

# Final Report to Council

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## 1. BACKGROUND

At its September 18, 2003 meeting, Niagara Regional Council agreed

That the matter of Councilors' remuneration be referred to the Regional Chair and Regional Clerk, to form a citizens' committee to review and make recommendations on a base salary for Regional Councilors, and to develop a formula for annual adjustment.

In October 2003, the seven-person Citizens' Committee on Council Remuneration (CCCR) was established to address these concerns.

In addition to the objectives listed in Council's direction above, the committee has also been directed to make recommendations to Council regarding whether Council should retain the 1/3 tax-free component of its remuneration package or adopt a fully taxable approach to remuneration. Finally, the citizens' committee was further directed by Regional Council to report on its deliberations by November 20, 2003. At its November 20, 2003 meeting, the chair of the citizens' committee provided an interim report to Regional Council, and indicated that the CCCR would issue its final report in approximately one month's time.

As was noted at the November 20 meeting, determining remuneration for politicians at all levels of government is a demanding assignment. In this respect, council's choice to seek guidance from a citizens' committee is both commendable and prudent.

In addressing a similar task at the Federal level, The Commission to Review Allowances of Members of Parliament pointed to the particular challenges associated with trying to answer whether politicians are adequately remunerated for their work. In this respect, the CCCR concurs with the Commission's general sense that,

The answer is not as simple as it appears, however, for the job of members is difficult to categorize, and it is not easily compared with the jobs other people do. Moreover, unlike most jobs, establishing the relationship between recruitment and retention of qualified and competent members and the amount they are paid is difficult if not impossible, given the widely varying circumstances and motivations of individuals seeking public office (1998, 1).

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The task is equally challenging at the regional level.

The level of pay for elected officials is a matter of public importance. Accordingly, the CCCR has taken its responsibilities seriously. It has worked diligently to understand issues associated with Council pay, including the nature of Council's work, its profile in comparative perspective, and the general difficulties related to determining pay levels for elected officials. These efforts have been undertaken with a view to providing a solidly reasoned set of recommendations for Regional Council's consideration. The CCCR hopes that Council will be guided by the recommendations contained in this report.

## CITIZENS' COMMITTEE PRINCIPLES

As an aid in making its eventual recommendations, the CCCR adopted a number of principles to help guide it. These principles were intended as overall preferences, and not absolute rules to be slavishly adhered to. Specifically, the CCCR identified the current remuneration arrangement as a default. That is, it would not make recommendations to change current practices in the absence of compelling reasons to do so. In addition, any recommendations would be guided by strong preferences for transparency, simplicity, and fairness.

## 2. POLITICIANS' REMUNERATION IN CONTEXT

Since modern democracy's earliest days, remuneration for politicians has been a matter of some concern. No less a student of democracy than Alexis de Tocqueville worried that underpaying public officials might be endemic to democracy, and that this feature had some potential to erode the quality of democratic representation. More recently, democratic governments throughout the world have struggled with the issue of remuneration for politicians. The issue is informed by a number of criteria that are not entirely reconcilable, but which are all relevant. Peters and Hood identify these criteria as representativeness, the alimentation principle, and market value (1995, 190-1).<sup>1</sup>

*Representativeness* is tied to the democratic notion that officeholders ought to be generally "representative of those they rule in terms of the income that they enjoy" (Ibid., 190). While this principle may be of diminishing importance, the authors point out that it has proven to be durable and unlikely to disappear anytime soon.

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<sup>1</sup> While Peters and Hood are particularly concerned with remuneration for holders of high public office, their comments on the core criteria upon which policy makers in a variety of jurisdictions have relied are broadly applicable to all elected officeholders.

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The *alimentation principle* refers to the notion that pay for officeholders should be at a level such that they are more likely to focus on the general interest rather than their private financial needs. That is, elected officials should be remunerated "at a level which guarantees for them a comfortable standard of living in order to shield them from temptations to corruption or extortion" (Ibid. 190-1). As well, this principle is aimed at avoiding Tocqueville's concern that democracies may be systematically predisposed to under-remunerating their elected officials, thereby making private wealth a precondition for holding political office.

Finally, *market values* inform decisions around pay for elected officials. This criterion is rooted in the idea that officials should be paid according to the market for their types of skills. Given the recent influence of economic rationalism in the field of public administration, it might be expected that market values would predominate in questions of remuneration. However, Peters and Hood point out that, its attractiveness notwithstanding, market valuation is somewhat indeterminate in that it is often not possible to ascertain the most appropriate market for comparison (Ibid., 191). For example, the authors point out that

Executive reward consultants tend to assume automatically that private-sector corporation executives are in the same market as top public officials; but it could just as well be argued that the relevant market might be that for teachers or social workers (Ibid.).

Regardless of its problems, the market criterion remains attractive and intuitively appealing. The logic of market value addresses the spectre of low remuneration that encourages a "brain drain" to the private sector. That is, top performers will not be sufficiently attracted to government due to a public-sector pay discount (Ibid.).

All of the above criteria are relevant in efforts to determine adequate remuneration for elected officials. Nonetheless they are not likely reconcilable nor easily operationalized. For example, representativeness may be in tension with either, or both of, market and alimentation principles. Moreover, it is unclear at what level the alimentation principle is adequately addressed. Nor, as discussed, is the question of what constitutes a comparable market for elected politicians entirely knowable. Yet, for all their ambiguity, these principles do offer some guidance to policy makers, though overemphasis on any one of them is unlikely to produce a satisfactory remuneration policy. As in most matters of public policy, good choices turn on prudence and sound judgment, however difficult these qualities may be to grasp with any finality.

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In addition to competing criteria underlying remuneration for politicians is a range of related public attitudes and values that make reasoned debate on the matter of remuneration for politicians particularly challenging. The 1980s and 1990s can be characterized as an era in which citizens lost substantial confidence in governmental institutions and the elected officials responsible for them. Both in Canada and elsewhere "confidence in government's abilities to deal directly with complex social issues...has given way to a much more circumspect view. General notions of what the appropriate scope of government activity should be are changing, along with a diminishing sense of the state's overall capacity to get things done" (Wiseman and Whorley 2002, 382). To some significant degree, government itself has tended to be seen as "the problem," and influential politicians have in some substantial measure come to power through reliance on anti-governmental rhetoric. In this respect, Donald Savoie (1994) discusses the rise of Margaret Thatcher in Great Britain, Ronald Reagan in the United States, and Brian Mulroney in Canada, all of whom identified government itself as being a central problem.

Neil Nevitte argues that social values in Canada and elsewhere have undergone substantial change. This shift to "post-materialism" is said to manifest itself in, among things, an increasing level of citizen distrust toward government and other hierarchical institutions in general. For example, during the period between 1981 and 1990, the percentage of Canadians expressing high levels of confidence in government institutions dropped considerably from 36.9 per cent to 29.4 per cent (1996, 56).

Whatever the reason, Canadians do not hold their elected representatives in high esteem. Recent survey work concerning levels of trust for various occupations in Canada reveal some alarming results (see table 1). While the survey does not make the distinction between national, provincial, regional, or local politicians, the overall results are nonetheless unsettling. Both nationally and in Ontario, respondents expressed very low levels of trust in politicians as a class, with only 18 and 17 percent respectively reporting to trust them. Notably, the low trust levels do not seem to be tied to the public sector in general, given that the highest levels of trust are demonstrated for firefighters, nurses, doctors, police officers and judges.

In general, citizens attach very low regard to both government programs and the politicians who must answer for them. Even when their actual experiences with government are positive, citizens are reluctant to generalize from these encounters. For example, Barbara Carroll and David Siegel observe that in those instances where members of the public have satisfactory interactions with government programs "people are more likely to believe that their repeated positive experiences with government services are anomalies,

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regardless of how many times they personally experience 'anomalous behaviour'" (Carroll and Siegel 1999, 182). This tendency to discount positive personal experiences speaks to a strong anti-governmental predisposition in the general public.

Given persistent anti-governmental rhetoric, declining levels of confidence in government institutions, and high levels of distrust in politicians, the impact on reasoned public debate concerning pay for politicians is obvious. Since satisfactory experiences have only limited capacity to displace a general

**Table 1: Trust by Selected Occupations**

Occupation	Trust		Occupation	Trust	
	Canada	Ontario		Canada	Ontario
Fire Fighters	98%	99%	Lawyers	54%	56%
Nurses	96%	96%	Journalists	53%	53%
Farmers	93%	93%	Real Estate Agents	44%	41%
Doctors	92%	93%	Unionists	41%	39%
Police Officers	88%	87%	Car Salespeople	23%	20%
Judges	80%	82%	Politicians	18%	17%

(Source: Leger Marketing 2001. Maximum margin of error +/- 2.6 percent 19 times out of 20)

anti-governmental perspective, it is understandable that members of the public will tend to be cynical about upward adjustments to remuneration. Wendy Mizuno draws attention to the resulting political dynamic, noting that "[c]ompensation adjustments are often perceived as politically self-serving, and therefore occur somewhat infrequently. After all, how many occupations are there where the employees can decide on, and approve, their own salary increases (Mizuno, 2000)? A similar assessment emerged in the committee's discussions with key respondents, former regional councilors. This dynamic is probably reflected in the fact that between 1990 and 1997, Council did not apply the annual CPI escalator to its pay. Politically, it simply seems easier to forego pay increases. The resulting tendency is to lurch from one remuneration crisis to the next driven by political considerations.

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Even though levels of public approval for politicians and government remain low, the work of governments at all levels is nonetheless critical. Government, at one level or another, is routinely asked to address society's most difficult problems, matters that typically cannot be resolved through markets.

Some of the complexity of policy issues facing Regional Council is suggested in a recent report (CAO 18-2003). While the overall number of reports going to Council has declined from 312 to 259 between 2001 and 2003, the number of joint reports between 2000 and 2003 has increased substantially, from 20 to 63. This trend suggests that policy issues coming before Council are increasingly complex, and therefore cross-cut traditional policy areas (Regional Municipality of Niagara 2003, 6). Despite public cynicism, the work of Council is both challenging and crucial.

## 3. CURRENT PRACTICE

Presently, each of Niagara's 30 part-time regional councilors are paid \$21,012.00 per year, one-third of which is non-taxable, an arrangement permitted pursuant to the *Municipal Act*. Under the act, the nontaxable element could be deemed to be for councilor expenses incident to the discharge of duties. Adjusted to the 100 per cent taxable equivalent, annual councilor pay would be approximately \$27,077.00. While the one-third nontaxable arrangement is not entirely transparent, it does at least represent a foregone cost to taxpayers. The difference between current pay and the grossed-up fully taxable amount would otherwise be passed on to residents.

In addition to annual pay, councilors receive a number of other benefits. Councilors are eligible for health and dental insurance, though not all councilors participate. Members who are covered under another plan as a result of their full-time employment elsewhere are requested to submit claims first to their non-regional plan. Any unpaid balance may then be submitted to the Region. For the period from September 1, 2001 to August 31, 2002, based on participation of 21 councilors, actual paid claims totaled \$18,726.00, or an average of \$892.00 per participant. Other benefits include participation in the OMERS pension plan. Participation in OMERS is mandatory for new councilors, though optional for returning councilors. Contributions are required on the taxable portion of pay only. For 2004, the contribution rate will be 6%, with contributions matched by the Region. Finally, councilors receive travel reimbursement (\$0.389 per kilometre), a home computer, and access to in-house training programs offered to employees (Aon Consulting 2003).

Council's pay is adjusted annually based on the total consumer price index (CPI). This inflationary adjustment ensures that councilor pay does not

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erode do to price changes. As noted above, however, Council has sometimes decided not to apply the escalation factor – a mistake in the opinion of the CCCR. Apart from the CPI adjustment, there is no provision for real wage increase in the current escalation arrangement.

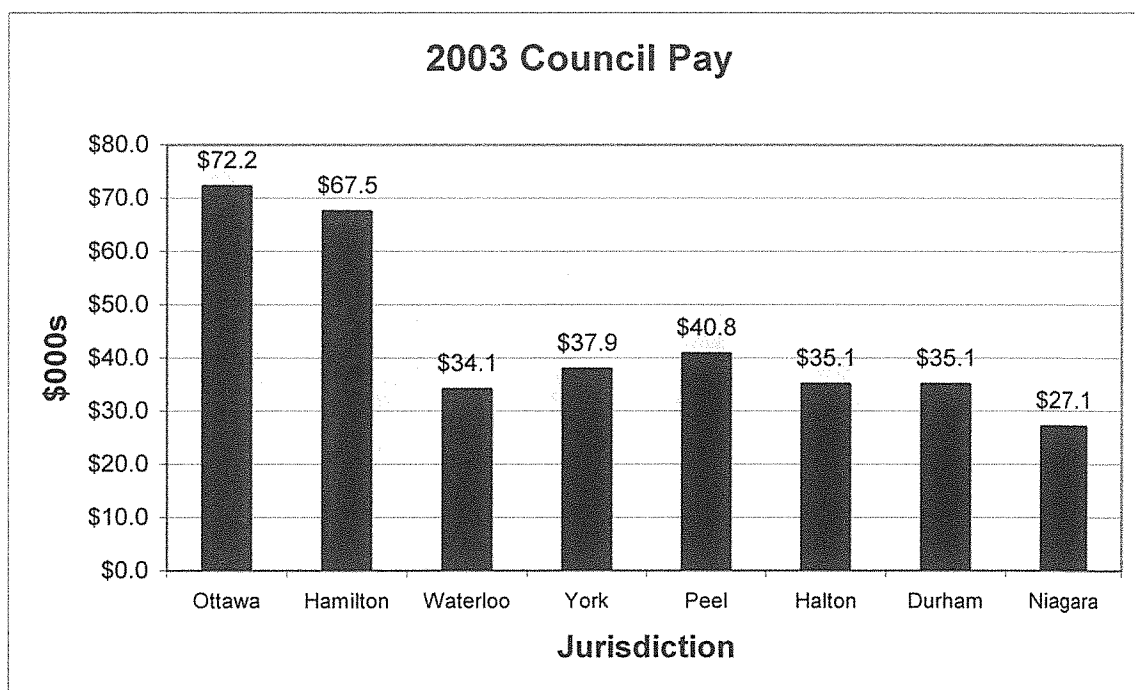
### 4. NIAGARA REGION IN COMPARATIVE PERSPECTIVE

As noted, in evaluating appropriate remuneration for politicians the basis for comparison is contentious. Nonetheless, comparison with other jurisdictions can offer some general guidance with the proviso that what constitutes a "comparable jurisdiction" will always be in some doubt. The analysis that follows attempts to capture the broad contours of governing in a range of locations.

#### 4.1 Base Pay

Table 2 lists annual base pay by regional government. Pay levels have been adjusted to account for the one-third non-taxable component of pay; that is, all amounts have been grossed-up to the 100 per cent taxable equivalent for the purposes of comparison. A number of features emerge from the data. Though

**Table 2: 2003 Council Pay**



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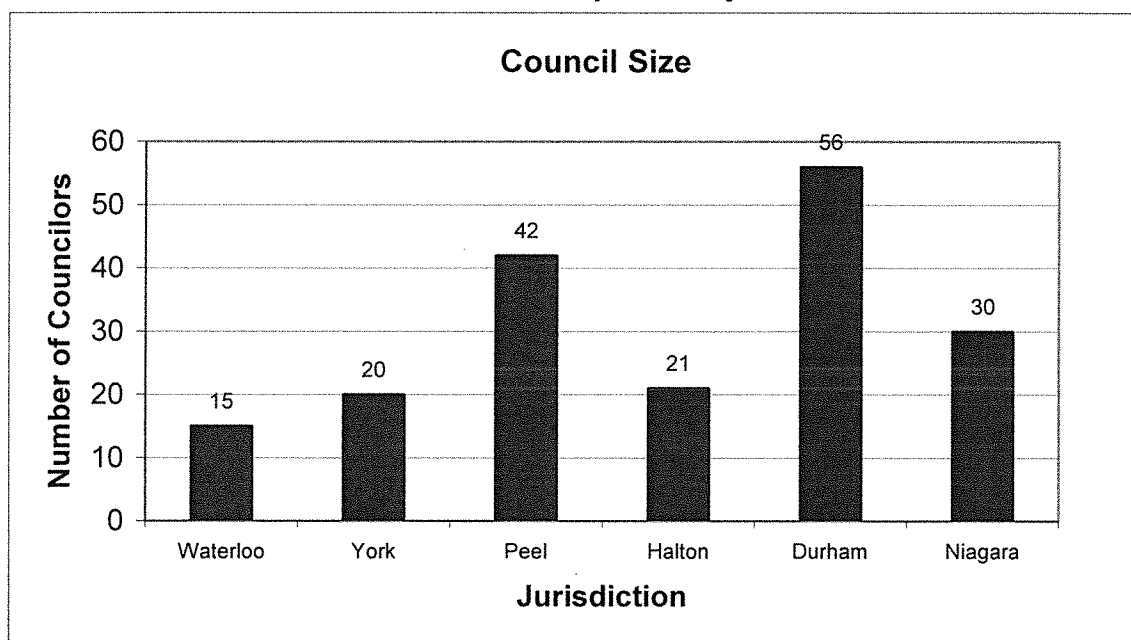
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Peel, Durham, Hamilton and Ottawa all have full-time councilors, Hamilton and Ottawa are clearly outliers in terms of pay. The underlying reasons for the two anomalies are not entirely apparent. With populations of approximately 774,100 and 375,2000 for Ottawa and Hamilton respectively, as reported by Statistics Canada, the size of the two jurisdictions is within the range of other areas considered in the table. While Ottawa's budget of approximately \$1.8 billion is by far the largest of any of the jurisdictions in table two, Hamilton's at slightly under \$1 billion is not. As well, per capita expenditures also seem anomalous compared to the other jurisdictions.<sup>2</sup> For the purposes of comparison, neither Ottawa nor Hamilton appears to be as useful as the other jurisdictions. Nonetheless, whether comparing across eight regional governments or six, Niagara Region ranks last in terms of base pay.

### 4.2 Council Size

A second relevant feature for comparison is Council size. This fact gets at the question of "how many hands" are available to carry out Council's work. Table 3 below provides a break out. The jurisdictions below have been adjusted

**Table 3: 2003 Council Size -- Part-time Equivalency**



Note: non-adjusted council sizes are as follows: Waterloo 15; York, 20; Peel 21; Halton 21; Durham 28; and Niagara, 30.

<sup>2</sup> Per capita expenditures by jurisdiction are: Ottawa, \$2,311.00; Hamilton, \$2,638.00; Waterloo, \$932.00; York, \$997.00; Peel, \$1,473.00; Halton, \$1,125.00; Durham, \$1,142.00; and Niagara, \$1,148.00



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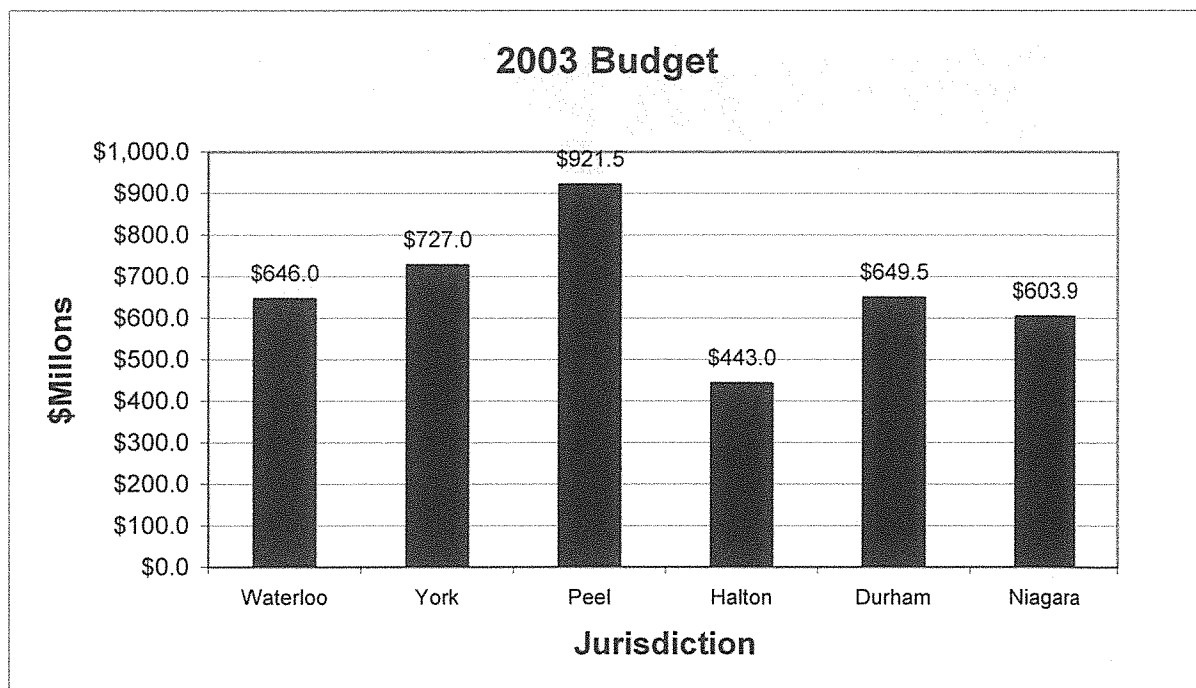
to convert full-time councilors to a part-time basis, similar to those in the Niagara Region; to achieve this common base, full-time council numbers are somewhat crudely doubled. Waterloo emerges with the lowest number of councilors at 15 followed by York and Halton at 20 and 21 respectively. Durham has the highest at 56 on an adjusted basis. Niagara emerges in the mid-range with 30 councilors.

### 4.3 Budget Size

While council size gets at the notion of available hands for work, the measure is not entirely meaningful on its own. The total amount of work carried out is obviously a relevant variable. The annual budget provides some indication of the total level of work managed by council as measured in dollars.

Table 4 provides a comparative breakout of gross budgets across six jurisdictions for 2003. Peel has the largest budget at approximately \$921.5 million, while Halton has the lowest at approximately \$443.0 million. At approximately \$603.9 million, Niagara Region falls into middle-low end of the range.

**Table 4: 2003 Budgets by Jurisdiction**



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### 4.4 Population/Population Growth

If budget size is one indication of overall responsibility and workload, population is another. Population reveals the number of residents for which councils have service and representation obligations. Table 5 below provides comparative population figures based on 2001 Statistics Canada data measured across six jurisdictions. Peel Region has the largest population of the various jurisdictions with slightly fewer than 989,000 people. Halton, with about 600,000 fewer people than Peel Region, is the least populous jurisdiction in the group with approximately 388,000 people. For its part, Niagara Region falls in the lower end of the population measure with a little under 411,000 people.

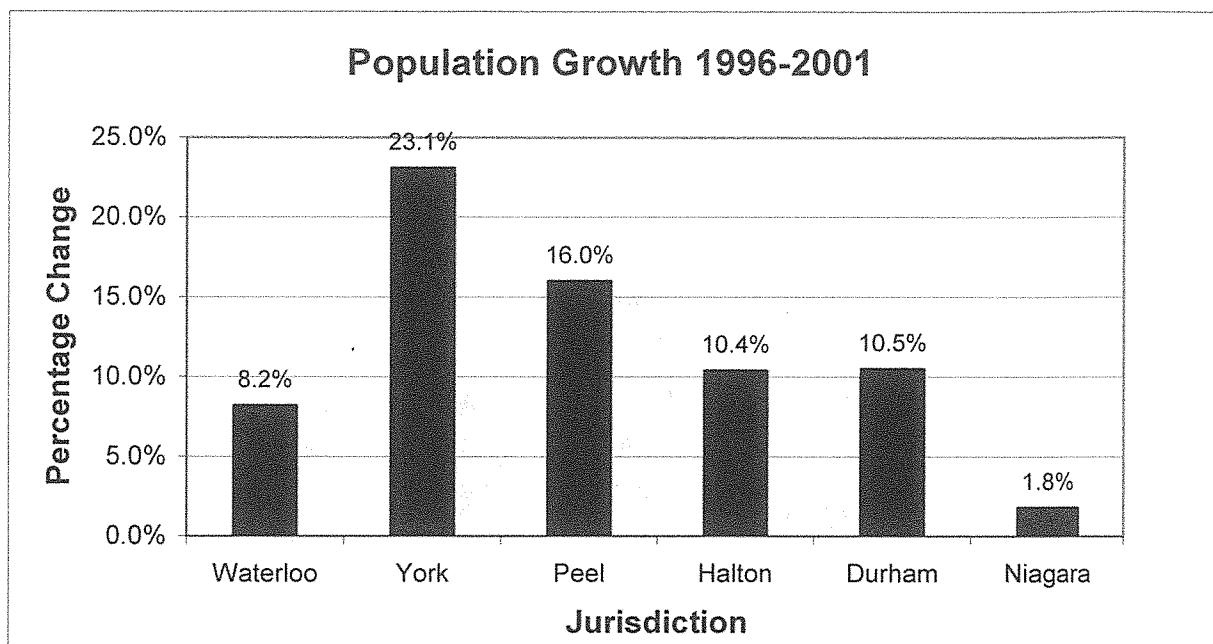
To make the population figure more dynamic, it is helpful to consider the issue of population growth. This measure helps to reveal an important factor of workload as related to population -- specifically whether the population load is increasing, and to what extent. Table 6 reveals some startling comparative findings regarding population change between 1996 and 2001 based on Statistics Canada data. Some jurisdictions clearly face extraordinary challenges in managing dramatic population increases. Nearly all areas display double-digit

**Table 5: 2001 Population**

Region	Size	Operating Budget per Citizen per Councilor	Rank	Population (2001)	Households	Density	Growth to 20
Niagara	29	\$ 50.72	6	410,574	170,876	220.4	
Durham	29	\$ 38.78	8	506,901	175,738	200.9	1
Halton	21	\$ 54.37	4	388,000	136,668	401.2	1
Hamilton	15	\$ 134.62		490,265	194,154	438.9	
Ottawa	21	\$ 110.07		774,072	310,132	278.6	
Peel	22	\$ 42.35	7	988,948	313,650	796.3	1
Waterloo	15	\$ 98.21	3	438,515	166,813	320.4	
York	19	\$ 52.47	5	729,254	229,239	414.0	2
Middlesex				403,185	170,915	121.5	
Simcoe				377,050	162,520	77.9	1
Haldimand-Norfolk				104,670	42,907	36.2	
Brant				118,485	46,367	108.4	
Std. Dev							
Mean	21						

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Table 6: Population Growth 1996-2001



population growth. Between 1996 and 2001, York Region grew by an extraordinary 23.1 per cent. As well, Peel Region, the most populous of the jurisdictions, grew by an impressive 16% over the period. In comparison, Niagara Region's population level was relatively stable, growing by 1.8 percent over 5 years. While still facing population growth pressure, Niagara region's rate of growth is not explosive.

