



Committee Report

To:	Warden Hicks and Members of Grey County Council
Committee Date:	March 10, 2022
Subject / Report No:	CCR-CW-04-22
Title:	Governance Information Report
Prepared by:	Heather Morrison and Tara Warder
Reviewed by:	Kim Wingrove
Lower Tier(s) Affected:	
Status:	Recommendation adopted by Committee as presented per Resolution CW41-22; Endorsed by County Council CC27-22

Recommendation

1. **That Report CCR-CW-04-22 providing an overview of governance be received for discussion purposes; and**
2. **That this information report be brought back to the incoming 2023-2026 Council within the first two years of the term for consideration.**

Executive Summary

Through a notice of motion at the November 12, 2021 Committee of the Whole meeting, a staff report requesting governance information was supported. At the November 25, 2021 Council meeting, this motion was supported as amended with the inclusion of alternatives for public participation as part of the report. This report provides information on various aspects of governance for Grey County including weighted voting, council composition, direct vs. indirect election of members, term of the Warden, a ward system, meeting structure and public participation. It identifies the various legal, legislative, and public processes required for each topic. Although changes are unable to happen prior to the 2022 municipal election, this report will serve as a discussion paper to be brought back to the 2023-2026 Council within the first two years of the term for consideration.

Background and Discussion

Governance at the municipal level can encompass various areas for Councils to consider. This report will outline the various areas of governance, provide historical information on each, legal, legislative, and other requirements related to each topic as well as timelines for potential changes to be made. This review of governance topics provides for an opportunity to reflect on the various areas that make up Grey County's governance model and look at opportunities to

enhance, change or maintain where necessary. Earlier work undertaken to consider changes to governance options consistently shows that in order to be successful, there must be a consensus on the need for governance change and goals that would be met by making changes.

Several of the governance items in this report would require broad, formal support via a triple majority before coming into full force and effect. A triple majority is made up of three components:

- A majority of lower tiers
- Those majority of lower tiers must represent a majority of electors
- A majority of Grey County Council

The County's first strategic plan in 2011 included a review of governance options as a strategic priority. A governance task force was struck and a workplan developed. In 2012, report [CAOR-GOV-07-12](#) sought Council's support on various areas of governance. Through the Governance Task Force the following changes were made:

- Various subcommittees dissolved including CP Rail Trail Committee, Heritage Committee and Tourism Committee
- Changed the Finance and Personnel Committee name to Corporate Services to better reflect the current county governance

County Council also supported other areas of review to be undertaken at a future time, including:

- Review of the term of Warden
- Indirect or direct election of the Warden
- Council composition, nine versus 18 members
- Evaluation of two-tier versus single tier model

Various reports on these topics have come forward over the past terms of Council and will be highlighted throughout this report within their respective sections so that Council has a history of discussions that have taken place.

As well, over the past 12-14 months, 20 counties were consulted on various aspects related to governance. Council will see throughout this report, the findings of these consultations relative to the various topics.

Weighted Votes

The review of weighted votes has been the subject of various staff reports over the years. In 2011 County Council supported the recommendation from the Governance Task Force in support of the current weighted vote structure. Report [CCR-CS-20-15 Weighted Voting in Grey County](#) provides some history of weighted voting discussions over the past 14 years. Arising from report CCR-CS-20-15 was Report [CCR-CS-05-16 One Member One Vote](#) which supported maintaining the current weighted vote structure with the recommendation being endorsed by Council.

The current system of weighted voting was established in the County of Grey Act, 1993. (The Act) provides that County Council, shall, when a recorded vote is requested, have a weighted

vote. A weighted vote may only occur at a County Council or Committee of the Whole meeting. The Act provides that there is one vote for every 1000 electors or part thereof for each member of Council. The Act followed in line with the Municipal Act, 1990 which generally spoke to counties having representation by electors rather than by population.

