

December 8, 2017

AREA MUNICIPAL CLERKS

SENT ELECTRONICALLY

**Re: Notice of Passing of By-law to Increase Composition of Regional Council
Addition of Member for Township of West Lincoln
Triple Majority Requirement
GM 10-2017, December 7, 2017**

At the Regional Council Meeting of December 7th, 2017 a public meeting was held respecting the proposed change to increase the composition of Regional Council by adding a member for the Township of West Lincoln.

Following the public meeting, Report GM 10-2017, a copy of which is attached hereto, was considered and approved as follows:

That Report GM 10-2017 dated December 7, 2017 respecting Change to Composition of Regional Council – Additional Representative for West Lincoln, **BE RECEIVED** and the following recommendations **BE APPROVED**:

1. That, subject to the public meeting as required by the Municipal Act, 2001, Regional Council **CONSIDER** adopting Bill 2017-108 to change its composition by adding an additional Councillor from the Township of West Lincoln, effective with the 2018 Municipal Election, provided that:
 - a. A majority of the Councils of the Area Municipalities pass a resolution consenting to the by-law (Bill referred to above); and
 - b. The total number of electors in the Area Municipalities that passed resolutions consenting to the by-law, form a majority of electors in Niagara Region.
2. That, subject to the adoption of Bill 2017-108, a copy of the Bill and Report GM 10-2017 **BE FORWARDED** to the Clerks of the 12 local Area Municipalities with a request that their Councils adopt the following resolution

and advise the Regional Clerk of the results by no later than December 31, 2017:

“That the Council of (*name of municipality*) consents to the passage of By-law No. 2017-108 of the Regional Municipality of Niagara, being a by-law to increase the composition of Regional Council by adding an additional Councillor for the Township of West Lincoln.”

By-law No. 2017-108 was subsequently passed, a copy of which is attached hereto. However, the by-law is not valid until triple majority status is achieved.

Pursuant to Section 219(2) of the *Municipal Act, 2001*, triple majority means:

1. Majority of Regional Council votes in favour of the by-law;
2. Majority of Area Municipalities pass a resolution consenting to the by-law (i.e. at least seven), and
3. Total number of electors in Area Municipalities that passed resolutions consenting to the by-law, form a majority of electors in Niagara Region.

The triple majority must be determined and achieved by December 31, 2017 in order for the by-law to come into force and effect for the 2018 Municipal Election.

Section 219(5) of the *Municipal Act, 2001* defines “elector” as a person whose name appears on the voters’ list, as amended up until the close of voting on voting day, for the last regular election preceding the coming into force of the by-law.

The number of electors as defined above for each area municipality is set out below. In the event your number is incorrect, please advise me as soon as possible.

Local Area Municipality	Population	Eligible Electors
Fort Erie	30,710	24,212
Grimsby	27,314	19,499
Lincoln	23,787	17,898
Niagara Falls	88,071	60,062
Niagara-on-the-Lake	17,511	13,837
Pelham	17,110	13,831
Port Colborne	18,306	15,298

St. Catharines	133,113	93,200
Thorold	18,801	14,116
Wainfleet	6,372	5,832
Welland	52,293	37,926
West Lincoln	14,500	11,198
Total for Region	447,888	326,909

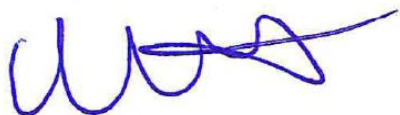
*as of the 2014 Municipal Election

We respectfully request that you place this matter before your Council at your earliest opportunity to consider a resolution consenting to the by-law and advise accordingly of the action taken by your Council.

A copy of Report GM 20-2017 and By-law No. 2017-108 are enclosed for your information.

Thanking you in advance for your assistance and should you require anything further, please do not hesitate to contact me.

Yours very truly,



Carolyn J. Kett,
Acting Deputy Regional Clerk

CLK-C 2017-139

cc: C. D'Angelo, CAO
C. Carter, GM, Administration, Corporate Services
F. Fabiano, Acting Regional Clerk
A. Norio, Acting Deputy Clerk

Subject: Change to Composition of Regional Council – Additional Representative for West Lincoln

