



The Regional Municipality of Durham  
To: Regional Council  
From: P. Madill, Regional Clerk  
Report No.: 2012-A-11  
Date: April 4, 2012

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## **SUBJECT**

PROPOSED BY-LAW TO CHANGE THE METHOD OF SELECTING THE REGIONAL CHAIR

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## **RECOMMENDATIONS**

- a) THAT the Regional Chair Election By-law, to change the method of selecting the Regional Chair to election by general vote, in accordance with the *Municipal Elections Act*, 1996, be presented for consideration;
  - b) THAT subject to passage by Regional Council, the Regional Chair Election By-law be forwarded to the Councils of the lower-tier municipalities requesting they pass resolutions consenting to the by-law on or before September 1, 2012; and
  - c) THAT the area municipalities be forwarded a copy of this report and be advised of Regional Council's decision.
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### **1.0 PURPOSE**

- 1.1 The purpose of this report is to present the draft Regional Chair Election By-law for consideration by Council.

### **2.0 BACKGROUND**

- 2.1 On March 7, 2012 Council passed a resolution authorizing a public meeting to be held on April 4, 2012 at the beginning of the regular Regional Council meeting, to consider 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.
- 2.2 The Minister of Municipal Affairs and Housing enacted Ontario Regulation 3/12 on January 10, 2012, pursuant to the *Municipal Act, 2001* authorizing the Council of The Regional Municipality of Durham to exercise its power under Section 218 of the *Municipal Act, 2001* 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, in order to change the method of selecting the Regional Chair to election by general vote.

### **3.0 CHANGING THE METHOD OF SELECTING THE REGIONAL CHAIR**

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

- i) 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.
- ii) 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.
- iii) 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.
- iv) 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 NEXT STEPS**

4.1 Once the by-law has been passed by Regional Council, the Regional Chair Election By-law will be forwarded to the Councils of the lower-tier municipalities requesting they pass resolutions consenting to the by-law on or before September 1, 2012.

4.2 In order for the Regional Chair Election By-law to come into force, support must be received from at least five Councils of the lower-tier municipalities and the total number of electors in the lower-tier municipalities must form a majority of all the electors in the Region. The total number of electors Region-wide is 432,256.

4.3 The Regional Chair Election By-law would take effect for the 2014 municipal elections, subject to passing a triple majority on or before December 31, 2013.

## 5.0 **CONCLUSION**

5.1 It is recommended that the Regional Chair Election By-Law, changing the method of selecting the Regional Chair to election by general vote, in accordance with the *Municipal Elections Act*, 1996, be presented for consideration.

5.2 It is also recommended that subject to passage by Regional Council, the Regional Chair Election By-law be forwarded to the Councils of the lower-tier municipalities requesting they pass resolutions consenting to the by-law on or before September 1, 2012.

5.3 Notice of Council's intention to pass the by-law was published in local newspapers in March 2012 and posted on the Regional website.

5.4 This report has been reviewed by the Regional Solicitor.

Respectfully submitted,

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

RECOMMENDED FOR PRESENTATION TO COMMITTEE

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

Attachment: #1 Proposed By-law

**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.