The number of electors in each municipality is received from the local municipal clerks following each municipal election. The votes are split between the Mayor and Deputy Mayor, with the Mayor receiving the higher amount in the event the vote number is uneven. For example, if a municipality has 6300 electors, they receive 7 votes-the Mayor with 4 and the Deputy Mayor with 3, for 5900 electors, the municipality will receive 6 votes split evenly. Below is a chart showing the 2018 electors and the current weighted votes for each municipality. As a comparison, 2018 and 2021 populations are also included as well as that percent of the vote and what the weighted votes would be if population were used rather than electors.

Municipality	Current Electors 2018	Current Number of Weighted Votes	% of Vote	2018 Pop'n ¹ Forecasted	% of Vote	2021 Pop'n ²	% of Vote	Weighted Votes if Pop'n Used
Owen Sound	15257	16	17.8%	21,910	22.7%	21,612	21.4%	22
West Grey	10941	11	12.7%	12,870	13.3%	13,131	13.0%	14
Town of Blue Mountains	12066	13	14.0%	7,260	7.5%	9,390	9.3%	10
Southgate	5852	6	6.8%	7,620	7.9%	8,716	8.6%	9
Meaford	10309	11	12.0%	11,290	11.7%	11,485	11.4%	12
Hanover	5411	6	6.3%	7,890	8.2%	7,967	7.9%	8
Georgian Bluffs	10195	11	11.9%	10,780	11.2%	11,100	11.0%	12
Grey Highlands	9887	10	11.5%	10,110	10.5%	10,424	10.3%	11
Chatsworth	5964	6	6.9%	6,800	7.0%	7,080	7.0%	8

A survey of comparators was compiled as part of the preparation for this report. Of the twenty counties consulted, nine have weighted votes including Haliburton, Hastings, Northumberland, Dufferin, Perth, Renfrew, and Simcoe. Two have partial weighted votes related to financial matters being Essex and Peterborough. Two have no weighted voting those being Elgin, and Middlesex Counties. The remaining seven are unknown.

¹ Hemson Consulting Grey County Growth Management Study Update 2017

² 2021 Census Data

If changes to the weighted voting system are to be contemplated, the Municipal Act, 2001 requires a triple majority be received in addition to the holding of a public meeting before a by-law can be passed to change the method of voting prior to January 1 of the year of a municipal election. In order to allow sufficient time for the required process, staff advise that work to change the weighted voting system should commence in 2024. As well, any changes made to the weighted voting system would not come into effect until the first meeting of council following the next municipal election (December 2026) in accordance with Section 219 (3) of the Municipal Act.

The basis of Canadian democracy is representation by population. It is recommended that to maintain a proportional balance of representation, the weighted voting system remain in place. Should changes be made to the weighted voting system without changes to the representation on Council to support the population in each municipality, the representational balance achieved through the weighted voting system would be lost.

Council Composition

Section 218 (1) of the Municipal Act, 2001 authorizes an upper tier municipality to change the composition of its council subject to certain rules:

1. There shall be a minimum of five members, one of whom shall be the head of council.
2. The head of council shall be elected by general vote, in accordance with the *Municipal Elections Act, 1996*, or shall be appointed by the members of council.
3. The members of council, except the head of council, shall be elected in accordance with the *Municipal Elections Act, 1996* to the upper-tier council or to the council of one of its lower-tier municipalities.
4. The head of council shall be qualified to be elected as a member of council of the upper-tier municipality.
5. If the members of council are directly elected to the upper-tier council and not to the council of a lower-tier municipality, the members shall be elected by general vote or wards or by any combination of general vote and wards.
6. Each lower-tier municipality shall be represented on the upper-tier council.

The types of changes that can be made include:

- (a) change the number of members of its council that represent one or more of its lower tier municipalities;
- (b) 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;
- (c) have a member representing more than one lower tier municipality;
- (d) require that if a member of council is appointed by the members of council as the head of the upper-tier council, the member is no longer entitled to hold office on the council of a lower-tier municipality or any other office on the council of the upper-tier municipality or both; and

- (e) require that if a member of council is appointed by the members of council as the head of the upper-tier council, the appointed member must hold office on the council of a lower-tier municipality.

Grey County Council currently consists of 18 indirectly elected members who are the mayors and deputy mayors of the nine local municipalities. Membership was reduced in 2001 from 26 down to 18 during amalgamation.

