



Committee Report

To:	Warden Milne and Members of Grey County Council
Committee Date:	March 9, 2023
Subject / Report No:	CCR-CW-05-23
Title:	Governance Topics
Prepared by:	Tara Warder, Clerk
Reviewed by:	Kim Wingrove, CAO
Lower Tier(s) Affected:	
Status:	Recommendation adopted by Committee as presented per Resolution CW47-23; Endorsed by County Council March 23, 2023, per Resolution CC24-23.

Recommendation

1. That report **CCR-CW-05-23 regarding Governance Topics** be received for information.

Executive Summary

Each term of Council, certain governance topics come up during council discussions when members feel improvements can be made to the current structures that are in place. Often, such discussions arise at a point in the council term where it is too late to make any changes. In 2022, Grey County Council directed staff to bring forward a report early in the 2022-2026 Council term providing information to make council aware of the matters that are typically discussed and allow sufficient opportunity to work on any improvements, should they be necessary. This report speaks to those items and includes information on weighted voting, council composition, direct and indirect election, term of the Grey County Warden, use of wards, meeting structure, and use of public commenting/public question periods.

Background and Discussion

In March of 2022, County Council considered Report [CCR-CW-04-22](#) which covered a variety of governance topics for Council's review and feedback. As many of these topics come up for discussion every term, County Council directed staff to bring the report forward for Council's review within the first two years of the new term to leave ample time for any desired changes to be completed.

It is also good practice to review systems and structures in order to reflect changes in demographics and needs over time. The Municipal Act, 2001 now requires *regional*

municipalities to review their regional council composition after every second regular municipal election. Though Grey County is not required to undertake such a review, this report can serve as an opportunity to reflect on the current system in a more informal manner.

In an effort to keep information as current as possible, this report covers the same topics considered in CCR-CW-04-22, with updated information. CCR-CW-04-22 and associated links will be useful in providing further background information, and links back to many previous reports on the subject matter.

How are Changes Made?

While some aspects of governance can be changed with relative ease by County Council alone, others have Municipal Act implications or require “Triple Majority” support.

Triple majority support consists of:

1. A majority of all votes on upper-tier council
2. A majority of all the lower – tier councils having passed resolutions consenting to the change
3. The total number of electors in the lower-tier municipalities that have passed resolutions consenting to the by-law form a majority of the electors in the upper-tier municipality

Weighted Votes

Any change to weighted voting would take effect with the next term of Council.

The current system of weighted voting was established in the County of Grey Act, 1993. At the time, the County of Grey applied for special legislation respecting the composition of council and the votes of the members of council. The County of Grey Act provides that County Council, shall, when a recorded vote is requested, have a weighted vote and that there is one vote for every 1000 electors or part thereof for each member of Council.

Across other upper tier governments, the recorded vote practice varies. As noted in CCR-CS-05- 16: *“When reviewing the current voting practices of other counties, those that have a weighted vote system in place, the vast majority use the number of electors to determine weighting. In instances where there is no weighted vote, ... the population seems to be more evenly distributed throughout the municipalities, providing each representative with a similar base of residents or in a few cases, an additional member from a municipality with a higher population to sit at the County Council table.* Currently, the number of electors in each municipality is received by the County Clerk from the local municipal clerks following each municipal election. The corresponding number of 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.

The following Reports from prior years provide further background information on this subject.

[CCR-CS-20-15 Weighted Voting in Grey County](#)

[CCR-CS-05-16 One Member One Vote](#)

Requirements in Section 218(3) of the Municipal Act, 2001

To make a change to the weighted voting:

- Notice required
- Triple Majority Required
- Public Meeting Required
- A By-law under Section 218 does not come into force until the day the new council is organized following,
 - a) The first regular election following the passing of the by-law; or
 - b) If the by-law is passed in the year of a regular election before voting day, the second regular election following the pass of the by-law.

Council Composition

Any change to Council Composition would take effect with the next term of Council.

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

Requirements in Section 218 (2) of the Municipal Act, 2001

To make a change:

- Notice required

-Triple Majority Required

-Public Meeting Required

- A By-law under Section 218 does not come into force until the day the new council is organized following,

- a) The first regular election following the passing of the by-law; or
- b) If the by-law is passed in the year of a regular election before voting day, the second regular election following the passing of the by-law.