### 4.5 Ratio Analysis

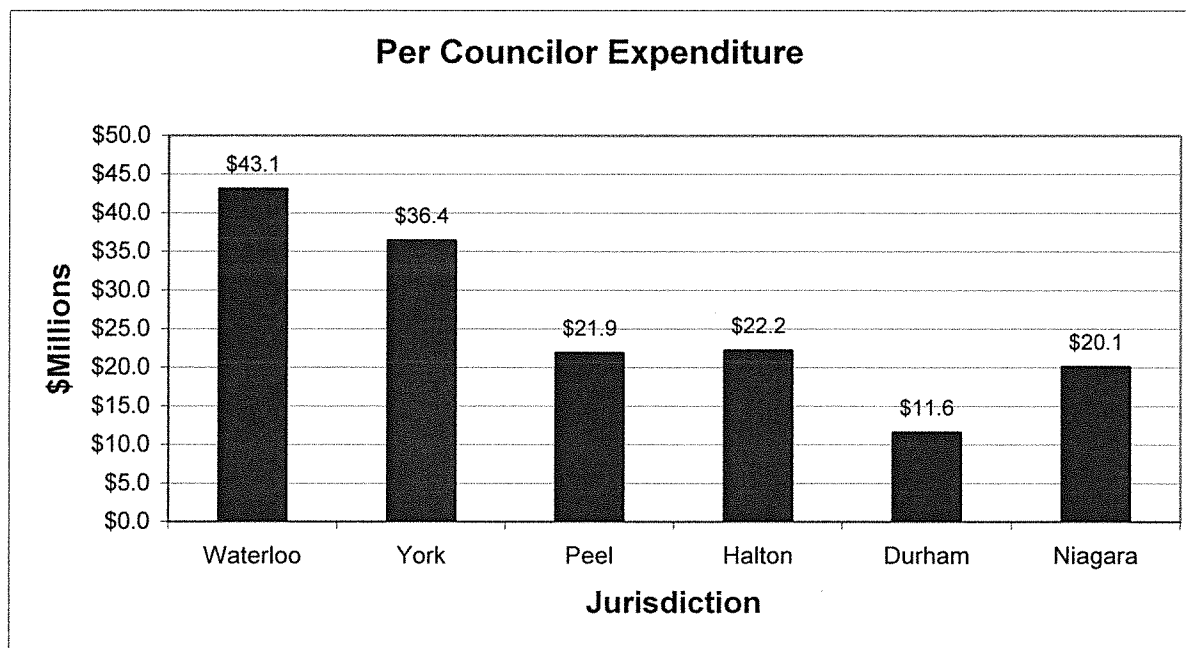
The descriptive data above provide useful comparative descriptions of the various jurisdictions. This picture can be more fully explored by examining the relationships among the assorted data. For example, some indication of comparative average workload is available by examining the ratio of total expenditures to total number of councilors. This average admittedly provides a somewhat artificial basis for comparison given that budget allocations are not set out this way within the various jurisdictions examined. Notwithstanding this reservation, the ratio is helpful when viewed in comparative perspective (Table 7).

Waterloo, with its mid-sized budget and small council, emerges with the highest per councilor expenditure responsibility at \$43.1 million. Conversely, Durham with its large council displays the lowest per councilor expenditure

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**Table 7: Per Councilor Expenditure -- Part-time Equivalency**



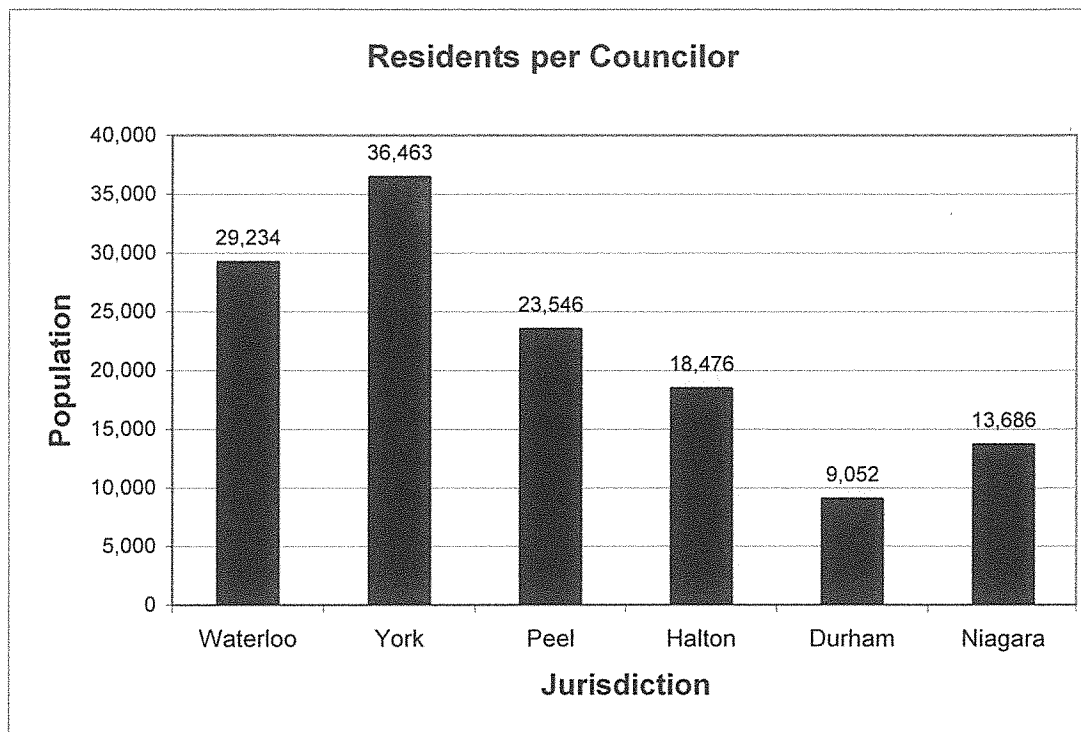
responsibility at \$11.6 million. At \$20.1 million, Niagara Region is in the same approximate range of Peel and Halton.

The average representational load per councilor can be captured in part through the ratio of total population per councilor (see table 8). York Region with its relatively small council and large population displays the heaviest average representational load among the jurisdictions reviewed, with approximately 36,500 people per councilor. Waterloo's moderate population combines with a small council to yield a high resident-to-councilor level of approximately 29,200. Peel Region's large population at just under one million people yields a quite high per councilor representation load of about 23,500 people per councilor. It is helpful to recall the extraordinary population growth pressure currently brought to bear on both York and Peel, at approximately 23 per cent and 16 per cent respectively between 1996 and 2001 (see table 6). Given ongoing strong population growth pressure, these governments should continue to expect significant increases in the representational load per councilor, with Peel expected to surpass Waterloo.

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**Table 8: Residents per Councilor**



In comparison, Niagara Region yields a lower per councilor representation load, at approximately 13,700 people per representative. Durham Region emerges with the lowest load. However, given Durham Region's population growth of 10.5 per cent between 1996 and 2001 compared to Niagara's of 1.8 per cent over the same period, Niagara can be expected to decline in the foreseeable to the lowest resident per councilor load among the governments in table 8.

## 5. NIAGARA REGIONAL COUNCIL -- WORKLOAD

Niagara Regional Council is comprised of 30 part-time councilors and the Regional Chair. Reporting to council are six standing committees: Community Services, Public Health, Corporate and Financial Services, Human Resources, Planning Services, and Public Works and Utilities.<sup>3</sup> Councilors' work

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<sup>3</sup> Until the end of 2003 there were five standing committees.

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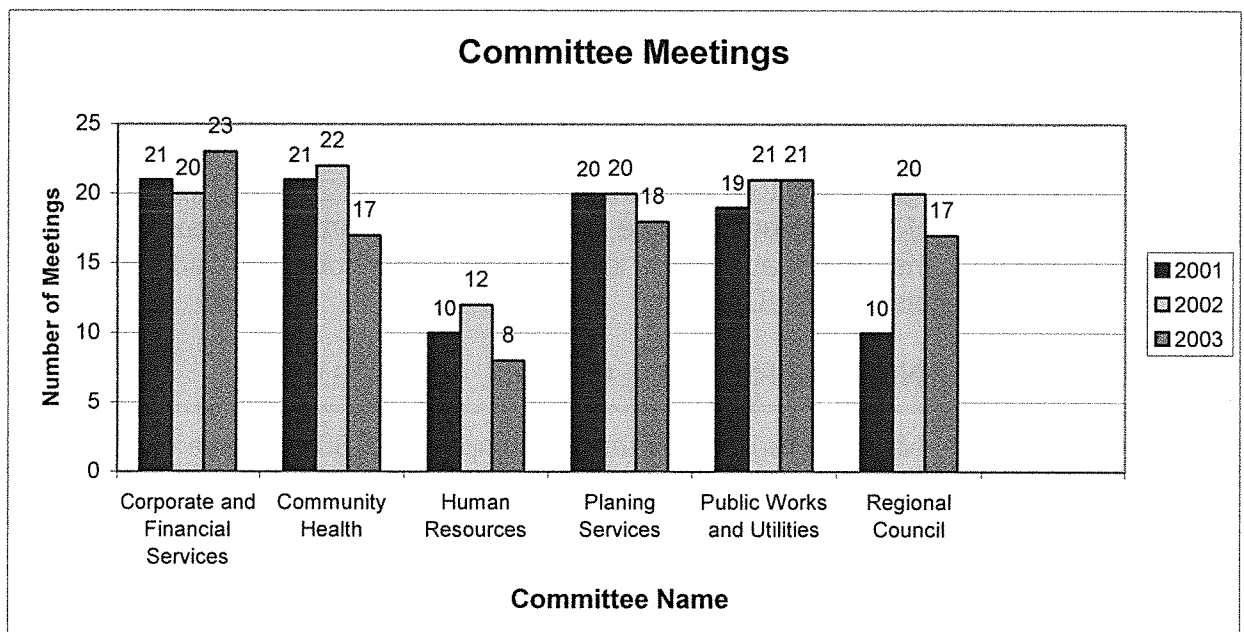
falls under two broad categories: constituency work, and legislative work. In key respondent interviews, respondents estimated that, over the long run, legislative work takes up between 80 to 85 per cent of councilor time, while constituency work accounts for between 15 to 20 per cent of their time. Respondents also noted that the budgetary cycle is a key driver to council's work. The budget process has the capacity to increase both types of work dramatically over the short run. In contrast, during the summer, work typically slows. Respondents estimated that, over the long run, they spent between 12 to 20 hours per week on Council-related work.

### 5.1 Legislative Work

Legislative work breaks down into work associated with committees of Council or the various agencies, boards, and commissions, and work with the Committee of the Whole (Regional Council meetings). In general, in addition to their Committee of the Whole obligations, councilors are expected to sit on at least two committees, with the exception of the Police Services Board. The discussion below reviews meetings and meeting times as workload indicators. These indicators are provided as an aid to understanding trends in councilors' activities, and are not intended as comprehensive workload measures.

Table 9 below provides historical information tracking the number of

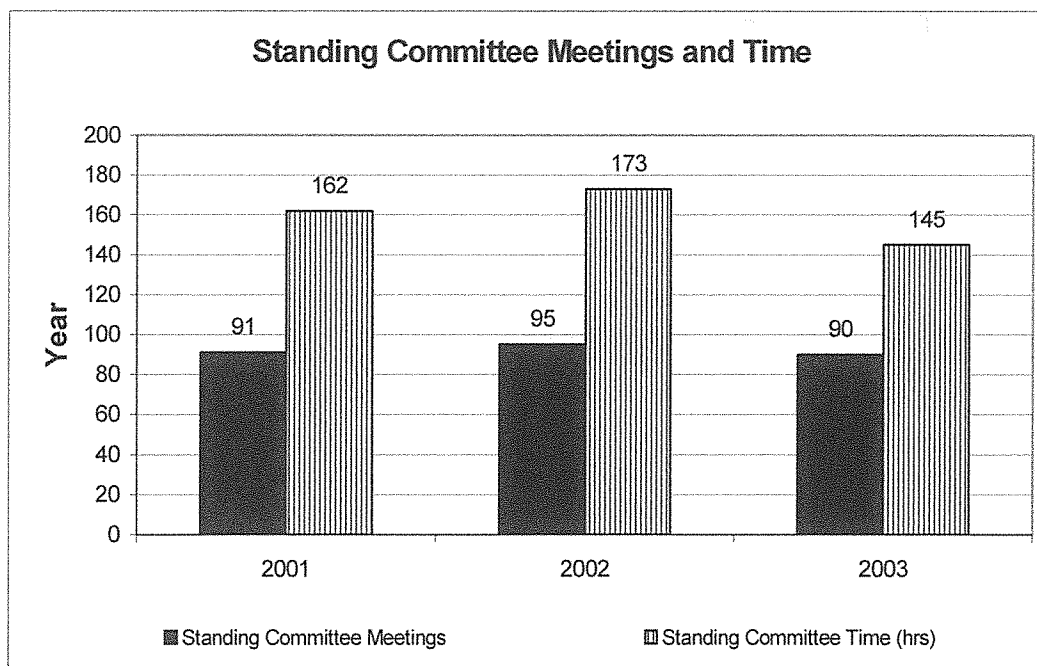
**Table 9: Committee Meetings 2001 -2003**



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meetings by committee between 2001 and 2003. For the various standing committees and Council, the number of meetings has declined in varying degrees from 2002 levels. However, viewed over the entire 2001 - 2003 period the picture is slightly different, with the Corporate and Financial Services Committee, the Public Works and Utilities Committee and Council itself all showing increases in meeting number. The profile of Council meetings reveals a certain degree of volatility, doubling from ten to 20 meetings from 2001 to 2002, and then declining somewhat to 17 in 2003. After holding steady at 20 meetings per year over 2001 and 2002, Planning Services Committee declines slightly to 18 in 2003. Overall, total standing committee meetings increase from 91 meetings in 2001 to 95 meetings in 2002 and decline in 2003 to 90 meetings (table 10).

**Table10: Committee Meetings and Time 2001 - 2003**

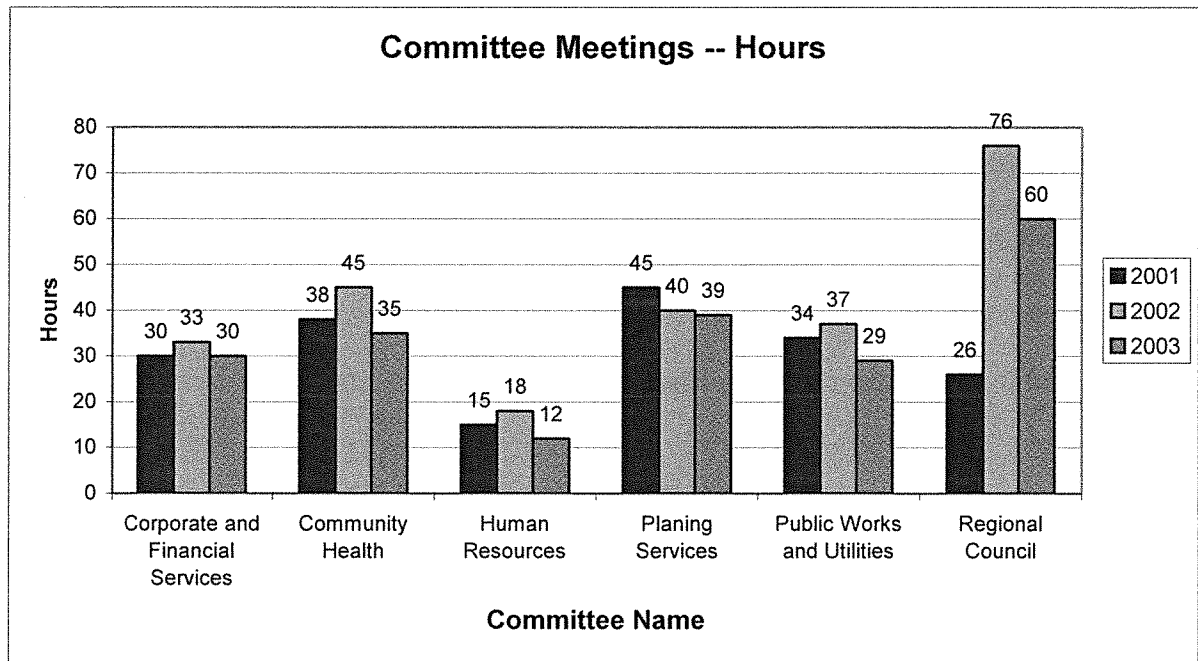


Further details of committee meetings are provided in table 11 below which tracks total meeting hours by committee over the same three-year period. Meeting hours decline in various amounts from 2002 to 2003 for all standing committees and Council. However, at one hour, the decrease in total meeting time for Planning Service Committee is minor. Total Council meeting time decreases from 76 hours in 2002 to 60 hours in 2003.

Again, taken for the entire 2001 - 2003 period, a slightly different picture emerges. For Council, total meeting time jumps from 26 hours to 60 over three years. Over the three-year period, the decreases in meeting times for the various

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**Table 11: Committee Meetings in Hours**



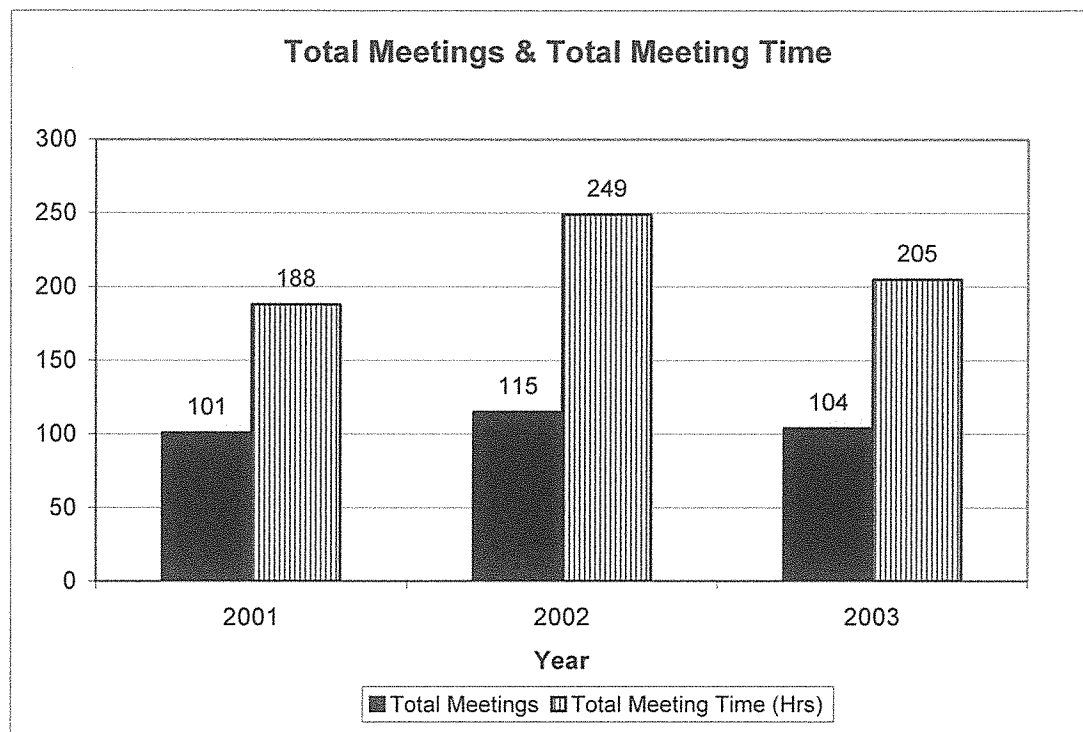
committees are generally less significant. Planning Services shows a somewhat different pattern, with meeting time declining by just one hour from 2002 to 2003, but six hours from 2001 to 2003. In general, standing committee meeting hours decline from 2001 to 2003. As table 10 demonstrates, total standing committee meeting time is 162 hours in 2001, increasing somewhat to 173 hours in 2002, followed by a sharp decline to 145 hours in 2003.

Compared to the standing committees, Regional Council demonstrates a quite different dynamic over the same period. Total Council meeting time increases by fully 50 hours from 26 hours in 2001 to 76 hours in 2002. By 2003, Council meeting time declines significantly to 60 hours. However, over the three-year period, Council meeting time increases from 26 to 60 hours. This trend, in contrast to standing committee meeting time, combined with a high degree of variation in both meeting numbers and hours, is perhaps the most notable feature in the meeting hours data. The meeting profile for Regional Council seems unpredictable, subject to fairly sharp spikes and declines. Over the tracking period, total meeting time -- Council and standing committees combined -- is up. Overall, combined meeting time increases sharply from 188 hours in 2001 to 249 hours in 2002, and then declines from 249 to 205 in 2003 (see table 12).



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**Table 12: Total Meetings & Meeting Time (Council and Committees)**



### 5.1.1 Preparation Time

Key respondent interviews revealed that work associated with Council and committee meetings extends beyond the time actually expended during the meetings. For Council meetings, a considerable amount of preparatory work is required, an amount in excess of the meeting time. Preparatory activities include simply mastering the "blue book" containing materials for the upcoming Council meeting. Preparatory time can vary considerably given the nature of the issues on any particular agenda; they may run the gamut from short and straight-forward to lengthy and complex. In addition to reading the agenda materials, there is also a range of follow-up activities stemming from this work. Key respondents noted that such follow-up work could typically include telephone discussions and/or meetings with staff and other councilors. A similar picture emerged for the work of the standing committees. Preparatory work included substantial reading, follow-up meetings and discussion with staff and colleagues.

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Based on the limited number of key respondent interviews undertaken during the course of this study, and the natural variation in Councilors' interests, determining a simple preparatory time factor per hour of committee time is fraught with analytical peril. Though quite reasonably reluctant to suggest such a ratio, given the variation of the work -- a sense strongly supported by the substantial swings in the number of Council meetings and meeting time seen in the tables above -- one estimate for average Council meeting preparation time was 12 hours. The CCCR is reluctant to base its analysis to any great extent on this figure; however, it is helpful, if in a limited way, in casting light on the nature of councilors' work. Similarly, searching for a standard preparatory time factor for standing committee meetings seems misguided. While the work of the committees, as reflected in tables above, does seem somewhat more stable than the work of Council, they are also subject to significant variation. Moreover, as with the work of the Committee of the Whole, different councilors will simply require different amounts of preparation time. In this respect, the CCCR is inclined toward generosity in considering the question of Council and committee preparatory time as part of legislative workload.

## 5.1.2 *Committee Chairs*

Key respondent interviews also revealed an important -- and probably under-appreciated -- element of the regional government's work: the particular tasks of the standing committee chairs. Respondents noted that committee chairs face a considerable amount of additional preparatory work compared to committee members. This work is associated with the demands of agenda management; and additional meetings with staff, colleagues, stakeholders, and the public. It was felt that while all committee chairs faced heavier workloads by virtue of their positions, it was probably not the case that all committee chairs necessarily encountered the same degree of workload increase. The CCCR spent considerable time assessing this difficult issue, and makes specific recommendations in this report in recognition of the work of standing committee chairs (see recommendation 1 option B).

## 5.2 *Constituency Work*

In addition to legislative work carried out through Council and its committees, councilors also perform an important representational function. Here key respondent information helps to fill out the general picture of representation workload seen in table 8 above. As noted, key respondents indicated that constituency work made up an important, though relatively small component, of councilors' work -- between 15 and 20 per cent. This work seems highly unpredictable; it is never clear which issues will generate constituent telephone calls, email, letters, or representations, nor how intense public interest will be on

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any given matter. There was some sense that constituency work for local councilors is probably higher than it is for regional councilors, this due to a lack of understanding by the public concerning the work of regional government.

### 5.3 *Administrative Support*

At the November 20, 2003 meeting of Council, the chair of the CCCR agreed to look into the matter of administrative support, recognizing that there might possibly be workload implications stemming from different levels of access to administrative support staff. There are a variety of methods through which different jurisdictions provide administrative support to councilors.

In Niagara Region, a legislative assistant processes expense claims, and makes conference and travel arrangements for councilors. However, all of the staff in the Administrative Division of the Clerk's Office are available to provide other administrative support to councilors as needed. Such activities have included typing letters, making personalized letterhead, and providing research information. In addition, Records Division staff are available to provide assistance when necessary.

Overall, it has generally been the case that the directly-elected councilors receive the most administrative support from regional staff, as the mayors of the area municipalities tend to rely on their own administrative assistants.

In Peel, Halton and Durham, administrative support is not provided by the regional governments, but rather through the local area municipalities. Waterloo, however, supports its councilors through a method similar to that of Niagara's; one administrative assistant is on hand to provide support in areas such as processing expense sheets, making travel arrangements, typing letters, preparing powerpoint presentations, and delivering research.

In Niagara, councilors seem to be provided with good access to administrative support compared to other governments.

### 5.4 *Load Factors*

As discussed, workload divides into two general categories, constituency work and legislative work. The latter takes up the majority of councilor time, while the former, though significant, demands considerably less time. As well, standing committee chairs seem to face substantial additional workload pressures. In attempting to reconcile various components of work time with the general key respondent estimates that total councilor time demanded

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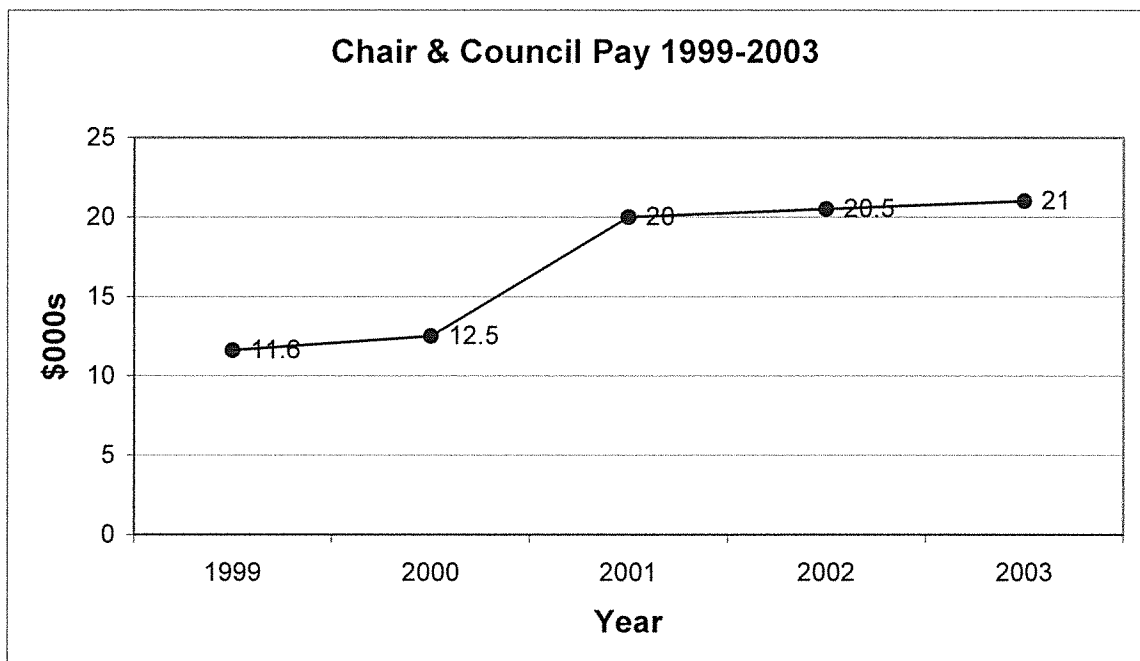
between 12 to 20 hours per week, the CCCR developed a set of ratios for each hour of actual council and committee meeting time. The objective here was not to establish goals for each work item, nor to suggest that the factors were necessarily generally representative. Rather, the committee found it useful to understand the amount of work in its variety of forms that might fit within the estimated 12 - 20 hour weekly envelope.

Based on the standing committee assignments of the previous council, numbers of meetings, and the average meeting times for Regional Council and each of its standing committees, the CCCR ran a number of ratios based on hour of meeting time. For each meeting hour, the committee allocated three hours of preparatory time for members, six hours of preparatory time for chairs and three hours of constituency time. These ratios, applied by councilor assignment, yielded an average workweek of slightly over 16 hours, or the mid-point of the 12 to 20 hour key respondent estimate.

### 6. REMUNERATION TRENDS

From 1999 to 2003, council remuneration has increased from approximately \$11,600.00 per year to about \$21,000, a nominal change of about 81 per cent over 4 years. This trend is illustrated in table 13 below. As noted

**Table 13 : Council Pay 1999-2003**



## Final Report to Council

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above, council pay is generally escalated annually by the all-items consumer price index (CPI). This index is based on the prices for a number of consumer goods, some of which can be extremely volatile from one month to the next. The standard "market basket" is made up of food; shelter; household operations and furnishings; clothing and footwear; transportation; health and personal care; recreation, education and reading; alcoholic beverages and tobacco products (Statistics Canada 1996, 4). The most volatile elements within these categories are fruit, vegetables, gasoline, fuel oil, natural gas, mortgage interest, inter-city transportation and tobacco products. As Bank of Canada analysts point out, items such as food and energy prices are notoriously more volatile compared to many other prices, given their relatively high exposure to supply shocks (Hogan, Johnson, and Lafleche 2001, 13-14). By comparison, core CPI removes the more volatile elements from the basket, and may be a more reliable foundation over the long for developing annual pay adjustments.