Options for council composition that a future council may wish to look at include:

- 1) reduce membership to nine to reflect one member from each lower tier municipality
- 2) change the number of representatives from each municipality to correlate with the number of electors or population.
- 3) A hybrid approach with indirectly elected mayors and/or deputy Mayors and other directly elected officials

A prior report brought forward in 2017, [CCR-CW-08-17 Options for Composition of County Council and Term of Office of Warden](#) looked at options for composition of council and has been included for reference purposes. One report from 2009 outlines the pros and cons of an 18-member council with two members representing each municipality: [WR-CC-02-09 Recommendations to Council on County Governance](#).

More recently, [CCR-CW-11-17 Direct Election of Warden](#) provides a comprehensive history of governance discussions and other governance considerations that are also included in this staff report.

There are examples of other upper tier council compositions under the next heading, Direct vs Indirect Election. Because of the effect council composition and weighted voting have on representation, the two matters should be considered simultaneously to ensure representation is maintained as is intended.

As per the Municipal Act, 2001, if changes were to be made to council composition, notice of intention to pass such a by-law and a public meeting are required. Further public and municipal consultations would be recommended in order to have fulsome engagement.

A triple majority is also needed for a by-law changing council's composition to be valid. To have changes take place for a new council following the municipal election in October 2026, such a by-law would have to be passed prior to January 1, 2026. Similar to the weighted voting question, the process to change council composition should be initiated in 2024.

Direct vs Indirect Election

Currently, Grey County Council is elected indirectly based on their election to the office of Mayor or Deputy Mayor at each of their respective lower tier municipalities. Grey County Council's composition includes the mayors and deputy mayors of each of our nine member municipalities totaling 18 members of Grey County Council. Direct election can be made up of the Warden and/or members of Council.

Warden

Grey County's Warden is elected annually from within County Council. Past reports have reviewed the options of moving to the direct election of the Warden during the municipal elections held every four years.

As noted under the Council Composition section, Sections 9, 10 and 11 of The Municipal Act, 2001, as amended, authorizes the upper tier municipality to change the composition of its council subject to several criteria.

As outlined in earlier sections of this report, governance discussions have come before council on several occasions. Report [WR-CC-02-09 Recommendations to Council on County Governance](#) reviewed several areas of governance. The result was to remain status quo. In 2012, [CAOR-GOV-12-12 Change to the Term of Office of Warden](#) another Governance Task Force was formed. Again, this task force reviewed several governance related items including direct versus indirect election of the Warden. No changes were made following the presentation of options.

Report [CCR-CW-11-17 Direct Election of the Warden](#) specifically spoke to direct versus indirect election of the Warden. The report highlights that the indirect election of the Warden shows the support already garnered from their peers. There would also be a cost associated with the Warden being directly elected. Staff would need to work with the local municipal clerks during the election timeframe to have the warden's position included on each municipal ballot for election. There would be costs associated with running for warden through the municipal election process for each candidate wishing to vie for this office.

The question of directly electing the warden was put to the local municipalities in 2017. Report [CCR-CW-13-17](#) provides the results of this request, noting that a triple majority is required for any changes to election processes at the county level. Eight municipalities did not support the change from indirect to direct election of the warden while one municipality did support this change. The triple majority was not obtained and therefore no changes were made in this regard prior to the 2018 municipal election.

Council

As noted above, Grey County Council is indirectly elected based on their election as Mayor or Deputy Mayor at each of the lower tier municipalities within Grey. There are some counties that have a combination of directly and indirectly elected members of council. Below are some examples of various county council compositions.

Wellington County-7 mayors and 9 ward councillors all indirectly elected.

Dufferin County-14 members from 8 municipalities-with 6 having both the mayor and deputy mayor and East Garafraxa and Melancthon having only the mayor.

Simcoe County-32 members-mayors and deputy mayors of each of the 16 lower tier municipalities.

Lanark County-16 members made up of reeve or mayor and deputy reeve or deputy mayor from each of the 8 lower tier municipalities.

