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**MEMORANDUM**

**CSC-C 11-2020**

**Subject: Referral of Motion – Direct Election of the Regional Chair –  
Additional Information – Past Work Undertaken on Governance Reform**

**Date: July 15, 2020**

**To: Corporate Services Committee**

**From: Ann-Marie Norio, Regional Clerk**

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Corporate Services Committee, at its meeting held on June 17, 2020, considered the following motion:

1. That the Office of the Regional Clerk **BE DIRECTED** to form a citizen committee of 15 people, as representative as possible of the local area municipalities, and engage in a public consultation process;
2. That the citizen committee and public consultation process **ADDRESS** the following questions:
  - Should the Regional Chair be directly elected by the citizens of Niagara or appointed by Regional Council?
  - How many Regional Councillors should represent each municipality?
  - If the number of Regional Councillors that represent each municipality is suggested to be different than it is currently, should the votes of Regional Councillors be weighted? If so, how should they be weighted?
  - By which method should Regional Councillors be elected?
  - What strategies are recommended to increase citizen engagement for and following elections?
  - What strategies are recommended to get more people to consider running for elected office?
  - What can be done to have Council be more reflective of the demographic make up of the Niagara region, e.g., gender, age, race/ethnicity, income status, etc.?; and

That the citizen committee, with the results from the public consultation process, **REPORT** back to Corporate Services Committee by April 2021.

Committee subsequently passed the following motion:

That the motion respecting the formation of a citizen committee, **BE REFERRED** to staff to provide a report to the Corporate Services Committee meeting being held on July 15, 2020.

The establishment of a committee to review and consider the matters noted in the referred motion would be at the will of Council. Should establishment of a committee be approved, staff would provide a report providing additional information respecting a public consultation process including a draft terms of reference for the committee and membership considerations.

Committee requested staff provide information on actions undertaken to date regarding governance. This memo provides Committee with Council's deliberations on governance from the present back to 2005. Appendix 1 sets a compendium of discussions from the present back to 2005. Appendix 2 lists the various documents Council considered during this period of time. Appendix 3 is the most recent work completed on governance by the independent external governance auditor.

Respectfully submitted and signed by

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Ann-Marie Norio  
Regional Clerk

Attachments:

- Appendix 1 Government Reform Compendium from 2005 to Present
- Appendix 2 Government Reform – Companion to Compendium from 2005 to Present  
List of Documents
- Appendix 3 Correspondence Item COTW-C 4-2020 "Final Report" Niagara Region  
Independent Governance Auditor

**Government Reform  
Compendium from 2005 to Present**

At the Corporate Services Committee meeting on June 17, 2020, Committee **received** Correspondence Item CSC-C 8-2020 respecting Referral of Motion – Direct Election of the Regional Chair.

The following motion was **referred** to staff to provide a report at the July 15, 2020 Corporate Services Committee:

That the Office of the Regional Clerk **BE DIRECTED** to form a citizen committee of 15 people, as representative as possible of the local area municipalities, and engage in a public consultation process;

That the citizen committee and public consultation process **ADDRESS** the following questions:

- Should the Regional Chair be directly elected by the citizens of Niagara or appointed by Regional Council?
- How many Regional Councillors should represent each municipality?
- If the number of Regional Councillors that represent each municipality is suggested to be different than it is currently, should the votes of Regional Councillors be weighted? If so, how should they be weighted?
- By which method should Regional Councillors be elected?
- What strategies are recommended to increase citizen engagement for and following elections?
- What strategies are recommended to get more people to consider running for elected office?
- What can be done to have Council be more reflective of the demographic make up of the Niagara region, e.g., gender, age, race/ethnicity, income status, etc.?; and

That the citizen committee, with the results from the public consultation process, **REPORT** back to Corporate Services Committee by April 2021.

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At the February 20, 2020 Council Session, Council considered a motion respecting Direct Election of the Regional Chair as follows:

WHEREAS the Province has completed its governance review and decided to leave governance reform in the purview of each municipality;

WHEREAS section 218.2 of the Municipal Act, 2001, provides a municipality the power to change the method of selecting its head of Council under section 218 of the Act for any regular election after 2018;

**Government Reform  
Compendium from 2005 to Present**

WHEREAS the upper tier municipalities of Durham Region, Halton Region, and Region of Waterloo directly elect their Regional Chair;

WHEREAS upper tier and single-tier municipalities in Ontario with larger populations and/or larger geographic areas than Niagara have directly elected Heads of Council;

WHEREAS Niagara is a progressive municipality with diverse interests; and

WHEREAS all of the voting citizens of Niagara deserve to have a direct say in who shall represent them as Regional Chair.

NOW THEREFORE BE IT RESOLVED:

That The Regional Municipality of Niagara EXERCISE its power and follow the necessary process under section 218 of the Municipal Act, 2001, to change the method of selecting the Head of Council so that beginning with the 2022 municipal election and for all future municipal elections the Regional Chair is elected by general vote by the voting citizens of all 12 local area municipalities in the Niagara region in accordance with the Municipal Elections Act, 1996.

The following motion was carried:

That the motion respecting Direct Election of the Regional Chair **BE REFERRED** to the Corporate Services Committee to allow for consideration of additional governance matters.

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At the April 11, 2019 Committee of Whole meeting, Council received a presentation respecting "Final Report" Niagara Region Independent External Governance Auditor. No action was taken.

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At the December 13, 2018 Council Session, Correspondence Item CL-C 72-2018 respecting "First Report" Niagara Region Independent External Governance Auditor was received and the following motion was **carried**:

That Correspondence Item CL-C 72-2018, dated December 6, 2018, respecting "First Report" Niagara Independent External Governance Auditor, **BE RECEIVED** and **REFERRED** to the Corporate Services Committee for further review, reporting back to Council with recommendations within the first quarter of 2019.

**Government Reform  
Compendium from 2005 to Present**

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At the October 4, 2018 Council Session, correspondence item CL-C 64-2018 respecting "Fact Book" Niagara Region Independent External Governance Auditor, Andrew Sancton Consulting was **received**.

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At the July 26, 2018 Council Session, Report CAO 18-2018 respecting Independent External Governance Auditor was received and the following motion was **carried**:

That Regional Council **APPROVE** the selection of Andrew Sancton Consulting as an Independent External Governance Auditor as recommended by Ombudsman Huberman in his report dated June 29, 2018.

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At the December 7, 2017 Council Session, a Statutory Public Meeting was held to receive comments from the public and consider the adoption of a by-law (pursuant to Section 218 of the Act) to change the composition of Niagara Regional Council to add an additional representative for the Township of West Lincoln. Council received Report GM 10-2017 respecting Change to Composition of Regional Council – Additional Representative for West Lincoln and the following motion was **carried**:

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.

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:

**Government Reform  
Compendium from 2005 to Present**

“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.”

Triple majority was achieved and the by-law enacted.

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At the November 8, 2017 Corporate Services Committee meeting, Report GM 9-2017 respecting A Review of the Municipal Elections Modernization Act and Composition of Regional Council was received and the following motion was **carried**:

That Report GM 9-2017 **BE RECEIVED** for information; and

That the Regional Clerk **BE DIRECTED** to provide notice and schedule the associated public meeting in order to consider a by-law for the increase in composition of Regional Council by adding an additional Councillor from the Township of West Lincoln.

The motion was ratified at the Council Session held on November 16, 2017.

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At the July 20, 2017, Council Session, correspondence item CL-C 86-2017 respecting Bill 68, Modernizing Ontario Municipal Legislation Act and deferral of CLK 03-2017: Request for Additional Regional Representative for the Township of West Lincoln and the following motion was carried:

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.

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At the April 27, 2017 Council Session, correspondence item CL-C 35-2017 respecting summary of responses from the Local Area Municipalities respecting the proposed change to composition of Regional Council – “Double Direct” was **received** which advised Council that based on the responses received from the local area municipalities, a majority of support from the local municipalities was not achieved; therefore, the proposed change to the composition of Regional Council, specifically that the six members of Regional Council representing the City of St. Catharines be elected by general vote of the electors of the City and by wards as members of both the Council of Niagara Region and the Council of the City, did not achieve triple majority and was defeated.

**Government Reform  
Compendium from 2005 to Present**

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At the March 30, 2017, Council Session, Report CLK 3-2017 respecting Request for Additional Regional Representative for the Township of West Lincoln was considered as follows:

That Council **HEREBY CONFIRMS** its support to change the size of Regional Council by the addition of one member from the Township of West Lincoln;

That the process to provide for the addition of one member from the Township of West Lincoln **COMMENCE** once deliberations on Bill 68 (Modernizing Ontario Municipal Legislation Act, 2016) are completed; and

3That, once the condition of Recommendation 2 above is met, staff **BE DIRECTED** to bring back a report to Council for consideration of the necessary next steps.

Council subsequently **carried** the following motion:

That consideration of Report CLK 3-2017, dated March 30, 2017, respecting Request for Additional Regional Representative for the Township of West Lincoln, **BE DEFERRED** pending the results of deliberations on Bill 68 (Modernizing Ontario Municipal Legislation Act, 2016); and

That staff **BE DIRECTED** to prepare a report respecting Regional Council representation by population for all local area municipalities.