Report to: Regional Council

Report date: Thursday, December 7, 2017

Recommendations

1. That, subject to the public meeting as required by the *Municipal Act, 2001*, Regional Council **CONSIDER** adopting Bill 2017-108 to change its composition by adding an additional Councillor from the Township of West Lincoln, effective with the 2018 Municipal Election, provided that:
 - a. A majority of the Councils of the area municipalities pass a resolution consenting to the by-law (Bill referred to above); and
 - b. The total number of electors in the Area Municipalities that passed resolutions consenting to the by-law, form a majority of electors in Niagara Region.
2. That, subject to the adoption of Bill 2017-108, a copy of the Bill and Report GM 10-2017 **BE FORWARDED** to the Clerks of the 12 local area municipalities with a request that their Councils adopt the following resolution and advise the Regional Clerk of the results by no later than December 31, 2017:

“That the Council of (name of municipality) consents to the passage of By-law No. 2017-108 of the Regional Municipality of Niagara, being a by-law to change the composition of Regional Council.”

Key Facts

- The purpose of this report is to provide information to Council to continue the process to consider a by-law to change and increase the composition of Regional Council by adding an additional Councillor from the Township of West Lincoln.
- Report GM 9-2017 was approved at the Corporate Services Meeting of November 8, 2017 and approved by Council at its meeting of November 16, 2017 to direct the Regional Clerk to provide notice and schedule the associated public meeting in order to consider a by-law to increase the composition of Regional Council by adding an additional Councillor from the Township of West Lincoln.

- The Minister of Municipal Affairs and Housing approved Regulation 407/17 on November 1, 2017 to authorize Regional Council to change the composition of its Council by increasing the number of members from the Township of West Lincoln from one to two.

Financial Considerations

Financial considerations include compensation and IT requirements (although one time costs), for an additional Councillor at a cost of approximately \$34,000. Additional costs would include travel, cell phone, conferences, training and development.

The architect engaged to complete the recent redesign of the Council Chamber provided staff with an estimated cost of \$100,000 to undertake renovations to accommodate an additional Councillor.

Analysis

Report GM 9-2017 was approved at the Corporate Services Committee meeting of November 8, 2017 and ratified by Regional Council at its meeting of November 16, 2017. Relevant excerpts from the report are repeated hereunder for the information of Council.

On July 20, 2017 Regional Council passed the following resolution:

That the Council of the Regional Municipality of Niagara **REQUEST** the Minister of Municipal Affairs to enact a regulation in accordance with Section 218 of the Municipal Act, 2001 to provide it with the authority to begin the process to change the size of Regional Council by the addition of one member from the Township of West Lincoln.

Regulation 158/16 was amended by Regulation 407/17 to add additional powers to the Regional Municipality of Niagara under section 218 of the *Municipal Act, 2001* to change the composition of its Council by increasing the number of members from the Township of West Lincoln from one to two.

It is important to note the next steps in the process must be completed by December 31, 2017 in order for the additional member for West Lincoln to be included on the ballot for the 2018 election.

Given the time of year, and the deadline to complete this matter, it has been challenging to meet the legislative requirements, prescribed time lines for giving notice and the Council meeting schedules. In particular, should the by-law be passed by Regional Council, notifying the Area Municipalities to seek their consent to the by-law under the triple majority rules.

In consideration of the direct election of the Regional Chair, for information purposes, the Table noted below illustrates the population numbers and number of eligible electors (2014*) by area municipality and total Region-wide.

Local Area Municipality	Population	Eligible Electors
Fort Erie	30,710	24,212
Grimsby	27,314	19,499
Lincoln	23,787	17,898
Niagara Falls	88,071	60,062
Niagara-on-the-Lake	17,511	13,837
Pelham	17,110	13,831
Port Colborne	18,306	15,298
St. Catharines	133,113	93,200
Thorold	18,801	14,116
Wainfleet	6,372	5,832
Welland	52,293	37,926
West Lincoln	14,500	11,198
Total for Region	447,888	326,909

*as of the 2014 Municipal Election

Prior to Regional Council considering the by-law, public notice had to be given at least 10 days before the meeting. Notice was published in Niagara this Week in all municipalities in Niagara on November 23, 2017 notifying the public of Council's intention to hold the public meeting at its meeting of December 7, 2017 and to consider a proposed by-law to increase the composition of Regional Council by adding an additional Councillor from West Lincoln. If Regional Council approves the by-law, notice will be sent to the Area Municipal Councils requesting their consideration of a resolution consenting to the passing of the by-law as required by the triple majority rules set out in the *Municipal Act, 2001*, and described below.

*The By-Law is subject to Triple Majority Status:

1. Majority of Regional Council votes in favour of the by-law;
2. Majority of Area Municipalities pass a resolution consenting to the by-law (i.e. at least seven), and
3. Total number of electors in Area Municipalities that passed resolutions consenting to the by-law, form a majority of electors in Niagara Region.