Hastings County-mayors of the 14 lower tier municipalities

Middlesex County-mayors and deputy mayors of 7 of the 8 lower tier municipalities apart from the Village of Newbury

Oxford County-8 mayors of lower tier municipalities

Renfrew County-17 mayors from each lower tier municipality

Although not a County, for comparison purposes, Waterloo Region-regional chair, 8 directly elected members and 7 mayors of the local municipalities in the region

As one can see, while there are options related to upper tier governance, the predominant method of election is indirect based on elected office at the lower tier level.

Moving to direct election of the Warden or any part of County Council requires a triple majority. If changes were to be made to move to direct election of any member of Grey County Council, the requirements outlined in Sections 9, 10 and 11 of The Municipal Act would need to be in place prior to January 1, 2026, for the change to take place for the 2026 municipal election.

Term of the Warden

Another governance topic that surfaces regularly is the term of the Warden. Currently the term of the Warden for Grey County is one year. Many reports have come forward in the past 10 plus years looking for support to change the term from one year to two years. All recommendations to date have not been supported by Council. The first report was in 2009 by then Warden Kevin Eccles. After a thorough review by the Governance Review Task Force, a report came forward recommending a two-year term of Warden. The report outlined the pros and cons of a one-year versus a two-year term. [WR-CC-02-09 Recommendations to Council on County Governance](#) . The recommendation was not supported by Council.

The next report was in 2012 by then CAO Lance Thurston [CAOR-GOV-12-12 Change to Term of Office of Warden](#) . The report outlined the pros and cons associated with a one year versus two-year term for Warden. Again, the report recommended that the term of the office of the Warden be changed to two years. This recommendation was defeated at County Council in a recorded vote. The most recent report [CCR-CW-08-17 Options for Composition of Council and Term of Office of Warden](#) also spoke to the option of changing the term to a two-year term, but the status quo was recommended and supported by Council.

Looking at other upper tier municipalities, of the 20 surveyed, 12 have a one-year term while seven have a two-year term and Essex County has a four-year term.

There are no requirements within the Municipal Act that pertain to the term of the Warden. A resolution of Council and changes to the Procedural By-law are required prior to implementing any changes.

Staff recommend the term of the Warden remain at a one-year term at this time. Should the incoming council wish to make a change in this regard, staff would recommend that this change be made prior to the September 2024 to allow for the change to take place for the final two years of the council term.

Establishing Wards

Section 222(1) of the Municipal Act, 2001 authorizes a municipality to divide or redivide the municipality into wards or to dissolve existing wards. This section further speaks to notice requirements if a by-law establishing/dissolving wards is passed, and avenues of appeal of such by-laws.

Ward boundary changes can also be brought forward by electors in a municipality through a petition. Section 223(1) outlines requirements related to petitions for ward boundary changes.