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At the January 19, 2017 Council Session, Report CLK 2-2016 respecting Change to Composition of Regional Council – “Double Direct” was received and the following motion was **carried**:

That, subject to the public meeting as required by the *Municipal Act, 2001*, Regional Council **ADOPT** a by-law to change its composition, and such by-law, if adopted, to come into force and effect on April 27, 2017, provided that:

- a. a majority of the councils of the local area municipalities pass resolutions consenting to the by-law (referred to above); and,
- b. the total number of electors in the local municipalities that have passed resolutions in support of the by-law form a majority of all electors in the region of Niagara as established in the revised list of electors for the municipal election held in the year 2014.

**Government Reform  
Compendium from 2005 to Present**

That, subject to the adoption of the by-law, a copy of the by-law and Report CLK 2-2016 **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 of that consideration, no later than March 31, 2017:

“That the Council of (name of municipality) consents to the passage of the by-law of The Regional Municipality of Niagara, being a by-law to change the composition of the Regional Council.”

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At the November 17, 2016 Council Session, Report CLK 2-2016 respecting Change to Composition of Regional Council – “Double Direct” was considered and the following motion was **carried**:

That Report CLK 2-2016, dated September 15, 2016, respecting Change to Composition of Regional Council - "Double Direct" **BE DEFERRED** until a public meeting as defined under the Municipal Act, 2001, is held by the Council for the City of St. Catharines.

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At the September 15, 2016 Council Session, a Statutory Public Meeting was held for Council to receive comments from the public and consider the adoption of a by-law (pursuant to Section 218 of the Act) respecting a change in the composition of Niagara Regional Council to allow the six members of council representing the City of St. Catharines to be members of both Niagara Regional Council and the Council of the City. These six councillors would be elected on a ward system basis. Council received Report CLK 2-2016 respecting Change to Composition of Regional Council – “Double Direct” and the following motion was **deferred** until the December 8, 2016 Regional Council meeting, at the latest, to allow the opportunity for the City of St. Catharines to hold public meeting(s).

That, subject to the public meeting as required by the Municipal Act, 2001, Regional Council **ADOPT** Bill 49-2016 to change its composition (attached to Report CLK 2-2016 as Appendix I), and such Bill, if adopted, to come into force and effect on December 8, 2016, provided that:

- a. a majority of the councils of the local area municipalities pass resolutions consenting to the by-law (Bill referred to above); and,
- b. the total number of electors in the local municipalities that have passed resolutions in support of the by-law form a majority of all electors in the region of Niagara as established in the revised list of electors for the municipal election held in the year 2014.



**Government Reform  
Compendium from 2005 to Present**

That, subject to the adoption of Bill 49-2016, a copy of the Bill and Report CLK 2-2016 **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 of that consideration, no later than December 1, 2016:

“That the Council of (name of municipality) consents to the passage of Bill 49-2016 of The Regional Municipality of Niagara, being a by-law to change the composition of the Regional Council.”

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At the June 30, 2016 Council Session, Report CLK 1-2016 respecting Minister of Municipal Affairs and Housing Regulation under the *Municipal Act, 2001* – “Double Direct” was received and the following motion was **carried**:

That Niagara Region Council **GIVE NOTICE** of its intent to consider a by-law to change its composition;

That Niagara Region Council **HOLD** one public meeting on September 15, 2016 at 6:30 p.m. in the Council Chambers located at Regional Headquarters, 1815 Sir Isaac Brock Way, Thorold, Ontario;

That the Regional Clerk **BE DIRECTED** to post notice of Council’s intent and the public meeting on the Region’s Website in accordance with the Region’s public notice policy.

That staff **BE DIRECTED** to solicit public input by other means to facilitate the public engagement process.

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At the September 23, 2015 Corporate Services Committee meeting, the following motion was **defeated**:

That the Council of the Regional Municipality of Niagara **REQUEST** that the Minister of Municipal Affairs & Housing enact a regulation authorizing The Regional Municipality of Niagara to exercise its power under Section 218 of the Municipal Act, 2001, in order to change the method of selecting the Regional Chair (Head of Council) to an election-at-large across the Niagara Region, in accordance with the Municipal Elections Act, 1996, to be effective 2018; and

That local Niagara Councils **BE NOTIFIED** of the passage of this resolution.

## Government Reform Compendium from 2005 to Present

The above motion was considered separately at Council and subsequently **defeated**.

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At the July 23, 2015 Council Session, correspondence item C8313, a letter from the City of St. Catharines, respecting Double Direct Councillor Role - City of St. Catharines was received and the following motion was **carried**:

That Council **APPLY** to the Ministry of Municipal Affairs and Housing to allow the City of St. Catharines to change its method of electing City and Regional Councillors to the "Double-Direct Method" as outlined in its December 2nd, 2013 report, where six members of Council will serve on both Regional and City Council, while six members of Council would serve only on City Council, and all to be elected on a ward system basis; and

That, the Region **AGREES** to make this request, total compensation of the new "double-duty" Councillors will be equal to the combined compensation a Councillor would receive as a City of St. Catharines Councillor and as a Regional Councillor; and

That, should the request not receive required Regional and/or Provincial approvals, staff **RECOMMEND** specific changes that would improve communication and efficiency under the present system.

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At the July 23, 2015 Council Session, correspondence item C8314, a memorandum from Ralph Walton, Regional Clerk, regarding Past Work Undertaken By Council on Governance Reform, was **referred** to the meeting of the Corporate Services Committee being held on September 23, 2015.

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At the **January 15, 2015** Council Session, Councillor Sendzik requested that correspondence item C8237 respecting Filling a Vacancy on Regional Council be removed from the agenda as his municipality had received new information from the Ministry of Municipal Affairs and Housing. There were no objections.

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At the **January 16, 2014** Council Session, correspondence item C8144, a memorandum from Gary Burroughs, Regional Chair, regarding the City of St. Catharines letter to the Ministry of Municipal Affairs and Housing requesting Regional Council's consideration of a preferred governance modernization option was **received**. Minute Item 18, through the Integrated Community Planning Committee meeting of January 8, 2014 Report ICP 06-2014, addressed the

**Government Reform  
Compendium from 2005 to Present**

issue as to whether or not Council should ask MMAH to order the Niagara Region to put the following question on the ballot: "Are you in favour of the twelve municipalities of Niagara and Niagara Region amalgamating to form a new 'City of Niagara'?" This motion was **defeated**.

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At the **December 12, 2013** Council Session, correspondence item C8133, a memorandum from Janet Pilon, Regional Clerk, regarding the placement of referendum questions on the ballot for the October 27, 2014 election was **received and referred** to the consideration of Minute Item 534. Minute Item 534 posed several referendum questions for election ballot placement and were dealt with separately as follows:

- Should the Regional Chair position be elected at-large by the people of Niagara versus the current process of election by the Regional Council? This motion was **defeated**.
  - Should the Regional Councillor position be limited to a maximum of three consecutive 4-year terms of service versus the current unlimited number of 4-year terms of service? This motion was **defeated**.
  - Should the Regional Councillor position be a dual-role position serving both at the Region and at the respective municipality? This motion was **defeated**.
  - Should the Regional Councillor position be full-time versus the current part-time position? This motion was **defeated**.
  - Should the Niagara Region fund region-wide transit service? This motion was **carried**.
  - Should the Region of Niagara employ an Integrity Commissioner to oversee the conduct of Regional Councillors? This motion was **defeated**.
  - Should the twelve municipalities of Niagara amalgamate to form a new "City of Niagara"? This motion was **carried**.
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At the **June 20, 2013** Council Session, correspondence item C8046, a memorandum from

Janet Pilon, Regional Clerk, regarding the Selection of the Regional Chair was received and the following motion was **carried**:

That the candidate for the election of Regional Chair who is elected to Regional Council be elected by the sitting members of Regional Council for the term of Council; subject to the process to change the method of selecting the Regional Chair (head of council) to be appointed by the members of Council from the members of Council.

**Government Reform  
Compendium from 2005 to Present**

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At the **February 7, 2013** Council Session, correspondence item C7991, a confidential memorandum from Janet Pilon, Regional Clerk regarding A Matter of Solicitor-Client Advice, Governance – Selection of Regional Chair, was received and released to the public save and except the summary. The following motion was **carried**:

That Regional Council request the Minister of Municipal Affairs and Housing to enact a regulation authorizing The Regional Municipality of Niagara to exercise its power under Section 218 of the Municipal Act, 2001, in order to change the method of selecting the Regional Chair (head of council) to be appointed by the members of council from the members of council, in accordance with the Municipal Elections Act, 1996, to be effective 2014;

That subject to the Minister enacting the regulation outlined above:

The Director of Legal Services draft a by-law pursuant to the provisions of the regulation and the rules set out in subsection 218(1) of the Municipal Act, 2001; and

The Regional Clerk present a report recommending the date that the statutory public meeting of Regional Council will be held to consider the matter.

The following motion was also **carried**:

That the consideration of a motion respecting a Double Direct (dual role) Regional Councillors representation model, similar to the Durham Region's model of governance, **BE DEFERRED** pending the receipt of a letter from the City of St. Catharines, containing the outcome of the City of St. Catharines' Council consideration of the recommendations from the City of St. Catharines' Governance Committee.