Direct and Indirect Election

Any change to the election of the Warden or to the indirect election of councillors would take effect at the time of the next election.

Currently, Grey County Council is elected indirectly based on their election to the office of Mayor or Deputy Mayor at each lower tier municipality. Grey County Council's composition includes the mayors and deputy mayors of each of the nine member municipalities.

Election of the Warden

Grey County's Warden is elected annually by County Council. Past reports have reviewed the options of moving to the Warden being directly elected by the electorate.

Section 218 (1) 5 of the Municipal Act, 2001, as amended, authorizes the upper tier municipality to change the composition of its council subject to several criteria.

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 election.

There would be a cost associated with the Warden being directly elected. Staff would work with the local municipal clerks during the election period 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 running for the position.

Indirectly Elected Council

Grey County Council is indirectly elected based on their election as Mayor or Deputy Mayor at each of the lower tier municipalities within Grey.

Requirements in Section 218 (1) of the Municipal Act, 2001

To make a change:

- Notice required
- Triple Majority required
- Public meeting required
- A By-law under Section 218 does not come into force until the day the new council is organized following,
 - a) The first regular election following the passing of the by-law; or
 - b) If the by-law is passed in the year of a regular election before voting day, the second regular election following the pass of the by-law.

Term of the Warden

Any change to the term of the warden would take effect with the next term of Council.

The current term of the Grey County Warden is one year. There has been ongoing discussion about the possibility of increasing the term of the Warden from one year to two years. No recommendations to change the term have been supported to date.

Advocates for such a change note the length of time that it takes to truly learn the position is close to, or even greater than, one year. Having a longer term supports continuity, can be more efficient in terms of cost and time, and can allow for greater opportunity to advocate/champion corporate initiatives. Relationships are critical in this position, and having a longer term allows for more opportunity to build these important relationships, whether it be with other leaders, the business community, residents, or other levels of government.

Those in opposition have stated shorter one year terms allow for more councillors to have the opportunity to run.

Across the Western Ontario Warden's Caucus, the term of Warden varies across municipalities, with one, two and even four year terms.

Requirements in Section 218 (4) of the Municipal Act, 2001

To make a change:

- Notice required
- Triple Majority not required
- Public meeting required
- A By-law under Section 218 does not come into force until the day the new council is organized following,
 - a) The first regular election following the passing of the by-law; or
 - b) If the by-law is passed in the year of a regular election before voting day, the second regular election following the pass of the by-law.