The most notable feature in the pay time series data in table 13 is the sharp increase in 2000. Here remuneration increases from approximately \$12,500.00 to \$20,000.00, or 60 per cent. This increase stemmed from changes driven by the Local Service Realignment (LSR) provisions brought about by the provincial government. According to the September 14, 2000 report to Council (CAO 34-2000), there had been

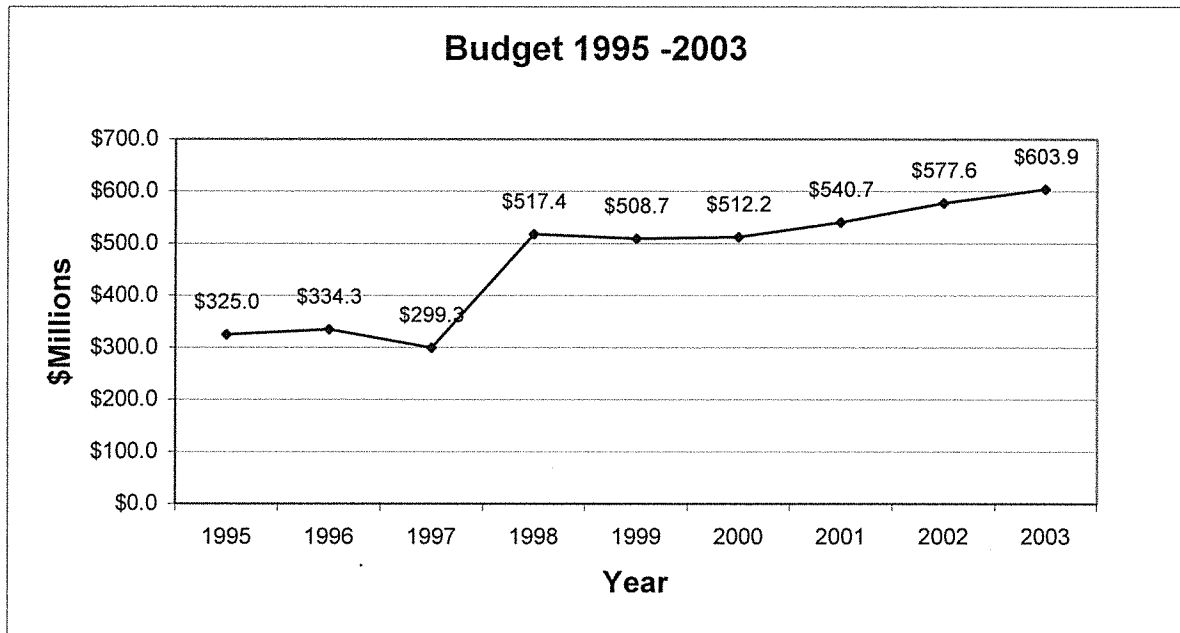
a significant change in responsibilities due to the Local Service Realignment making Regional Government responsible for additional service which were downloaded from the Provincial Government. As a result the size of the budget and the number of committees, which require councillor participation, have increased (2).

The associated change in responsibilities -- reflected in an overall budget increase from \$299 million to \$517.4 million -- was the primary rationale for the increase. Budgetary time series data are contained in table 14 below. Similar to the remuneration data, the most notable feature is the sharp increase between 1997 and 1998, reflecting the impact of LSR on regional finances.

The most recent consideration of base remuneration occurred in 2003 when Council contemplated an increase of approximately 33 per cent to \$28,000.00 annually. Eventually Council decided not to proceed with this course of action.

# Final Report to Council

**Table 14: Regional Budgets 1995 - 2003**



## 7. CONCLUSIONS

At \$603 million, Regional Council is responsible for a substantial budget. Moreover, meeting the needs of approximately 411,000 people in the region is also a task not to be taken lightly. In this respect, public cynicism directed toward elected representatives, as outlined earlier in this report, is misplaced. The late 1990s in Ontario were a particularly difficult time for local governments. As noted, local service realignment has had a serious impact at the local and regional levels, both in Niagara, and throughout Ontario; as seen, the associated effect on regional expenditures has been very great indeed.

The preceding review also points out the variety of circumstances in which regional governments find themselves. Some clearly face challenges related to enormous population growth, while others such as Niagara Region face relatively low levels of population growth pressure. As well, the various jurisdictions reviewed briefly here also allocate different levels of responsibility to their elected officials. As seen, the councilor-to-resident and dollar-per-councilor ratios vary significantly from government to government. In this respect it would be an error to base remuneration policy on average or median performance data, and in particular with regard to mean or median compensation. While the comparative information is useful, in itself it does not provide a solid foundation

## Final Report to Council

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upon which to construct remuneration policy. The temptation to "chase the average" is powerful, though ultimately unsatisfying; it results in a continual upward pay spiral among various governments that is only loosely related to local conditions. In light of the preceding analysis, there seems no compelling reason to give analytical pride of place to averages. As seen, the various jurisdictions face quite different environmental pressures.

Notwithstanding these reservations, a picture emerges through this review. Like other areas, Niagara Region faces population growth, though at a relatively modest level. Looking more closely at Council workload reveals an environment subject to sharp swings in demand. As noted over the period reviewed here, combined meeting time was seen to jump dramatically from 2001 to 2002, from 188 hours to 249 hours, a change of approximately one-third. The following year saw workload decline to 205 hours, representing a three-year change of approximately nine percent. Given the fluctuations in this measure, it is unclear what the longer-term trend might be, though over three years the trend is upward.

The committee also recognizes that councilors face a volatile work environment, alarming levels of public cynicism, and increasingly complex policy challenges. Moreover, as noted, due to prevailing public attitudes toward government, there is a quite understandable reluctance to address the matter of pay for politicians. The result is a related tendency to lurch from one remuneration crisis to the next, something that makes effective policy making difficult.

The recommendations that follow stem from the CCCR's best efforts to synthesize the evidence provided throughout this report. It is hoped that they are responsive to the reality of Niagara Region, and consistent with the committee's guiding principles of transparency, simplicity and fairness.

# Final Report to Council

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## 8. RECOMMENDATIONS

### 1. Base adjustment.

#### OPTION A

***That annual base pay for councilors not be adjusted except by the annual escalation factor set out in recommendation 2 below.***

Based on its analysis, the CCCR does not find sufficient evidence to warrant a significant base adjustment over and above the annual escalation formula set out in recommendation 2 below.

#### OPTION B

***That annual base pay for councilors not be adjusted except by the annual escalation factor set out in recommendation 2 below.***

***Further, that an annual envelope of \$12,000 be created to be applied as honoraria to the chairs of Council's standing committees. This envelope should not be subject to the escalation formula set out below, but should be reviewed from time-to-time as directed by Council.***

***This envelope should be apportioned to standing committee chairs on a pro rata basis, or on any other appropriate basis as determined by Council.***

This recommendation adopts a broader view of compensation than Option A. Option B recognizes the standing committee chairs' additional responsibilities and workload as discussed in this report and is presented here for Council's consideration should it wish to introduce the principle of variable pay.

### 2. Annual escalation formula.

***That councilors' pay continue to be adjusted by inflation annually. This adjustment should be based on a twelve-month average of core CPI as reported by the Bank of Canada, plus an increment equal to the Conference Board of Canada's annual policy line change for non-unionized employees for Ontario.***



# Final Report to Council

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Councilors' pay should not be allowed to erode due to inflation. At the same time, some provision should be made to allow for a modest real increase in pay. This recommendation recognizes the general upward pressures on councilors' work as set out in this report.

While the CCCR would have preferred more region-specific data upon which to build its escalation adjustment, the Conference Board of Canada does offer a valid adjustment factor -- one both publicly available and reputable -- that can be used in the formula. The policy line value, indicating annual increase in salary ranges for non-unionized employees, provides a solid and bias-free measure linked to the general market value of jobs in Ontario.

## 3. Tax-Free Component of Remuneration.

***That the one-third tax-free component of councilor remuneration be retained.***

Under the previous *Municipal Act* one-third of councilor remuneration could be deemed to be for expenses incident to the discharge of duties. The revised *Municipal Act* provides for the continuation of the one-third tax-free component. However, the CCCR believes that this component should not be considered anything other than part of councilors' base pay.

As noted in this report, this arrangement clearly offends against the committee's strong preference for transparency. However, as noted increasing gross pay passes costs directly to regional taxpayers.

## 4. Policy evaluation.

***That a citizens' committee be struck to assess the impact of the recommendations made in this report at least six month prior to the end of council's term with the aim of ensuring councilors are paid appropriately. This future committee should file a public report for council consideration and decision before the regional election.***

## 5. Implementation.

***That these measures come into force effective December 11, 2003.***

# Final Report to Council

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## Appendix 1:

### COST IMPACT

	Base	Escalation	Revised Pay
		Total CPI	
Current Policy	\$21,012.00	2.2%	\$21,474.00

	Base	Escalation		Revised Pay
		Core CPI	CB of C	
		2.37%	2.0%	
Recommendations	\$21,012.00	4.37%		\$21,930.00

	Current	Recommendations	Net Difference
Revised Pay	\$21,474.00	\$21,930.00	\$456.00
Council Pay Envelope	\$644,220.00	\$657,900.0	\$13,680.00

### Summary:

Net Pay Change: \$13,680.00  
 Committee Chairs Honoraria: \$12,000.00

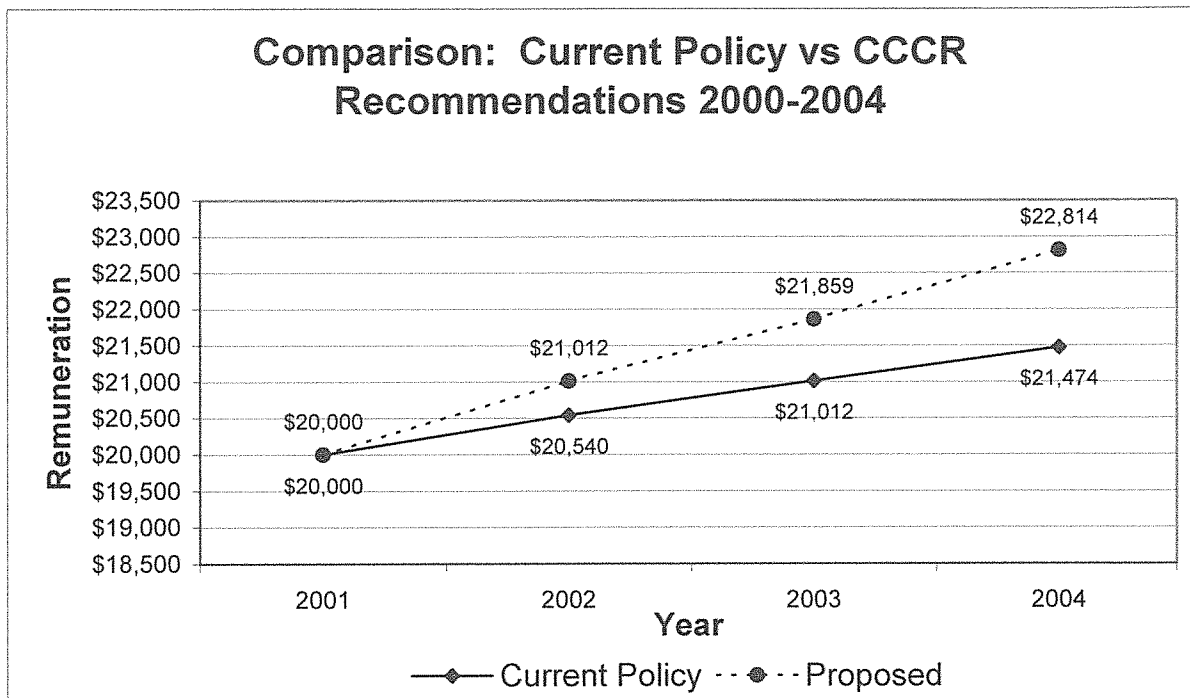
**Maximum Cost Impact: \$25,680.00**

# Final Report to Council

## Appendix 2:

### CURRENT POLICY VS. RECOMMENDATIONS

The graphic below provides a comparison of changes to councilor pay between the current all-item CPI escalation policy and the recommendations for annual escalation contained in this report had the recommendations been in effect in 2002.



By 2004, the difference between the two curves is \$1,340.00, or about 6.2% compared to current policy over the entire period.

# **Final Report to Council**

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## **Appendix 3:**

### **CITIZENS' COMMITTEE ON COUNCIL REMUNERATION MEMBERS**

Jennie Balasak - Thorold  
David Black - St. Catharines  
Adam Bradley - St. Catharines  
Scott Busch - Grimsby  
Wayne Gates - Niagara Falls  
Ron Planche -- Niagara Falls  
David Whorley (chairman) - St. Catharines

# Final Report to Council

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## Appendix 4: Public Notice



THE REGIONAL MUNICIPALITY OF NIAGARA

PUBLIC NOTICE TO ITS CITIZENS

APPOINTMENTS TO  
COMMITTEE ON COUNCIL REMUNERATION

Regional Council at its meeting of September 18, 2003, determined that a citizens' committee be established to make recommendations on a base salary for Regional Councillors, and to develop a formula for annual adjustment; and report back to Regional Council before the end of its current term.

Persons interested in serving on this committee are invited to submit their expression of interest in a letter to the Office of the Regional Chair at the address shown below or by email (via [www.regional.niagara.on.ca](http://www.regional.niagara.on.ca)). Applicants should outline their interest in serving on this committee as well as provide relevant information on their background and experience in 200 words or less. Applicants should be prepared to work evenings or weekends over the next six (6) weeks as the committee must submit a report no later than November 14, 2003.

The selected seven (7) appointees to the committee will represent a broad cross-section of the Niagara Region in terms of its geography, economic sectors and demographics of the population.

Citizens seeking appointment should note that **applications must be received no later than October 10, 2003.**

Applications may be delivered to Regional Headquarters at 2201 St. David's Road, Thorold or mailed to:

**The Regional Municipality of Niagara  
P.O. Box 1042  
Thorold, ON  
L2V 4T7**

**Attn: Office of the Regional Chair**

Date of first publication: September 26, 2003

# Final Report to Council

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# Final Report to Council

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## ACKNOWLEDGEMENTS

The Citizens' Committee on Council Remuneration has benefited from the valuable assistance supplied by a large number regional staff throughout its work. In particular the committee wishes to thank the following people for their generosity and forbearance during the development of this report: Rod Hollick, Pam Gilroy, Debbie Elliot, Kirk Weaver, Margaret Murphy, Patrick Robson, and Janet Pilon. As well, the committee wishes to thank former councilors who provided important background through their roles as key respondents.





THE REGIONAL MUNICIPALITY OF NIAGARA

HUMAN RESOURCES COMMITTEE

REPORT 1-2004

Minutes of a meeting of the Human Resources Committee, held in Committee Room 4, Regional Municipal Building, Thorold, Ontario, on Tuesday, January 13, 2004, commencing at 9:30 a.m.

ATTENDANCE

Committee: Councillors Nicholson, Chair; Partington, Regional Chair; Bentley, Collins, Davidson, Harry, Heit, Leavens, Mastroianni, Salci, Saracino.

Staff: Messrs. Trojan, Chief Administrative Officer; Nicol, Commissioner, Human Resources Department; Ms. Gilroy, Acting Regional Clerk; Ms. Hepplewhite, Acting Deputy Regional Clerk.

Staff (Part-time): Ms. Elliott, Director, Organizational Development and Compensation Services; Ms. Fontana, Director of Corporate Health Services and Employee Relations; Mr. Miron, Corporate Health Services Manager.

ADMINISTRATION

1. Agenda

Moved by Councillor Collins  
Seconded by Councillor Bentley

That Committee deal with the Citizen's Committee on Council Remuneration first.

Carried.

2. Citizen's Committee on Council Remuneration

Councillor Collins commended the Citizen's Committee on their work and Dr. Whorley on his leadership and thanked them for their efforts.

Moved by Councillor Collins  
Seconded by Councillor Leavens

That the recommendations including Option B, in the Final Report to Council – Citizen's Committee on Council Remuneration – December 18, 2003 be approved.

HR 01-2004  
January 13, 2004

Moved by Councillor Harry  
Seconded by Councillor Mastroianni

That the above motion be amended to incorporate an effective date of December 1, 2003.

Carried.

Moved by Councillor Heit  
Seconded by Councillor Mastroianni

That the envelope should be apportioned to standing committee chairs on a *pro rata* basis.

Carried.

Upon a vote being taken, the Committee Chair declared the motion, as amended, and which now reads as follows was approved.

That the recommendations the Final Report to Council – Citizen's Committee on Council Remuneration – December 18, 2003 be approved, including Option B, (that the annual base pay for councilors not be adjusted except by the annual escalation factor as set out in said report) with an effective date of December 1, 2003 and that an annual envelope of \$12 000 should be apportioned to standing committee chairs on a *pro rata* basis.

3. Structure of the Budget Review Committee (BRC)

Mr. Nicol, Commissioner of Human Resources, provided the Committee with an overview of Report CHR 1-2004 regarding Structure of the Budget Review Committee (BRC).

Moved by Councillor Collins  
Seconded by Councillor Mastroianni

That Report CHR 1-2004, January 13, 2004 respecting the Structure of the Budget Review Committee (BRC) be received for information and that Chair Nicholson and Vice-Chair Collins be appointed to the Budget Review Committee with Councillor Mastroianni serving in the capacity of alternate.

Carried.

HR 01-2004  
January 13, 2004

**HUMAN RESOURCES DEPARTMENT**

4. Corporate Learning Calendar  
January through to December 2004

Mr. Nicol, Commissioner, Human Resources Department submitted to the Committee a booklet outlining the Corporate Learning Calendar – January through to December 2004. He highlighted the success of the Corporate Learning Calendar, noting that there has been enthusiastic participation in the course offerings from area municipalities and agencies, boards and commissions.

Moved by Councillor Davidson  
Seconded by Councillor Bentley

That Report HR 1-2004, January 13, 2004 respecting Corporate Learning Calendar – January through to December 2004, be received for information.

Carried.

5. Council Representation  
Employee Assistance Program Advisory Committee

Mr. Nicol, Commissioner, Human Resources Department, gave a brief overview of Report HR 3-2004.

Moved by Councillor Collins  
Seconded by Councillor Harry

That Report HR 3-2004, January 13, 2004 regarding the Council Representation – Employee Assistance Program Advisory Committee, be approved and that Councillor Davidson be nominated by the Human Resources Committee and approved by Council to sit on the EAP Committee for the tenure of the Council term.

Carried.

6. Niagara Police Services Board Proposed  
"Human Resources" Shared Services Agreement

Mr. Nicol, Commissioner, Human Resources Department, gave a brief overview of Report HR 4-2004, noting that the Human Resources Department continues to work with Niagara Regional Police to pursue potential shared service efficiencies; however, the 2001 Police Board proposed agreement does not meet the needs of the Parties.

HR 01-2004  
January 13, 2004

Moved by Councillor Bentley  
Seconded by Councillor Leavens

That Report HR 4-2004, January 13, 2004 regarding the Niagara Police Services Board Proposed "Human Resources" Shared Services Agreement, be received for information;

That the Niagara Police Services Board be advised as to Council's interest in pursuing Human Resource administrative efficiencies through ongoing discussion between staff and that the November 22, 2001 "Human Resources Shared Services Agreement" proposed by the Niagara Police Services Board for Human Resources advisory services not be endorsed at this time.

Carried.

### **CORRESPONDENCE**

7. Moved by Councillor Heit  
Seconded by Councillor Collins

That Communication correspondence, HR 1-2004 – Letter from Commissioner of Human Resources to Chair and Members of Human Resources Committee regarding outstanding reports, dated January 7, 2004, was received for information.

Carried.

### **PRESENTATION**

8. Overview of the Human Resources Department  
and Anticipated Challenges

Mr. Nicol, Commissioner, Human Resources Department, provided the Committee with a presentation regarding Human Resources Department and Anticipated Challenges. Ms. Lora Fontana, Director of Corporate Health Services and Employee relations gave an overview of her function, and highlighted upcoming contract negotiations with a variety of bargaining units. Ms. Debbie Elliott, Director of Organizational Development gave an overview of her function, and highlighted the role of organizational development in achieving the corporation's long term goals.

Please refer to Staff Directions.

HR 01-2004  
January 13, 2004

**CLOSED SESSION**

9. Moved by Councillor Bentley  
Seconded by Councillor Harry

That this Committee do now meet in Closed Session for purposes of receiving information of a confidential nature relating to personnel matters.

Carried.

10. Voluntary Early Retirement Agreement

Moved by Councillor Salci  
Seconded by Councillor Leavens

That Report HR 2-2004, January 13, 2004 respecting Voluntary Early Retirement Agreement, be received and that the recommendations therein be approved.

Carried.

11. Moved by Councillor Mastroianni  
Seconded by Councillor Saracino

That this Committee do now rise with report.

Carried.

**STAFF DIRECTIONS**

Staff was asked to:

- Provide Committee with a representation of trends with regard to the OMERS early retirement window, including projections to 2005.  
(Minute Item 8) (Councillor Salci)

HR 01-2004  
January 13, 2004

**ADJOURNMENT**

The Committee adjourned at 11:20 a.m. to meet again on Tuesday, February 10, 2004, Committee Room #4, at Regional Headquarters.

Rob Nicholson  
Chair

Anne Hepplewhite  
Acting, Deputy Clerk

Pam Gilroy  
Acting, Regional Clerk

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**THE REGIONAL MUNICIPALITY OF NIAGARA**

**PROCEEDINGS OF COUNCIL**

**REPORT CL 2-2004**

The Municipal Council of the Regional Municipality of Niagara met in the Council Chamber, Regional Municipal Building, Thorold, Ontario, on Thursday, January 22, 2004 commencing at 6:30 p.m.

**ATTENDANCE**

Council: Regional Chairman Partington; Councillors Almas, Bailey, Baty, Bentley, Bodner, Burroughs, Casselman, Collins, Davidson, Eke, Gabriel, Goulbourne, Harry, Heit, Hodgson, Katzman, Leavens, Marshall, Martin, Mastroianni, Redekop, Rigby, Salci, Saracino, Smeaton, Timms, Trombetta, Zimmerman.

Staff: Messrs. Trojan, Chief Administrative Officer; Bacchus, Commissioner of Corporate Services; Cambray, Director of Planning Services, Planning Department; Neville, Commissioner of Public Works; Nicol, Commissioner Human Resources Department; Dr. Williams, Medical Officer of Health, Commissioner of Public Health; Ms. Reid, Commissioner of Community Services Department; Ms. Gilroy, Acting Regional Clerk; Ms. Hepplewhite, Acting Deputy Clerk; Ms. Pilon, Legislative Assistant.

**Staff**

(Part-Time): Messrs. Brcic, Director, Water & Wastewater; Cunnane, Director of Public Safety.

**CLOSED SESSION**

9. Moved by Councillor Gabriel  
Seconded by Councillor Burroughs

That this Council do now move into Closed Committee of the Whole for the purposes of receiving information of a confidential nature relating to legal, personnel and property matters.

Carried.

10. Community Member Appointment  
To the Niagara Regional Police Services Board

Council discussed the appointment of the Community Member to the Niagara Regional Police Services Board. Please refer to Minute Item #26, for further details.

11. Niagara Ambulance Communications Service Pilot Project  
Request from the Ministry of Health and Long-Term Care

Council was apprised of the request from the Ministry of Health and Long-Term Care for an extension to the Niagara Ambulance Communications Service Pilot Project RFP's irrevocability date. Please refer to Minute Item # 32, for further details.

**CLOSED COMMITTEE OF THE WHOLE, RISE AND REPORT**

12. Moved by Councillor Harry  
Seconded by Councillor Smeaton

That this Council do now rise with report.

Carried.

Following Committee of the Whole, Council met in regular session, commencing at 7:10 p.m. with an Invocation by Councillor Almas, followed by the singing of O' Canada.

13. **CONFLICTS OF INTEREST**

Councillor Almas declared an indirect pecuniary interest with respect to any matters related to the Regional Development Charges in general, as he may have clients that have an interest in development charges, and he therefore took no part in the discussion of, or voting, on these matters.

Councillor Almas declared an indirect pecuniary interest with respect to Mr. Larry Iggulden, as his firm deals with Mr. Iggulden's accounting firm, and he therefore took no part in the discussion of, or voting, on these matters.

Councillor Bodner declared an indirect pecuniary interest with respect to any matters related to the Tobacco Enforcement Program, as he sells tobacco products in his store, and he therefore took no part in the discussion of, or voting on these matters.

Councillor Burroughs declared an indirect pecuniary interest with respect to the DPD 5-2004, Official Plan Amendment NO. 20, Ezxpansion of Ridley College, Ridley Road and Louth Street in the City of St. Catharines, as he sits on the Ridley College Foundation and he therefore took no part in the discussion of, or voting on, this matter.

Councillor Heit declared an indirect pecuniary interest with respect to Cheque #143253 to Telus Mobility, as he is a senior sales representative for Telus Mobility products, and he therefore took no part in the discussion of, or voting, on this matter.

Councillor Marshall declared an indirect pecuniary interest with respect to the Presentation being made by the Citizens for a Smart Growth Hospital, as he



is employed by the Niagara Health System and he therefore took no part in the discussion of, or voting on, this matter.

Regional Chairman Partington declared an indirect pecuniary interest with respect to the Presentation being made by the Citizens for a Smart Growth Hospital, as he is representing the property owners of the subject property and he therefore took no part in the discussion of, or voting on, this matter.

Regional Chairman Partington declared an indirect pecuniary interest with respect to DPD 4-2004, Official Plan Amendment No. 22, Proposed Inn and Restaurant, Niagara River Parkway and John Street in the Town of Niagara-on-the-Lake, as he received a campaign contribution from an associate of the proponent and he therefore took no part in the discussion of, or voting on, this matter.

Councillor Smeaton declared an indirect pecuniary interest with respect to any matters related to the Homes for the Aged, as he is an employee of a Seniors Home, and he therefore took no part in the discussion of, or voting, on these matters.

Councillor Timms declared an indirect pecuniary interest with respect to any matters related to the Regional Development Charges in general, and he therefore took no part in the discussion of, or voting, on these matters.

14.

#### **PUBLIC MEETING**

##### **2004 Uniform Sewer & Water Rates**

Regional Chairman Peter Partington advised Council that notice of the Public Meeting for the 2004 Water and Wastewater Rates was advertised in local papers to invite interested parties to make a presentation, or submit written comments, on this matter.

He advised Council that would consider that input in setting the uniform water and wastewater rates proposed for 2004 and this matter was contained in a report from the joint meeting of the Corporate and Financial Services Committee and Public Works and Utilities Committee.

The 2004 uniform water and wastewater rates will ensure that each system remain self-sufficient while balancing the need for affordability with that of meeting service level standards. The financing strategy from which the rates are calculated is driven to a significant degree by the recommendations contained in the recently developed Water and Wastewater Master Plans.

Several requests for information were received by the Corporate and Financial Services Department staff, and to date, no requests for presentation were

received. One written submission was included in the Council Addendum as Communication C 6196.

Moved by Councillor Timms  
Seconded by Councillor Davidson

That Communication C6196, being a letter from Norbert Preiner, Councillor City of Thorold, (January 13, 2004) requesting that any increase in water/sewer rates be kept to the rates of inflation, be received.

Carried.

The Regional Chair asked if there was anyone present who wished to speak. There being no one in attendance to speak on this matter, the consideration of the 2004 Uniform Sewer & Water Rates were dealt with during the normal course of business. (Refer to Minute Item # 28)

15. **ADOPTION OF THE AGENDA**

Moved by Councillor Collins  
Seconded by Councillor Martin

That the Council Agenda CL 2-2004 be adopted as presented with the Human Resources Committee and Planning Services Committee minutes being brought forward following the presentations.

Carried.

16. **CHAIRMAN'S REMARKS**

Regional Chairman Partington expressed thanks to De Ruyter Greenhouses in the City of St. Catharines for the beautiful flowers in the Council Chamber.