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At the **January 24, 2013** Council Business Planning of the Whole Committee meeting, correspondence item C7984, a memorandum from Walter Sendzik, CEO, Greater Niagara Chamber of Commerce (January 23, 2013) respecting Governance in Niagara and correspondence item C7985, a chart illustrating Durham Region Council Composition and map were both **received for information**. The subject of this meeting was specifically "governance." The following motion (and suggested amendments) was **defeated**:

**Government Reform  
Compendium from 2005 to Present**

That the Council of the Regional Municipality of Niagara requests that Councillor Timms, as the sponsor of this proposal seek the support of his home municipality (City of St. Catharines) for the change to the current Regional Councillors' representation (single role) to a Double Direct (dual role) Regional Councillors representation model, similar to the Durham Region's mode of governance; and

That the City of St. Catharines be requested to initiate the process to change the current Regional Councillors' representation (single role) to a Double Direct (dual role) Regional Councillors representation model, similar to the Durham Region's model of governance.

The following motion was **defeated** (as well as a motion to defer this amendment to another Council Business Planning Committee of the Whole Session):

That the Council of the Regional Municipality of Niagara requests that Councillor Timms, as the sponsor of this proposal seek the support of his home municipality (City of St. Catharines) for the change to the current Regional Councillors' representation (single role) to a Double Direct (dual role) Regional Councillors representation model **for the City of St. Catharines**, similar to the Durham Region's model of governance.

The following motion was **carried**:

That the candidate for the election of Regional Chair who is elected to Regional Council be elected by the sitting members of Regional Council for the term of Council; subject to the process to change the method of selecting the Regional Chair (head of council) to be appointed by the members of council from the members of council.

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At the **December 6, 2012** Council Session, correspondence item C7965, an email from Kithio Mwanzia, Director, Policy and Government Relations, Greater Niagara Chamber of Commerce regarding the Election of the Regional Chair and the Consideration of the Double Direct Durham Region Model of Governance was **received and approved**. A presentation by Mr. Mwanzia regarding Governance Models for Niagara was received and referred to the January 24, 2013 Councillor Business Planning Committee of the Whole meeting for a full discussion on governance.

**Government Reform  
Compendium from 2005 to Present**

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At the **September 20, 2012** Council Business Planning of the Whole Session, Council were provided with correspondence item C7921 (not specified in minutes), a memorandum from Gary Burroughs, Regional Chair, entitled “Governance Review – Next Steps.” The following motion was **carried**:

That staff prepare a report on the two issues identified “Confusion over delivery of services” and “Adequate Communication and Coordination between the Region and area municipalities” and provide information on the timing required, under the Municipal Act” should any changes/recommendations be brought forward to Council prior to the end of this Council's term of office.

The following motion was **defeated**:

That this Council no longer discuss Amalgamation; Direct Election of Regional Chair; Dual Role Councillors and Number of Regional Councillors during this term of Council.

The following motion was **carried**:

That staff investigate the feasibility of hosting a Niagara forum for local and regional politicians improving on the theme ‘Niagara: In Search of Best Practices’ in order to pursue Councillors identified priorities.

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At the **July 26, 2012** Council Session, correspondence item C7899 regarding the Governance Review from Gary Burroughs, Regional Chair, was considered with Dr. Siegel’s presentation on Governance Review, which was **received**. Dr. Siegel and the Niagara Observatory provided Regional Council with a brief overview of his analysis attached to C7899, which included steps in problem solving, the roles of local government, perceived problems and suggested next steps (prioritize the problems).

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At the **May 24, 2012** Council Session, Report CAO 2-2012 regarding the Progress Report – 2012-2015 Council Business Plan was **received for information**. One of the components of this report speaks to Council’s prioritizing its Governance Review.

**Government Reform  
Compendium from 2005 to Present**

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At the **March 22, 2012** Council Session, Council **received** correspondence item C7808, a memorandum from Gary Burroughs, Regional Chair, regarding the Governance Review Next Steps for information and directed staff to prepare an analysis of what items could be included in any such focused review including cost/benefit analysis, impact on reallocation of representatives, which changes would require triple majority and/or provincial sign-off, what can be achieved during the 2010-2014 Council term, and the dual role/responsibilities of Councillors.

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At the **March 1, 2012** Council Session, Council **received** correspondence item C7796, a letter from Mathew Siscoe, Governance Committee Chair, City of St. Catharines (February 22, 2012) regarding the City of St. Catharines, Governance Committee. Council also **received** the minutes of the February 16, 2012 Council Business Planning Committee of the Whole session on Governance.

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At the **February 16, 2012** Council Business Planning Committee of the Whole Session, Dr. Siegel made a presentation on Council Structure Reform; Internal Governance Reform and Service Delivery Reform, and Mr. Hussey (facilitator) reviewed the survey results.

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At the **February 9, 2012** Council Session, Council **received** Report CAO 1-2012, February 9, 2012, regarding Council Business Plan - Action Plan "To Develop a More Concrete Partnership and Improved Alignment with Area Municipalities..." (Action 3.6 - Open for Business) and **it was moved that Council would provide feedback on said plan.**

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At the **January 19, 2012** Council Session, Regional Chair Gary Burroughs spoke to the issue of the governance review process and made reference to a memorandum that had been distributed to members of Council.

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At the **December 8, 2011** Council Session, Regional Chair Gary Burroughs spoke to the issue of governance review. Council also **received** correspondence item C7744, a letter from Bonnie Nistico-Dunk, City Clerk for St. Catharines regarding the appointments to the St. Catharines Governance Committee.

**Government Reform  
Compendium from 2005 to Present**

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At the **November 17, 2011** Council Session, Council **received** C7739, a memorandum from Kevin Bain, Regional Clerk regarding City of St. Catharines Governance Committee.

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At the **October 27, 2011** Council Session, Regional Chair Gary Burroughs spoke to the issue of governance review. Council also **received** correspondence item C7723, a letter from Bonnie Nistico-Dunk, City Clerk for St. Catharines respecting a request for the active participation of two (2) St. Catharines Regional Councillors on the City of St. Catharines' Governance Committee and **referred** it to staff for a background report.

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At the **June 3, 2010** Council Session, Councillor Puttick made a Notice of Motion to reconsider the Council decision of February 28, 2008 to refrain from spending any further resources – financial or otherwise - on the debate or examination of the composition of Regional Council and municipal governance in the Niagara Region during the current term of this Council in order to allow for consideration of a change in Council composition or governance for the term of Council commencing December 1, 2014. [No motion was pursued.]

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At the **May 13, 2010** Council Session, Council **received** correspondence item C7486, a letter from D. Carnegie, Director of Corporate Services / Clerk for the City of St. Catharines to Premiere Dalton McGuinty respecting the City of St. Catharines' resolution for Regional Government Reform.

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At the **March 25, 2008** Council Organization Review Committee Session, Committee moved to maintain its status quo with respect to its method of electing the Regional Chair, that while Regional Council can appoint a Regional Chair that has not been an elected Councillor, it has always chosen not to, but rather, to elect the Regional Chair from those elected by the general vote to serve as Regional Councillor.

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At the **February 28, 2008** Council Session, Council **received** the following correspondence items:

C7006	A package of information from Mr. William McLean: a letter dated November 15, 2007 with schedules identifying the composition of municipal and regional Councils within Ontario and a letter dated
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**Government Reform  
Compendium from 2005 to Present**

January 16, 2008 in response to Councillor McMullan's efforts to alter Regional Council.

*Received and referred to the Council Organization Review Committee.*

C7010      A letter from Mr. William McLean (February 24, 2008) respecting Restructuring Niagara Regional Council.

*Received.*

C7015      A letter from Dean Iorfida, Clerk, City of Niagara Falls (February 27, 2008) respecting the City of Niagara Falls Council's position on the composition of Regional Council.

*Received and referred to the Council Organization Review Committee.*

Council also **adopted the following motion:**

WHEREAS on June 19, 2003, the Council of the Regional Municipality of Niagara resolved that the issue of governance and the composition of Regional Council be referred to the 2003-2006 Regional Council;

AND WHEREAS, despite that resolution, on November 24, 2005, Regional Council resolved to focus on the priorities established during the 2004-2006 Council Business Planning process and, thereby, to not re-examine Council composition and governance;

AND WHEREAS on May 24, 2007, Regional Council resolved that the issue of governance be referred to a fulsome debate as part of the Regional Council Business Planning Session;

AND WHEREAS, despite that resolution, the 2007-2011 Regional Council Business Plan, adopted on December 20, 2007, contains no mandate to either re-examine the composition of the Regional Council or of governance in the Niagara Region;

**Government Reform  
Compendium from 2005 to Present**

AND WHEREAS within the last six months, more than 50% of Niagara's area municipalities have endorsed resolutions to maintain the current composition of the Regional Council and current governance structure thereby eliminating the possibility of the "triple majority" vote in support of change;

THEREFORE BE IT RESOLVED THAT the Corporate Services Committee recommend that Regional Council reaffirm its support of the priorities established in the 2007-2011 Regional Council Business Plan, thereby knowingly commit to refrain from spending any further resources – financial or otherwise – on the debate or examination of the composition of Regional Council and of municipal governance in the Niagara Region during the current term of this Council.

