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**Subject:** Double Direct Councillors

**Report to:** Corporate Services Committee

**Report date:** Tuesday, April 13, 2021

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## **Recommendations**

1. That this report **BE RECEIVED** for information.

## **Key Facts**

- The purpose of this report is to provide information respecting the City of Niagara Falls request regarding double direct councillors.
- In October 2020, the Clerk's Office was in receipt of correspondence requesting Regional Council adopt a resolution to allow the City of Niagara Falls to change its method of electing City and Regional Councillors.
- At its meeting held on November 19, 2020, Regional Council passed a motion directing staff to provide a report on double direct councillors.
- A double direct councillor is elected to serve on both the upper-tier council and lower-tier council.

## **Financial Considerations**

Should Council wish to proceed with the City of Niagara Falls request, a public meeting would be required. In order to ensure understanding of the process and change to method of election for some members of the City of Niagara Falls Council, a public engagement campaign should be undertaken that includes advertising of the public meeting. In 2016, when Council considered the City of St. Catharines' request for double direct councillors, the approximate costs for similar work were \$3,300. This could be accommodated within the existing Regional Clerk's Office budget.

In other municipalities that have double direct councillors there are different approaches in how these positions are funded and the degree of administrative support they receive (i.e. if the Councillors are considered full time). Should double direct councillors for the City of Niagara Falls be allowed, any associated costs to implement this change would need further consideration.

## Analysis

In October 2020, the Clerk's Office was in receipt of correspondence (Appendix 1) from the City of Niagara Falls respecting the following resolution:

**That Council request that the Region of Niagara adopt a resolution to allow the City of Niagara Falls to change its method of electing City and Regional Councillors to the "Double-Direct Method," where three members of Council will serve on both Regional and City Council, while five members of Council would serve only on City Council; and to inform the lower tier Council's that have Regional Councillor representation of Niagara Falls' City Council's actions in hopes of encouraging other municipalities to consider the double-direct method where applicable.**

At its meeting held on November 19, 2020, Regional Council, received correspondence (CL-C 105-2020) from the City of Niagara Falls for information and subsequently directed staff to provide a report respecting double direct councillors.

In January 2018, amendments to the Municipal Act, 2001, under Bill 68 came into effect. One of these amendments removed the requirement for a Minister's regulation prior to passing a by-law to change the composition of the upper-tier council. A change in composition includes a change to the method of selecting members of the council. The upper-tier council now has the authority to change the method of selecting members of the Council; however, notice shall be given of the intention to pass such a by-law and at least one public shall be held. Further, any change to the composition would only come into effect if the by-law achieves what is referred to as "triple majority".

A triple majority requires:

1. A majority of all votes by Regional Council are cast in favour of the by-law;
2. A majority of the councils of the lower-tier municipalities pass resolutions consenting to the by-law; and
3. The total number of electors of the lower-tier municipalities that have passed resolutions consenting to the by-law form a majority of electors in Niagara Region.

Should Council approve the request from the City of Niagara Falls and have the change to allow double direct councillors in place for the 2022 election, the required by-law must be passed in 2021. Although any such by-law would not come into force until the new council is organized following the first regular election following the passing of the by-law, section 218(4) of the Municipal Act, 2001, provides that the regular election held immediately before the by-law comes into effect shall be conducted as if the by-law was already in force.

A number of other Regional municipalities have double direct councillors, including Durham, Halton, Peel and York. In the Region of Halton, the Councillors are paid by both the lower-tier council as well as the upper-tier council. This structure is similar to what was proposed by Regional Council when it considered a double direct method of election for the City of St. Catharines in 2016.

### **Alternatives Reviewed**

This report has been provided for information purposes only, as Council would need to consider if it wanted to move forward with passing a by-law to change its method of selecting members of Council.

### **Relationship to Council Strategic Priorities**

This report aligns to Council's strategic priority of sustainable and engaging government including promoting an organizational culture that values continuous improvement, collaboration, and innovation and enhancing communication.

### **Other Pertinent Reports**

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**Prepared by:**  
Ann-Marie Norio  
Regional Clerk

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**Submitted by:**  
Ron Tripp, P.Eng.  
Acting Chief Administrative Officer

*This report was prepared in consultation with Donna Gibbs, Director, Legal and Court Services.*

### **Appendices**

Appendix 1                      CL-C 105-2020



October 21, 2020

Ann-Marie Norio  
Regional City Clerk  
Niagara Region  
1815 Sir Isaac Brock Way  
P.O. Box 1042  
Thorold, ON L2V 4T7

Ann-Marie:

**Re: Council resolution regarding Double Direct Councillors**

Please be advised that City Council at its meeting of October 6, 2020 passed the following motion:

**That Council request that the Region of Niagara adopt a resolution to allow the City of Niagara Falls to change its method of electing City and Regional Councillors to the "Double-Direct Method," where three members of Council will serve on both Regional and City Council, while five members of Council would serve only on City Council; and to inform the lower tier Council's that have Regional Councillor representation of Niagara Falls' City Council's actions in hopes of encouraging other municipalities to consider the double-direct method where applicable.**

**Background**

The Region has the power to design Council composition. The power to change Council composition includes the method of selecting members, including double direct elections.

Prior to the 2018 Municipal Elections, the *Municipal Act* required a Minister's regulation be passed in order to implement a double direct method of voting. Recent changes to the *Municipal Act* no longer require this step and it is now up to the Region and our fellow lower tier municipalities to affect this change.

It is then hopeful that the Region would give notice of intent to pass a by-law to change its composition and holds at least one public meeting. If this bylaw then passes at the Region, the lower tier municipalities would then be asked to pass resolutions consenting to the change.

If you have any questions, please contact me directly.

Sincerely,

A handwritten signature in black ink, appearing to read 'Bill Matson', with a long horizontal flourish extending to the right.

Bill Matson  
City Clerk

c. *Local Area Municipal Clerks*