Regional Chairman Partington noted that in the last two weeks he has had the opportunity to visit many areas in Niagara and been advised of local concerns.

Regional Chairman Partington met with Erie County Executive Joel Giambra, Roger Marsham of the Canadian Consulate and Ron Rienas, General Manager of the Peace Bridge Authority to discuss Niagara's relationship with our counterparts in the U.S., in particular trade and tourism.

Regional Chairman Partington stressed the importance of public consultation within Niagara's Budget deliberations, noting that the public will be given ample notice about the consultation and the events that will be held in various communities.

Regional Chairman Partington extended an invitation to members of Regional Council to be members of the Working Group that will be formed to review the Council/Committee structure.

Councillors Baty, Goulbourne, Martin, Timms and Saracino volunteered to represent Council on the Working Group

### **APPROVAL OF MINUTES**

17. **Report 19-2003**

Moved by Councillor Baty  
Seconded by Councillor Timms

That Report 19-2003, being the minutes of the Proceedings of Council of December 18, 2003, be approved and adopted.

Carried.

18. **Report Committee of the Whole 1-2004**

Moved by Councillor Bodner  
Seconded by Councillor Leavens

That Report 1-2004, being the minutes of the Committee of the Whole of Thursday, January 8, 2004, be approved and adopted.

Carried.

### **CORRESPONDENCE**

19. Communications were received and dealt with as follows:

C6186 Card of thanks from Carol Reece, an employee of the Community Services Department, and family for the kind donation to the Canadian Arthritis Society in memory of her mother Margaret Jones.

Received.

C6187 Card of thanks from Ruth Bertnik, an employee of the Public Health Department, and family for the kind donation to the Canadian Cancer Society in memory of her father Harold Shaver.

Received.

C6188 Nancy Clark, St. Catharines (December 16, 2003) respecting concerns regarding the medical situation and ambulance service within the City of St. Catharines

Moved by Councillor Timms  
Seconded by Councillor Eke

That Correspondence, C6188, a letter from Nancy Clark, St. Catharines (December 16, 2003) respecting concerns regarding the medical situation and ambulance service within the City of St. Catharines, be received and referred to Public Health Services Committee.

Carried.

C6189 Jake Sinke, President, Canada Family Action Coalition, (November 28, 2003) expressing appreciation to those governing the Niagara Region and extending best wishes to the Chairman and Members of Council in all future deliberations.

Received.

C6190 Card of thanks from Darlene Laurin, an employee of the Community Services Department, and family for the kind donation to the March of Dimes in memory of her mother Lisa Laurin.

Received.

C6191 Card of thanks from John Naar, an employee of the Public Works Department, who was presented with the gift of a clock upon his retirement from the DeCew Falls Water Plant.

Received.

C6192 E-Mail from Mark Zwolak, a 4<sup>th</sup> year Brock Student and a student of Niagara College, respecting the establishment of a forum at Brock concerning the implications of developing St. Catharines' new hospital in the Southwest End (1<sup>st</sup> Street & Fourth St Louth) for Monday, January 19, 2004.

Received.

C6193 Memorandum to Regional Chairman Peter Partington and Members of Council respecting A Public Notice – Council Budget Meeting.

Moved by Councillor Martin  
Seconded by Councillor Trombetta

That Correspondence, C6193, a Memorandum to Regional Chairman Peter Partington and Members of Council respecting A Public Notice – Council Budget Meeting, be approved.

Carried.

- C6194 Brian Skrydstrup, St. Catharines (January 19, 2004) requesting to speak at Regional Council on Thursday, January 22, 2004, on the matter of Councillors' Remuneration.

Approved to Address Council.

- C6195 Peter Partington, Regional Chairman (January 21, 2004) respecting Resolutions from other Municipalities.

Maria Gardiner, Legislative Co-ordinator, Legislative Services, Region of Peel (January 2, 2004) respecting their resolution that the Prime Minister of Canada be requested to appoint a Cabinet Minister with a clear focus on Federal Housing Policy and Delivery.

Received.

- C6196 Norbert Preiner, Councillor City of Thorold, (January 13, 2004) requesting that any increase in water/sewer rates be kept to the rates of inflation.

(Refer to Minute Item # 14)

- C6197 Councillor Michael Collins, (January 22, 2004), requesting Council's approval of the submission of a Letter of Intent to host the 2005 AMO Counties and Regions Conference.

Moved by Councillor Collins  
Seconded by Councillor Martin

That Correspondence, C6197, a letter from Councillor Michael Collins, (January 22, 2004), requesting Council's approval of the submission of a Letter of Intent to host the 2005 AMO Counties and Regions Conference, be approved.

Carried.

20. Moved by Councillor Burroughs  
Seconded by Councillor Davidson

That Communications C6186 to C6197, be received and dealt with as directed by this Council and as noted in these minutes.

Carried.

### **PRESENTATIONS**

21. Status of United Way Campaign

Ms. St. John, Chair, Regional United Way Action Group was please to update Council on the status of the Region's United Way Campaign and announced that the \$60,000 target had been greatly exceeded.

Ms. St. John introduced members of the United Way Action Team to Council and with the assistance of Regional Chairman Partington and Mr. Trojan, Chief Administrative Officer, she presented members of the United Way with a cheque in the amount of \$98,113.48, which was raised through Regional Niagara's employee fund-raising initiatives and payroll deductions.

22. Niagara Community Foundation

Ms. Ann-Louise Branscombe, President of the Niagara Community Foundation provided Regional Council with an overview of their activities for the year as well as an overview of the foundation for new Council members.

Mr. Frank Branscombe raised the idea for a community foundation and former Regional Chair Debbie Zimmerman brought together a group of leaders from across the region for a meeting to discuss the establishment of a community foundation as a millennium project of the Region. This meeting took place in March of 1999. Representatives from the four United Ways, hospital foundations, educational institutions, various charities, political leaders and the private sector participated in this meeting. As a result of the interest shown, a Steering Committee was formed in September to lay the groundwork for the Niagara Community Foundation. Through the efforts of the Committee, the Foundation was incorporated in April 2000 and received charitable status in June 2000.

The Niagara Community Foundation serves the people of the Niagara peninsula by building permanently endowed charitable funds for the changing needs and opportunities of the community, making grants, and providing leadership that contributes to the health and vitality of the community.

Ms. Branscombe noted that Regional Council will be kept up to date on the foundation's activities through the foundation's newsletter and our annual report in June 2004.

Ms. Branscombe thanked former Regional Chair Zimmerman for the substantial contribution from the Chair's Golf Tournament and Mr. Neville and his staff for their coordination of this event.

23. Council Remuneration - Increase

Mr. Brian Skrydstrup, a business owner and life long resident of the City of St. Catharines appeared before Regional Council in opposition to the recommended Council remuneration increase.

Mr. Skrydstrup noted that Niagara Region will be facing several bargaining unit negotiations this year and that any decision on an increase for Regional Council will reflect how those negotiations proceed.

In closing, Mr. Skrydstrup advised Regional Council that the decision they make tonight will be a stepping stone for the future and thanked Ms. Gilroy, Acting Regional Clerk and her staff for their assistance.

### **HUMAN RESOURCES COMMITTEE**

24. **Report 1-2004**

Moved by Councillor Collins  
Seconded by Councillor Leavens

That Report HR 1-2003, being the minutes of the Human Resources Committee meeting of Tuesday, January 13, 2004, be approved and adopted.

Moved by Councillor Bailey  
Seconded by Councillor Collins

That Minute Item # 2, respecting the Citizen's Committee on Council Remuneration, be lifted and dealt with by this Council at this time.

Carried.

25. **Citizen's Committee on Council Remuneration**

Following a thorough discussion on this matter, it was:

Moved by Councillor Bailey  
Seconded by Councillor Collins

That the recommendations respecting the Citizen's Committee on Council Remuneration, Minute Item #2, in Report 1-2004 of the January 13, 2004, Human Resources Committee minutes, be approved.

Upon a recorded vote being requested, Council divided on the motion as follows:

Voting for the Motion:

Baty	Katzman
Bentley	Leavens
Bodner	Martin
Burroughs	Mastroianni
Casselman	Redekop
Collins	Rigby
Eke	Salci
Gabriel	Saracino
Goulbourne	Smeaton
Harry	Timms
Heit	Trombetta
	Zimmerman (23)

Voting against the Motion:

Almas  
Bailey  
Davidson  
Hodgson  
Marshall

(5)

Upon the recorded vote being taken, the Regional Chair declared the motion was carried.

Upon a vote being taken, the Regional Chair declared the original motion on Report 1-2004, being the minutes of the Human Resources Committee meeting of Tuesday, January 13, 2004, was carried.

26. Community Member -Appointment  
To the Niagara Regional Police Services Board

Moved by Councillor Salci  
Seconded by Councillor Eke

That Larry Iggulden be appointed to the Niagara Region Police Services Board for a three-year term commencing immediately; and



That the Acting Regional Clerk advise Mr. Iggulden and the Niagara Regional Police Services Board Administrator of this appointment; and

That the Acting Regional Clerk express written appreciation to the other 39 citizens who put their names forward.

Carried.

Councillor Martin assumed the Chair during the approval of the Planning Services Committee minutes due to Regional Chairman Partington's conflict of interest (See page CL-11).

### **PLANNING SERVICES COMMITTEE**

27. **Report 1-2004**

Moved by Councillor Smeaton  
Seconded by Councillor Bodner

That Report PS 1-2004, being the minutes of the Planning Services Committee of Wednesday, January 14, 2004, be approved and adopted.

Councillor Burroughs noted that his conflict should read:

Councillor Burroughs declared an indirect pecuniary interest with respect to the DPD 5-2004, Official Plan Amendment No. 20, Expansion of Ridley College, Ridley Road and Louth Street in the City of St. Catharines, as he sits on the ***Ridley College Foundation*** and he therefore took no part in the discussion of, or voting on, this matter.

Councillor Burroughs also advised Regional Council that he is unable to sit on the Budget Review Committee as Planning Services Committee's alternate member, due to time constraints; therefore the appointment of an alternate should be referred back to the Committee.

Upon a vote being taken the Regional Chair declared that Report PS 1-2004, being the minutes of the Planning Services Committee of Wednesday, January 14, 2004, be approved and adopted, as amended was carried.

Regional Chairman Partington assumed the Chair for the remainder of the meeting.

### **JOINT CORPORATE AND FINANCIAL SERVICES COMMITTEE & PUBLIC WORKS & UTILITIES COMMITTEE**

28. **Report CFS 1/PW 2-2004**

Moved by Councillor Martin

Seconded by Councillor Saracino

That Report CFS 1/PW 2-2004, being the minutes of the Joint Corporate and Financial Services Committee and Public Works and Utilities Committee meeting of Wednesday, January 14, 2004 be approved and adopted.

Carried.

### **CORPORATE AND FINANCIAL SERVICES COMMITTEE**

29. **Report 2-2004**

Moved by Councillor Martin  
Seconded by Councillor Saracino

That Report 1-2004, being the minutes of the Corporate and Financial Services Committee meeting of Wednesday, January 14, 2004, be approved and adopted.

Carried.

Councillor Saracino asked to be recorded as opposed to Minute Item 3.3.4 of the Regional Development Charges Task Force minutes of Monday, December 15, 2003.

### **COMMUNITY SERVICES COMMITTEE**

30. **Report 1-2004**

Moved by Councillor Marshall  
Seconded by Councillor Almas

That Report CSC 1-2004, being the minutes of the Community Services Committee meeting of Monday, January 12, 2004, be approved and adopted; and

That a letter be forwarded to the Ministry of Health and Long-Term Care, to invite them to tour Niagara Region's Long-Term Care Facilities, to observe actual examples of best practices.

Carried.

### **PUBLIC HEALTH COMMITTEE**

31. **Report 1-2003**

Moved by Councillor Timms  
Seconded by Councillor Baty

That Report PHSC 1-2004, being the minutes of the Public Health Committee meeting of Monday, January 12, 2004, be approved and adopted.

Carried.

32. Niagara Ambulance Communications Service Pilot Project  
Request from the Ministry of Health and Long-Term Care

Moved by Councillor Timms  
Seconded by Councillor Zimmerman

That the request of the Ministry of Health and Long-Term Care for an extension to the RFP's irrevocability date for the Niagara Ambulance Communication Service Pilot Project Submission, from February 21, 2004 to April 30, 2004, be approved, and the Ministry be so advised; and

That the extension results in a corresponding extension to the Region's implementation timelines as outlined in our RFP.

Carried.

**PUBLIC WORKS AND UTILITIES COMMITTEE**

33. Report 1-2004

Moved by Councillor Rigby  
Seconded by Councillor Redekop

That Report PW 1-2004, being the minutes of the Public Works and Utilities Committee of Tuesday, January 13, 2004, be approved and adopted.

Carried.

34. **CHIEF ADMINISTRATIVE OFFICER'S REPORT**

Mr. Trojan highlighted the actions of the Budget Review Committee, at the meeting that took place prior to Council, which referred CSD 153-2003 - 2004 Capital Program - Final Report to all Standing Committees next week.

**OTHER BUSINESS**

35. Raising the Roof's Toque Tuesday

Regional Council invited everyone to attend the events which will be taking place through the Niagara Region on February 3, 2004 in support of Raising the Roof's

Toque Tuesday a national campaign that gives people from all walks of life the chance to raise funds, raise fun and raise awareness in the fight against homelessness in Canada.

Councillor Collins reminded everyone of the Toque Tuesday event that Councillor Rigby will be hosting at the Market Square on February 3, 2004 at 7 a.m., if you purchase a toque you are provided with a wonderful breakfast.

36. Open House for Former Mayor Ray Konkle

Councillor Hodgson invited everyone to an Open House for former Mayor Ray Konkle at Grandstand Hall at the Beamsville Fairgrounds on February 1, 2004 from 1 - 3 p.m.

37. Sewer & Water Late Payment - Interest Charges

Councillor Redekop noted that the rate of interest (15%) being charged on late payments for sewer and water should be reviewed by the province.

38. Niagara Peninsula Conservation Authority - Appointment

Regional Council congratulated Councillor Gord Harry on his re-appointment as Chairman of the Niagara Peninsula Conservation Authority.

**BY-LAWS**

39. Moved by Councillor Casselman  
Seconded by Councillor Trombetta

That the following bills be now read and do pass:

Bill 01

A by-law to establish part of Lots 2 and 3, Plan 592, in the City of Welland, as part of Regional Road No. 50 (Niagara Street)

Bill 02

A by-law to adopt, ratify and confirm the actions of the Regional Council at its meeting held on the 22<sup>nd</sup> day of January 22, 2004

Carried.

40. Moved by Councillor Davidson  
Seconded by Councillor Bodner

That the following bills be now read and do pass:

Bill 03

A by-law to establish Part of Lot 20, Concession 2, in the City of Niagara Falls as part of Regional Road No. 116 (Sodom Road)

Bill 06

A by-law to amend by-law No. 9055-98 to establish a property tax rebate program for Charitable Organizations

Bill 07

A by-law to amend by-law 29-2003, being a by-law to appoint members to the Accessibility Advisory Committee

Carried.

41. Moved by Councillor Eke  
Seconded by Councillor Rigby

That the following bills be now read and do pass:

Bill 04

A by-law to fix the rates to be charged for Wastewater received from Lower-Tier Municipalities during the Year 2004

Bill 05

A by-law to fix the rates to be charged for Water supplied to Lower-Tier Municipalities during the Year 2004

Carried.

**STAFF DIRECTIONS**

Staff was requested to:

- provide Council with information relating to e-mail privacy at their homes and businesses.
- review the issue of the television cameras left with their red lights on, during Closed Session of Regional Council.

**ADJOURNMENT**

The Council meeting adjourned at 9:40 p.m.

Peter Partington  
Regional Chairman

Janet Pilon  
Legislative Assistant

Pam Gilroy  
Acting Regional Clerk

**C7927**

# 2012 Report to Council on Councillor Remuneration for the Regional Municipality of Niagara

*Presented by Co-Chairs:*

Douglas Mathews  
Dr. Deborah M. McPhee, MBA, PhD, CHRP  
Kim Shennan, CHRP  
Diane Zakraysek

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## EXECUTIVE SUMMARY

The Citizen's Committee on Council Remuneration (CCCR) was officially formed on June 6, 2012. The CCCR consisted of four members of varying backgrounds. Two of the members possess senior HR experience and have extensive experience in Compensation Management. One of the members has an extensive legal background along with experience working with local council, and the fourth member is experienced with middle management operations, processes and finance, along with executive experience with community organizations. These complimentary skills were important to the discussions that ensued. All members acted as Co-chairs in this project and met 11 times between June and October in whole or in part.

The main goal of the committee was to review the base pay remuneration of the councillors and the Chairman. The CCCR was not to consider other aspects of pay. There are 30 councillors and one Chair. Twelve of the councillors are mayors from various cities and townships across the Niagara region, while the remaining 18 are elected to a part-time position. Councillors are paid \$27,527 per annum, based on approximately 10-12 hours per week. This represents a per hour wage of between \$44 and \$53 per hour. The median total family income reported in 2010 for St. Catharines' families was reported to be \$65,900 in 2010, or \$33.79 per hour for a family.<sup>1</sup> The Regional Chair receives \$113,913 per annum in a full-time role. One third of their remuneration is non-taxable. Councillors pay has not changed since December 2009. Previous to 2009, remuneration was increased based on a 12 month average of CPI, plus an incremental equal to the Conference Board of Canada's average increase for non-unionized employees in Ontario. A continuation of this pay structure does not fit in the current economic and political climate.

The CCCR utilized various reports in their investigation. It was believed that the original 2003 report may provide some valuable insight, as well as some current salary surveys, but in the end it was determined that Niagara is a unique region and that decisions regarding remuneration needed to be within the context of the region. Two surveys were sent out to the chairs and co-chairs of standing committees and to individual councillors via email. The first survey to chairs and co-chairs solicited invaluable information. The second survey to Councillors resulted in low participation, so additional information was sought from Regional Staff, retired and current councillors, with the promise of confidentiality to ensure a multiple stakeholder input.

The Municipal Act identifies the role of Regional Councillor as attending council meetings as a representative of their constituents. Beyond that, no other roles or expectations are identified. There is an expectation that Councillors will also sit on Council Standing

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<sup>1</sup> Accessed at <http://www.statcan.gc.ca/tables-tableaux/sum-som/l01/cst01/famil107a-eng.htm> Statistics Canada, CANSIM, table 111-0009, Last modified: 2012-06-27.

Committees, although the exact expectation remains unclear with responses stating this expectation as none, one or two as being the requirement. As such, no real job description exists beyond this attendance at council meetings and participation in some way on standing committees. There is also an expectation of some Councillors to sit on some important boards and committees. Since they are remunerated separately for this participation, the committee did not include this in their deliberations.

Recent constraints employed by the provincial government have halted increases since 2009. *The CCCR believes that such constraints need to be continued until such time that there is an upswing in the economy and in government policy.*

It is also the understanding of the CCCR that remuneration must be attractive enough for individuals to pursue regional representation. The most common means to increase salary increases is the Consumer Price Index (CPI). *For future increases, once all constraints are lifted, salary increases will be based on CPI Index for the past year with a cap of 2%. This is based on the premise that the average of the past 10 years CPI amounts to 2%. There will also not be any retroactive wage increases permitted once the constraints are lifted by the provincial government. Additionally, it is recommended that Councillors maintain the 2/3 taxable and 1/3 non-taxable formula currently in existence.*

Another factor making wage increases difficult to determine is the lack of traditional measurement tools used to accurately evaluate the performance of both the Regional Chair and the Councillors. One measure that continuously arose during our discussions with the various stakeholders previously discussed pertained to the lack of commitment to *attendance at meetings*, either in whole or in part. Maintaining QUORUM was difficult to obtain at times. Therefore, *the only measureable item for evaluating a Regional Councillor's effectiveness in doing his or her job is meeting attendance. We recommend that Regional Councillor's salaries be affected by their attendance at all required council and committee meetings.* Further details are discussed in the report.

It is also recommended that *the Committee Chairs stipend be increased to \$2,500 and the stipend for the Co-Chair be decreased to \$1,500.*

Further it was determined that the Regional Chair's salary *be maintained at the current salary and that the per meeting formula not apply to the Regional Chair due to the vast number of commitments he has to maintain. Future increases will follow the same formula as Regional Councillors.*

This committee was charged with a mandate to consider only base pay. It is recommended that *in future total compensation be considered.* It was difficult to complete this analysis without consideration for all aspects of pay.

We have made a concerted effort to apply what we consider to be a fair assessment of performance factors and to make recommendations that will be deemed to be acceptable to the constituents of the Niagara Region.

## **BACKGROUND**

A motion from Council was made on December 2, 2011, to establish a Citizens Committee to make recommendations on a base salary for Regional Council and Regional Chair; determine a methodology for annual increases; and to report back to Regional Council before the end of 2012.

A Report to Corporate Services Committee, No. SCD 46-2012, dated April 4th, 2012 was prepared setting out the Scope of the Committee and Timelines. On May 24, 2012, the Committee was approved by Regional Council.

## **SCOPE OF COMMITTEE (As directed by Council)**

“The mandate of the Citizens Committee on Council Remuneration will be to review and make recommendations on the *base salary* for both the Regional Councillors and Regional Chair; to review and make recommendations on the committee stipends for Committee Chairs and Co-Chairs; to establish a methodology for annual increases to base salary; and to report back to Council by October 4, 2012. The Committee *will not be reviewing or make recommendations regarding expenses paid or benefits* provided to either Councillors or the Regional Chair.”

The Citizen’s Committee on Council Remuneration (CCCR) was officially formed on June 6, 2012 and the four members met regularly over the next several months. The CCCR held 11 meetings between June and October, putting in approximately 20 hours of meeting time, and individually spending approximately 10 hours in preparation and research time.

A report was provided to the committee at that first meeting that was completed by the previous CCCR in 2003. The committee spent some time reviewing and discussing that report, particularly the data that compared the population, budgets and size of other jurisdictions in comparison to Niagara. In the end, the committee decided that Niagara was a unique region and a decision about council remuneration would need to be geared towards that, without much consideration being given to the current pay levels and structures of other areas.

In order to gather information the CCCR developed two surveys which were sent out to the chairs and co-chairs of the Council standing committees (Appendix 1), and to the individual councillors (Appendix 2) via email. In addition to the survey responses, the committee

gathered additional relevant information from Regional staff, and held individual interviews with several councillors (both current and previous members) and some current Regional staff members. This was to ensure that multiple stakeholder points of views were being represented, and that all pertinent facts were obtained.

## **CURRENT INFORMATION**

According to updated information provided by Regional staff, there are currently 30 councillors and one chair (for a total of 31). Twelve of those councillors are also mayors from the various cities and townships across the region, while the remaining 18 are elected specifically to the position. The position of Regional Councillor is considered to be a part time position.

Regional Councillors in Niagara are currently paid a salary of \$27,527 per annum. The Regional Chair is paid \$113,913 per annum, and there is an additional \$2000 stipend that is available for each chair and co-chair of committees. One third of a Councillor's salary is non-taxable, in accordance with the *Municipal Act*.

Councillor wages have remained at this rate since December 2009. Prior to 2009, Councillor wages were increased based on the 12 month average of CPI, plus an increment equal to the Conference Board of Canada's annual average increase for non-unionized employees in Ontario.

In addition to pay, Councillors are also eligible for health and dental insurance, mileage and other benefits, however, the instructions to the CCCR did not include reviewing this portion of their compensation.

## **WORKLOAD**

In attempting to determine a fair level of compensation, the CCCR attempted to determine whether a job description existed. *The Municipal Act* identifies the role of a Regional Councillor as attending council meeting as a representative of their constituents. Beyond that, no other definitions of the roles and expectations of the position appear to exist. There is an expectation that in addition to attending the Committee of the Whole (Regional Council meetings), Councillors are to also sit on Council Standing Committees, although the exact expectation remains unclear with some of the responses received indicating none, one or two as being the requirement.

In order to be effective in their jobs, Councillors are provided with written reports and agendas for both committee and council meetings, which they are expected to read prior to

attending meetings. The schedule for councillors appears to be on a three week rotation of one week to read and review reports, one week for committee meetings and one week for council meetings.

Councillors also have constituency work that they are responsible for, that consists of attending grand openings, dedications and other special events in both their own constituency and across the region. While these events were considered to have some importance, the estimated time spent by regional councillors is about 10%. Chairs of the standing committees face additional workload pressures, as they generally have meetings with staff to review committee work in addition to their regular duties.

Estimates of the amount of time required of Regional Councillors to complete these duties varied amongst the reports received, with the CCCR ultimately estimating the time demanded as being, on average, between 10-12 hours per week. At their current rate of pay, this represents a wage of between \$44 and \$53 per hour. The median total family income reported in 2010 for St. Catharines' families was reported to be \$65,900 in 2010, or \$33.79 per hour for a family. <sup>2</sup> It would appear that this is a very reasonable rate of pay.

In addition to council work, Councillors are expected to have representation on a number of important boards and committees throughout the Niagara Region, such as the Police Services Board or the Niagara Parks Commission. Many of these boards have their own pay scale attached to attendance and therefore the CCCR did not take the time for attendance at these meetings into consideration when determining current remuneration, as they are being reimbursed for their time by the outside committee respectively.

## **FACTORS AFFECTING SALARY INCREASES:**

Certain conditions would apply during periods of "Economic Restraint". These conditions could be triggered by National, Provincial or Regional fiscal policies. Wage freezes or salary caps for public sector workers would be an example how the policies of other government agencies might affect Councillors in the Niagara Region. When the other higher government agencies have imposed a Zero percent wage increase or have affixed a specific limit, the lower tier government would be expected to follow suit and apply the same wage increase for that year. We believe that policy should remain in place.

The recommendation in view of the CCCR is that the salary of the Regional Chairman and Regional Councillors remain unchanged from 2009 until there is a change in the economy and in government policies.

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<sup>2</sup> Ibid, 2012-06-27.

## ANNUAL PAY INCREASE FOR REGIONAL COUNCILLORS

Pay increases for public servants has always been a sensitive subject due the perception of the public. In the case of elected officials this sensitivity was clearly demonstrated in the previous report to council in 2003. However it should be noted that appropriate pay increases should be applied to keep pace with current economic conditions and be a reflection of the local economy. The level of pay should adequately compensate persons for their time and be attractive enough to encourage greater interest in being an elected official.

The most often referred to procedure when formulating salary increases is the Consumer Price Index. This tool averages the increase of many necessary commodities and provides a number that is generally accepted as fair to all. Below is a table of the past 10 years of CPI.

**CPI for Past 10 Years<sup>3</sup>**

<b>Year</b>	<b>All Items</b>	<b>Change from Previous Year</b>
2002	100.0	2.2
2003	102.8	2.8
2004	104.7	1.8
2005	107.0	2.2
2006	109.1	2.0
2007	111.5	2.2
2008	114.1	2.3
2009	114.4	0.3
2010	116.5	1.8
2011	119.9	2.9
Average increase in CPI over the past 10 Years is 2.05%		

Using CPI as a very reliable and accepted standard, the recommended future annual salary increases for The Niagara Region Chairman and the Niagara Region Councillors should be based on the average CPI Index for the past 10 years with a cap of 2%.

In other words, if the specific limit recommended by the higher tier government or by the annual CPI exceeds 2%, the Niagara Region would continue to respect 2% as the maximum applicable increase.

<sup>3</sup> <http://www.statcan.gc.ca>

It is also recommended that once the wage freeze is lifted, any wage increase does not apply retroactively. It is further recommended that Councillors maintain the 2/3 taxable and 1/3 non- taxable formula that is currently in existence.

## PAY STRUCTURE

Another factor making wage increases difficult to determine is due to the lack of traditional measurement tools to be able to accurately evaluate the performance of both the Regional Chair and the Councillors. There is no simple way to evaluate debate or a stance on the many issues presented at council. Through the feedback received from Regional Councillors and past Regional Councillors the CCCR learned that having and maintaining a QUORUM at all meetings is of utmost importance to ensure the timely passing of bylaws and preserve the ability to run an efficient system of Regional Government. The committee realizes the importance of this along with the *Municipal Act's* job description of an elected official stating that attending meetings was the job of an elected official.