**Carried.**

Council also **adopted the following motion:**

That the City of St. Catharines be advised of Regional Council's decision to reaffirm its support for the priorities established in the 2007-2011 Regional Council Business Plan, thereby knowingly commit to refrain from spending any further resources – financial or otherwise – on the debate or examination of the composition of Regional Council and of municipal governance in the Niagara Region during the current term of this Council.

**Carried.**

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At the **February 20, 2008** Corporate Services Committee Session, the Committee **adopted the following motion:**

WHEREAS on June 19, 2003, the Council of the Regional Municipality of Niagara resolved that the issue of governance and the composition of Regional Council be referred to the 2003-2006 Regional Council;

AND WHEREAS, despite that resolution, on November 24, 2005, Regional Council resolved to focus on the priorities established during the 2004-2006 Council Business Planning process and, thereby, to not re-examine Council composition and governance;

AND WHEREAS on May 24, 2007, Regional Council resolved that the issue of governance be referred to a fulsome debate as part of the Regional Council Business Planning Session;

**Government Reform**  
**Compendium from 2005 to Present**

AND WHEREAS, despite that resolution, the 2007-2011 Regional Council Business Plan, adopted on December 20, 2007, contains no mandate to either re-examine the composition of the Regional Council or of governance in the Niagara Region;

AND WHEREAS within the last six months, more than 50% of Niagara's area municipalities have endorsed resolutions to maintain the current composition of the Regional Council and current governance structure thereby eliminating the possibility of the "triple majority" vote in support of change;

THEREFORE BE IT RESOLVED THAT the Corporate Services Committee recommend that Regional Council reaffirm its support of the priorities established in the 2007-2011 Regional Council Business Plan, thereby knowingly commit to refrain from spending any further resources – financial or otherwise – on the debate or examination of the composition of Regional Council and of municipal governance in the Niagara Region during the current term of this Council.

**Carried.**

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At the **February 12, 2008** Council Organizational Review Committee Session, the Committee considered the letter from the City of St. Catharines regarding representation of the City of St. Catharines at Niagara Regional Council and the issue of representation by population. From the minutes:

Committee members concurred that its focus at this time is on municipal representation on Regional Council and not the overall "governance" issue and that numerous options should be developed and include the following criteria during this examination:

- Representation by population using up to date population and growth statistics
- Consider "Wards"
- Protection of minority interests
- Size of Council
- Property Value Assessment
- Ease of understanding
- Weighted Voting
- Equitable representation by population across Niagara

**Government Reform  
Compendium from 2005 to Present**

It was also moved:

That the fourth item under Scope, in the Terms of Reference for the Council Organization Review Committee, be amended to read as follows:

“Review former investigations and reports regarding governance at the Region of Niagara for the purpose of making recommendations regarding representation and voting procedures at Regional Council.”

**Carried.**

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At the **January 22, 2008** Council Organizational Review Committee Session, the Committee moved that:

That the matter of the “Representation on Niagara Regional Council” be referred to the Regional Council meeting of February 28, 2008.

**Carried.**

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At the **December 20, 2007** Council Session, Council **received** the following correspondence items, which were subsequently **referred** back to the February 28, 2008 Council Session by the Council Organization Review Committee at their January 22, 2008 Session:

C6978      A letter from Kenneth R. Todd, Director of Corporate Support Services, City of St. Catharines (November 23, 2007) requesting that the Niagara Region forward a request to the Minister of Municipal Affairs to make regulations under the Municipal Act authorizing the Region to exercise its powers under Section 218 of the Municipal Act with respect to the composition of Regional Council.

*Received and referred to the Council Organization Review Committee.*

**Government Reform  
Compendium from 2005 to Present**

C6979      A letter from Janet Beckett, City Clerk, City of Port Colborne (November 29, 2007) advising Regional Council of the City of Port Colborne's resolution declaring that they are not in favour of adding more Regional Councillors and of weighted votes so that Port Colborne's level of representation is not diminished.

*Received and referred to the Council Organization Review Committee.*

C6980      A letter from Susan Daniels, Deputy City Clerk, City of Thorold (December 5, 2007) respecting Municipal Representation at Regional Council.

*Received and referred to the Council Organization Review Committee.*

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At the **May 24, 2007** Council Session, Council **adopted the following motion:**

That the Niagara Regional Council establish a working committee of respected eminent Niagara citizens (with outside professional support) to:

- Reflect on what changes have occurred and what problems have arisen over the history of Niagara Regional Government.
- Determine whether there is the need to examine our governance to assure we have a strong future in terms of social, cultural and economic issues.
- If so, propose a way to accomplish that examination.
- Report their findings back to Council by January 1<sup>st</sup>, 2008.

Council also **adopted the following motion:**

That the above motion respecting the Redefining a Regional Governance Model, be referred to a Council Business Planning Session for a full and open debate.

**Carried.**

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**Government Reform  
Compendium from 2005 to Present**

At the **June 15, 2006** Council Session, Council **received** correspondence item C6784 from John Gerretsen, Minister, Ministry of Municipal Affairs and Housing respecting the resolution passed by the Council of the City of St. Catharines requesting a change in representation on Regional Council and **referred** it to the Council Organization Review Committee (CORC) for deliberation during the next term of Council.

---

At the **November 24, 2005** Council Session, Council **adopted the following motion:**

That Report CHR 3-2005, Composition of Regional Council, be received for information, and copies be distributed to the area municipalities and local MPP's.

**Carried.**

Council also **adopted the following motion:**

That Regional Council supports the comments expressed in Report CHR 3 and supports a focus on the priorities established during the Council Business Planning process through continued collaboration with our area municipalities.

**Carried.**

---

At the **April 7, 2005** Council Session, Council **adopted the following motion:**

That the Memorandum to Regional Chairman Partington from Councillor Baty, Chair, Council Organization Review Committee respecting Referral of Governance Issues be received and the recommendations contained therein be approved.

**Carried.**

The recommendations contained in this memorandum are as follows:

That consideration of the communications and the governance matter be deferred and not dealt with by the Council Organization Review Committee; and

That this matter be referred to the Regional Chair's Office for determining when this matter could best be dealt with within the timeframe of the existing Council term; and

That background information and reports from previous governance committees and correspondence from local municipalities and other sources regarding Council

**Government Reform  
Compendium from 2005 to Present**

representation be provided in a comprehensive report for consideration at a Committee of the Whole Council meeting as determined by the Regional Chair.

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At the **March 22, 2005** Council Organizational Review Committee Session, it was moved that:

That consideration of the communications and the governance matter be deferred and not dealt with by the Council Organization Reorganization Committee; and

That this matter be referred to the Regional Chair's Office for determining when this matter could best be dealt with within the timeframe of the existing Council term; and

That background information and reports from previous governance committees and correspondence from local municipalities and other sources regarding Council representation be provided in a comprehensive report for consideration at a Committee of the Whole Council meeting as determined by the Regional Chair.

**Carried.**

---

At the **March 17, 2005** Council Session, Council **received** correspondence item C6446, a resolution from the City of St. Catharines requesting the Regional of Niagara to establish a system of representation which corresponds to population distribution, with a view to not increase the size of Regional Council, and **referred** it to the Council Organization Review Committee.

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At the **January 20, 2005** Council Session, Council **received** correspondence item C6400, correspondence from Pat Schofield, Port Colborne, Ontario (December 20, 2004) expressing concerns respecting Regional government which includes restructuring, affordability, and representation on council from the Northern tier versus the Southern tier.

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**Government Reform**  
**Companion to Compendium from 2005 to Present**  
**List of Documents**

<b>Item</b>	<b>Council Session</b>	<b>Details</b>
CSC-C 8-2020	June 25, 2020 (CSC Meeting June 17, 2020)	Referral of Motion – Direct Election of the Regional Chair
COTW-C 4-2019	April 25, 2019 (COTW meeting April 11, 2019)	“Final Report” Niagara Region Independent Governance Auditor
CL-C 72-2018	December 13, 2018	“First Report” Niagara Region Independent External Governance Auditor
CL-C 64-2018	October 4, 2018	“Fact Book” Niagara Region Independent External Governance Auditor, Andrew Sancton Consulting
CAO 18-2018	July 26, 2018	Independent External Governance Auditor
CL-C 49-2018	July 5, 2018	Independent Third Party Report – 2016 Hiring Process of the Chief Administrative Officer (recommendation contained therein to evaluate existing governance framework)
CL-C 120-2017	December 7, 2017	Letter from M. Balsom, President/CEO, Greater Niagara Chamber of Commerce re Governance Opportunity
GM 10-2017	December 7, 2017	Change to Composition of Regional Council – Additional Representative for West Lincoln
GM 9-2017	November 16, 2017 (CSC Meeting November 8, 2017)	A Review of the Municipal Elections Modernization Act and Composition of Regional Council
CL-C 86-2017	July 20, 2017	Memorandum from L. Bubanko, Regional Clerk, re Bill 68, Modernizing Ontario Municipal Legislation Act and deferral of CLK 03-2017: Request for Additional Regional Representative for the Township of West Lincoln
CL-C 35-2017	April 27, 2017	Memorandum from N. Devos, Acting Regional Clerk, re summary of responses from the Local Area Municipalities respecting the proposed change to composition of Regional Council “Double Direct”
CLK 3-2017	March 30, 2017	Request for Additional Regional Representative for the Township of West Lincoln
CL-C 12-2017	January 19, 2017	Speaking Notes from S. Soos, resident, City of Welland re Report CLK 2-2016
CL-C 8-2017	January 19, 2017	Memorandum from R. Walton, Regional Clerk, re Chronology of the Consideration of the Proposed Change to Composition of Regional Council – “Double Direct”
CL-C 5-2017	January 19, 2017	Email from D. Hesse, resident, City of St. Catharines re Report CLK 2-2016
CL-C 4-2017	January 19, 2017	A letter from the City of St. Catharines re dual duty Councillor proposal – City of St. Catharines