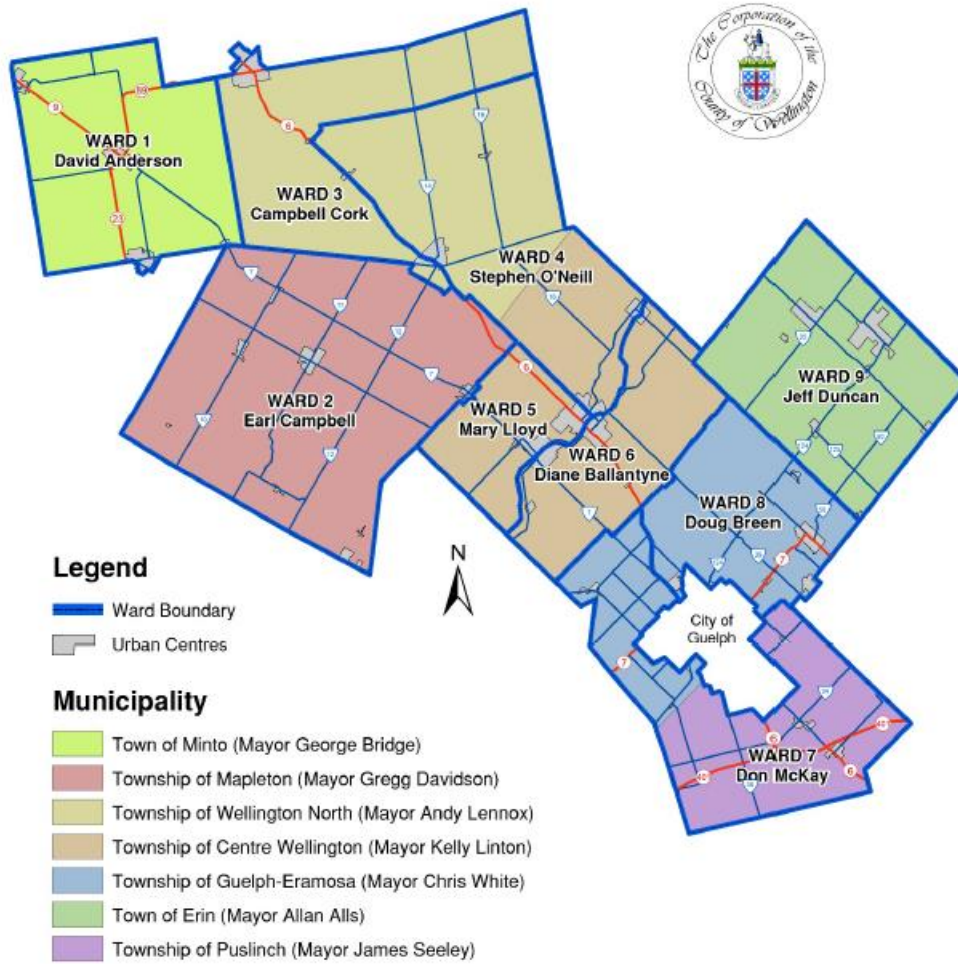
Wards

Section 222(1) of the Municipal Act, 2001 authorizes a municipality to divide or redivide the municipality into wards or to dissolve existing wards. Ward boundary changes can 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, 2001 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. There is a right of appeal to the OLT around the establishment/redistribution of wards and the OLT can redo ward boundaries if it determines it to be appropriate.

Municipalities that have a “ward only” system are generally found in single and lower tier governments. Wellington County Council is the only county that staff are aware of that have wards. Wellington County is made up of seven lower tier municipalities and 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 physical 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.

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 and funds would be required to be budgeted for this process.

Requirements in Section 222 (1) of the Municipal Act, 2001

To make a change:

- Public meeting not required (would be highly recommended)
- Triple majority not required
- A By-law of a municipality described in this Section comes into force on the day the new council of the municipality is organized following
 - a) the first regular election after the by-law is passed if the by-law is passed before January 1 in the year of the regular election and,
 - i) no notices of appeal are filed,
 - ii) notices of appeal are filed and are all withdrawn before January 1 in the year of the election
 - iii) notices of appeal are filed and the Tribunal issues an order to affirm or amend the by-law before January 1 in the year of the election; or
 - b) the second regular election after the by-law is passed, in all other cases except where the by-law is repealed by the Tribunal

Meeting Structure

Changing the meeting structure from Committee of the Whole to some type of standing committee structure would require about a 6 month lead time.

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 recommend a different structure than the one used previously. Recommendations may include:

- 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
- b. Smaller number of members per standing committee to not have a quorum of Council (example, 5 members per standing committee)
- 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

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.

Below are links that offer 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](#)

Procedural By-law

To make a change:

- Notice is recommended
- Procedural by-law amendment is required

Public Comment or Question Period

Information on this topic was requested during the last term of Council, with some level of interest in implementing a public comment or question period during Grey County Council meetings. Grey County currently has an accessible delegation request process which allows individuals, businesses and organizations to speak to Committee of the Whole or sub-committees on a variety of topics. Some municipalities also include a public comment or question period during, or before their council meetings.

Having delegations go through the delegation process allows for notice to residents on topics of interest as they are included in the agenda package ahead of the meeting. This allows residents interested in a particular topic to hear what is presented. Public comment or question periods do not typically allow for any advance notice of the questions.

There are a variety of ways to communicate with elected officials including email, phone call and in-office visits that allow residents to connect with their elected officials.

If Council wishes to include a public commenting or question period, a resolution from Council and changes to the Procedural By-law would be required prior to implementing a public participation period.

Procedural By-law

To make a change:

- Procedural by-law amendment is required

Legal and Legislated Requirements

Changes to some of these practices and structures would need to be completed in accordance

with the requirements of the Municipal Act, 2001 as amended, and/or procedural by-law.

Financial and Resource Implications

There are no costs associated with this report.

Relevant Consultation

- Internal: CAO
- External (list)

Public consultation and engagement will be an important consideration if any of the above structures and processes are to be changed, as the changes will affect residents in varying degrees.

Appendices and Attachments

None