Therefore, as the only *measurable item for evaluating a Regional Councillor's effectiveness* in doing his or her job is meeting attendance, the CCCR is recommending that Regional Councillors salaries be affected by their attendance at all required council and committee meetings. The following tables on the following page outline the current average attendance rate for both Council and Committee meetings.

### Attendance Averages Year to Date

Average Attendance for Committee Meetings 2012	
Committee	Average Attendance by %
Business Planning	78.00%
Public Works	79.70%
Public Health	79.75%
Integrated Community Planning	83.10%
Community Services	78.00%

### Regional Council Meeting Attendance

Average % Attendance	Number of Meetings where Councillors left before the end of the Meeting
91.14%	4 of 7

It is the CCCR's opinion that councillors should be expected to attend all Council Meetings, sit on the Budget Committee and at least one other of the Standing Committees. Using the current salary amount of \$27,527, a base salary of \$20,525 would be provided to each councillor, with the remainder of the amount being an extended salary depending on each individual's attendance at meetings. Through research, the CCCR deemed that there is an average of 16 Regional Council Meetings, 16 Budget Meetings and 12 other Committee Meetings per year. Therefore, the additional \$7,000 would be considered the amount allocated to "extended salary", as proposed by the CCCR.

<b>Current Pay</b>	<b>Recommended Base Salary</b>	<b>Extended Salary</b>
\$27,527	\$20,525	\$7,000

## Definition of Attendance

The following constitutes the attributes that would define attendance as determined by the research conducted by the CCCR:

- Councillors would be on time and present for the entire meeting
- There would no reason for Councillors to leave while a meeting is in progress
- Exceptions for not attending scheduled meetings would be the same as found in the Collective Agreement for Regional staff for leave, such as bereavement, illness and so on
- If Councillors choose to arrive late or leave meetings early they would forfeit meal and mileage allowance for that meeting
- Regional Chair and Committee Chairs would be responsible to monitor attendance which should be documented in the meeting minutes

As mentioned previously, the expectation is that each Councillor will attend Council Meetings, be a member of the Budget Committee as well as hold membership on one additional Committee at large. Each councillor would receive \$175 for each Council meeting fully attended. In addition, councillors would receive \$131.25 for each Budget meeting and \$175.00 for each Committee meeting attended. Councillors may volunteer to be on additional committees as time permits however no additional compensation would be applied for attendance at those meetings.

<b>Compensation Per Meeting</b>		
<b>Council Meetings (16)</b>	<b>Budget Committee Meetings (16)</b>	<b>Other Committee Meetings (12)</b>
\$175 per meeting	\$131.25 per meeting	\$175 per meeting



If additional meetings are scheduled then the per meeting allowance would NOT apply as attendance at those extra meetings would be covered in the base salary.

<b>Extended Salary</b>		
<b>Council Meetings</b>	<b>Budget Committee Meetings</b>	<b>Other Committee Meetings</b>
\$2,800	\$2,100	\$2,100

The rationale behind this is that each councillor should be seen as being available to their electorate and fully participating in the governing process.

### **Committee Chair and Co-Chair Stipend**

It is recommended that the salary of Committee Chairs be increased to \$2,500 and the salary of the Co-Chair be decreased to \$1,500. This could be also broken down to per meeting amounts of \$156.25 per meeting for the Chair and \$93.75 per meeting for the Co-Chair. This change reflects the added responsibility for the chair to meet with staff and other officials, prepare meeting agenda and apply attendance reports. The co-chair, although an important part of the committee structure, is only fully accountable to that committee in the absence of the chair.

### **Regional Chair's Salary**

It is recommended that the Regional Chair's salary be maintained at the current salary structure of \$113,913 and that the per-meeting formula would NOT apply. The Regional Chair carries a heavy work burden on behalf of the Region, and his salary is in line with other senior executives. Any future increases follow the same formula as that of the Regional Councillors.

## **SUMMARY OF RECOMMENDATIONS**

1. The recommendation in view of the CCCR that the salary of the Regional Chairman and Regional Councillors remain unchanged from 2009 until there is a change in the economy and in government policies.
2. Once the wage freeze is lifted, the recommended annual salary increases for The Niagara Region Chairman and the Niagara Region Councillors should be based on the CPI Index for the past year with a cap of 2%.
3. It is also recommended that once the wage freeze is lifted, any wage increase does not apply retroactively.

4. It is further recommended that Councillors maintain the 2/3 taxable and 1/3 non-taxable formula that is currently in existence.
5. Using the current salary amount of \$27,527, a base salary of \$20,525 would be provided to each councillor, with the remainder of the amount being an extended salary depending on each individual's attendance at meetings.
6. Each Councillor would receive \$175.00 for each Council meeting fully attended. In addition, councillors would receive \$131.25 for each Budget meeting and \$175.00 for each Committee meeting attended.
7. It is recommended that Committee Chair's salary be increased to \$2,500 and the Co-Chair salary be decreased to \$1,500. This could be also broken down to per meeting amounts of \$156.25 per meeting for the Chair and \$93.75 per meeting for the Co-Chair.
8. It is recommended that the Regional Chairman's salary be maintained at the current salary structure of \$113,913, that the per meeting formula would NOT apply and that any future increases follow the same formula as that of the Regional Councillors.
9. The CCCR was asked to review only base salaries and not to consider other aspects of pay. Reviewing the base salary in isolation of benefits and prerequisites was a difficult task. In fact, it was so difficult to look at these issues in isolation that the CCCR had no option than to include a small aspect of prerequisites, suggesting that mileage and meals be tied to attendance. The concept of total compensation is an important consideration when reviewing the remuneration of any individual, particularly as the amount of those additional items can be just as expensive, if not more expensive, than base salaries. The important point here is that as paid public officials, there is an accountability to the constituents of the region, and in future it is recommended that any Citizen's Review of Regional Councillor's pay be conducted with a view to Total Compensation and not relegated to only base salary. Such a review would then be complete.

## Closing

The Committee extends their gratitude to everyone who provided assistance throughout this venture. We wish to thank Councillors' Timms and Augustine, Judy Delaney and Kelly Bradbury, for our initial meetings. In addition to those who responded to our surveys and

who spoke to us directly or by telephone, we are indebted to their input. Most notably, we also wish to acknowledge the assistance of both Judy Delaney and Alisha Parry. It was an honor to serve on such an important committee. We trust that our recommendations will be openly accepted by Council in the spirit to which they were intended – that the remuneration of councillor's be fair with respect to services provided to and expected by the constituents of the Region of Niagara. The Committee looks forward to answering any questions that may arise out of this report.

## APPENDIX 1

June 27, 2012

As you are aware, we are members of the newly formed Citizen's Review Committee for Councillor Remuneration. As such, we have a number of questions that we would like each of you to respond to by **July 3, 2012** as it pertains to your specific committee. This information will be helpful for our deliberations at our meeting set for July 5, 2012. The questions are as follows:

1. How often do you meet?
2. How long are the meetings?
3. What are the chair's responsibilities?
4. What are the co-chair's responsibilities?
5. Explain the chair and co-chair's stipend.
6. What in your estimation is the average attendance of committee members?
7. What is the term of the committee?
8. What in your opinion is the responsibility of the committee members?

In addition to answering these questions, please feel free to add any other information you feel would be helpful to our committee. If you have any questions, please feel free to contact us. We will be happy to respond to your concerns.

Yours sincerely,

Dr. Deborah M. McPhee ([dmcphee@brocku.ca](mailto:dmcphee@brocku.ca))

Diane Zakraysek ([dzak@flettbeccario.com](mailto:dzak@flettbeccario.com))

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Doug Mathews ([doug.mathews@sympatico.ca](mailto:doug.mathews@sympatico.ca))

## Appendix 2

As you are aware we have been asked to serve on the Citizen's Committee concerning your remuneration. I was supposed to have sent this to you earlier, but discovered a glitch in accessing your e-mails, and so this is being sent later than planned. We as a committee are meeting next Tuesday, and so would appreciate your answering this short questionnaire to be sent to me no later than Tuesday, July 17, 2012, at noon.

- a. What in your opinion are the specific job duties of a regional councilor?
- b. (Chairman Burroughs – could you also incorporate your specific duties as Regional Chair also).
- c. How much time do you estimate you spend on each of these tasks?
- d. What, if any, are issues that arise that can impact on your ability to complete your duties?
- e. If possible, please provide us with calendar of events for the past year.

We appreciate your input. Thank you so much.

Dr. Deborah M. McPhee, Kim Shennan, Diane Zak, Doug Mathews

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**REPORT TO:** Budget Review Committee of the Whole

**MEETING DATE:** Thursday, January 29, 2015

**SUBJECT:** Council Remuneration: Annual Process

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## **RECOMMENDATIONS**

That the information in this report regarding the annual salary increases, for Regional Councillors and the Regional Chair, in accordance with Council approved methodology, **BE APPROVED**; and

That staff **BE DIRECTED** to continue to apply the Council approved methodology this year and future years until otherwise directed by Council.

## **KEY FACTS**

- This topic was previously considered by the Corporate Services Committee at its meeting held on January 7, 2015 under Report HR 02-2015, which was then referred to the Budget Review Committee of the Whole. Staff has separated the two topics addressed by HR 02-2015 and issued them under Reports HR 03-2015 and HR 04-2015.
- Council Remuneration Citizens Review Committee, CL 2.2004, established a compensation methodology that was approved by Council in 2004, and reaffirmed in 2012.
- The approved methodology directs the implementation of an annual salary increase for Regional Council effective December of each year. This methodology is based on an annual increase calculated on a twelve-month average of core consumer price index (CPI) plus an increase equal to the Conference Board of Canada's annual policy line change for non-unionized employees for Ontario.
- The annual salary for Regional Councillors would increase to \$29,184 and the annual salary for Regional Chair would increase to \$120,768.

## **CONSIDERATIONS**

### **Financial**

The approved methodology results in a 2.93 % wage increase for Regional Councillors and the Regional Chair for a total cost \$28,368 for the next 12-month period (December 1, 2014 - November 30, 2015).

## **Corporate**

No impact to corporate activities.

## **Governmental Partners**

No impact to governmental partners.

## **Public and/or Service Users**

No impact to the public and/or service users.

## **ANALYSIS**

In 2003, Council authorized a Citizens Committee to review Councillor remuneration. The annual escalation formula was approved by Council (Citizens Committee on Council Remuneration: CL2 - 2004) as follows:

*“That councillor’s pay continue to be adjusted by inflation annually. This adjustment should be based on a twelve month average of core consumer price index (CPI) as reported by the Bank of Canada, plus an increment equal to the Conference Board of Canada’s annual policy line change for non-unionized employees for Ontario.”*

The Regional Chair increase was based solely on core CPI for 2004, 2005, and 2006. In 2007, Regional Council approved and adopted (CL3 – 2007) as follows:

*“That the remuneration for the Regional Chair be adjusted annually on the same basis as the annual adjustment of remuneration for Regional Councillors effective December 1, 2006 and further, that the December 1, 2006 adjusted salary be \$101,260.61.”*

In 2012, Council approved creating a Citizens Committee to review Councillor remuneration and the methodology for annual increases. The Citizens Committee presented their recommendations to Council on October 4, 2012. The recommendations were received for information and Council reaffirmed the methodology approved in 2004.

In the past, Council has made some annual decisions to enact a wage change that differs from the approved formula. The following chart outlines the wage increases that have been approved over the past seven years for the Regional Chair and members of Council:

Regional Council & Regional Chair
Annual Wage Increases

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2008	4.68%
2009	4.11%
2010	3.23%
2011	0.00%
2012	0.00%
2013	0.00%
2014	3.00%
2015	2.93%

Based on the approved formula, established in 2004, the annual salary for Regional Council and the Regional Chair would increase by 2.93%, effective December 1, 2014. This number is comprised of a 1.53% increase related to core CPI and a 1.4% increase based on the Conference Board of Canada's annual policy line change for non-unionized employees for Ontario. As a result, the annual salary for Regional Councillors increases to \$29,184 and the annual salary for the Regional Chair increases to \$120,768.

Currently, compensation for Regional Councillors and the Regional Chair, based on a review of market comparators, is below industry average. The current remuneration of \$28,353 is 25.42% less than the annual part-time Councillor salary of \$35,562 in the comparator group. In terms of annual compensation for the Regional Chair, the current remuneration of \$117,330.39 represents 26.13% less than the average annual Regional Chair salary of \$147,995 in the comparator group.

(see **Figure 1**: Councillor Remuneration Comparison and **Figure 2**: Councillor Chair Remuneration Comparison for comparative data: source Niagara Region Council Salary Survey 2014)



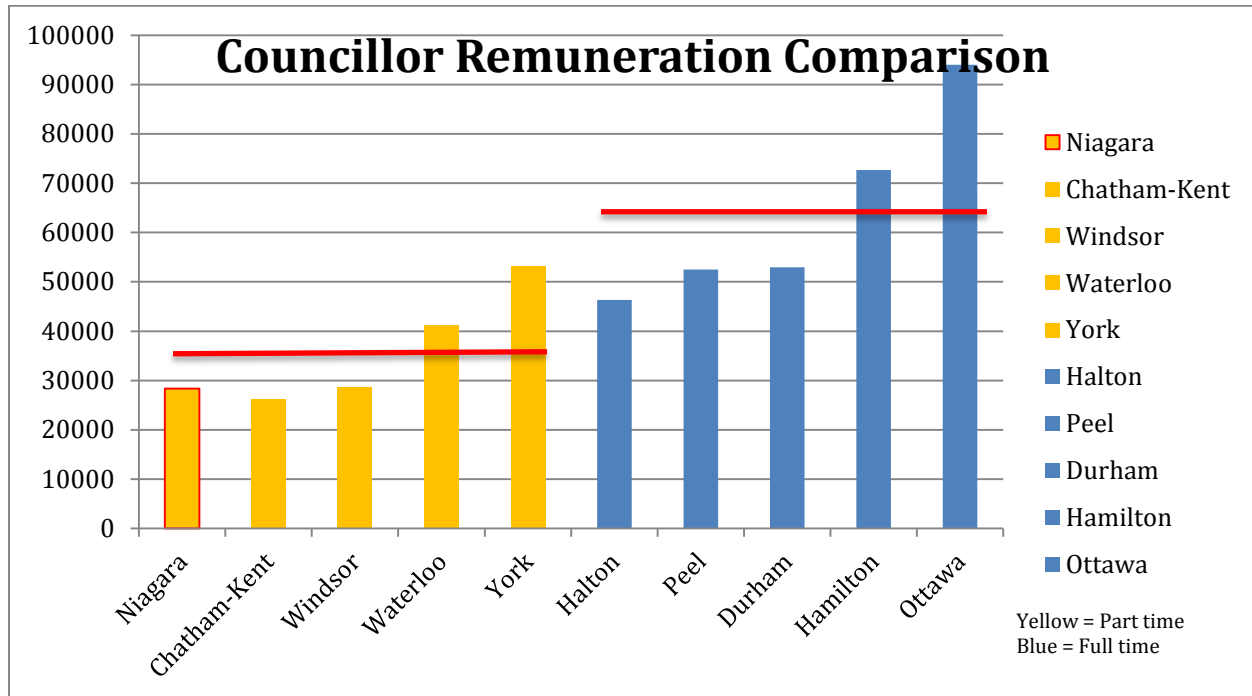


Figure 1: Councillor Remuneration Comparison

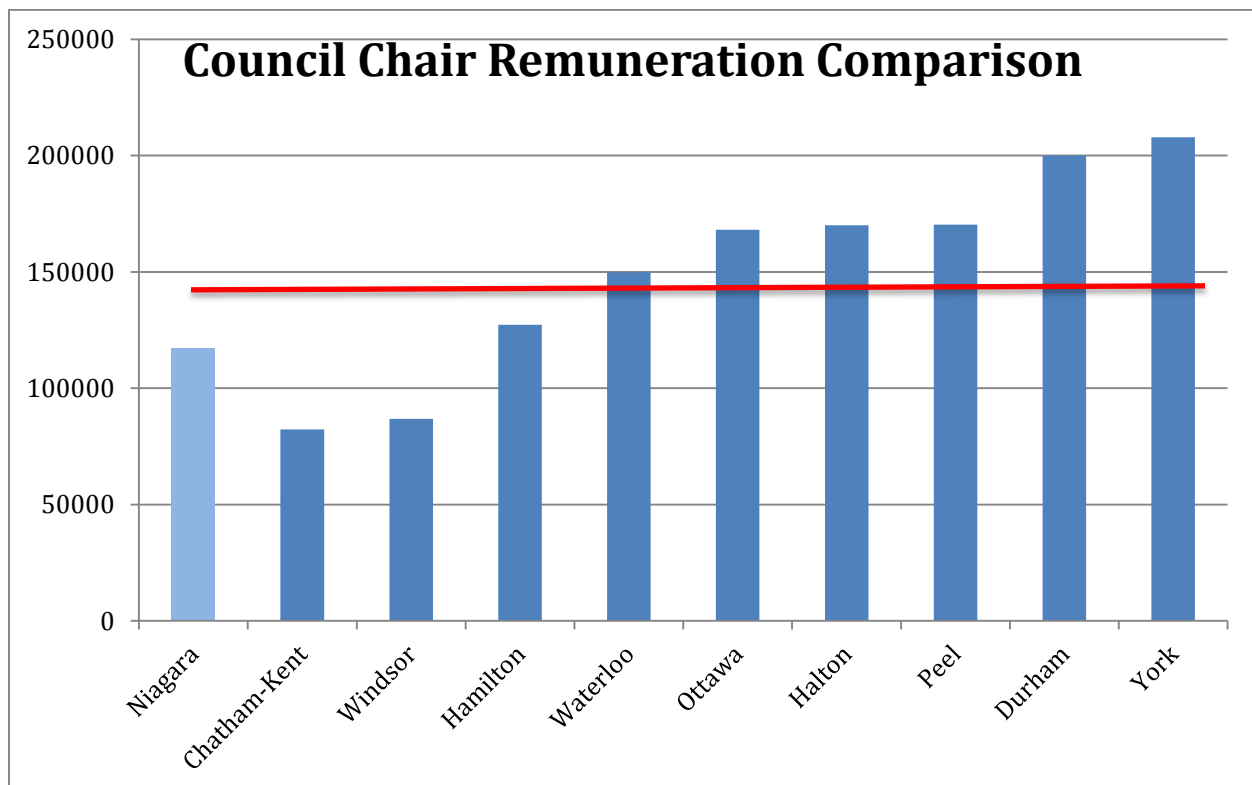


Figure 2: Council Chair Remuneration Comparison

## **ALTERNATIVES REVIEWED**

The previously approved compensation methodology was applied and maintained to the calculations contained within this report.

## **ORIGIN OF REPORT**

To provide information to Council regarding the annual increases for Regional Councillors and the Regional Chair, based on the methodology established by a Council Remuneration Citizens Review Committee, CL 2-2004 and approved by Council.

## **OTHER PERTINENT REPORTS**

CL2-2003, Citizens Committee on Council Remuneration, Council approved January 22, 2004  
CL3-2007, Minutes of the Corporate Services Committee, March 1, 2007  
CSD 13-2011, Corporate Services Committee, January 12, 2011  
CSC 53-2013, Memo to Corporate Services Committee, November 13, 2013

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### **SUBMITTED & SIGNED BY:**

Fiona Peacefull, Director, People  
Services and Organizational  
Development, Administration

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### **APPROVED & SIGNED BY:**

Harry Schlange  
Chief Administrative Officer

*This report was prepared by Linda Gigliotti, Associate Director, Employee Services.*

## Report Approval Details

# **FACT BOOK**

Prepared by Andrew Sancton Consulting:

Dr. Andrew Sancton

Dr. Timothy Cobban

September 30, 2018

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## 1. INTRODUCTION

We are presenting this *Fact Book* as the first phase in our work for Niagara because we believe that our consultation phase – which comes next – will be much more effective if participants at least have the opportunity to be exposed to some basic facts about what is happening in Ontario's other five regional municipalities: Waterloo, Halton, Peel, York, and Durham.

The items presented here are based on our *Work Plan*, which was approved by Regional Council on 26 July 2018. It is important to note at the outset that we are not confined to the subjects discussed below. We are anxious to hear views relating to all aspects of governance within the Region, with one important restriction: that it falls within the Region's jurisdiction. This means, for example, that proposals to abolish the Region or to amalgamate area municipalities cannot be considered in our project because these are matters that the Region itself cannot change. But, as the material presented here demonstrates, there is much that does fall within the Region's purview.

In what follows below, we report key facts related to the various subjects falling within our scope of work. We begin by examining the system of standing and advisory committees operating in the Region, and comparing it with those found in Ontario's five other regional governments. We then briefly introduce the idea of having a Deputy Regional Chair, a position with many equivalents among lower-tier municipalities in Ontario, but with none among regional governments. The related issues of council remuneration and expenses are explored in a comparative context, as is the use of other non-financial resources to support Regional Councillors in their work. We discuss the Region's Code of Conduct, drawing comparisons to those in effect in other regional governments. We survey educational opportunities for Regional Councillors, finding them limited, and discuss what form a customized solution could take. Finally, we examine the composition of Regional Council and the issue of territorial representation, comparing the representation of the area municipalities in Niagara Region with those in Ontario's five other regions, and introducing the concept of weighted voting and demonstrating how it might work in Niagara.

Throughout, we pose questions that are intended to focus and animate—but not limit—our discussions through the consultation phase of this project. During this consultation phase we shall make a special effort to consult with the following people:

- Members of Regional Council from both the 2014-18 and 2018-22 terms
- Members of the Region's senior staff
- Chairs of regional special-purpose bodies and advisory committees
- Representatives of the regional media.

There will also be one public meeting at a time and place to be announced on the Region's website.

Following our consultations, our first report, due by November 30, will address the following issues:

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- Systems of standing and advisory committees in all regional municipalities: membership, functions, frequency of meetings, selection and remuneration of chairs and vice-chairs
- Desirability of having a Deputy Regional Chair
- Content of the Code of Conduct
- Relevant available educational material relating to roles and responsibilities of regional councillors, staff, regional stakeholders, and the general public; proposed course of action if appropriate materials are not available. Andrew Sancton Consulting could thereafter prepare and deliver the training as part of a separate contractual arrangement.

The second report, scheduled for December 20, will be concerned with:

- Remuneration of the Regional Chair and regional councillors in light of the elimination of the 1/3 tax exemption for municipal councillors
- Councillor expense policies, including the role of regional staff in administering the policies
- Non-financial resources (e.g. regional staff, office supplies, etc.) allocated to regional councillors.

Our third report – due by the end of January – will address 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 in future municipal elections of 2022. This final report will also consider other significant items raised during our consultation process.

## **2. SYSTEMS OF STANDING AND ADVISORY COMMITTEES IN REGIONAL MUNICIPALITIES: MEMBERSHIP, FUNCTIONS, MEETING FREQUENCY, AND SELECTION AND REMUNERATION OF CHAIRS AND VICE-CHAIRS**

### ***2.1 Standing Committees***

In this section we are reporting only on standing committees that meet regularly to deal with ongoing regional business. Most regional municipalities also have audit and budget committees that only meet occasionally.

#### ***2.11 Niagara Region***

Niagara has four standing committees:

- Public Health and Social Services
- Corporate Services
- Planning and Economic Development
- Public Works

Section 24. 6-9 of the Region’s Procedural By-law states:



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24.6 The principal business of the Council meeting held the week after the inaugural meeting shall consist of: (a) The establishment of the size of each Standing Committee of Council; (b) The appointment of Councillors to Standing Committees, Advisory Committees, Agencies, Boards and Commissions; and (c) Appointment of Acting Chair(s) until appointment of Chairs and Co- Chairs of Standing Committees as Acting Chairs.

24.7 Prior to the inaugural meeting, each person who has been elected to Council shall submit to the Clerk his or her preferences for the Standing and Advisory Committees of Council (including agencies, boards and commissions) upon which he or she wishes to serve.

24.8 If the number of Members wishing to serve on any Standing or Advisory Committee of Council (including agencies, boards and commissions) is greater than the number of positions available, then the selection shall be conducted by open ballot.

24.9 Each Member shall serve on at least one (1) Standing Committee.

There is considerable variation in the number of committees on which each councillor serves. Some are on all four; others on only one.

Committees elect their own chairs or co-chairs and vice-chairs for two-year terms

### **2.12 Durham Region**

Effective with the new term (2018-2022) of Regional Council, Durham will be moving back to a standing committee model, after having previously used a committee-of-the-whole system (see examples below), which was ultimately judged by regional councillors to be unsatisfactory. Members regularly complained about the length of the meetings and the deleterious effect this had on participation and attendance as the meetings progressed. Durham will have four standing committees comprising 7 members each for the upcoming term: Finance and Administration, Health and Social Services, Planning and Economic Development, and Public Works.

Standing committee chairs and vice-chairs will be appointed by Council at their first meeting in the new term, at which time Regional Council will also assign members to each councillor to one committee.

Chairs of standing committees in Durham are paid an extra \$6000 annually. At this time we have been unable to obtain information on this matter from other regional municipalities.

### **2.13 Halton Region**

Halton has three standing committees:

- Health and Social Services
- Planning and Public Works
- Administration and Finance.

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Members are appointed annually by a Striking Committee composed of the Regional Chair and the four mayors of the area municipalities. The Procedural By-law specifies how many members each municipality has on each committee.

### **2.14 Waterloo and York Regions**

Waterloo and York have variations on a committee-of-the-whole system in which all council members review all items in one committee or another prior to the items proceeding to regional council.

**Waterloo** has three standing committees comprising all members of Regional Council:

- Planning and Works
- Administration and Finance
- Community Services.

The committees meet on the same day, one after the other, once a month. Each committee elects a chair and vice-chair at its first meeting after the beginning of a new term.

**York** has two committees of the whole which meet monthly: Meeting 1 and Meeting 2. Each Meeting is divided into sections. The sections for Meeting 1 are transportation services; environmental services; and community and health services. The sections for Meeting 2 are planning and economic development; and finance and administration. Each section is presided over by a chair and vice-chair appointed by the Regional Council.

### **2.15 Peel Region**

Peel has no standing committees and does not make regular use of a Committee of the Whole. However, Council Section chairs and vice-chairs are elected by Regional Council for two-year terms. There is a Section Chair for each of the following areas of regional jurisdiction: Health; Public Works; Human Services; and Enterprise Programs and Services. Section chairs or vice-chairs preside over Regional Council when staff reports relating to their areas are under discussion.

*Would Niagara Regional Council operate more effectively if it adopted a committee system more like one of the other systems described above?*

## **2.2 Advisory Committees**

It seems impossible to provide a comprehensive systematic account of the various advisory committees in the different regional municipalities. They each classify and describe these committees in different ways on their respective websites. Niagara lists more than any thirty on its website (see the links below), some of which have not met for years, likely because they have completed their work. A roughly equivalent count for York region produces about ten such advisory committees.