**Government Reform**  
**Companion to Compendium from 2005 to Present**  
**List of Documents**

<b>Item</b>	<b>Council Session</b>	<b>Details</b>
CL-C 112-2016	November 17, 2016	Speaking Notes from G. Darte, resident, City of St. Catharines re Report CLK 2-2016
CL-C 111-2016	November 17, 2016	Speaking Notes from J. Bullivant, resident, City of St. Catharines re Report CLK 2-2016
CL-C 108-2016	November 17, 2016	Memorandum from R. Walton, Regional Clerk re Change to Composition of Regional Council – “Double Direct”
CL-C 103-2016	September 15, 2016	Speaking Notes from G. Darte, resident, City of St. Catharines re Report CLK 2-2016
CL-C 99-2016	September 15, 2016	Email from P. Malaguti re Report CLK 2-2016
CL-C 98-2016	September 15, 2016	Email from F. Hanam re Report CLK 2-2016
CL-C 97-2016	September 15, 2016	Email from S. Corcoran re Report CLK 2-2016
CL-C 96-2016	September 15, 2016	Email from D. Hesse, re Report CLK 2-2016
CL-C 95-2016	September 15, 2016	Letter from Dr. J. McTavish, resident, City of St. Catharines re Report CLK 2-2016
CL-C 91-2016	September 15, 2016	Memorandum from R. Walton, Regional Clerk, re Dual Duty Councillor Public Survey Results
CL-C 90-2016	September 15, 2016	Online Submission from B. Janzen, resident, City of St. Catharines re Report CLK 2-2016
CL-C 89-2016	September 15, 2016	Speaking Notes from D. Alexander, resident, City of St. Catharines re CLK 2-2016
CLK 2-2016	September 15, 2016	Change to Composition of Regional Council – “Double Direct”
CLK 1-2016	June 30, 2016	Minister of Municipal Affairs and Housing Regulation under the Municipal Act, 2001 – “Double Direct”
CSC-C 23-2015	October 1, 2015 (September 23, 2015 CSC Meeting)	Comments from M. Balsom, President/Chief Administrative Officer, Greater Niagara Chamber of Commerce re: C8314
C8314	July 23, 2015	Memorandum from R. Walton, Regional Clerk, re: Past Work Undertaken by Council on Governance Reform
C8313	July 23, 2015	Correspondence from the City of St. Catharines re: Double Direct Councillor Role
C8242	January 15, 2015	Letter from K. Mwanzia, Interim Chief Executive Officer, Greater Niagara Chamber of Commerce re: Governance Modernization in Niagara
C8239	January 15, 2015	Memorandum from H. Schlange, Chief Administrative Officer respecting Background Information re: Regional Municipality Councillor roles

**Government Reform**  
**Companion to Compendium from 2005 to Present**  
**List of Documents**

<b>Item</b>	<b>Council Session</b>	<b>Details</b>
C8237	January 15, 2015	Correspondence from the City of St. Catharines re: Filling a Vacancy on Regional Council
C8144	January 16, 2014	Memorandum from G. Burroughs, Regional Chair re: City of St. Catharines letter to the Ministry of Municipal Affairs and Housing requesting Regional Council's consideration of a preferred governance modernization option
ICP 6-2014	January 16, 2014	Question on the Ballot for the October 27, 2014 Municipal Election
C8133	December 12, 2013	Memorandum from J. Pilon, Regional Clerk re: Placement of Referendum Questions on the ballot for the October 27, 2014 Election
C8046	June 30, 2013	Memorandum from J. Pilon, Regional Clerk regarding the Selection of the Regional Chair
C7991	February 7, 2013	Confidential memorandum from J. Pilon, Regional Clerk regarding A Matter of Solicitor-Client Advice, Governance – Selection of Regional Chair [save and except the summary which remains confidential]
C7985	February 7, 2013 (through CBPCOTW of January 24, 2013)	Chart illustrating Durham Region Council Composition and map were both received for information
C7984	February 7, 2013 (through CBPCOTW of January 24, 2013)	Memorandum from W. Sendzik, CEO, Greater Niagara Chamber of Commerce (January 23, 2013) respecting Governance in Niagara
CBPCOTW 1-2013	January 24, 2013	Minutes of the January 24, 2013 Council Business Planning Committee of the Whole meeting on Governance
C7965	December 6, 2012	Email from K. Mwanzia, Director, Policy and Government Relations, Greater Niagara Chamber of Commerce regarding the Election of the Regional Chair and the Consideration of the Double Direct Durham Region Model of Governance
GNCC Presentation	December 6, 2012	Presentation by K. Mwanzia, Director, Policy and Government Relations, Greater Niagara Chamber of Commerce regarding Governance Models for Niagara

**Government Reform**  
**Companion to Compendium from 2005 to Present**  
**List of Documents**

<b>Item</b>	<b>Council Session</b>	<b>Details</b>
C7921	September 20, 2012	Memorandum from G. Burroughs, Regional Chair, entitled "Governance Review – Next Steps."
CBPCOTW 8-2012	September 20, 2012	Minutes of the September 20, 2012 Council Business Planning Committee of the Whole meeting on Governance – Addressing the Issues and Identifying Next Steps
C7899	July 26, 2012	Memorandum from G. Burroughs, Regional Chair, regarding the Governance Review
Presentation – Dr. Siegel July 26, 2012	July 26, 2012	Presentation by Dr. Siegel on Governance Review – "What's The Problem?"
CAO 2-2012	May 24, 2012	Progress Report – 2012-2015 Council Business Plan
C7808	March 16, 2012	Memorandum from G. Burroughs, Regional Chair, regarding the Governance Review Next Steps
C7796	February 22, 2012	Letter from M. Siscoe, Governance Committee Chair, City of St. Catharines regarding the City of St. Catharines, Governance Committee
CBPCOTW 2-2012	February 16, 2012	Minutes of the February 16, 2012 Council Business Planning Committee of the Whole meeting on Governance - Council Structure Reform; Internal Governance Reform and Service Delivery Reform
CAO 1-2012	February 9, 2012	Council Business Plan - Action Plan "To Develop a More Concrete Partnership and Improved Alignment with Area Municipalities..." (Action 3.6 - Open for Business)
Memo	January 19, 2012	Memorandum from G. Burroughs Regional Chair to members of Council regarding the governance review process
C7744	December 8, 2011	Letter from B. Nistico-Dunk, City Clerk for St. Catharines regarding the appointments to the St. Catharines Governance Committee
C7739	November 17, 2011	Memorandum from K. Bain, Regional Clerk regarding City of St. Catharines Governance Committee

**Government Reform**  
**Companion to Compendium from 2005 to Present**  
**List of Documents**

<b>Item</b>	<b>Council Session</b>	<b>Details</b>
C7723	October 27, 2011	A letter from B. Nistico-Dunk, City Clerk, City of St. Catharines (October 21, 2011) respecting a request for the active participation of two (2) St. Catharines Regional Councillors on the City of St. Catharines' Governance Committee
C7486	May 13, 2010	A letter form D. Carnegie, Director of Corporate Services / Clerk for the City of St. Catharines to Premiere Dalton McGuinty respecting the City of St. Catharines' resolution for Regional Government Reform
C7015	February 28, 2008	A letter from D. Iorfida, Clerk, City of Niagara Falls (February 27, 2008) respecting the City of Niagara Falls Council's position on the composition of Regional Council
C7010	February 28, 2008	A letter from Mr. W. McLean (February 24, 2008) respecting Restructuring Niagara Regional Council
C7006	February 28, 2008	A package of information from Mr. W. McLean: a letter dated November 15, 2007 with schedules identifying the composition of municipal and regional Councils within Ontario and a letter dated January 16, 2008 in response to Councillor McMullan's efforts to alter Regional Council
C6980	December 20, 2007	A letter from S. Daniels, Deputy City Clerk, City of Thorold (December 5, 2007) respecting Municipal Representation at Regional Council
C6979	December 20, 2007	A letter from J. Beckett, City Clerk, City of Port Colborne (November 29, 2007) advising Regional Council of the City of Port Colborne's resolution declaring that they are not in favour of adding more Regional Councillors and of weighted votes so that Port Colborne's level of representation is not diminished

