the Town of Caledon while maintaining the number of its members that represent the City of Mississauga, thereby maintaining the overall number of members of the Council;

Therefore be it resolved, that notice be given pursuant to s.219(1) of the Act of Council's intention to adopt a by-law to:

- i) change the number of its members that represent the City of Brampton and the Town of Caledon by increasing the number representing Brampton by 2 to 9 members and decreasing the number representing Caledon by 2 to 3 members to be effective for purposes of the municipal election to be held in October 2022 and for purposes of the composition of the Council for the term of office to result from that election, and
- ii) to provide that the 2 additional members representing Brampton be selected by the Brampton City Council from among City Councillors to represent Brampton on Council for a full four year term;

And further, that staff be directed to organize a public meeting to be held to consider the matter of Council's intention.

As a result of this resolution prior to enacting a by-law to change or maintain the composition of Regional Council, public notice of Regional Council's intention to enact a by-law must be provided and at least one public meeting held to consider the matter.

Following the Public Meeting the proposed by-law would be presented for enactment. If enacted by Regional Council, the by-law would be forwarded to the local municipalities requesting that they pass resolutions consenting to the by-law by a specified date.

Region of Peel staff would report to Regional Council to confirm receipt of consent (or not) from the local municipalities.

In order to be valid, the by-law would need to have what is referred to colloquially as a "triple majority":

- There must be a majority of all votes on Regional Council cast in its favour;
- A majority of the 3 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 by-law must form a majority of all electors in the Region of Peel.

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

If a change in composition takes effect, Caledon's ward boundary review will consider the change and recommendations will be made on where appropriate representation should be within the Town for Council's consideration.