[Burgoyne Bridge Replacement Project Taskforce](#) last met on 2 May 2017

[Chief Administrative Officer Recruitment Committee](#) No longer operational

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[Corporate Communications Sub Committee](#) last met on 29 November 2016

[Corporate Labour Relations Strategy](#) last met in June 2017

[Economic Development Working Group](#) last met in December 2015

[Federation of Canadian Municipalities 2014 Niagara Committee](#) no longer operational

[Greater Niagara Circle Route Committee](#) last met in December 2015

[Human Resource Taskforce](#) no evidence of membership or meetings

[Inter-Municipal Transit Steering Committee](#) last met 15 November 2017; became the Linking Niagara Transit Committee

[Investment Committee](#) last met on 11 May 2012

[Niagara Gateway Economic Zone & Centre Implementation Committee](#) no meetings since 2013

[Niagara Regional Housing Board Structure Committee](#) last meeting was 30 May 2017

[Procedural By-law Review Committee](#) last meeting with a quorum was in July 2017

[Property Assessment and Taxation Review Committee](#) last met in March 2013

[Regional Development Charge Policy Task Force](#) last meeting was for one minute on 19 April 2017

[Regional Niagara Active Transportation Sub Committee](#) last met on 3 November 2015

[Task Force to Recommend a Response to the Expert Panel Report](#) last met on 13 October 2017

[Water and Wastewater Review Task Force](#) last met in May 2013

[Humberstone Landfill Site Public Liaison Committee](#) last met in June 2015

[Niagara Road 12 Landfill Site Citizen's Liaison Committee](#) last met in February 2014

[Long Term Care Task Force](#) has not met since 2016

*In our consultations, we would like people to consider whether there is any reason to maintain the above committees, ones which we believe have probably outlived their usefulness:*

*Are there other existing advisory committees that should be changed or eliminated?*

*Are there any matters of regional concern for which new advisory committees should be created?*

### 3. DEPUTY REGIONAL CHAIR

As in most municipalities in Ontario, Niagara's Procedural By-law provides for an Acting Regional Chair. Section 4.7 states:

In accordance with the Act, in each term, as soon after the commencement of the term as is reasonably possible, Council shall appoint by by-law, and in alphabetical order, each of the members of council to serve as Acting Chair for designated periods of time, which periods shall insofar as is practicable, be of equal duration. The Acting Chair shall serve in circumstances where the Chair is absent or refuses to act or the office is vacant and while so acting in the place and stead of the Chair, such Member shall have all powers and duties of the Chair.

As far as we can determine, no regional municipality in Ontario has a Deputy Regional Chair with assigned duties and responsibilities. We see no reason, however, why such a position could not be created as long as it was filled by someone who was already a member of Regional Council. Adding such a position may open up a number of organizational options for Regional Council, including having the Deputy Regional Chair serve as the chair of one or more of the standing committees.

*Does Niagara need a Deputy Regional Chair with assigned responsibilities?*

*If so, should the person be chosen at Regional Council's First Meeting for a full four-year term, or should the term be shorter.*

*What should be the initial remuneration?*

### 4. COUNCIL REMUNERATION

Thinking about appropriate remuneration for a Deputy Regional Chair raises the broader question of remuneration for all members of Niagara Regional Council. We have been asked to review council remuneration, and provide our recommendation, particularly in light of the federal government's decision to remove the tax exemption that applies to 1/3<sup>rd</sup> of the salaries of municipal elected officials, beginning in January 2019.

To provide a context for our discussions, Table 1 below provides the remuneration rates for members of regional councils in Ontario. The data are taken from the annual remuneration and expense reports that all Ontario municipalities are required to prepare and make public. It is important to note that the figures shown below do not include benefits, nor do they include councillor expenses—a subject that will be addressed later in this fact book. The figures also do not include any additional stipends that members of regional councils receive for being chairs of standing committees—as is the case in Niagara and in Durham—or for being appointed to serve on local special purpose bodies, such as conservation authorities and police service boards—as is the case for all regional councils. Finally, the figures only include the remuneration that councillors receive for serving as *members of regional councils*. In other words, they do not include the remuneration that many regional councillors in Ontario receive for serving on their local municipal councils.

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**Table 1. Remuneration for Regional Councillors in Ontario, 2017**

<b>Region</b>	<b>Councillors</b>			<b>Chairs</b>		
	<i>Salary</i>	<i>% of 2017 operating budget</i>	<i>per capita (2016)</i>	<i>Salary</i>	<i>% of 2017 operating budget</i>	<i>per capita (2016)</i>
Durham	\$54,695	0.0038	\$0.08	\$206,611	0.0145	\$0.32
Waterloo	\$43,008	0.0036	\$0.08	\$156,613	0.0133	\$0.29
York	\$55,955	0.0027	\$0.05	\$233,872	0.0111	\$0.21
Halton	\$55,773	0.0064	\$0.10	\$219,779	0.0252	\$0.40
Peel	\$55,130	0.0025	\$0.04	\$178,928	0.0080	\$0.13
Niagara	\$31,267	0.0035	\$0.07	\$129,391	0.0144	\$0.29

In Table 1, we also express councillor remuneration as a percentage of the overall 2017 regional operating budget and in per capita terms, using the 2016 Census population figures. We do this, not because we think compensation for elected officials should be strictly tied to the scale of the operations they oversee, or to size of the populations they serve, but because some may find it helpful to keep such factors in mind when comparing compensation across Ontario's regional councils. Arguably the most important factor to keep in mind in assessing Table 1 is that only Waterloo and Niagara have councillors that serve *only* at the regional level. In the other four regional governments, all regional councillors are also members of a local council, and thus receive compensation for both roles.

There is not much that can be said with any certainty about determining appropriate levels of compensation for municipal councillors, other than that remuneration should be periodically reviewed and, at a minimum, adjusted for inflation. The main distinction is whether or not the job of a municipal politician is to be considered a full-time position. It is clear from the figures reported in Table 3 that the job of a regional councillor is probably assumed by most to be a part-time role. This makes sense, especially when considering that most regional councillors in Ontario do have at least one other important job—being a member of a local council. Even if everyone agrees that the job of a regional councillor is a part-time role, reasonable people may disagree on how much money should be paid to those who serve in such a role. We look forward to hearing a diversity of views on what is fair and appropriate compensation for members of Niagara Regional Council.

Finally, even for those who think that the current level of compensation for regional councillors in Niagara is fair and appropriate, the pending removal of the federal 1/3<sup>rd</sup> tax exemption for the salaries of municipal politicians should cause them to consider whether or not change is needed. In Ontario, some municipalities have responded to the elimination of the tax exemption by adjusting councillor salaries upward to offset the income that will be lost to the additional taxation; others have chosen to leave remuneration levels unchanged, with the end result that the after-tax income of councillors will fall. Among regional governments, neither Durham nor Waterloo need contemplate any changes—their councils opted not to use the federal tax exemption years ago. At the time of writing, none of the remaining regional governments have communicated to us that any changes are planned or are even being discussed.

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*Is the current remuneration for Regional Councillors fair and appropriate?*

*What changes, if any, should be made to remuneration for Councillors in light of the pending elimination of the 1/3<sup>rd</sup> tax exemption for municipal politicians?*

### 5. COUNCILLOR EXPENSE POLICIES

In addition to recording and reporting remuneration paid to members of council, Ontario municipalities are also required to make public any payments made for the expenses incurred by council members in the conduct of their duties. In practical terms, such payments usually take the form of reimbursements for expenses such as attending municipal conferences and community events, mileage, and communication devices (e.g., smart phones). At a minimum, municipalities must have a bylaw in place that authorizes the payment of such expenses. Since work-related expenses are also often incurred by staff, most if not all municipalities also have in place a general policy that outlines the process through which such expenses can be submitted, approved, and reimbursed, along with criteria for determining eligibility. Some municipalities—including Niagara Region—also have a policy specifically for the work-related expenses of their council members. We have been asked to review the Niagara Regional Council Expense Policy, and recommend revisions, if any, with a particular focus on the use of individual budgets for regional councillor expenses, and the role of staff in administering councillor expenses.

Not all regional governments have a separate expense policy for their councillors. In Durham, for example, regional councillors are subject to the same general expense policy that applies to staff. There is, however, a separate provision that establishes a \$10,000 limit per four-year term for regional councillors for costs incurred in attending conferences and conventions. This amount can be used at the discretion of each individual councillor, although deviations from the listed per diem rates require approval from the Chief Administrative Officer.

In Waterloo, there are three separate policies governing councillor expenses. Although there is no budget limit for conference attendance, councillors are only permitted to claim expenses for up to three conferences per year, with a maximum of three councillors permitted to attend any one particular conference. Any exceptions, including attendance at international conferences, require council approval.

Regional councillors in Waterloo also have access to an annual communications expenditure allowance of \$3,250 that is intended to cover the cost of maintaining a home office: landlines are acceptable expenses, as are computers, printers, internet access, and smartphone devices (as long as it's a BlackBerry). Finally, there is also a separate annual allowance of \$1,200 for attending community events and local functions. In all cases, expense claims flow through a full-time research and administrative assistant to council, while final approval authority is ultimately the responsibility of the regional chair.

In Peel Region, councillors are similarly restricted to claiming expenses for up to three conferences per year, and exceptions, again, require council approval. There are also provisions specifying eligible expenses for home office equipment, constituency communication (e.g., newsletters), and community events that are similar to those in Waterloo. The main difference,



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however, is that such costs are subject to a total budget limit of \$22,805 per four-year term of council. It is also worth noting that final approval authority is vested with the chief financial officer in Peel Region, rather than the regional chair, as is the case in Waterloo. At the time of writing, we are awaiting more information on regional councillor expense policies in Halton and York.

In comparing Niagara Regional Councillor Expense Policy with those operating in Durham, Waterloo, and Peel, one obvious difference is the existence of budget limits. In each of the other three regional municipalities, there is some form of upper constraint on conference attendance costs—indirectly, through a limit on the number of conferences that councillors can attend annually in Waterloo and Peel, and directly through a hard budgetary constraint in Durham. Neither limit exists in Niagara Region. In Waterloo and Peel, there is also a term budget limit on the other work-related expenses that councillors normally incur when performing their various representative functions—attending community events and communicating with constituents. One obvious question that we shall pose in our interviews, then, is whether or not such expense limits are needed in Niagara Region, and, if so, what would be an appropriate amount.

A second and perhaps less obvious difference between the expense policy in Niagara Region and those in Waterloo, Peel, and Durham, is that the former specifically deems eligible certain legal costs, including those “arising from or in any way related to complaints under the Code of Conduct.” As we shall soon see, the Code of Conduct in Niagara Region has not been without controversy, and will be addressed separately in our work. And some municipalities do have policies in place that compensate councillors for legal costs involved with integrity commissioner investigations, usually under various conditions. But it is reasonable to question whether such costs should be considered sufficiently routine so as to be included within a councillor expense policy.

Finally, there are some differences among the regional municipalities in how the expense policies are administered. At a fundamental level, it is worth noting that, in Peel Region, final approval authority concerning expense claims is vested with the Chief Financial Officer, rather than the Regional Chair, as is the case in Waterloo, or an audit committee, as is the case in Niagara. It is also noteworthy that there is a single staff member responsible for much of the processing involved with councillor expense claims in Waterloo. This staff member also functions as a full-time administrative and research resource for regional council, which is interesting in its own right, as we discuss below. But policy documents describe how policies are *supposed* to be implemented. Actual practice can be quite different. We look forward to learning more about how the councillor expense policy is administered in Niagara, and how the role of staff may be clarified.

*Should there be a budget limit for the expenses of Regional Councillors?*

*What changes, if any, should be made to the eligibility criteria for councillor expenses in Niagara?*

## 6. NON-FINANCIAL RESOURCES AVAILABLE TO REGIONAL COUNCILLORS

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As we have seen, regional governments—like most municipalities—have some mechanism in place to help provide their councillors with the essential tools for governing in the modern age—internet service, a computer, and a smartphone device. In Waterloo, for example, regional councillors are provided a computer (or tablet), a multi-functional printer/scanner/copier, and various software licenses in addition to the home office equipment that councillors can purchase on their own and claim as eligible expenses. Durham reports that councillors are provided with a smartphone device for data purposes. Indeed, it is difficult to conceive of arguments *against* providing regional councillors with such devices either directly or by allowance.

Beyond computers and smartphones, even the most capable of regional councillors require at least some administrative support to do their work. In Waterloo, as we reviewed above, all regional councillors share one full-time administrative assistant, whose job duties also include conducting research on behalf of councillors. In Durham, we are informed that administrative support is provided through staff members in the regional chair's office, and through the clerk's office. In our interview process, we will be asking councillors, staff, and other stakeholders their views on what resources should be made available to Niagara Regional Councillors.

*Are the current non-financial resources available to Regional Councillors sufficient?*

## 7. CODE OF CONDUCT

Niagara's Code of Conduct has been controversial in two different ways:

1. During 2017 there was a debate within Regional Council, stemming from recommendations by the Integrity Commissioner, about the content of the Code of Conduct.
2. Since then there has been considerable dissatisfaction that the Code of Conduct seems to have been violated by some members of Regional Council on various issues – including leaks of confidential information – and many seem to feel that there must be better ways of insuring that the provisions of the Code of Conduct are implemented.

Each of these matters will be discussed in turn. Current Codes of Conduct from five of the six regional municipalities are reproduced in Appendix A of this *Fact Book*. All regional municipalities except Waterloo have adopted a Code of Conduct. For our purposes, it is unfortunate that there is no Waterloo document because Waterloo is most like Niagara in that, except for the mayors of the area municipalities, all regional councillors are elected to serve only at the regional level. In the other regional municipalities, all councillors (but not the Regional Chair) also serve on local councils and are therefore covered by their Codes of Conduct.

In his Annual Report dated 11 September 2018 (see Appendix B), the Integrity Commissioner recounted that one of his first tasks on being appointed in 2017 was to present to Regional Council a draft of a proposed Code of Conduct to replace the existing one. He states that the proposed Code was rejected by Regional Council in December 2017. It seems to us that anyone wishing to address issues connected with Niagara's Code of Conduct needs to understand the issues at stake at that time. Regional Council's debate on the Code can be watched at:

[https://www.youtube.com/embed/WfpK\\_Xbaec?rel=0&autoplay=1](https://www.youtube.com/embed/WfpK_Xbaec?rel=0&autoplay=1)



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One of the concerns of regional councillors at the time was that the proposed Code was too long and detailed, containing nine pages of small type. Codes in Durham, Peel and York are approximately the same length. Halton's is notable in that it is only three pages long. Niagara's current Code is less than four full pages long. The main underlying issue here is the extent to which the Code should attempt comprehensively to cover a wide range of specified potential offences or whether it should be more restricted to statements of principle.

*Question to consider: Given the content of the Codes of Conduct in other regional municipalities, do you believe Niagara's should be more detailed or less detailed?*

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 the 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. Examining the issues involved in these individual cases helps explain why Regional Council was unable to come to agreement on a new Code of Conduct in late 2017. At least three main issues have emerged relating to the extent to which the Code should be interpreted and enforced so as to apply to:

1. the actions of Regional Councillors when they are not acting in any "official capacity";
2. the use of demeaning words between councillors inside or outside the council chamber such that the Code might be seen as limiting freedom of speech in political discourse; and
3. the likelihood that alleged violations of the Code can be used as a "political weapon" for one councillor to attack another.

It is not clear to us how the Code can be worded so as satisfactorily to resolve these issues. *Nevertheless, we wish to hear people's views on these matters.*

All of the codes of conduct in the various regions specify that councillors must not "leak" unauthorized information. Even Halton's very short code is very specific on this point:

All information, documentation, or deliberations received, reviewed, or taken in Closed Sessions of Committees and Council are confidential.

Members shall not disclose or release by any means to any member of the public, either in verbal or written form, any confidential information acquired by virtue of their office, except when required by law to do so, and shall not permit any persons other than those who are entitled thereto to have access to information which is confidential.

It appears that Niagara might have experienced more leaks of confidential information than any other regional municipalities. After our original Work Plan was submitted and approved, we were asked by Regional Council "to make recommendations to Niagara Regional Council for process improvements relating to Confidentiality." We shall be pursuing this issue in more detail later, but during our consultation period *we are asking participants to consider possible ways in which leaks of confidential information can be reduced or eliminated.*

## 8. EDUCATIONAL OPPORTUNITIES AVAILABLE FOR REGIONAL COUNCILLORS

Effective 1 March 2019, Section 223 (1).7 of the Ontario Municipal Act specifies that one of the possible duties to be assigned to any municipal integrity commissioner is:

The provision of educational information to members of council, members of local boards, the municipality and the public about the municipality's codes of conduct for members of council and members of local boards and about the *Municipal Conflict of Interest Act*, 2017.

Section 239 of the same Act states:

### **Educational or training sessions**

(3.1) A meeting of a council or local board or of a committee of either of them may be closed to the public if the following conditions are both satisfied:

1. The meeting is held for the purpose of educating or training the members.
2. At the meeting, no member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of the council, local board or committee

We recognize that providing educational opportunities for elected officials raises sensitive issues.<sup>1</sup> It would obviously be inappropriate for any “instructor” to claim that some possible policies merit their support rather than others. Nevertheless, there are issues of process that undoubtedly merit discussion in a confidential and academic-like setting where councillors – new and old – can share knowledge and ask questions.

As far as we can determine, the only existing courses available to Ontario municipal councillors are offered by the Association of Municipalities of Ontario (AMO). Their description is excerpted below:

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<sup>1</sup> Félix Grenier and Anne Mévellec, “Training Local Elected Officials: Professionalization Amid Tensions Between Democracy and Expertise,” *Lex Localis – Journal of Local Self-Government* 14-1 (January 2016), 33-52.

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### 1) MUNICIPAL LEADERSHIP ESSENTIALS

This full-day interactive sessions builds on the skills you already have and will provide you with the tools you need to lead your council.

- What makes a good leader?
- What tools do you need to navigate complex new expectations?
- What tricks can you use to be a more effective communicator?
- What you need to know about financial planning, budgeting and asset management

#### COURSE COSTS

- Registration includes all materials, and lunch - \$425 plus HST (\$480.25)

### 2) AS A MEMBER OF COUNCIL WHAT YOU NEED TO KNOW

This day and half training, when coupled with Land Use Planning: Beyond the Basics, will prepare Members of Council for the term ahead. Topics on the agenda include:

- The ABC's of Municipal Government
- Limiting Your Risk - The Rules
- Making a Difference
- Managing Differences
- Improved Budgeting and Planning...
- and more...

#### COURSE COSTS

- Registration includes all all materials, and lunch - \$340 plus HST (\$384.20)

### 3) LAND-USE PLANNING

Aimed at both seasoned and first-term councillors, the land-use planning module of AMO's municipal councillor training program is designed to build upon the Association's on-line primer on planning. This three-hour workshop is presented back to back with As a Member of Council What You Need to Know. It is also available as a stand-alone educational session.

The workshop will reinforce the central role that municipalities play in implementing and managing the land use policy framework in Ontario. It will include a review of the relevant elements of the Ontario Planning Act as well as a run-down of the key planning tools and how they are applied in the municipal context. The module will identify the nature and role of the Provincial Policy Statement as the overall roadmap for land use management in Ontario. The program will also update participants on the conversion of the Ontario Municipal Board to the new Local Planning Appeal Tribunal and the implications of this new regime on how municipal councils take decisions on planning matters.

#### COURSE COSTS

- Registration includes all materials - \$200 plus HST (\$226.00)

We are informed by AMO that:

Our facilitators/trainers pull from their current or past municipal experience to help us deliver all of our training. For example, *Municipal Leadership Essentials* and *As a Member of Council...* is facilitated by a retired municipal CAO and a retired municipal

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Solicitor. *Land Use Planning: Beyond the Basics* is facilitated by a recently retired municipal CAO with extensive land use planning experience at a number of municipalities in Ontario; and the precursor the online course *Land Use Planning: The Basics* was written and edited by two municipal land use planners.

We would certainly not discourage regional councillors from registering individually for any or all of these courses. However, it is important to note that, as of now, none of these courses are scheduled to be offered in the Niagara area (in most cases the closest location would be Toronto) and none focus on the special circumstances in which regional councillors find themselves.

For these reasons, we believe that the best educational opportunities for Niagara regional councillors will likely emerge from a form of partnership between Niagara's Integrity Commissioner and academics with experience in managing open-ended discussions about sensitive municipal issues relating to the municipal policy-making process. Andrew Sancton Consulting would be open to discussing such a partnership with the Integrity Commissioner.

*Questions: Do you believe custom-developed educational opportunities relating to the role and responsibilities of regional councillors and to the municipal policy-making process should be made available to all regional councillors? Are there any issues in particular that you think should be covered?*

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

We have been asked to investigate 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 following the municipal election of 2022.

In 2017 Regional Council added an additional seat for Wainfleet 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 municipalities, 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 the principle of representation by population. In this regard, Halton Region after 2018 can serve as a model (see Table below for Halton).

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If Wainfleet were to continue to have one seat with one vote on Regional Council, and if the other municipalities were to be represented in strict accordance with the principle of rep-by-pop, then the council would need to have about seventy members (447,888 divided by 6372). Such a “solution” would presumably be acceptable to no one. Many other arrangements are imaginable, but all would involve further increasing the size of council, unless some or all mayors were removed and regional wards were constructed so as to cross at least some regional boundaries. But rep-by-pop can be respected without any such elaborate arrangements simply by introducing weighted voting, a mechanism provided for in Section 218 (3) of the Municipal Act.

### 9.1 *Weighted Voting*

Simcoe County (like Niagara Region, an upper-tier municipality) is a long-standing user of weighted voting at county council. Simcoe County has been using weighted voting since the 1994 introduction of the *County of Simcoe Act*, which restructured the County into sixteen municipalities. In addition, the Act provided the composition for council (mayor and deputy mayor of the 16 member municipalities) and prescribed a method for allocating votes to members. After portions of the Act were repealed, the County of Simcoe enacted a by-law regarding Council’s composition which included a formula for allocating votes to its members that mirrored the previously used provincially-imposed formula.

The formula (County by-law No. 4789) prescribes that the member representatives to County Council continue to be the Mayor and Deputy Mayor of each of the sixteen member municipalities, with the following vote allocation formula:

- Each local municipality is entitled to a minimum of three votes.
- Each local municipality having more than 5,000 municipal electors is entitled to one additional vote for every 2,000 municipal electors over 5,000.
- The Mayor and Deputy Mayor of a local municipality split the total number of votes to which the municipality is entitled, so that the Mayor has the same number as, or one vote more than, the Deputy Mayor.

Each municipality’s weighted share is determined on the basis of its population at the beginning of each Council term. Weighted votes are used for recorded votes only. As it currently stands, the number of votes for each municipality is listed below in Table 2.

**Table 2. Distribution of Weighted Votes, County of Simcoe Council**

<i>Municipality</i>	<i>Population (2016)</i>	<i>Number of Votes</i>
Adjala-Tosorontio	10,975	4
Bradford West Gwillimbury	35,325	11
Clearview	14,151	6
Collingwood	20,102	9
Essa	21,083	6
Innisfil	23,992	13
Midland	24,353	7
New Tecumseth	34,242	12
Oro-Medonte	21,036	9
Penetanguishene	8,962	4
Ramara	9,488	6
Severn	13,477	7
Springwater	19,059	8
Tay	10,033	5
Tiny	11,787	9
Wasaga Beach	20,675	10
Total	298,740	126

\*votes weighted on the basis of eligible electors

Weighted voting is rarely used on Simcoe County council. For instance, weighted recorded votes were only used four times in three meetings between October 11, 2016 and September 12, 2017, over which time there were 20 council meetings. Of the four instances where recorded weighted votes were called, three related to budgetary issues and the fourth involved water and wastewater planning to achieve compliance with the provincial growth plan.

Grey County is another upper-tier government that also uses weighted voting. In Grey County, the weighting formula is more straightforward: each municipality receives one vote per 1,000 electors or part thereof. Much like in Simcoe County, recorded (and thereby weighted) votes are used sparsely in Grey County. Thus far in 2017, a recorded, weighted vote has only been called on two occasions, both during the same meeting. Both votes concerned a local long-term care facility; one was defeated, while the other was carried. A 2009 report from the Clerk's department confirms that weighted, recorded votes are used infrequently, but argues that when used, it is not necessarily a sign of a contention on council: "It's also noteworthy that often the purpose of a recorded vote isn't necessarily to affect the outcome of the vote but rather a way for councillors to go "on the record" of their position on a matter."<sup>2</sup>

Outside Ontario, British Columbia's regional districts also use a form of weighted voting, though it is admittedly more complex and so we will not explore it in detail here.

<sup>2</sup> County of Grey, Committee WR-CC-02-09, 5.

## 9.2 Systems Of Regional Representation

In the rest of this section we use Tables to illustrate the existing representation system in Niagara as well as just one possible way in which weighted voting could work. Then we provide comparative data from the other regional municipalities. So as to have a common mechanism for measuring population, we use the 2016 Census of Canada. Regional chairs are not included in the numbers presented here for regional councillors.

### 9.21 Niagara Region

- 2016 population is: 447,888.
- As of the end of 2018, there are 31 regional councillors.
- Average number of people per councillor: 14,448.

**Table 3. Representation on Niagara Regional Council**

Lower-tier municipality	Population (2016 Census)	Share of regional population (%)	Number of regional seats	Share of regional seats (%)	Number of Residents per regional councillor	Relationship to regional average (%)
Fort Erie	30,710	6.9	2	6.5	15,355	+6.3
Grimsby	27,314	6.1	2	6.5	13,657	-5.4
Lincoln	23,787	5.3	2	6.5	11,894	-17.7
Niagara Falls	88,071	19.7	4	12.9	22,018	+52.4
Niagara-on-the-Lake	17,511	3.9	2	6.5	8,756	-39.4
Pelham	17,110	3.8	2	6.5	8,555	-40.8
Port Colborne	18,306	4.1	2	6.5	9,153	-36.6
St. Catharines	133,113	29.7	7	22.6	19,016	+31.6
Thorold	18,801	4.2	2	6.5	9,401	-34.9
Wainfleet	6,372	1.4	1	3.2	6,372	-55.9
Welland	52,293	11.7	3	9.7	17,431	+20.6
West Lincoln	14,500	3.2	2	6.5	7,250	-49.8
<b>TOTALS</b>	<b>447,888</b>	<b>100</b>	<b>31</b>	<b>100.4</b>	<b>--</b>	<b>--</b>

#### COMMENTS:

- Niagara Region has more constituent municipalities, more regional councillors, and the lowest number of residents per councillor than any other regional municipality.
- Wainfleet is the least populous area municipality in any regional municipality in Ontario.
- On the basis of the principle of representation-by-population, Niagara Falls is the most under-represented municipality on its regional council of any area municipality within an Ontario regional municipality.

A possible arrangement for Niagara would be to introduce a modified form of weighted voting so as to treat Niagara Falls and St. Catharines more fairly while simultaneously slightly reducing the size of Regional Council. Niagara Falls could be given two more votes, and St. Catharines one more. At the same time, Niagara Falls would have its representatives reduced from four to three, and St. Catharines from seven to four. But, with weighted voting, each of the



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representatives from these two cities would have two votes. Once again using 2016 population numbers from the Census of Canada, the resulting system would have each vote representing 13,173 people (447888 divided by 34) as shown in the Table 4 below.

**Table 4. Representation on Niagara Regional Council with Weighted Voting**

Lower-tier municipality	Population (2016 Census)	Share of regional population (%)	Number of regional votes	Share of regional seats (%)	Number of Residents per regional councillor	Relationship to regional average (%)
Fort Erie	30,710	6.9	2	5.9	15,355	+16.6
Grimsby	27,314	6.1	2	5.9	13,657	+3.7
Lincoln	23,787	5.3	2	5.9	11,894	-9.7
Niagara Falls	88,071	19.7	3x2=6	17.6	14,679	+11.4
Niagara-on-the-Lake	17,511	3.9	2	5.9	8,756	-33.5
Pelham	17,110	3.8	2	5.9	8,555	-35.1
Port Colborne	18,306	4.1	2	5.9	9,153	-30.5
St. Catharines	133,113	29.7	4x2=8	23.6	16,639	+26.3
Thorold	18,801	4.2	2	5.9	9,401	-28.6
Wainfleet	6,372	1.4	1	2.9	6,372	-51.6
Welland	52,293	11.7	3	8.8	17,431	+32.3
West Lincoln	14,500	3.2	2	5.9	7,250	-45.0
<b>TOTALS</b>	<b>447,888</b>	<b>100</b>	<b>34</b>	<b>100.1</b>	<b>--</b>	<b>--</b>

The above Table is meant to illustrate how the principle of representation by population can be better (but far from perfectly) implemented in Niagara without causing great disruption. Under this arrangement the actual number of regional councillors would be reduced from 31 to 27.

It is important to keep in mind that, whenever a modified representation system is again contemplated, new population numbers will likely be available, either from the Region or from the 2021 Census of Canada.

Existing arrangements in other regional municipalities are shown in the Tables that follow, with briefs comments on any particularly salient features.