**Government Reform**  
**Companion to Compendium from 2005 to Present**  
**List of Documents**

<b>Item</b>	<b>Council Session</b>	<b>Details</b>
C6978	December 20, 2007	A letter from K. R. Todd, Director of Corporate Support Services, City of St. Catharines (November 23, 2007) requesting that the Niagara Region forward a request to the Minister of Municipal Affairs to make regulations under the Municipal Act authorizing the Region to exercise its powers under Section 218 of the Municipal Act with respect to the composition of Regional Council
CHR 3-2005	November 24, 2005	A report from P. Partington, Regional Chair on the Composition of Regional Council
C6784	June 15, 2006	A letter from J. Gerretsen, Minister, Ministry of Municipal Affairs and Housing respecting the resolution passed by the Council of the City of St. Catharines requesting a change in representation on Regional Council
Memo	April 7, 2005	A memo from Councillor Baty to Council on the Referral of Government Issues
C6446	March 17, 2005	A resolution from the City of St. Catharines requesting the Regional of Niagara to establish a system of representation which corresponds to population distribution, with a view to not increase the size of Regional Council
C6400	January 20, 2005	Correspondence from P. Schofield, Port Colborne, Ontario (December 20, 2004) expressing concerns respecting Regional government which includes restructuring, affordability, and representation on council from the Northern tier versus the Southern tier

**Government Reform**  
**Companion to Compendium from 2005 to 2015**  
**List of Historical Documents**

<b>Item</b>	<b>Council Session</b>	<b>Details</b>
CLK 07-2003	February 11, 2003	Reshaping Council – The Next Steps
CLK 39-2002	December 19, 2002	Responses from the Area Municipalities to By-law No. 124-2002, to Change the Composition and Size of Regional Council
CLK 37-2002	November 13, 2002	Altering the Composition of Regional Council Addition of One Councillor to Represent the Town of Pelham
The Hollick Report	August 2002	Reshaping the Council or Regional Niagara
The Berkeley Report	April 2000	Good Governance for the Future
The Kitchen Report	October 1989	Niagara Region Review Commission Report and Recommendations
The Mayo Report	October 1964	Local Government – Units of Lincoln and Welland Counties

# **FINAL REPORT**

Prepared by Andrew Sancton Consulting:  
Dr. Andrew Sancton  
Dr. Timothy Cobban

April 5, 2019

## Niagara Region Independent External Governance Auditor

**TABLE OF CONTENTS**

<b>1. INTRODUCTION.....</b>	<b>2</b>
<b>2. COUNCILLOR REMUNERATION .....</b>	<b>2</b>
<b>3. COUNCILLOR EXPENSES .....</b>	<b>4</b>
3.1 LIMITS .....	4
3.11 <i>Conference attendance</i> .....	4
3.12 <i>Annual newsletter</i> .....	4
3.13 <i>Mileage</i> .....	4
3.2 LEGAL COSTS .....	5
3.3 ROLE OF STAFF .....	5
<b>4. NON-FINANCIAL RESOURCES FOR REGIONAL COUNCILLORS.....</b>	<b>6</b>
<b>5. CODE OF CONDUCT.....</b>	<b>7</b>
<b>6. A “REVIEW FRAMEWORK” FOR REGIONAL COUNCIL .....</b>	<b>9</b>
6.1 CONSULTATIONS.....	10
6.2 THE PROVINCE’S REGIONAL GOVERNMENT REVIEW .....	11
6.2 RECOMMENDATIONS .....	12



## Niagara Region Independent External Governance Auditor

### 1. INTRODUCTION

We are pleased to submit our second and final report as Independent External Governance Auditor for Niagara Region. This *Final Report* follows our *First Report* (dated 6 December 2018 and presented to Regional Council on 13 December 2018), and our *Fact Book* (dated 30 September and presented to Regional Council on 4 October 2018). It presents the findings from the second and third phases of our *Work Plan*, and addresses the following subjects:

- Councillor remuneration
- Councillor expenses
- Non-financial resources for councillors
- Code of Conduct
- A “review framework” for representation on Regional Council.

### 2. COUNCILLOR REMUNERATION

The second phase of our Work Plan, approved by Regional Council at its meeting on 26 July 2018, required that we provide our analysis and recommendations concerning the remuneration members of Niagara Region Council. Compensation for members of Niagara Regional Council has become an issue in large part because of recent changes to the *Income Tax Act*, which no longer allow municipalities—such as Niagara Region—to declare one-third of politicians’ salaries as expenses and thus tax-exempt. As we explained in our *Fact Book*, many—perhaps most—municipalities have responded to the elimination of the tax exemption by adjusting councillors’ salaries upwards to offset the income lost to the additional taxation, while at least some municipalities have chosen to leave their salaries unchanged. As we also document in our *Fact Book*, the salaries of the members of Niagara Regional Council (including the Chair) are the lowest among Ontario’s regional governments, but its council is also the largest and its population and annual operating budget the smallest.

During our consultations, (see the Introduction to our *First Report*), about one-third of respondents indicated that they thought the salary for regional councillors was too probably too low, given the demands on their time to attend community functions, prepare for and attend council and committee meetings, and to meet with and serve citizens. About one-half of respondents thought that the salary was probably fair, though some thought that councillors’ salaries should be “topped-up” in response to income tax changes. At the public meeting, there appeared to be little support for increasing council remuneration.

## Niagara Region Independent External Governance Auditor

As we wrote in our *Fact Book*, there is little that can be said with any certainty about determining appropriate levels of compensation for elected officials. In Niagara Region, our consultations revealed that nearly everyone thought that the position of a regional councillor was a part-time position, and should be compensated as such. We agree. Many of those we interviewed also explained that financial compensation was not a main motivation in their decision to run for regional council. This was especially true for those that had retired from their professions with healthy pensions, or had other significant sources of income or wealth. No one—including us—wants politicians that are primarily seeking to enrich themselves through elected office. But it is important that the compensation be sufficient enough so that the position of regional councillor remains accessible to individuals from a variety of socio-economic backgrounds.

At least one respondent raised the possibility of tying council remuneration more directly to local economic conditions. In the City of London, where we both reside, a citizen task force reviewing council compensation recommended exactly this in 2017, and councillors' salaries were set to equal median employment income for full-time, full-year workers.<sup>1</sup> As we previously stated, we do not believe the role of regional councillor in Niagara should be viewed as a full-time position. A more appropriate statistical measure for Niagara Region, therefore, might be median total income, a figure which includes those who work part-time as well as those who are fully employed. As reported in the 2016 Census, this figure is \$31,601 for Niagara Region.<sup>2</sup> Adjusted for inflation using monthly consumer price index data, this amounts to \$33,894 in 2019. However, as this exercise has just demonstrated, the selection of this particular statistic over the alternatives is somewhat arbitrary. Median total income probably *is* a better choice than median full-time income because the former includes part-time workers while the latter excludes them, but the main reason to prefer it is that the dollar amount (\$33,894) is much closer to the current salary for regional councillors than the one calculated using median full-time income (\$53,382). Because the selection of the appropriate statistic is arbitrary, and because the connection between regional councillors and local economic performance is a tenuous one at best, we prefer adopting a simpler approach. Our recommendation is that:

**Remuneration of the Regional Chair and councillors be increased to sufficiently offset the loss in after-tax income due to the removal of 1/3<sup>rd</sup> federal income tax exemption.**

<sup>1</sup> <https://pub-london.escrimetings.com/filestream.ashx?DocumentId=32906>

<sup>2</sup> <https://www12.statcan.gc.ca/census-recensement/2016/dp-pd/prof/details/page.cfm?Lang=E&Geo1=CD&Code1=3526&Geo2=PR&Code2=35&Data=Count&SearchText=Niagara&SearchType=Begin&SearchPR=01&B1=All&GeoLevel=PR&GeoCode=3526&TABID=1>

### 3. COUNCILLOR EXPENSES

#### 3.1 *Limits*

From our investigations and consultative process, it is clear to us that the current council expense policy needs improvement. Almost everyone we spoke to was in favour of imposing limits on councillor expenses. As we note in our *Fact Book*, this can be accomplished in different ways. One approach is to establish an overall budget limit for expenses for each member of council, either annually or per four-year council term. The difficulty with such an approach for Niagara Region is that it may not be possible to set a budget limit that is fair and appropriate for all councillors, enables them to perform their various functions and duties, and still acts as an effective constraint on spending. An expense limit designed to cover the cost of producing and mailing a modest annual newsletter for regional councillors elected at-large in St. Catharines, for example, would not be very relevant to a councillor undertaking the same activity in Wainfleet. A similar example can be made using mileage; obviously councillors in Grimsby have farther to travel to attend council meetings than do those in Thorold. We do not oppose creating an overall budget limit for individual councillor expenses. But, for the reasons we identify above, we think it will be more effective if the existing council expense policy is amended to include the following changes:

##### 3.11 *Conference attendance*

There is currently no limit on the number of conferences councillors can attend in a given year, or on the number of councillors that can attend any particular conference. We recommend:

**That councillors may attend up to 3 conferences per year of two or more days in duration requiring overnight accommodations. Conferences must be related to their duties as a Regional Councillor, and they must register as a Regional Councillor (i.e., not as a Mayor). Conferences must be located within continental North America. No more than 4 council members may attend any one particular conference. Exceptions to these stipulations require approval of Council.**

##### 3.12 *Annual newsletter*

We understand that newsletters are an important means through which municipal councillors communicate with their constituents. We recommend:

**That councillors be reimbursed for the expenses of producing and distributing 1 newsletter annually.**

##### 3.13 *Mileage*

## Niagara Region Independent External Governance Auditor

It was made clear to us during our consultations that there has been controversy surrounding when mileage should be claimed for regional councillors. In our view, it is perfectly appropriate for regional councillors to be reimbursed for the cost of travelling to and from official regional business functions, such as council meetings, committee meetings (provided they are a member), training sessions, etc.. We do not think it is necessary, however, for regional councillors to be reimbursed for travel costs related to other activities that, while they may relate to their duties and responsibilities as regional councillors, do not constitute official regional business (e.g., attending community events, meeting with constituents). We recommend:

**That councillors be reimbursed for mileage for attending official regional functions only.**

### 3.2 *Legal Costs*

In addition to these changes, we also believe that legal costs arising from or in any way related to complaints under the Code of Conduct should be deemed ineligible expenses. As we document in our *Fact Book*, Niagara Region is alone among regional governments in reimbursing such expenses. While some other Ontario municipalities do reimburse legal expenses related to Code of Conduct complaints, most do so *only if* the council member is found not to have been in violation of the Code of Conduct. We do not support such a policy for two reasons. First, as a practical matter, it does not offer much guidance to councillors in their decision on whether or not to retain legal counsel in the event of a complaint, since they cannot know in advance the outcome. Second, even in the unfortunate case of a wholly vexatious or unfounded complaint, where a councillor feels highly confident of a decision in their favour, there ought to be little reason to seek legal advice; the integrity commissioner process in Ontario is designed precisely to avoid making such expenses necessary. Finally, as we explain in greater detail below, we are optimistic that the culture of the current council will be significantly improved from that of 2014-2018, and that councillors need not be as concerned about protecting themselves from vexatious or politically motivated complaints. We therefore recommend:

**That legal expenses arising from or in any way related to complaints under the Code of Conduct be deemed ineligible expenses.**

### 3.3 *Role of Staff*

We were also asked to review the role of regional staff in administering the councillor expense policy. The current Councillors Expense Policy By-law specifies the following role for staff

#### 5.2. Regional Administrative Staff

- a) Ensure consistent application of this policy;

## Niagara Region Independent External Governance Auditor

- b) Process expenses in accordance with this policy;
- c) Ensure the supporting documentation is in place and that expenditures conform to this policy;
- d) Advise Members if any submitted or proposed expenditure is an Ineligible Expense or a breach of this policy;
- e) Track actual expenses against approved budget; and
- f) Each year, incorporate budget dollars in the annual budget for Council to consider for funding or reimbursing Members' Eligible Expenses
- g) Complete the yearly Councillor Remuneration Report as required by the Act

Based on our consultations and investigations, there appears little reason to change or modify the role of staff in a significant way. We do think it is important, however, that staff not be placed in the difficult position of determining whether or not a particular expense claim is eligible. We therefore recommend:

**That staff be required to forward any expense claims that do not clearly conform to the expense policy to the Audit Committee.**

As per the terms of the current regional council expense policy, it would then be the responsibility of the Audit Committee to review the claim, and provide a recommendation to Council, who makes the final decision.

Finally, to enhance transparency and accountability, we also recommend:

**That staff publish the councillor expenses quarterly disclosures on the Niagara Regional Council webpage.**

## 4. NON-FINANCIAL RESOURCES FOR COUNCILLORS

Our investigations concerning non-financial resources for councillors centred on the suitability of the existing office and lounge space for regional councillors, and the adequacy of the administrative support provided to them. Through our consultative process, we learned that administrative support for councillors is provided largely through the Clerk's Office. There, staff provide administrative assistance to councillors as required and respond to their inquiries either directly, or by steering them to the appropriate department. As we outlined in our *Fact Book*, an alternative arrangement can be found in Waterloo Region, where councillors share one full-administrative assistant.

## Niagara Region Independent External Governance Auditor

Among the outgoing and returning councillors that we interviewed, the overwhelming consensus was that the existing administrative resources for regional councillors were more than adequate. Most saw little to no advantage in having a full-time administrative assistant dedicated to regional councillors over the current arrangement, and many wondered how such a person's time could be evenly (or fairly) divided among 31 councillors.

Similarly, our consultations revealed that the existing office and meeting space for councillors was generally considered to be adequate. While most councillors use the space to collect mail and occasionally meet with other councillors around council and committee meetings, some councillors—generally those living in closer proximity to regional headquarters—did use the space to meet with citizens.

Our recommendation is that:

**No changes should be made to the existing non-financial resources for regional councillors.**

### 5. CODE OF CONDUCT

Under Ontario's Municipal Act, each municipal integrity commissioner is responsible, among other things, for receiving complaints about violations of the municipality's Code of Conduct. In our *Fact Book* dated 30 September 2018, we wrote the following:

In his recent annual report, Niagara's Integrity Commissioner outlined his activities over the preceding year. Unfortunately, his annual report contains no links to his reports on individual incidents, nor does Integrity Commissioner's webpage on the Region's website. We discovered some of these individual reports in the Agendas of regional council meetings only with the help of reports in the *St. Catharine's Standard* that were found through Google.

In order for regional councillors and the general public to have a better idea of how Niagara's Code of Conduct has been interpreted, our first recommendation is that:

**The Region's website contain separate pages for the Integrity Commissioner which will contain links not only to the Code of Conduct and to complaints procedures but also to the various annual reports of the integrity commissioner and to his/her reports relating to particular complaints over a significant period of time, five years perhaps.**

A possible model for such webpages can be found on the website of the Regional Municipality of York at: [https://www.vaughan.ca/cityhall/integrity\\_commissioner/Pages/default.aspx](https://www.vaughan.ca/cityhall/integrity_commissioner/Pages/default.aspx)

## Niagara Region Independent External Governance Auditor

From our own investigations and from our consultative process we have determined that there are two related problems concerning Niagara Region's Code of Conduct.

1. The content of the Code itself, especially the extent to which it purports to govern all aspects of regional councillors' lives or whether it relates only to their actions "in an official capacity".
2. The Code has been "weaponized" in the sense that citizens and councillors with different political views from particular councillors appear to complain too frequently to the Integrity Commissioner as a way of discrediting their political opponents.

It is our view that changing the content of the Code cannot prevent its weaponization. The Code can only be effective if it is used carefully and for the purposes for which it was intended. In our view this means that complaints by one councillor against another should be made only in the most egregious of circumstances (e.g., if a councillor received hateful personal insults or threats from a council colleague).

On the basis of our consultations, we are optimistic that the culture of the current council will be significantly improved from that of the 2014-18 council. We sensed a desire from newly-elected councillors not to continue old political battles involving the Code and its weaponization.

Regardless of future patterns of councillor behaviour, Niagara Region needs a Code of Conduct. The current one<sup>3</sup> is clearly outdated in that it makes no reference to the role of the Integrity Commissioner. It states instead that "Members of Council are encouraged to discuss any situations of concern or doubt regarding the code with the Regional Chair." The role of the Integrity Commissioner is, however, briefly referred to on the Region's webpage relating to "Complaint Process for Council Code of Conduct".<sup>4</sup>

In 2017 Regional Council hired a well-respected municipal lawyer, John Mascarin, to advise the Council's Procedural Bylaw Review Committee on the preparation of a new Code of Conduct. His advice and draft code can be found on pp.5-27 of the committee's agenda for 16 May 2017.<sup>5</sup> The Committee substantially amended the draft code before presenting it to council.<sup>6</sup> The most significant amendments related to insuring that the code only applied to members when they were acting "in their official capacities". After a long debate on 14 December 2017, Regional Council rejected the amended version, meaning that nothing resulted from the Mascarin draft.

On the basis of our consultations, we are convinced that many, perhaps most, of the current council would adopt Mr. Mascarin's proposed Code of Conduct. These councillors generally see

<sup>3</sup> <https://www.niagararegion.ca/government/council/code-of-conduct/code-of-conduct.pdf>

<sup>4</sup> <https://www.niagararegion.ca/government/council/code-of-conduct/submit-complaint.aspx>

<sup>5</sup> [www.niagararegion.ca/council/Council%20Documents/2017/PBLRC-agenda-may-16-2017.pdf](http://www.niagararegion.ca/council/Council%20Documents/2017/PBLRC-agenda-may-16-2017.pdf)

<sup>6</sup> For the amended document, see: <https://www.niagararegion.ca/council/Council%20Documents/2017/COTW-agenda-dec-14-2017.pdf>



## Niagara Region Independent External Governance Auditor

no reason to restrict the code's applicability to their actions "in their official capacities". Nobody seemed much interest in reviving old debates about exactly what may or may not be involved in their "official capacity. Like us, most of our interviewees had faith that no integrity commissioner would attempt to bring the Region's Code of Conduct into their private lives at home or into their activities as an entrepreneur or employee, unless their behaviour in these settings was so public and objectionable as to bring the Region into serious disrepute.

Having faith that the Region would engage reasonable and sensible integrity commissioners, we recommend that:

**Regional Council adopt the Code of Conduct proposed by Mr. John Mascarin in May 2017 that can be found on pp.20-27 of the document that is referenced in footnote 3 above.**

### 6. A "REVIEW FRAMEWORK" FOR REGIONAL COUNCIL

The final phase of our Work Plan required that we "analyze the options and make recommendations concerning a 'review framework' for Regional Council to consider concerning the determination of the number of members of its council that will represent each lower-tier municipality after the municipal election of 2022."

