



The Regional Municipality of Durham
 To: Finance and Administration Committee
 From: P. Madill, Regional Clerk
 Report No.: 2010-A-49
 Date: December 15, 2010

SUBJECT

RESULTS OF THE QUESTION ON THE BALLOT REGARDING THE DIRECT ELECTION OF THE REGIONAL CHAIR

RECOMMENDATIONS

THAT the Finance and Administration Committee recommend to Regional Council:

- a) THAT this report be received for information; and
 - b) THAT a copy of this report be forwarded to the area municipalities for their information.
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1.0 BACKGROUND

1.1 On April 21, 2010, Regional Council passed By-law No. 20-2010 to submit the following question to the electors in all lower-tier municipalities in The Regional Municipality of Durham on the October 25, 2010 regular election ballot:

"Are you in favour of the Council of the Regional Municipality of Durham passing the necessary resolutions and by-laws to change the method of selecting its Chair from appointment by the members of Regional Council to election by general vote of all electors in the Region?"

YES NO

2.0 ELECTION RESULTS

2.1 On October 25, 2010 the above question was submitted to the electors. The following table outlines the response of the electors in each area municipality:

	YES		NO	
Ajax	13,788	85.31%	2,375	14.69%
Brock	3,017	72.87%	1,123	27.13%
Clarington	13,532	82.48%	2,874	17.52%

Oshawa	21,117	78.36%	5,833	21.64%
Pickering	14,905	83.38%	2,972	16.62%
Scugog	5,082	66.45%	2,566	33.55%
Uxbridge	4,765	68.83%	2,158	31.17%
Whitby	19,171	81.37%	4,388	18.63%
TOTAL	95,377	79.70%	24,289	20.30%

- 2.2 The total number of eligible electors Region-wide was 432,256. The total number of votes cast was 119,666, representing a voter turnout of 27.68%.
- 2.3 Section 8.2(1) of the *Municipal Elections Act, 1996* provides that the results of the vote on the question are binding if:
- at least 50 per cent of all eligible electors vote on the question; and
 - more than 50 per cent of these votes are in favour of the results.
- 2.4 Since less than 50 per cent of all eligible electors voted on the question, there is no legislative requirement for Regional Council to implement the results.
- 2.5 Should Regional Council wish to proceed with changing the method of selecting the Regional Chair, the process stipulated in the *Municipal Act, 2001* would have to be followed in order to make the change for the 2014 municipal election. Attachment #1 outlines the process to be followed.

3.0 CONCLUSION

- 3.1 It is recommended that this report be received for information and that a copy forwarded to the area municipalities for their information.
- 3.2 The Regional Solicitor has reviewed this report.

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

**PROCESS TO CHANGE THE METHOD OF SELECTING
THE REGIONAL CHAIR UNDER THE *MUNICIPAL ACT, 2001***

1.0 *Municipal Act, 2001*

- 1.1 Subsection 218(2) of the *Municipal Act, 2001* provides that the power to change the composition of council includes the power to change the method of selecting members of the council, including having members directly elected to the upper-tier council and not to the council of a lower-tier municipality, members elected to serve on both the upper-tier and lower-tier councils or members elected to the lower-tier councils and appointed to the upper-tier council by the lower-tier municipalities, or a combination of methods of election.
- 1.2 Subsection 218(5) of the *Municipal Act, 2001* states "A regional municipality shall not pass a by-law described in this section until the Minister has, by regulation, authorized the regional municipality to exercise the powers described in this section."
- 1.3 Subsections 219(1) and (2) of the *Municipal Act, 2001* provide that before passing the by-law the municipality shall give notice of its intention to pass the by-law and shall hold at least one public meeting to consider the matter and the by-law is not valid unless it is passed by a triple majority.

2.0 **Process**

- 2.1 In order to change the method for selecting the Regional Chair, Regional Council is required to adhere to the following process:
- (a) Regional Council would pass a resolution requesting the Minister of Municipal Affairs and Housing to enact a regulation authorizing The Regional Municipality of Durham to exercise its powers under Section 218.
 - (b) The Minister of Municipal Affairs and Housing makes a regulation authorizing the Region to exercise its powers under Section 218.
 - (c) 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).

- (d) 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.
- (e) The by-law must pass a "triple majority". A "triple majority" is achieved when:
 - i) the by-law receives the support of a majority of all votes of Regional Council;
 - ii) a majority of the councils of all lower-tier municipalities pass resolutions consenting to the by-law; and
 - iii) 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.
- (f) 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.
- (g) The first regular election after the passing of the by-law will be conducted as if the by-law was already in force.