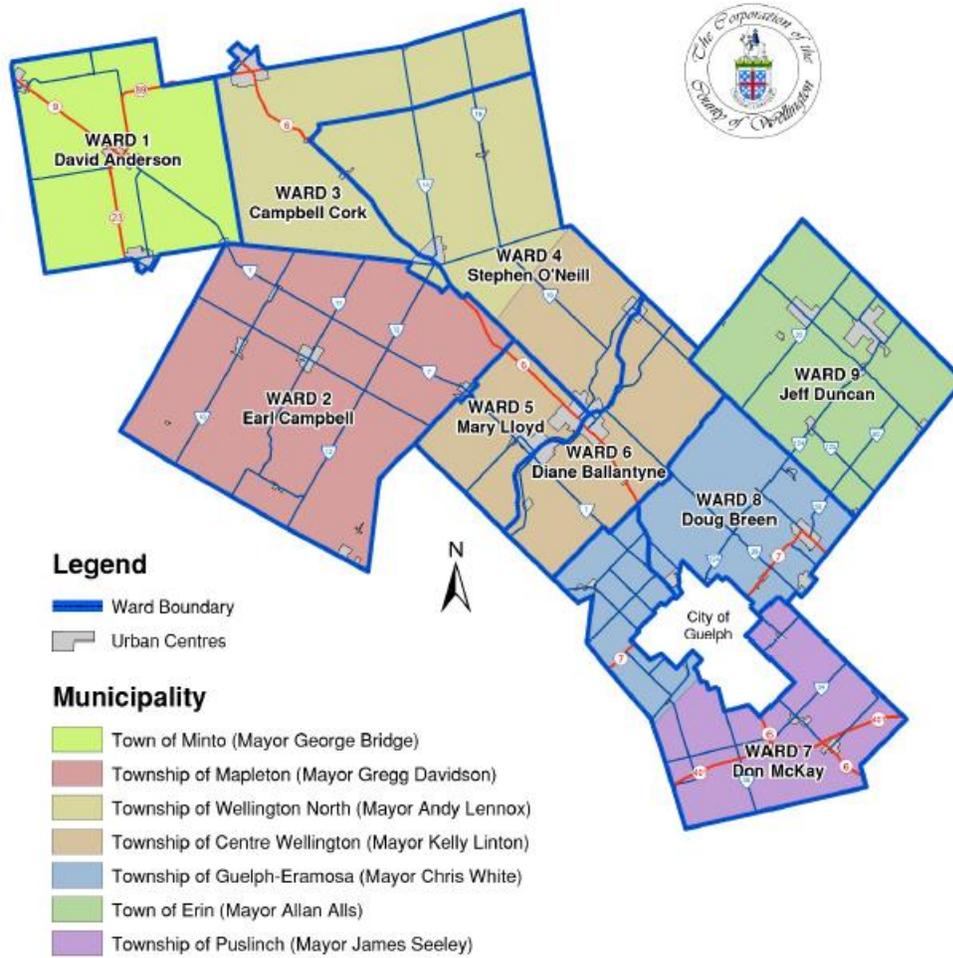
Section 222 of the Municipal Act does not outline the process for a review of ward boundaries and there is nothing in the legislation about criteria on establishing wards, so municipalities rely on court and Ontario Land Tribunal decisions for guidance in this regard.

One such decision was handed down from the Supreme Court of Canada, [Reference re. Provincial Electoral Boundaries \(Sask.\), 1991 \(Carter decision\)](#). This judgement noted that “effective representation” is the standard for determining electoral boundaries in Canada. (Loopstra Nixon, 2). When deciding on subsequent cases about ward boundary by-laws, the Board considers this overriding principle of effective representation and whether the by-law achieves this.

Based on the structure of a county/upper tier government, (a municipality composed of multiple lower tier municipalities) a change to a ward system would be limited to having ward boundaries drawn in addition to the existing local municipal boundaries. There would then be representation from all the wards and the local municipalities. Ward councillors would be directly elected to County Council. Municipalities that have a “ward only” system are found only in single and lower tier governments.

Wellington County Council is the only county that staff are aware of that also have wards. Wellington County is made up of seven lower tier municipalities. There are also nine wards that are distinct from the local municipal boundaries. Its council is composed of seven mayors and nine ward councillors. Below is a graphic taken from Wellington’s website showing the lower tier boundaries depicted by colours, and the ward boundaries outlined by a blue line.

County of Wellington Ward Boundaries



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[Map of Wellington County Ward Boundaries](#)

If a future Council wishes to consider establishing wards as a way to elect some or all members to County Council, considerations, and guiding principles during the development of a study and by-law could include:

- Agreed-upon guiding principles and objectives
- Representation by population
- Ensuring “effective representation” when designing wards. Do residents within the ward have an effective voice in decision making?
- Geography, community history and interests, minority representation

- Natural or man – made barriers/dividers acting as boundaries
- Recognizing density in relation to size of ward
- Ward boundaries that consider future growth projections and where growth is actually anticipated
- Sufficient and effective public consultation

The principles that are made a priority will vary between municipalities.

Public consultation is not explicitly required by the Municipal Act but is a best practice. The Ontario Land Tribunal (OLT) expects that the public be involved in a ward boundary process should there be any appeal of such a by-law.