In our *Fact Book* we stated the following:

In 2017 Regional Council added an additional seat for West Lincoln in accordance Sections 218 and 219 of the Ontario Municipal Act. Although this action has helped equalize representation for the less populous area municipalities in Niagara, it has exacerbated the obvious under-representation of the more populous, especially Niagara Falls and St. Catharines. Because Niagara made a change to its council composition during the period 2014-18 and because of the provisions of Section 218 (11) of the Ontario Municipal Act, the Niagara Regional Council is not obliged to review its representation system until after the municipal election of 2026. If Regional Council does not affirm or amend its representation system between 2018 and 2028, the Minister of Municipal Affairs may make a regulation under subsection (7) to change the representation of one or more area municipalities. Subsection (10) states that "When considering whether to make a regulation under subsection (7), the Minister shall, in addition to anything else the Minister wishes to consider, have regard to the principle of representation by population." A lot can change between now and 2028. However, even if subsection (10) did not exist, there is much to be said for the argument that representation on regional councils, including Niagara's, should adhere more closely to



## Niagara Region Independent External Governance Auditor

the principle of representation by population. In this regard, Halton Region after 2018 can serve as a model.

The paragraph quoted above was designed to show that, because the Niagara Regional Council *did* change its composition for the 2018 municipal elections, it was *not* obliged to review its representational system prior to 2026. Our conclusion on this matter seemed to differ from that of the Regional CAO at the time, with whom we had briefly discussed this matter as we developed our *Work Plan*. As indicated above, however, we still believe that Regional Council, as a matter of principle, should do all it can to ensure that all Niagara Region residents are represented equally on its council.

In our *Fact Book* we presented data about the representational system in Ontario's other regional municipalities and suggested that one way by which the size of Niagara's regional council could be reduced while simultaneously adhering more closely to the principle of representation by population would be to adopt a system of weighted voting for members of regional council, a mechanism provided for in Section 218 (3) of the Municipal Act. We described how this system works for the county council in Simcoe.

### 6.1 Consultations

During our consultations, there were very few respondents who were interested in discussing the principle of representation by population in general and weighted voting in particular. Instead, many councillors told us they believed this part of our mandate was largely irrelevant because they expected the new provincial government to take more drastic action to change the nature of regional government in Niagara. This possibility will be addressed in the next section of this report.

A significant number of people we consulted proposed that members of Niagara regional Council be elected from the four federal and provincial electoral districts that currently cover the entirety of Niagara's territory. With two councillors from each district, this would create a regional council having at least eight members. The proposal was obviously inspired by recent provincial legislation for the City of Toronto that created a 25-member council, the wards of which corresponded to Toronto's 25 federal and provincial electoral districts. We carefully considered this proposal but do not recommend its adoption for two main reasons.

1. If mayors were also on the regional council, they would outnumber the other elected members of the council. This is not a problem in itself, but the fact that there is such a variation in the populations of the lower-tier municipalities *is* a problem. We should be able to assume that the electoral districts have roughly equal populations. But the mayors certainly do not represent municipalities of equal populations. The only way to fix this problem would be to introduce weighted voting for the mayors. It would be possible, of course, *not* to include mayors on the regional council. Such an arrangement existed for

## Niagara Region Independent External Governance Auditor

the two-tier Corporation of Greater Winnipeg (1961-71) and the Regional Municipality of Ottawa-Carleton (1994-2000). In both cases, severe conflict broke out between the two tiers, leading to provincial legislation for complete amalgamation. We would never recommend the establishment of an upper-tier regional council without membership from the lower-tier mayors.

2. A more serious problem is that there will be another federal redistribution of electoral districts following the 2021 federal census and there is no guarantee that the federal Electoral Boundaries commission for Ontario will not create an electoral district in western Niagara that might also include Haldimand County and/or parts of the City of Hamilton. Many will remember that, prior to the 2013 federal redistribution, there was a federal and provincial electoral district called Niagara West—Glanbrook. A similar electoral district might have to be created again, depending on 2021 population figures for Niagara, the City of Hamilton, and Haldimand. Because the City of Toronto is about six times more populous than the Region of Niagara, the creation of a reconfigured electoral district crossing Niagara's borders is much more likely than the creation of an electoral district crossing the boundaries of the City of Toronto. The creation of such a cross-border electoral district in Niagara would mean that Niagara could not use the federal and provincial electoral districts in the 2026 municipal election and would therefore have to devise some other representational system following the 2022 municipal election.

### ***6.2 The Province's Regional Government Review***

On 15 January 2019 the provincial government announced that it had appointed two special advisors to assist in a "Regional Government Review". (For details, see <https://www.ontario.ca/page/regional-government-review#tor>.) The mandate of the advisors is to:

...is to provide expert advice to the Minister of Municipal Affairs and Housing and to make recommendations to the government on opportunities to improve regional governance and service delivery.

Recommendations from the advisory body will focus on the following questions:

Questions on municipal governance and decision-making;

- a. Is the decision-making (mechanisms and priorities) of upper- and lower-tier municipalities efficiently aligned?
- b. Does the existing model support the capacity of the municipalities to make decisions efficiently?
- c. Are two-tier structures appropriate for all of these municipalities?
- d. Does the distribution of councillors represent the residents well?

## Niagara Region Independent External Governance Auditor

- e. Do the ways that regional councillors/heads of council get elected/appointed to serve on regional council help to align lower- and upper-tier priorities?

Questions on municipal service delivery;

- f. Is there opportunity for more efficient allocation of various service responsibilities?
- g. Is there duplication of activities?
- h. Are there opportunities for cost savings?
- i. Are there barriers to making effective and responsive infrastructure and service delivery decisions?

This mandate clearly overlaps with the subject matter of this, our *Third Report*.

### 6.3 Recommendations

When our *Work Plan* was formulated, we were under the impression that recent amendments to the *Municipal Act* would require Niagara Region to review its representational system prior to the municipal election of 2022. As indicated in the introductory paragraphs of this section, we quickly realized that this was not the case, because the addition of one representative for West Lincoln in 2018 meant that Niagara would not need a representational review until prior to the 2026 election. Nevertheless, we believe that there are serious problems with current arrangements. As indicated in our *Fact Book*, Niagara Falls and, to a somewhat lesser extent, St. Catharines are grossly under-represented on regional council in relation to the principle of representation by population.

We have already noted that weighted voting on regional council attracted little support during our consultations. Nevertheless, we believe that, in the context of the provincial Regional Government Review, it should be revisited. In the Table below, we present a revised version of the weighted-voting plan we presented in our *Fact Book*. This revised plan adheres even more closely to the principle of representation by population. More importantly, in the context of the province's apparent desire to reduce the total number of municipal politicians, this plan reduces the size of the Niagara Regional Council (excluding the Chair) from 31 to 25. Some may see such a reduction as relatively insignificant in the overall scheme of things, but it is an action that can be taken in Niagara without any additional provincial legislation and without affecting any current municipal boundaries. It would also show that Niagara is willing to adopt innovative solutions not previously adopted by any other Ontario regional government.

## Niagara Region Independent External Governance Auditor

Lower-tier municipality	Population (2016 Census)	Share of regional population (%)	Number of regional councillors	Number of regional votes	Share of regional votes (%)	Number of residents per regional vote	Relationship to regional average
Fort Erie	30,710	6.9	2	2	5.6	15,355	+23.4
Grimsby	27,314	6.1	2	2	5.6	13,657	+9.8
Lincoln	23,787	5.3	2	2	5.6	11,894	-4.4
Niagara Falls	88,071	19.7	3	3x2=6	16.7	14,679	+18.0
Niagara-on-the-Lake	17,511	3.9	2	2	5.6	8,756	-29.6
Pelham	17,110	3.8	2	2	5.6	8,555	-31.2
Port Colborne	18,306	4.1	2	2	5.6	9,153	-26.4
St. Catharines	133,113	29.7	3	3x3=9	25	14,790	+18.9
Thorold	18,801	4.2	2	2	5.6	9,401	-24.4
Wainfleet	6,372	1.4	1	1	2.8	6,372	-48.8
Welland	52,293	11.7	2	2x2=4	11.1	13,073	+5.1
West Lincoln	14,500	3.2	2	2	5.6	7,250	-41.7
TOTALS	447,888	100	25	36	100.4	12,441	--

We recommend:

**That, in accordance with Sections 218 and 219 of the Ontario Municipal Act and with the approval of the majority of its constituent municipalities, representing a majority of the Region's electors, Niagara Regional Council reduce its membership (excluding the Regional Chair) from 31 to 25 and enact a system of weighted voting as illustrated in the Table above for the municipal election of 2022.**

We fully recognize that, as a result of the provincial Regional Government Review, municipal arrangements in Niagara might be so different in 2022 so as to make irrelevant the changes we are recommending. We believe, however, that regardless of the structural preferences of the Region's constituent municipalities and/or the provincial government, Regional Council should itself take action so as to indicate its openness to change and innovation. In the event that the Regional Government Review does not lead to structural changes in Niagara, we are convinced that the representational system we propose for 2022 is considerably superior to what is now in place.