Timeline of Events

Request to Minister to enact Regulation	July 20, 2017
Notice of Minister's Decision (Verbal and Email)	November 2, 2017
Report to Corporate Services Committee	November 8, 2017
Notice of Public Meeting Published	November 23, 2017
Public Meeting prior to consideration of by-law	December 7, 2017
Regional Council to consider by-law to change composition*	December 7, 2017
Notice of passage of by-law sent to LAM's with request to pass resolution consenting to by-law	December 8, 2017

For easy reference, a December 2017 calendar is attached as Appendix "1" illustrating the meeting schedule for the Region and Area Municipalities.

In the event Regional Council does not support the by-law, no further action will be taken.

Likewise, if the triple majority is not achieved or determined by December 31, 2017, no further action will be taken.

Alternatives Reviewed

No alternatives have been reviewed since this report is primarily driven by past Council action and approval of the Regulation by the Minister of Municipal Affairs and Housing to increase the composition of Council by adding an additional Councillor from the Township of West Lincoln.

Relationship to Council Strategic Priorities

This report is not directly related to Council's Strategic Priorities as it is primarily driven by the direction of Council to seek a Regulation under the *Municipal Act, 2001* and the receipt of same.

Other Pertinent Reports

Report CLK 03-2017 dated March 30, 2017
Memorandum CL-C 86-2017 dated July 20, 2017 – Request for Additional Representative for the Township of West Lincoln
Public Notice Policy C3.P09 dated January 1, 2008
Memorandum CL-C 113-2017 dated November 16, 2017 – A Review of the Municipal Elections Modernization Act and Composition of Regional Council (GM 9-2017)
Supplemental Information

Prepared by:

Carolyn J. Kett,
Acting Regional Deputy Clerk
Administration Department

Recommended by:

Frank Fabiano
Acting Regional Clerk
Administration Department

Submitted by:

Carmelo D'Angelo, BSc, MPA
Chief Administrative Officer

Appendices

Appendix 1 December Regional and Area Municipality Meeting Calendar

December 2017

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
					1	2
3	4 Grimsby Lincoln Pelham	5 Thorold Wainfleet Welland	6	7 NR - Council	8	9
10	11 Fort Erie NOTL St Catharines West Lincoln	12 Niagara Falls	13	14	15	16
17	18 Grimsby Lincoln Pelham	19 Thorold Welland	20	21	22	23
24	25 Christmas Day	26	27	28	29	30
31						

THE REGIONAL MUNICIPALITY OF NIAGARA

BY-LAW NO. 2017-108

A BY-LAW TO CHANGE THE COMPOSITION OF COUNCIL BY ADDING
A MEMBER FOR THE TOWNSHIP OF WEST LINCOLN

WHEREAS Section 218(2) of the *Municipal Act, S.O. 2001*, Chapter 25, as amended, provides that the council of an upper-tier municipality may change the composition of council, including changing the size of council, and

WHEREAS Section 218(5) of the said *Act* provides a regional municipality shall not pass a by-law to change the size of council until the Minister has, by regulation, authorized the regional municipality to do so, and

WHEREAS the Minister filed O. Reg. 158/16 as amended by O. Reg. 407/17 authorizing the Regional Municipality of Niagara to exercise its power under Section 218 of the *Act* to change the composition of its council by increasing the number of members from the Township of West Lincoln from one to two, and

WHEREAS it is deemed desirable to proceed to change the composition of Regional Council accordingly;

NOW THEREFORE the Council of The Regional Municipality of Niagara enacts as follows:

1. That the composition of Regional Council be changed to increase the number of members from the Township of West Lincoln from one to two.
2. That the election of the additional member for the Township of West Lincoln shall be in accordance with the *Municipal Elections Act, S.O. 1996* for the election to be held in the year 2018, being the next regular election to occur after the passing of this by-law.
3. That this by-law shall come into force and effect on December 31, 2017 provided that:
 - (a) a majority of the councils of the lower-tier municipalities forming part of the Regional Municipality of Niagara have passed resolutions consenting to the by-law; and

- (b) 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 of Niagara according to the revised list of electors for the municipal election held in the year 2014.

THE REGIONAL MUNICIPALITY OF NIAGARA

Original signed by

Alan Caslin, Regional Chair

Original signed by

Frank Fabiano, Acting Regional Clerk

Passed: December 7, 2017