## 9.22 *Waterloo Region*

- 2016 population: 535,154.
- As of the end of 2018, there are 15 regional councillors.
- Average number of people per councillor: 35,677.



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**Table 5. Representation on Waterloo Regional Council**

Lower-tier municipality	Population (2016 Census)	Share of regional population (%)	Number of regional seats	Share of regional seats (%)	Number of Residents per regional councillor	Relationship to regional average (%)
Cambridge	129,920	24.3	3	20	43,306	+21.4
Kitchener	233,222	43.8	5	33.3	46,644	+30.7
North Dumfries	10,215	1.9	1	6.7	10,215	-71.4
Waterloo	104,986	19.6	3	20	34,995	-1.9
Wellesley	11,260	2.1	1	6.7	11,260	-68.4
Wilmot	20,545	3.8	1	6.7	20,545	-42.4
Woolwich	25,006	4.7	1	6.7	25,006	-29.9
<b>TOTALS</b>	<b>535,154</b>	<b>100.2</b>	<b>15</b>	<b>100.1</b>	<b>--</b>	<b>--</b>

## COMMENTS:

- Waterloo has the smallest regional council among Ontario's regional municipalities.
- The representation system for Waterloo Region was last adjusted in 2000.

## 9.23 Halton Region

- 2016 population: 548,435.
- As of the end of 2018, there are 23 regional councillors.
- Average number of people per councillor: 23,845.

**Table 6. Representation on Halton Regional Council**

Lower-tier municipality	Population (2016 Census)	Share of regional population (%)	Number of regional seats	Share of regional seats (%)	Number of Residents per regional councillor	Relationship to regional average (%)
Burlington	183,314	33.4	7	30.4	26,188	+9.8
Halton Hills	61,161	11.2	3	13	20,387	-12.6
Milton	110,128	20.1	5	21.7	22,026	-7.6
Oakville	193,832	35.3	8	34.8	24,229	+1.6
<b>TOTALS</b>	<b>548,435</b>	<b>100</b>	<b>23</b>	<b>99.9</b>	<b>--</b>	<b>--</b>

## COMMENTS:

- As the result of a staff-led process, Halton adjusted its representation on regional council in the term of council immediately prior to the 2018 municipal election.
- Among the regional municipalities, it appears to have the system that most closely reflects the principle of representation-by-population.

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### 9.24 Peel Region

- 2016 population: 1,381,739.
- As of the end of 2018, there are 24 regional councillors.
- Average number of people per councillor: 57,572.

**Table 7. Representation on Peel Regional Council**

Lower-tier municipality	Population (2016 Census)	Share of regional population (%)	Number of regional seats	Share of regional seats (%)	Number of Residents per regional councillor	Relationship to regional average (%)
Brampton	593,638	43	7	29.2	84,805	+47.3
Caledon	66,502	4.8	5	20.8	13,300	-76.9
Mississauga	721,599	52.2	12	50	60,133	+4.4
<b>TOTALS</b>	<b>1,381,739</b>	<b>100</b>	<b>24</b>	<b>100</b>	<b>--</b>	<b>--</b>

#### COMMENTS:

- Peel is the most populous regional municipality in Ontario.
- Mississauga is the most populous area municipality within an Ontario regional municipality and the only one comprising more than half of its Region's population.
- On average, regional councillors in Peel represent more people than regional councillors in any other regional municipality.
- On the basis of the principle of representation-by-population, Caledon is the most over-represented area municipality within any Ontario regional municipality. Its over-representation comes at the expense of Brampton, which is second only to Niagara Falls in its under-representation.
- Peel's representation system was last adjusted, by provincial legislation, in 2006.

### 9.25 York Region

- 2016 population (excluding Indian Reserves): 1,109,648.
- As of the end of 2018, there are 20 regional councillors.
- Average number of councillors per person: 55,482.

## Niagara Region Independent External Governance Auditor

**Table 8. Representation on York Regional Council**

Lower-tier municipality	Population (2016 Census)	Share of regional population (%)	Number of regional seats	Share of regional seats (%)	Number of Residents per regional councillor	Relationship to regional average (%)
Aurora	55,445	4.9	1	5	55,445	-0.1
E. Gwillimbury	23,991	2.2	1	5	23,991	-56.7
Georgina	45,418	4.1	2	10	22,709	-59.1
King	24,512	2.2	1	5	24,512	-55.8
Markham	328,966	29.6	5	25	65,793	+18.6
Newmarket	84,224	7.6	2	10	42,112	-24.1
Richmond Hill	196,022	17.7	3	15	65,341	+17.8
Vaughan	306,233	27.6	4	20	76,558	+38.0
Whitchurch-Stouffville	45,837	4.1	1	5	45,837	-17.4
<b>TOTALS</b>	<b>1,109,648</b>	<b>100</b>	<b>20</b>	<b>100</b>	--	--

## COMMENTS:

- York Region's representation system was last adjusted in 2003.

**9.26 Durham Region**

- 2016 population (excluding Indian Reserves): 645,731.
- As of the end of 2018, there are 28 regional councillors.
- Average number of councillors per person is: 23,062.

**Table 9. Representation on Durham Regional Council**

Lower-tier municipality	Population (2016 Census)	Share of regional population (%)	Number of regional seats	Share of regional seats (%)	Number of Residents per regional councillor	Relationship to regional average (%)
Ajax	119,677	18.5	4	14.2	29,919	+29.7
Brock	11,642	1.8	2	7.1	5,821	-74.8
Clarington	92,013	14.2	3	10.7	30,677	+33.0
Oshawa	159,458	24.7	6	21.4	26,576	+15.2
Pickering	91,771	14.2	4	14.2	22,943	-0.5
Scugog	21,617	3.3	2	7.1	10,809	-53.1
Uxbridge	21,176	3.3	2	7.1	10,588	-54.1
Whitby	128,377	19.9	5	17.9	25,675	+11.3
<b>TOTALS</b>	<b>645,731</b>	<b>99.9</b>	<b>28</b>	<b>99.7</b>	--	--

## COMMENTS:

- Durham adjusted its regional representation in 2016 after striking a special committee chaired by the President of the University of Ontario Institute of Technology.

## Niagara Region Independent External Governance Auditor

- Durham is the only Region in Ontario in which the most populous municipality comprises less than one quarter of the Region's total population.

From what we have observed from the records of Niagara Region that have been supplied to us, the question of the representation system in Niagara has been extensively debated in the past. It is not clear to us at this point that a new and elaborate "review framework" is required. Nevertheless, during our consultation process, we would like to consider the following questions:

*Would you consider accepting in principle the concept of weighted voting on Regional Council so as to simultaneously better implement the principle of representation by population while also slightly reducing its size? Are there other factors or issues that should be considered?*

*When do you think the process of modifying Niagara Region's representation system should begin?*

## **Appendix A: Codes of Conduct in other Regional Municipalities**

## **Halton Region Code of Conduct**

## **APPENDIX A: COUNCIL CODE OF CONDUCT**

### **PREAMBLE**

Since its inception in 1974, Council has demanded a high level of integrity and ethical conduct from its Members. The Region's exemplary reputation has relied upon the good judgement of individual Members of Council. While tacit understandings have served well for many years, a written Code of Conduct helps to ensure that all Members share a common basis for acceptable conduct. Formalized standards help to provide a useful reference guide and a supplement to the legislative parameters within which Members must operate. Further, they enhance public confidence that the Region's elected representatives operate from a base of integrity, justice, and courtesy.

This Code of Conduct is a general standard. It augments the laws which govern the behaviour of Members, and it is not intended to replace personal ethics.

### **1. GENERAL**

All Members shall serve their constituents in a conscientious and diligent manner. No Member shall use the influence of office for any purpose other than for the exercise of his/her official duties.

### **2. GIFTS AND BENEFITS**

Members shall not accept fees, gifts or personal benefits that are connected directly or indirectly with the performance of duties as elected Members, except compensation authorized by law. This Section does not apply to tokens, mementos, souvenirs, or such gifts or benefits that are received as an incident of protocol or social obligations that normally accompany the responsibilities of office.

### **3. CONFIDENTIALITY**

All information, documentation, or deliberations received, reviewed, or taken in Closed Sessions of Committees and Council are confidential.

Members shall not disclose or release by any means to any member of the public, either in verbal or written form, any confidential information acquired by virtue of their office, except when required by law to do so, and shall not permit any persons other than those who are entitled thereto to have access to information which is confidential.

Particular care should be exercised in releasing information including, but not limited to, the following:

- personnel matters;
- information about suppliers provided for evaluation which might be useful to other suppliers;
- matters relating to the legal affairs of the Region;
- sources of complaints where the identity of the complainant is given in confidence;
- items under negotiation;
- schedules of prices in contract tenders;
- information deemed to be personal information under MFIPPA.

The list above is provided for example and is not exclusive.

#### **4. USE OF REGIONAL PROPERTY**

No Member shall use for personal purposes any Regional property, equipment, supplies, or services of consequence other than for purposes connected with the discharge of Regional duties or associated community activities of which Council has been advised.

No Member shall obtain financial or political gain from the use or sale of Region-developed intellectual property, computer programs, computer hardware and software, the Region's Website, technological innovations, or other patentable items, while an elected official or thereafter. All such property remains the exclusive property of the Region and must only be used for Regional business.

#### **5. WORK OF A POLITICAL NATURE**

No Member shall use Regional facilities, services or property for his/her re-election campaign. No Member shall use the services of Regional employees for his/her re-election campaign during hours in which the employees are in the paid employment of the Region.

#### **6. CONDUCT AT COMMITTEE AND COUNCIL**

During Committee and Council Meetings, Members shall conduct themselves with decorum by demonstrating respect for Delegates and for fellow Members. Members shall be courteous and not distract from the business of the Committee or Council Meeting. Members shall not enter into debate with Delegates or presenters and may be called upon by the Committee/Regional Chair as per Section 12.2.



## **7. REPRESENTING THE REGION**

Members shall make every effort to participate in the activities of the Local Boards, Committees and other bodies to which they are appointed.

## **8. INFLUENCE ON STAFF**

Members shall be respectful of the fact that staff work for the whole corporation and are charged with making recommendations that reflect their professional expertise and corporate perspective, without undue influence from any individual Member or faction of Council.

## **9. BUSINESS RELATIONS**

No Member shall borrow money from any person who regularly does business with the Region unless such person is an institution or company whose shares are publicly traded and who is regularly in the business of lending money.

No Member shall act as a paid agent before Committee or Council or any agency, board, or committee of the Region, except in compliance with the terms of the Municipal Conflict of Interest Act.

## **10. ENCOURAGEMENT OF RESPECT FOR THE REGION AND ITS BY-LAWS**

Members shall encourage public respect for the Region and its by-laws.

## **11. HARASSMENT**

Harassment of another Member, staff or any member of the public is misconduct. It is the policy of the Region that all persons be treated fairly in the workplace in an environment free of discrimination and of personal and sexual harassment.

Harassment may be defined as any behaviour by any person, including a co-worker, that is directed at or is offensive to another person on the grounds of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, marital status, family status, or disability and any other prohibited grounds under the provisions of the *Human Rights Code*, R.S.O. 1990, c. H.19, as amended from time to time.

## **12. INTERPRETATION**

Members of Council seeking clarification of any part of this Code of Conduct should consult with the Clerk or Corporate Counsel.

THE REGIONAL MUNICIPALITY OF PEEL

BY-LAW NUMBER 1-2017

**A by-law to govern the Regional Council  
Code of Conduct and to repeal By-law  
65-2014.**

WHEREAS the Council of the Regional Corporation enacted By-law 100-2012 on November 22, 2012, being a by-law which governs the proceedings of Council and its Committees;

AND WHEREAS, By-law 100-2012 was amended by By-law 65-2014 on September 11, 2014 by appending Appendix 4, being the Regional Council Code of Conduct;

AND WHEREAS, Council of the Regional Corporation has by Resolution 2016-757 on October 13, 2016 authorized an amendment to the Regional Council Code of Conduct;

NOW THEREFORE, the Council of the Regional Corporation enacts as follows:

1. That the Regional Council Code of Conduct be and is hereby attached as Schedule A.
2. That By-law 65-2014 be repealed thereby deleting Appendix 4 to By-law 100-2012.

READ THREE TIMES AND PASSED IN OPEN COUNCIL this 12<sup>th</sup> day of January, 2017.

*K. Lockyer*

Regional Clerk

*F. Dale*

Regional Chair

# Peel Regional Council Code of Conduct

## A. Application and Purpose

- i. The Regional Chair and Members of Council are members of the public appointed or elected, respectively, to represent the residents of the Region of Peel interest through the legislated authority given to Regional Council.
- ii. The Peel Regional Council Code of Conduct (hereinafter after known as the Code) is Council's statement governing the conduct of its Chair and Members of Council in the performance of their official functions and reflects Council's commitment to meet the community's expectations of transparent, accountable and ethical conduct.
- iii. This Code applies to the Regional Chair and Members of Council as they perform their duties in cooperation with Council colleagues, Regional staff, and the public, as elected officials of the Region of Peel.
- iv. The purpose of the Code is to provide the basis upon which any person, including other Members of Regional Council, may promote high standards of ethical conduct of the Regional Chair and Members of Council through a direct referral, or recourse to public opinion.

## B. Definitions

- i. **Accountability**  
The municipality is obligated to demonstrate and take responsibility for its actions, decisions and policies, and is answerable to the public at large.
- ii. **Benefit**  
"Benefit" means anything (other than a gift) given that confers an advantage, including but not limited to discounted or free services, food or beverages for immediate consumption, activities or event tickets, unless there is payment in any form, including the exchange of goods or services of equal or greater value, to the individual or entity giving the benefit.
- iii. **Confidential Information**  
Personal information in the custody or control of the Region or information not available to the public and which, if disclosed could result in damage or loss to the corporation of the Region of Peel (corporation), or could give the person to whom it is disclosed an improper advantage.
- iv. **Gift**  
"Gift" means any real or personal property given, including but not limited to artwork, clothing, money, gift certificates or gift cards, unless there is payment in any form, including the exchange of goods or services of equal or greater value, to the individual or entity giving the gift.
- v. **Hospitality**  
"Hospitality" means food, beverages, entertainment and/or accommodation.
- vi. **Personal Gain**  
The direct or indirect financial gain of the Regional Chair or Members of Council as defined by Section 3 of the *Municipal Conflict of Interest Act*, but does not include remuneration of the Chair or Councillor by the Region for the performance of the duties of office.

**vii. Purchasing Processes**

Any process started under the Region's Purchasing By-law or in response to Council direction.

It also includes any negotiation or communication for the extension or renewal of an existing contract for the purchase of goods, services or land and any negotiation, expropriation or other process for the acquisition of land.

**viii. Transparency**

The municipality will conduct its business in an accessible, clear and visible manner, with activities that are open to examination by the public.

## **C. Guiding Principles**

- i. The Region of Peel is a responsible and accountable government with respect to matters within its jurisdiction, and is given powers to be exercised by its Regional Council for the purpose of providing good government.
- ii. Through the promotion of trust and confidence, it is the policy of the Region of Peel to provide Regional government "as it should be".
- iii. The Regional Chair and Members of Council are committed to honour, support and employ the Regional values:
  - Supportive and Respectful Environment
  - Teamwork
  - Effective Communication
  - Integrity
  - Quality Service
- iv. The decision-making process of Regional Council is to be transparent, accessible and fair.
- v. The Regional Chair and Members of Council will adhere to the standards required as stated in the Oath of Office.
- vi. The Regional Chair and Members of Council will be fair and respectful of differences and have a duty to work together for goodwill, the common good and the public interest.

## **D. Community Involvement and Values**

- i. This Code recognizes the responsibility of the Regional Chair and Members of Regional Council to actively serve and represent their communities in their roles as elected officials. This Code is intended to be applied in a manner that supports the Regional Chair and Members of Council in undertaking community involvement, to the greatest extent consistent with Regional principles and values.

## **E. Legislative Environment**

The Region of Peel demonstrates a commitment to accountability and transparency by providing a framework of policies, procedures and practices that foster sound governance and its sustainability. This

Code operates along with and supplements the existing legislation governing the Regional Chair and Members of Council.

#### **i. Federal and Provincial Legislative Requirements and Municipal By-laws**

Federal and provincial laws and municipal by-laws outline legal authorities, obligations and unlawful activity. The Regional Chair and Members of Council are responsible under this Code to be aware of and to understand the legal obligations affecting them as individual office holders.

The Regional Chair and Members of Council are governed individually or collectively by federal and provincial legislation including:

- Criminal Code of Canada
- Ontario Human Rights Code
- *Municipal Act*
- *Municipal Conflict of Interest Act*
- *Municipal Freedom of Information and Protection of Privacy Act*
- *Municipal Elections Act*
- *Occupational Health and Safety Act*
- *Occupational Health and Safety Amendment Act (Violence and Harassment in the Workplace), 2009*
- *Safe Drinking Water Act*

In addition, municipalities are often dealt with in provincial and federal legislation and agreements as having roles both as authorities and a partner providers in the delivery of public services (e.g. as both a service manager and housing provider under the Housing Services Act). The Regional Chair and Members of Council should understand their legal obligations within the legal effect of those legislative frameworks and/or partnership agreements. Where greater clarity is required in this regard, the Regional Chair and Members of Council should direct inquiries to the Regional Clerk and/or the Regional Solicitor.

This Code is enacted under Part V.1 (Accountability and Transparency), s. 223.2 of the *Municipal Act*, 2001.

#### **ii. Regional By-laws**

There are several Regional By-laws that the Regional Chair and Members of Council are committed to adhering to including:

- Procedure By-law
- Investigation Request Process (G00-17)
- Accountability and Transparency (G20-01)
- Appointments to Special Purpose Bodies (G20-05)
- Corporate Value Statements (G00-09)
- Region of Peel Purchasing By-Law, Peel Living Resolution, Peel Regional Police Policy (F35-00)

#### **iii. Closed Meeting Investigator**

The Region of Peel has appointed Local Authority Services Ltd. (a subsidiary of the Association of Municipalities of Ontario) as the investigator of complaints regarding Regional Council and committee meetings closed to the public. Council and its committees have limited authority to close meetings under the *Municipal Act*, 2001, section 239.

**iv. Area Municipal Codes of Conduct**

Regional Councillors also serve as Members of Council for the City of Mississauga, the City of Brampton, or the Town of Caledon. All three area municipalities have their own codes of conduct.

The Code applies to the activities of the Regional Chair and Members of Council while executing their responsibilities as Regional Chair and Councillors respectively. Area municipal codes of conduct will apply to the activities of the Members of Council in accordance with their role as area municipal councillors.

Should an issue arise that is of joint responsibility for the Region and the area municipality, both parties will work together to develop a process to resolve the matter and report the findings to both Regional and City/Town Council.

## **F. Conduct at Regional Council**

**i. General Conduct**

During Regional Council proceedings, the Regional Chair and Members of Council are to conduct themselves in a manner which demonstrates respect for their Council colleagues, Region of Peel staff, and the members of the public, and in accordance with the Region of Peel's Procedure By-law.

The Regional Chair and Members of Council will conduct themselves with dignity, for themselves and towards all others. Members will strive to create an environment free of discrimination and harassment, and will not engage in intimidating or bullying behaviour, acting in accordance with *Occupational Health and Safety Amendment Act (Violence and Harassment in the Workplace)*, 2009.

Councillors will continue in this same manner during other similar proceedings as a result of their membership on other agencies, boards, commissions or sub-committees of Regional Council appointed by Regional Council.

**ii. Member Interest**

The Regional Chair and Members of Council will serve their communities so that the public interest is upheld and is the Member's primary consideration.

The Regional Chair and Members of Council will not create a real or apparent conflict of their private interests with the public interest, and will act proactively to avoid such conflict to the best of their ability.

The Regional Chair and Members of Council will not use improper influence or be improperly influenced such that personal or private interests are promoted over the public interest.

## **G. Conduct in Relation to Regional Business**

**i. Confidentiality**

When making decisions, the Regional Chair and Members of Council will have access to information that may be confidential or contentious.

The Regional Chair and Members of Council will respect and maintain the confidentiality of information communicated to them in confidence by staff or colleagues.

The Regional Chair and Members of Council will not disclose a document or information contained within a document provided for use in connection with a closed (in camera) meeting of Regional Council, a Committee of Council, or of any body to which the Member has been appointed by Regional Council.

The Regional Chair and Members of Council will not disclose the deliberations of a closed session without the prior permission of the body holding the closed session.

**ii. Decisions about Regional Resources**

The Regional Chair and Members of Council will not commit or agree to commit the Region's resources (whether money, staff time, equipment, or otherwise) unless such commitment has been requested and confirmed by Council or by the Regional staff (Chief Administrative Officer, Commissioner, Director, Manager or Supervisor) charged with authority to manage the resources in question.

While they may advocate for a particular decision, the Regional Chair and Members of Council will not attempt to direct the use of Regional resources or property for a purpose not authorized by Council or the appropriate municipal staff.

**iii. Procurement**

The Region purchases goods, services and land using well established and professionally managed processes as outlined in the Region of Peel's *Purchasing By-Law*.

Should questions arise related to the conduct of Regional Chair or Members of Council in the procurement process, they should consult the Region of Peel Purchasing By-law, other applicable policy or by-law and/or an appropriate staff contact.

## H. Decision-Making

- i. Decision-making authority lies with Regional Council as a whole. All members of the public interacting with Council are entitled to a clear, transparent and accountable decision-making process.
- ii. The Regional Chair and Members of Council will serve their communities with transparency, making candid disclosure of the considerations influencing them in their decision-making conduct.
- iii. The Regional Chair and Members of Council will be open to receiving reasonable representations and information from municipal staff, interested persons and the broader community.
- iv. The Regional Chair and Members of Council will not have matters dealt with in closed session (in camera) in cases where Council is unauthorized to do so.
- v. The Regional Chair and Members of Council may communicate a position that is contrary to that taken by Regional Council but in doing so should make clear that they are not representing the Council and refrain from making disparaging comments about other Members of Council and demonstrate respect for Council's processes and decisions.

## I. Regional Chair

- i. This Code applies in all respects to the Chair as a Member of Regional Council.

- ii. The role of the Regional Chair is prescribed the *Municipal Act*, 2001 and states that as Head of Council the Regional Chair is:
  - to act as Chief Executive Officer of the municipality
  - to preside over council meetings so that its business can be carried out efficiently and effectively
  - to provide leadership to Council
  - to represent the municipality at official functions
- iii. As Chief Executive Officer, the Regional Chair is responsible to:
  - uphold and promote the purposes of the municipality
  - promote public involvement in the municipality's activities
  - act as the representative of the municipality both within and outside the municipality, and promote the municipality locally, nationally and internationally
  - participate in and foster activities that enhance the economic, social and environmental well-being of the municipality and its residents
- iv. The Regional Chair is the Head of Council and political head of the Region, and Chief Executive Officer of the Regional Corporation. The Regional Chair represents the Region in dealing with other levels of government and plays a strong role as liaison with Regional staff through the Chief Administrative Officer.
- v. The Regional Chair will work with Regional Council with regard to those decisions or authorities which have not been delegated to the Regional Chair by Council or provided to the Chair by legislation. The Regional Chair will represent and promote those decisions reached by Regional Council as a whole.

## J. Relations with the Corporation, Council and Staff

- i. The Regional Chair and Members of Council will respect the role of staff to work for The Regional Municipality of Peel as a corporate body, with responsibility to make recommendations that reflect their professional expertise and corporate objectives.
- ii. Regional staff are governed by a separate and complementary *Employee Code of Conduct (HR02-01)*.
- iii. The Regional Chair and Members of Council must respect the fact that staff carry out directions and implement actions and policies of Council as a whole. A Member shall not attempt to influence staff to perform their duties or functions other than in accordance with either the expressed will of Council or in accordance with corporate policy.
- iv. The Regional Chair and Members of Council will not defame the reputation of the Region, its Council, its collective administration or its employees on any basis which the member is not willing and prepared to substantiate to the Council sitting in open session.
- v. The Regional Chair and Members of Council will conduct themselves with decorum demonstrating respect toward colleagues and staff and avoid behavior that could be interpreted as bullying and/or harassment.
- vi. The Regional Chair and Members of Council will not obstruct an officer, employee or agent of the Region of Peel in the performance of their duties.



- vii. The Regional Chair and Members of Council will encourage those employed or otherwise engaged by the Region of Peel to provide advice or services, to do so in a politically neutral, objectively determined and professionally bound manner. No attempt to influence such persons to depart from these standards in the provision of advice or services will be made.
- viii. The Regional Chair and Members of Council will respect the principle that decision-making, including policy making, the direction of staff and the commitment of municipal resources is only to be exercised by Members acting collectively through the Council as a whole.
- ix. The Regional Chair and Members of Council are not to use the services of Regional staff or services contracted by the Region, for personal purposes or for purposes other than the purposes of the Region, and for the purposes of the Region, only under the direction of the staff responsible.

## K. Expenditures, Hospitality and Gifts

- i. The Regional Chair will disclose in writing all gifts, benefits or hospitality received from individuals, firms or associations having any value, and include in such disclosure the estimated values, the nature of the gift, benefit or hospitality, the source of the gift, benefit or hospitality and the date of receipt. The disclosure of gifts received by the Regional Chair, as aforementioned, shall be posted on the Region of Peel Website on a quarterly basis.
- ii. The Regional Chair and Members of Council may be offered gifts, hospitality or benefits from community organizations or others wishing to express appreciation. Members are permitted to accept these offers of gratitude, provided they are not offered by a vendor or potential vendor under an active Regional procurement process. Some gifts may extend a pecuniary benefit to the receiving Member, and be subject to restrictions under the *Municipal Conflict of Interest Act*.
- iii. The Regional Chair and Members of Council should be aware that gifts, hospitality or benefits received from the community could be perceived as an attempt to influence individual Councillor's actions as they pertain to Regional business. Any receipt of good or service from the community, regardless of value, should be viewed through a lens of any possible real or perceived influence.
- iv. The Regional Chair and Members of Council will respect the need for transparency and accountability in all circumstances, including participation with community organizations, not-for-profit groups or community associations seeking the benefit of the Chair's and/or Member's involvement.
- v. If the Regional Chair or Member of Council agrees to fundraise on behalf of any community organization, not for profit group or community association, the Member should ensure that contributions are received by a means that does not involve cash. Contributions should be made directly to the applicable organization, group or association.
- vi. The Region of Peel has established guidelines for Council expenses and remuneration, outlined in the "Regional Councillor Reference Manual" (Section 6 – Council Remuneration/Benefits/Expenses). These guidelines apply to the Regional Chair and all Members of Council.
- vii. For guidance in relation to gifts, Members of Council should refer to established policies at their area municipality.

## L. Compliance

- i. The Regional Chair and Members of Council who observe or are credibly informed of a possible contravention of this Code have an obligation to proactively address what they observe or are informed of - whether with the Member concerned, in consultation with other Members, or ultimately through the Council.
- ii. In advance of each Inaugural meeting of Regional Council, the Code will be circulated to the Regional Chair and Members of Council to formally confirm that the Code has been reviewed and there is understanding related to a Councillors obligation to adhere to the Code.
- iii. Under Section 223.1 of the Municipal Act, a municipality has the discretionary authority to appoint an Integrity Commissioner to independently investigate possible violations of the Code and report the findings to Council.
- iv. Should Regional Council chose to use its authority under the Act and appoint an Integrity Commissioner, the Code and all related and relevant Region of Peel policies and procedures will assist the appointee(s) in determining an appropriate course of action.
- v. The Regional Chair and Members of Council will participate, cooperate and provide full disclosure in connection with all measures undertaken by the Region or by an Integrity Commissioner for the implementation and enforcement of this Code including training and the promotion of public transparency, accountability and ethical conduct on the part of Members.
- vi. The imposition of penalties, as outlined under Section 223.4 of the Municipal Act, can only occur following the investigation by an Integrity Commissioner and a Code contravention reported to Regional Council by the Integrity Commissioner.