If a by-law establishing wards was enacted prior to January 1 in an election year, it would come into force on the day the new council of the municipality is organized (assuming no appeals were filed or appeals were withdrawn). If it were enacted after January 1 in an election year, it would come into force following the second regular election.

There is significant time and resources that need to be dedicated to forming ward boundaries. Should there be interest in moving forward with such a change, staff would likely recommend that an external resource be used to assist with ward boundary design.

Meeting Structure

Prior to the change to the Committee of the Whole structure in 2017, Grey County operated on a standing committee structure. There were 4 standing committees which reported to County Council:

- Corporate Services (Finance, Clerk's, CAO, IT, Human Resources)
- Social Services (Social Services, Long-Term Care and Housing)
- Planning and Community Development (Planning, Economic Development, Tourism and Grey Roots)
- Transportation and Public Safety (Transportation and Paramedic Services)

Typically, these committees each met once per month, with second additional meetings scheduled on an as needed basis. Though the length of each meeting could vary considerably throughout the year, the length was generally 2 – 4 hours per meeting.

Each Committee had a Chair and Vice Chair, who were elected by the Committee annually. Membership was either 9 or 10 members, with the Warden serving on all four standing committees. Every municipality was represented on each Committee, with the Mayors and Deputy Mayors each sitting on two committees. There were also a number of ad hoc or sub committees that reported to their respective standing committees (i.e., Tourism Advisory Committee, Economic Development Advisory Committee, Accessibility Advisory Committee, Building Task Force, etc.)

County Council meetings were held the first Tuesday of each month, and the minutes from the standing committees were brought forward to Council for endorsement of recommendations.

In January 2017, the Committee of the Whole pilot project commenced for a period of six months. In May 2017 recommendation CW106-17 was supported to continue with the Committee of the Whole structure on a permanent basis. The change to Committee of the

Whole was made in response to an expressed desire by Councillors for:

- The opportunity to participate fully in the discussions surrounding all business
- Positions on task forces or working groups to be available regardless of standing committee membership,
- Chairs positions being filled from as many different municipalities as possible
- Making more efficient use of Council time by moving to a consent agenda format.

Since the change in structure has been made, members have occasionally expressed desire to move back to the standing committee structure. A motion was brought forward October 12, 2017, to reconsider continuing the Committee of the Whole structure. When the matter was reconsidered by Committee on October 26, 2017, it confirmed the original direction to continue using the Committee of the Whole structure. The minutes from this meeting can be found at this [link](#). Moving back to standing committees has also been raised during strategic planning discussions, though there has never been enough support to change the current structure.

Should Council wish to make the move back to standing committees, staff would likely recommend a different structure than the one used previously. Recommendations may include items such as:

- a. Changing the number of standing committees and/or the departments that report to each. For example, Planning, Economic Development, Culture and Tourism and Transportation may benefit from reporting to the same standing committee, and Housing, Social Services and Paramedic Services could form a Human Services committee.
- b. Membership would be limited to 5-8 members per standing committee to not have a quorum of Council
- c. Scheduling standing committee meetings once per month to reduce conflicts and make best use of members' time
- d. Continuing to use the consent agenda during standing committee meetings for information reports or reports requiring little explanation or discussion.
- e. Allowing all Council members to be eligible for all sub-committee and task force appointments
- f. A mandatory sunset clause of two years for membership on a standing committee to ensure that each councillor has the ability to sit on all four standing committees

There are no Municipal Act requirements for a change from Committee of the Whole to Standing Committees or vice versa. Changes would be required to the Procedural By-law.

The estimated timeframe to move from one to another would be 6 months.

Staff would recommend continuing with the Committee of the Whole structure based on the efficiencies that have been realized from the change, and the lack of support in previous years to move back to standing committees.

Below are links that offer insight and history on the Committee of the Whole pilot that was undertaken in 2017.

