



The Regional Municipality of Durham
To: Finance and Administration Committee
From: P. Madill, Regional Clerk
Report No.: 2012-A-8
Date: February 28, 2012

SUBJECT

POTENTIAL CHANGE TO THE METHOD OF SELECTING THE REGIONAL CHAIR

RECOMMENDATIONS

THAT the Finance and Administration Committee recommend to Regional Council:

- a) THAT a Public Meeting of Regional Council be held on April 4, 2012 in the Regional Council Chambers at the beginning of the regular Regional Council meeting, to consider passing a by-law to change the method of selecting the Regional Chair to election by general vote, in accordance with the *Municipal Elections Act, 1996*; and
 - b) THAT a copy of this report be forwarded to the area municipalities.
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1.0 PURPOSE

- 1.1 The purpose of this report is to recommend the date for the scheduling of the statutory public meeting of Regional Council to consider a by-law to change the method of selecting the Regional Chair to election by general vote.

2.0 BACKGROUND

- 2.1 At the December 22, 2010 Regional Council meeting the following resolution was passed:

- "a) *THAT Report #2010-A-49 of the Regional Clerk be received for information;*
- b) *THAT Regional Council request the Minister of Municipal Affairs and Housing to enact a regulation authorizing The Regional Municipality of Durham to exercise its powers under Section 218 of the Municipal Act, 2001 in order to change the method of selecting the Regional Chair (head of council) to election by general vote, in accordance with the Municipal Elections Act, 1996, to be effective for 2014;*

- c) *THAT subject to the Minister enacting the regulation outlined in part b) above:*

 - i) *The Regional Solicitor draft a by-law pursuant to the provisions of the regulation and the rules set out in subsection 218(1) of the Municipal Act, 2001; and*
 - ii) *The Regional Clerk present a report recommending the date that the statutory public meeting of Regional Council will be held to consider the matter; and*

- d) *THAT a copy of Report #2010-A-49 of the Regional Clerk be forwarded to the area municipalities for their information."*

2.2 The Minister of Municipal Affairs and Housing enacted regulation 3/12 on January 10, 2012, authorizing the Council of The Regional Municipality of Durham to exercise its power under Section 218 of the *Municipal Act* to change the method of selecting the head of Council.

2.3 The Regional Solicitor has prepared a draft by-law pursuant to the provisions of the regulation and the rules set out in subsection 218(1) of the *Municipal Act, 2001*, which is included as Attachment #2 to this report.

3.0 CHANGING THE METHOD OF SELECTING THE REGIONAL CHAIR

3.1 In order to change the method for selecting the Regional Chair, the following process is required to be followed:

- i) Regional Council drafts a by-law to exercise its powers to change the composition of Regional Council pursuant to the provisions of the regulation and subject to the rules set out in subsection 218(1).
- ii) The Regional Clerk gives notice of Council's intention to pass a by-law under Section 218 and holds at least one public meeting to consider the matter.
- iii) The by-law must pass a "triple majority". A "triple majority" is achieved when:
 - a. the by-law receives the support of a majority of all votes of Regional Council;
 - b. a majority of the councils of all lower-tier municipalities pass resolutions consenting to the by-law; and

- c. the total number of electors in the lower-tier municipalities that have passed resolutions consenting to the by-law form a majority of all the electors in the Region.
 - iv) The by-law would then come into force on the day the new council is organized following the first regular election after the passing of the by-law.
 - v) The first regular election after the passing of the by-law will be conducted as if the by-law was already in force.
- 3.2 Upon enactment of a by-law to change the method of selecting the Regional Chair to election by general vote, the Council Rules of Procedure By-law will need to be amended accordingly.

4.0 CONCLUSION

- 4.1 It is recommended that a public meeting of Regional Council be held on April 4, 2012, to consider passing a by-law to change the method of selecting the Regional Chair to election by general vote, in accordance with the *Municipal Elections Act, 1996*.
- 4.2 Notice of Council's intention to pass the by-law will be published in local newspapers in March 2012 and posted on the Regional website.
- 4.3 This Regional Solicitor has reviewed this report and is in concurrence with the recommendations.

Respectfully submitted,

P.M. Madill, A.M.C.T., CMM III
Regional Clerk

RECOMMENDED FOR PRESENTATION TO COMMITTEE

Garry H. Cubitt, M.S.W.
Chief Administrative Officer

Attachments: #1 Proposed Notice of Intention to Pass a By-law
 #2 Proposed By-law



**NOTICE OF INTENTION TO PASS A BY-LAW
TO CHANGE THE METHOD OF SELECTING
THE REGIONAL CHAIR**

CLERK'S DEPARTMENT

PUBLIC NOTICE

TAKE NOTICE that the Council of The Regional Municipality of Durham will consider a by-law at the April 4, 2012 Council meeting that, if approved, will change the method of selecting the Regional Chair to election by general vote, in accordance with the *Municipal Elections Act, 1996*.

Regional Council will be holding a public meeting to provide interested parties the opportunity to make comments on the proposed by-law. The public meeting will be held on:

Wednesday, April 4, 2012 at 10:00 a.m.
Regional Municipality of Durham Headquarters
Council Chambers
605 Rossland Road East
Whitby, Ontario

Comments may be submitted in writing addressed to the Regional Clerk, at the Clerk's Department, 605 Rossland Road East, First Floor, P.O. Box 623, Whitby, Ontario, L1N 6A3 or clerks@durham.ca.

Further information may be obtained by contacting the Regional Clerk's Department at 905-668-7711 or on the Regional website at www.durham.ca.

P.M. Madill, A.M.C.T., CMM III
Regional Clerk

The Regional Municipality of Durham
605 Rossland Road East, Whitby ON L1N 6A3 • Telephone: 905-668-7711

BY-LAW NUMBER __-2012

OF

THE REGIONAL MUNICIPALITY OF DURHAM

BEING a By-law to authorize the direct election of the Regional Chair pursuant to section 218 of the *Municipal Act, 2001* and Ontario Regulation 3/12, filed January 10, 2012.

NOW, THEREFORE, BE IT ENACTED AND IT IS HEREBY ENACTED as a By-law of The Regional Municipality of Durham through its Council as follows:

1. The composition of Regional Council shall include a Regional Chair who shall be elected by general vote of all the electors of all of the lower-tier municipalities.
2. The election of the Regional Chair shall be conducted in accordance with the *Municipal Elections Act, 1996* and shall be held concurrently with the regular election in the lower-tier municipalities.
3. The composition, election, term and/or appointment of Regional Council shall remain in all respects as it was the day before the coming into force of this By-law, except as specifically provided for in Paragraphs 1 and 2 of this By-law.
4. This By-law shall come into force on the day the new Council is organized following the first regular election following the passing of this By-law.
5. Notwithstanding Paragraph 4 of this By-law, the regular election held immediately before the coming into force of this By-law shall be conducted as if this By-law were already in force.
6. The short title of this By-law is the "Regional Chair Election By-law".

By-law read and passed this ____ day of _____, 2012.