[CCR-CW-14-17 Committee of the Whole/Standing Committee Review](#)

[CAOR-CW-10-17 Committee of the Whole Pilot Evaluation](#)

Public Access/Public Participation

The question of including public comments or question periods was the subject of a report in 2018 [CCR-CW-09-18 Public Comment-Question Periods](#). Currently the County has a very robust delegation process, allowing individuals, businesses, not-for-profit organizations amongst others to speak to Committee of the Whole or sub-committees on a variety of topics. Several sub-committees over the past two years are examples of this being the Hanover-Owen Sound Task Force and the Health Care Funding Task Force, both of which saw several community stakeholders delegate to the committees on a variety of topics in order to inform new policies or policy changes.

The research from 2018 is still relevant today. At that time, staff reached out to both local municipalities in Grey County as well as several counties across the province. As noted in report CCR-CW-09-18, it was clear that the majority of municipalities who include a public comment or question period are lower tier municipalities. This is not a common practice at an upper tier municipality with Dufferin County being the only county with this practice. Many of Grey County's member municipalities have implemented this process as part of recent procedural by-law changes over the past few years.

At the time of writing the 2018 report, staff requested background as to why this process was implemented at the local municipality. Most responses indicated that this was the closest level of government to the citizens which delivers the day to day needs of residents including water, garbage, taxes, and building services to name a few.

While Grey County does deliver some day-to-day services such as roads, overall, our services are more general in nature and have a broader base across the entire county such as social services, paramedic services, housing, and long-term care.

As noted earlier, Grey County has a very good delegation process, where delegations present at most Committee of the Whole meetings on a variety of topics. Delegations allow notice to residents on topics of interest as they are included, along with the presentations, in the agenda package. This allows residents interested in a particular topic to tune in and hear what is presented as well as the comments and questions from council members and staff. It also allows council to request follow-up if needed on any item such as a staff report. Public comment or question periods would not allow for any advance notice of the questions as most processes have the timelines closing just prior to the start of a council meeting and do not allow for questions or comments from council.

There are other ways to communicate and ask questions of our elected officials including email, phone call and in-office visits that allow residents to feel in touch with their elected officials.

Should a change in direction related to permitting public comments/questions periods be provided, the following will need to be considered:

- Comments/questions outside of the County's purview
- Frivolous or vexatious comments
- Public criticism of council or staff
- Repetitive questions/comments

Changes to this process do not have any requirements within the Municipal Act. A resolution from Council and changes to the Procedural By-law are required prior to implementing this change.

Staff would recommend that public question period/public comments not be included as part of the County's Procedural By-law at this time.

Legal and Legislated Requirements

Many of these changes and how they can be achieved are outlined in the Municipal Act, 2001 as amended. Many have timelines associated with them relative to the municipal election cycle. As well, some other changes require triple majority approvals.

The County's Procedural By-law guides our meeting processes. Should changes, which don't have any legislative timelines be requested, changes to the Procedural By-law would need to be made prior to the implementation of these changes.

Financial and Resource Implications

There are no financial considerations related to any changes in weighted voting or the term of the Warden.

Ward Review – Funds would be required for an external study on boundary/ward development.

Meeting/Committee Structure – The current Committee of the Whole system costs less in both mileage and per diems than the previous standing committee system did because there are now less meetings to attend:

Committee of the Whole & Council: 18 councillors x 2 meetings per month

Standing Committees & Council: 17 councillors x 3 meetings per month + Warden x 5 meetings per month

There were also additional annual honourariums for the chairs of each of the standing committees.

Staff time would be involved in updating the Procedural By-law and developing policies associated with public participation or question periods. This would be included in the annual operating budget.

The County currently does not participate in the municipal election held every four years. Should a change from indirect to direct election occur, there would be costs associated with having Grey County Council candidates on the ballots of each lower tier municipality. At this time, staff do not have an estimate as to the costs associated with this. Should this be the direction from Council in the future, a report would be brought back outlining the financial implications of such direction.

Relevant Consultation

Internal CAO

- ☒ External surveys from various municipalities in Ontario

Appendices and Attachments

[CCR-CC-44-08 Governance Review Strategy from Strategic Planning Exercise](#)

[CCR-GOV-21-12 Consideration of External Review of Governance Structure](#)

[CCR-20-05 Warden's Committee Report on Council and Committees](#)