## M. Review Process

- i. To ensure this Code remains relevant and current, Regional staff will review any significant legislative or internal policy changes for possible impact to the Code and report to Regional Council where necessary.
- ii. At the beginning of the mandate of each new Council, this Code will be reviewed in connection with the development of corporate strategies (i.e. Strategic Plan, Term of Council Priorities).
- iii. A mandatory Council review and endorsement of the Code will occur at the beginning of each new term of Council.
- iv. Members of Council will be provided with an overview of their obligations and responsibilities related to the Code at the beginning of each new term of Council.

Particular care should be exercised in releasing information including, but not limited to, the following:

- personnel matters;
- information about suppliers provided for evaluation which might be useful to other suppliers;
- matters relating to the legal affairs of the Region;
- sources of complaints where the identity of the complainant is given in confidence;
- items under negotiation;
- schedules of prices in contract tenders;
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The list above is provided for example and is not exclusive.

#### **4. USE OF REGIONAL PROPERTY**

No Member shall use for personal purposes any Regional property, equipment, supplies, or services of consequence other than for purposes connected with the discharge of Regional duties or associated community activities of which Council has been advised.

No Member shall obtain financial or political gain from the use or sale of Region-developed intellectual property, computer programs, computer hardware and software, the Region's Website, technological innovations, or other patentable items, while an elected official or thereafter. All such property remains the exclusive property of the Region and must only be used for Regional business.

#### **5. WORK OF A POLITICAL NATURE**

No Member shall use Regional facilities, services or property for his/her re-election campaign. No Member shall use the services of Regional employees for his/her re-election campaign during hours in which the employees are in the paid employment of the Region.

#### **6. CONDUCT AT COMMITTEE AND COUNCIL**

During Committee and Council Meetings, Members shall conduct themselves with decorum by demonstrating respect for Delegates and for fellow Members. Members shall be courteous and not distract from the business of the Committee or Council Meeting. Members shall not enter into debate with Delegates or presenters and may be called upon by the Committee/Regional Chair as per Section 12.2.

## **7. REPRESENTING THE REGION**

Members shall make every effort to participate in the activities of the Local Boards, Committees and other bodies to which they are appointed.

## **8. INFLUENCE ON STAFF**

Members shall be respectful of the fact that staff work for the whole corporation and are charged with making recommendations that reflect their professional expertise and corporate perspective, without undue influence from any individual Member or faction of Council.

## **9. BUSINESS RELATIONS**

No Member shall borrow money from any person who regularly does business with the Region unless such person is an institution or company whose shares are publicly traded and who is regularly in the business of lending money.

No Member shall act as a paid agent before Committee or Council or any agency, board, or committee of the Region, except in compliance with the terms of the Municipal Conflict of Interest Act.

## **10. ENCOURAGEMENT OF RESPECT FOR THE REGION AND ITS BY-LAWS**

Members shall encourage public respect for the Region and its by-laws.

## **11. HARASSMENT**

Harassment of another Member, staff or any member of the public is misconduct. It is the policy of the Region that all persons be treated fairly in the workplace in an environment free of discrimination and of personal and sexual harassment.

Harassment may be defined as any behaviour by any person, including a co-worker, that is directed at or is offensive to another person on the grounds of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, marital status, family status, or disability and any other prohibited grounds under the provisions of the *Human Rights Code*, R.S.O. 1990, c. H.19, as amended from time to time.

## **12. INTERPRETATION**

Members of Council seeking clarification of any part of this Code of Conduct should consult with the Clerk or Corporate Counsel.



Status: **Final / Archived (select one)**  
Approved By: **Council / CAO (select one)**

## **The Regional Municipality of York**

### **Code of Conduct for Members of Regional Council**

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**Policy No.:** (Same as document eDOCS No.)

**Original Approval Date:** (First time policy was approved by Council or CAO)

**Current Approval Date:** (Last time policy was approved by Council or CAO)

**Last Review Date:** N/A

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#### **Policy Statement:**

This Code of Conduct establishes standards of conduct for Members of Council in the individual conduct of their official duties.

#### **Application (who this policy applies to):**

This Code of Conduct applies to the Regional Chair and to Regional Council Members acting in their 'Official Capacity'. This includes, but is not limited to, the conduct of a Regional Council Member in the following circumstances:

- While on Regional property
- When interacting with York Regional staff and/or another Member of Regional Council
- In relation to matters immediately before and/or solely within the purview of York Regional Council

## Code of Conduct for Members of Regional Council <Insert Most Recent Approval Date>

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- In relation to business directly provided by York Region
- During a York Regional event and/or function
- During a non-York Regional event and/or function where the Member has been expressly invited or is participating as a representative of York Regional Council and not on behalf of a local municipality
- While serving on any Board, Committee or other body to which the Member was appointed by Regional Council

In this context, 'Official Capacity' as a Member of Regional Council expressly does not relate to the Regional Council Member's conduct in the following situations:

- While executing their duties as a member of council for a local municipality
- In relation to business that is before the local council and/or within the purview of a local municipality
- When solely representing the council of a municipality other than York Region

Should an issue arise where it may be unclear whether a complaint falls within the mandate of the Region or the local municipality, both the Regional and local Integrity Commissioners will work together to develop a process to resolve the matter and report the findings to the appropriate council(s). In such instances, consideration should be given to the following:

- The municipality in which the complaint was filed
- The municipality in which the expense/mileage claim was submitted for the event or function
- The reasonableness for that municipality's Integrity Commissioner to undertake the investigation

### **Purpose:**

This Code of Conduct sets a standard of conduct for Regional Council Members to promote good governance and maintain the public confidence.

**Code of Conduct for Members of Regional Council**  
**<Insert Most Recent Approval Date>**

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**Definitions:**

**Child:**

A child born within or outside marriage and includes an adopted child and a person whom a parent has demonstrated a settled intention to treat as a child of his or her family.

**Committee:**

Any board, advisory or other committee, subcommittee or similar entity, and as established from time to time by Regional Council.

**Council:**

York Regional Council.

**Member:**

A member of Regional Council or a member of a Committee of the Region.

**Non-pecuniary interest:**

A private or personal interest that a Member may have that is non-financial in nature but that arises from a relationship with a person or entity that would be considered by a reasonable person, apprised of all the circumstances, as being likely to influence the Member's decision in any matter in which the non-pecuniary interest arises.

**Parent:**

A person who has demonstrated a settled intention to treat a child as a member of his or her family whether or not that person is the natural parent of the child.

**Region:**

The Regional Municipality of York.

**Spouse:**

A person to whom the person is married or with whom the person is living in a conjugal relationship outside marriage.

# Code of Conduct for Members of Regional Council

<Insert Most Recent Approval Date>

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## Description:

### 1.0 Statement of Principles

1.1 The following principles will guide Members and assist with the interpretation of the Code of Conduct:

- Members shall serve the public in a conscientious and diligent manner
- Members shall always act and are expected to perform their functions with integrity, accountability and transparency, and shall avoid the improper use of influence of their office and conflicts of interest, both apparent and real
- Members shall perform their duties and arrange their private affairs in a manner that promotes public confidence and will bear public scrutiny
- Members will observe and comply with the laws of Canada, Ontario and the laws and policies adopted by Council, including but not limited to the following:
  - Municipal Act, 2001
  - Municipal Conflict of Interest Act
  - Municipal Elections Act, 1996
  - Municipal Freedom of Information and Protection of Privacy Act
- Members will seek to advance the public interest with honesty and refrain from making statements known to be false or with the intent to mislead Council, staff or the public
- Members will refrain from making disparaging comments or unfounded and speculative accusations about the motives of another Member, staff or the public

### 2.0 Conduct at Meetings

2.1 Members will conduct themselves at all Council, Committee or any other Region related meetings with decorum and in accordance with the Region's Procedural Bylaw or other applicable procedural rules and policies.

### 3.0 Staff and Council Relations

3.1 Council as a whole approves budget, policy and governance of the Region through its by-law and resolutions. Individual Members do not direct or oversee the functions of the administration or staff of the Region or a Committee.



**Code of Conduct for Members of Regional Council**  
**<Insert Most Recent Approval Date>**

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3.2 Members shall respect the role of staff in the administration of the business affairs of the Region. Members shall respect that:

- a) Staff provide advice and make policy recommendations in accordance with their professional ethics, expertise and obligations and that Members must not falsely or maliciously injure the reputation of staff members whether professional or ethical or otherwise
- b) Under the direction of the Chief Administrative Officer (CAO), staff serves Regional Council as a whole, and the combined interests of all members as evidenced through the decisions of Council. Members must not make requests or statements or take actions which may be construed as an attempt to influence the independent administration of Regional business. Members shall not attempt to intimidate, threaten, or influence any staff member from carrying out that person's duties, including any duty to disclose improper activity.
- c) Staff carry out their duties based on political neutrality and without undue influence from any individual Member and, therefore, Members must not invite or pressure any member of staff to engage in partisan political activities or be subjected to discrimination or reprisal for refusing to engage in such activities

#### **4.0 Use of Regional Property**

4.1 Council is the custodian of the Region's assets. The community places its trust in Council and those it appoints to make decisions for the public good in relation to these assets.

4.2 By virtue of their office or appointment, Members must not use or permit the use of Regional lands, facilities, equipment, supplies, services, staff or other resources for activities other than the Region's business. No Member shall seek financial gain for themselves, family or friends from the use or sale of Regionally-owned intellectual property, computer programs, technological innovations, or other patent, trademarks or copyright held by the Region.

#### **5.0 Gifts and Benefits**

5.1 Gifts to Members risk the appearance of improper influence. Gifts may induce influence or create an incentive for Members to make decisions on the basis of relationships rather than in the best interests of the municipality. No Member shall accept a fee, advance, gift, gift certificate, cash or personal benefit connected directly or indirectly with the performance of his or her duties. A gift, benefit or hospitality provided with the Member's knowledge to a Member's spouse, child, or parent, or to a Member's staff that is connected directly or indirectly to the performance of the Member's duties is deemed to be a gift to that Member.

**Code of Conduct for Members of Regional Council**  
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5.2 Notwithstanding Section 5.1, Members shall not accept any gift or benefits in their public capacity other than in the following circumstances:

- a) Compensation authorized by law
- b) Such gifts or benefits that normally accompany the responsibilities of office and are received as an incident of protocol or social obligation
- c) A political contribution otherwise reported by law, in the case of Members running for office
- d) Services provided without compensation by persons volunteering their time
- e) A suitable memento of a function honouring the Member
- f) Food, lodging, transportation and entertainment provided by provincial, regional and local governments or political subdivisions of them, by the federal government or by a foreign government within a foreign country, or by a conference, seminar or event organizer where the Member is either speaking or attending in an official capacity
- g) Participating in or consuming food and beverages at banquets, receptions, sporting events or similar functions, if:
  - Attendance serves a legitimate business purpose, or supports a charitable cause in the community, a board of trade or chamber of commerce; and,
  - The person extending the invitation or a representative of the organization is in attendance; and further,
  - The value is nominal.
- h) Gifts of nominal value (for example, a baseball cap, t-shirt, flash drive, book, etc.)
- i) Any gift or personal benefit, if the Integrity Commissioner is of the opinion, before the gift or personal benefit has been accepted, that it is unlikely that receipt of the gift or benefit gives rise to a reasonable presumption that the gift or benefit was given in order to influence the Member in the performance of his or her duties.

## **6.0 Confidentiality**

6.1 Members receive confidential information from a number of sources as part of their work. This includes information the Region receives in confidence that falls under the privacy provisions of the *Municipal Freedom of Information and Protection of Privacy Act* and other applicable privacy laws and information received during closed meetings of Council, one of its Boards or Committees.

## **Code of Conduct for Members of Regional Council**

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6.2 No Member shall disclose the content of any such matter, or the substance of deliberations, of a closed meeting and the Member has a duty to hold information received at closed meetings in strict confidence for as long and as broadly as the confidence applies. Members must not, either directly or indirectly, release, make public or in any way divulge any such information or any confidential aspect of the closed deliberations to anyone, unless authorized by Council or as required by law.

6.3 Members must not disclose, use or release information in contravention of applicable privacy laws. Members are only entitled to information in the possession of the Region that is relevant to matters before the Council, a Committee or a Board.

## **7.0 Discrimination and Harassment**

7.1 York Region is committed to providing and maintaining a working environment that is based on respect for the dignity and rights of everyone in the organization, and meeting its obligations under *the Ontario Human Rights Code* and *the Ontario Occupational Health and Safety Act*. It is York Region's goal to provide a healthy, safe, and respectful work environment that is free of any form of harassment or discrimination.

All Members have a duty to treat members of the public, one another and staff with respect and without abuse, bullying or intimidation and to ensure that their work environment is free from discrimination, harassment and violence. In carrying out their affairs, all Members will comply with the Region's Workplace Harassment and Discrimination Policy as well as the Preventing and Managing Violence in the Workplace Policy.

## **8.0 Improper Use of Influence**

8.1 Members shall not use the influence of their office or appointment for any purpose other than the exercise of his or her official duties.

8.2 Members should not use the status of their position to influence the decision of another person to the private advantage or non-pecuniary interest of themselves, their parents, children or grandchildren, spouse, or friends or associates, or for the purpose of creating a disadvantage to another person.

## **9.0 Conflicts of Interest**

9.1 Members shall take appropriate steps to avoid conflicts of interest, both apparent and real. Proactive steps to mitigate conflict of interest are important to maintaining public confidence in elected officials. Members may seek guidance from the Integrity Commissioner if they may have a conflict between their responsibilities to the public as a Member of Regional Council and any other interest, pecuniary or non-pecuniary.

## Code of Conduct for Members of Regional Council

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9.2 When a member discloses a pecuniary interest, the member must file a written statement of the member's interest at the meeting, or as soon as possible afterwards. The Region is required to establish and maintain a registry of statements and declarations of interests of members, which shall be available for public inspection.

### 10.0 Election Activity

10.1 Members of Council are required to conduct themselves in accordance with the Municipal Elections Act, 1996, as may be amended from time to time, and any Region policies. The use of Regional resources, both property and staff time, for any election-related activity is strictly prohibited. Election-related activity applies to the Member's campaign and any other election campaigns for municipal, provincial or federal office.

### Responsibilities:

**Role:** Members of Regional Council

Responsibilities: Adhere to the provisions of the Code of Conduct for Members of Regional Council and ensure compliance with all applicable legislation as well as all procedures, rules or policies of the Region governing their ethical behaviour

**Role:** Regional Integrity Commissioner

Responsibilities: Investigate complaints related to a Member's alleged non-compliance with the Code of Conduct for Members of Regional Council

Provide advice to Members of Regional Council with respect to their obligations under the Code of Conduct and the *Municipal Conflict of Interest Act*.

Provide educational information about the Code of Conduct and about the *Municipal Conflict of Interest Act*.

### Non-Compliance:

Allegations of non-compliance with the Code of Conduct may be investigated by the Integrity Commissioner.

## Code of Conduct for Members of Regional Council <Insert Most Recent Approval Date>

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The Integrity Commissioner will establish a process to investigate claims of non-compliance. Members shall not act in reprisal or threaten reprisal against a person who makes a complaint or provides information to the Integrity Commissioner during an investigation.

Members are expected to cooperate with requests for information during investigations under the Code of Conduct. Members shall not destroy documents or erase electronic communications or refuse to respond to the Integrity Commissioner where a complaint has been lodged under the Code of Conduct or any process for complaints adopted by the Region.

Where a report is received from the Integrity Commissioner that there has been a violation of the Code of Conduct, Regional Council may impose either of the following penalties on the Member as permitted by the Municipal Act, 2001:

- a) A reprimand
- b) A suspension of the remuneration paid to the Member in respect of his or her services on Regional Council for a period up to 90 days

Regional Council may, on the basis of a recommendation from the Integrity Commissioner, also take any or all of the following actions in furtherance of any penalty imposed and require that the Member:

- Provide a written or verbal apology
- Return property or make reimbursement of its value or of money spent
- Be removed from the membership of a Committee
- Be removed as chair of a Committee

## Reference:

### Legislative and other authorities

- [Municipal Act, 2001](#)
- [Municipal Conflict of Interest Act](#)
- [Municipal Elections Act, 1996](#)

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- [Municipal Freedom of Information and Protection of Privacy Act](#)

**Contact:**

Regional Clerk, Corporate Services Department, 1-877-464-9675 ext. 71320

**Approval Information:**

**Council Approval**

<b>Council Approval Date:</b> <input type="text"/>	<b>Committee Name:</b> <input type="text"/>
<b>Council Minute No.:</b> <input type="text"/>	<b>Report No.:</b> <input type="text"/>
<b>Extract eDOCS #:</b> 8279887	<b>Clause No.:</b> <input type="text"/>

Accessible formats or communication supports are available upon request.

# **REGIONAL MUNICIPALITY OF DURHAM**

## **COUNCIL CODE OF CONDUCT**

**REGIONAL MUNICIPALITY OF DURHAM**  
**CODE OF CONDUCT FOR MEMBERS OF COUNCIL**

**1. PRINCIPLES**

- 1.1 Improving the equality of Regional administration and governance can best be achieved by encouraging high standards of conduct on the part of all municipal officials. In particular, the public is entitled to expect the highest standards of conduct from the members that it elects to local government. In turn, adherence to these standards will protect and maintain the Region's and the Council members' reputation and integrity.
- 1.2 Key statements of principles that underline this Code of Conduct are as follows, members shall:
- A) Serve and be seen to serve their constituents in a conscientious and diligent manner;
  - B) be committed to performing their functions with integrity, avoiding the improper use of the influence of their office, and conflicts of interest, under the *Municipal Conflict of Interest Act*;
  - C) perform their duties in office in a manner that promotes public confidence and will bear close public scrutiny;
  - D) recognize and act upon the principle that democracy is best achieved when the operation of government is made as transparent and accountable to members of the public as possible; and
  - E) seek to serve the public interest by upholding both the letter and spirit of the laws of Parliament and the Ontario Legislature, as well as the by-laws and policies adopted by the Council.

**2. DEFINITIONS**

- 2.1 In this Code of Conduct:
- A) "child" means a child born within or outside marriage and includes an adopted child and a person whom a member has demonstrated a settled intention to treat as a child of his or her family;
  - B) "Code of Conduct" means the rules which govern the conduct of members established pursuant to the authority of section 223.2 of the *Municipal Act, 2001, S.O. 2001, c. 25*;
  - C) "complaint" means a written request to investigate the conduct of any member for a possible violation of the Code of Conduct filed in accordance with the Complaint Procedure;



- D) "confidential information" mean any information in the possession of, or received in confidence by, the Region that the Region is prohibited from disclosing, or has decided to refuse to disclose, under the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56, or any other law, which includes, but is not limited to:
- (1) information of a corporate, commercial, scientific or technical nature received in confidence from third parties,
  - (2) personal information as defined in subsection 2(1) of the *Municipal Freedom of Information and Protection of Privacy Act*,
  - (3) information that is subject to solicitor-client privilege,
  - (4) information that concerns any confidential matters pertaining to matters related to an identifiable individual, personal, labour relations, litigation, property acquisition, the security of the property of the municipality or a local board,
  - (5) any other information lawfully determined by the Council to be confidential, or required to remain or be kept confidential by legislation or order, and
  - (6) any information considered by or made available to Council during a closed meeting pursuant to subsection 239(2) of the *Municipal Act, 2001*.
- E) "Council" means the council of The Regional Municipality of Durham;
- F) "gift and benefits" means any cash or monetary equivalent, fee, object of value, service, travel and accommodation, or entertainment;
- G) "information" means any record, document, data, material, correspondence or evidence however recorded, whether oral or in printed form, on film, by electronic means or otherwise;
- H) "Integrity Commissioner" means the Integrity Commissioner appointed by the Council pursuant to section 223.3 of the *Municipal Act, 2001*;
- I) "member" means a member of the Council, unless the context otherwise requires;
- J) "parent" means a person who has demonstrated a settled intention to treat a child as a part of his or her family whether or not that person is the natural parent of the child;
- K) "person" includes a corporation, partnership, association and any other entity, as the context allows, and expressly includes a member as well as Council;
- L) "Region" means The Regional Municipality of Durham;

M) "spouse" means a person to whom a person is married or with whom the person is living in a conjugal relationship outside marriage;

N) "staff" means the municipal administrative staff of the Region and of its municipal corporations and local boards.

### **3. APPLICATION OF THIS CODE**

3.1 This Code of Conduct applies to every member.

### **4. COMPLIANCE WITH DECLARATION OF OFFICE**

4.1 Every member shall act in accordance with his or her declaration of office sworn pursuant to section 262 of the *Municipal Act, 2001*.

### **5. ADHERENCE TO COUNCIL POLICIES AND PROCEDURES**

5.1 Every member shall observe and comply strictly with every provision of this Code of Conduct, as well as all other policies and procedures adopted or established by Council affecting the member, whether or not acting in his or her capacity as a member of Council.

### **6. CONDUCT AT MEETINGS**

6.1 Every member shall conduct himself or herself properly and in a civil manner at Council, committee and other meetings, and in accordance with the provisions of the Region's Council Rules of Procedure By-law, this Code of Conduct, and any other applicable law.

### **7. CONDUCT RESPECTING OTHERS**

7.1 Every member has the duty and responsibility to treat all members of the public, other members and all staff appropriately and without abuse, bullying or intimidation, and to ensure that the work environment is free from discrimination and harassment.

7.2 Every member shall:

A) not use indecent, abusive or insulting words or expressions toward any other member, any member of staff or any member of the public; and

B) not speak in a manner that is discriminatory to any individual, based on that person's race, ancestry, place of origin, creed, gender, sexual orientation or gender identification, age, colour, marital status, or disability.

**8. CONDUCT RESPECTING STAFF**

- 8.1 Every member acknowledges that staff operate under the direction of the senior municipal administration, and in accordance with the decisions of Council, and are required to serve the Region as a whole and not the needs or desires of any individual member.
- 8.2 Every member shall:
- A) be respectful of the role of staff to provide advice based on political neutrality and objectivity and without undue influence from any member or faction of the Council; and
  - B) show respect for staff, and for their professional capacities and responsibilities.
- 8.3 Every member shall not:
- A) maliciously or falsely injure or impugn the professional or ethical reputation of any member of staff;
  - B) compel any member of staff to engage in partisan political activities, or subject any member of staff to threat or discrimination for refusing to engage in any such activity; and
  - C) use or attempt to further his or her authority or influence by intimidating, threatening, coercing, commanding or influencing improperly any staff member or interfering with that staff person's duties, including the duty to disclose improper activity.

**9. GIFTS, BENEFITS, SERVICES AND HOSPITALITY**

- 9.1 In order to preserve the image and integrity of the Region, business gifts to Members are discouraged. The Region recognizes that moderate hospitality is an accepted courtesy of a business relationship. However, Members should not accept any gift, benefit, service, entertainment or hospitality which could be seen to compromise their decision on a matter or create any obligation or special consideration by an individual, group or organization;
- 9.2 There will be no solicitation of gifts, benefits, services or hospitality in recognition of the fulfillment of the Member's official duties;
- 9.3 If the refusal of any gift or act of hospitality will strain the Region's business relationship, the Regional Chair or Chief Administrative Officer may accept it on behalf of the municipality with the appropriate acknowledgment;

- 9.4 Generally, the Regional Chair or Chief Administrative Officer will be the official recipient of those gifts afforded to the Region for ceremonial, symbolic, protocol or official business purposes. Members will turn over such a gift to the Regional Chair or Chief Administrative Officer. Wherever possible, ceremonial, symbolic, protocol or official business gifts should be presented at a meeting of Council;
- 9.5 This section does not preclude Members from accepting:
- A) Token gifts, souvenirs, mementos, or hospitality received in recognition for service on a committee, for speaking at an event, or for representing the Region at an event;
  - B) Political contributions that are otherwise offered, accepted, and reported in accordance with the *Municipal Elections Act* or other applicable law;
  - C) Food and beverages at meetings, banquets, receptions, ceremonies, or similar events;
  - D) Food, lodging, transportation, entertainment provided by other levels of government, by other local governments, or by local government boards or commissions;
  - E) A stipend from a board or commission that the Councillor serves on as a result of an appointment by Council;
  - F) Reimbursement of reasonable expenses incurred in the performance of their office, and the performance of activities connected with municipal associations;
  - G) Gifts of a nominal value that are received as an incident of protocol or social obligation that normally and reasonably accompany the responsibility of the office;
  - H) Services provided without compensation by persons volunteering their time for an election campaign.
- 9.6 This section further does not preclude Members from soliciting funds or donations in support of charitable or philanthropic causes, organizations or charities within the community.
- 9.7 Members will be required to exercise their personal judgment of the provisions within this section.

**10. CONFIDENTIAL INFORMATION****10.1 No member shall:**

- A) disclose, release or publish by any means to any person or to the public any confidential information acquired by virtue of his or her office, in any form, except when required or authorized by Council or otherwise by law to do so;
- B) use confidential information for personal or private gain or benefit, or for the personal or private gain or benefit of any other person or body;
- C) disclose a matter, the substance of the matter, and information pertaining to a matter, that has been debated or discussed at a meeting closed to the public, and shall be maintained as confidential, unless authorized by the Council or legislation to be released, generally or subject to conditions, and such are complied with;
- D) disclose the content of any matter referred to in the preceding paragraph or the subject-matter of deliberations, at a meeting closed to the public meeting, only after the Council or committee lawfully and knowingly discusses the information at a meeting that is open to the public or releases the information to the public;
- E) without lawful authority, disclose, or make personal use of, any of the following types of confidential information:
  - (1) information concerning litigation, negotiation or personnel matters,
  - (2) information the publication of which may infringe on the rights of any person (e.g. source of a complaint where the identity of a complainant is given in confidence),
  - (3) price schedules in any contract, tender or proposal document while such remains a confidential document,
  - (4) information deemed to be "personal information" under the *Municipal Freedom of Information and Protection of Privacy Act*, and
  - (5) any other information or statistical data required by law not to be released; and
- F) obtain access, or attempt to gain access, to confidential information in the custody of the municipality except to the extent that such access is necessary for the performance of his or her duties and such access is not prohibited by Council or otherwise by law.

**11. USE OF REGIONAL PROPERTY, SERVICES AND OTHER RESOURCES**

11.1 Subject to 11.2 below, no member shall:

- A) use, or permit the use of, Regional land, facilities, equipment, supplies, services, staff or other resource, including any municipally-owned information, website, transportation delivery service or funds allocated for the member expenses of his or her office, for any purpose or activity other than the lawful business of the Region; or
- B) seek or acquire any personal financial gain from the use or sale of confidential information, or of any Regionally-owned intellectual property including any invention, creative writing or drawing, computer program, technical innovation, or any other information or item capable of being patented or copy righted, of which property remains exclusively that of the Region.

11.2 Incidental and occasional personal, non-commercial use of email/internet and a personal communication device (i.e. blackberry) is permitted.

**12. CONDUCT OF ELECTION CAMPAIGN**

12.1 Every member shall comply with all applicable requirements of the *Municipal Elections Act, 1996*, S.O. 1996, c. 32, Sched.

12.2 No member shall:

- A) use confidential information, facilities, equipment, supplies, services or other resources of the Region, including any member newsletter or website linked through the Region's website, for any election campaign or campaign-related activity;
- B) undertake campaign-related activities on municipal property during regular staff working hours unless authorized by the Region; or
- C) use the services of any person for election-related purposes during hours in which that person receives any compensation from the Region.

**13. NO IMPROPER USE OF INFLUENCE**

13.1 No member shall:

- A) use the influence of his or her office for any purpose other than for the lawful exercise of his or her official duties and for municipal purposes;
- B) use his or her office or position to influence or attempt to influence the decision of any other person, for the member's private advantage or that of the member's parent, child, spouse, staff, friend, or associates, business or otherwise;

- C) attempt to secure preferential treatment beyond activities in which members normally engage on behalf of their constituents as part of their official duties; or
  - D) hold out the prospect or promise of future advantage through the member's supposed influence within Council, in return for any action or inaction..
- 13.2 For the purposes of this provision, "private advantage" does not include a matter that:
  - A) is of general application;
  - B) affects a member, his or her parents/children or spouse, staff, friends or associates, business or otherwise, as one of a broad class of persons; or
  - C) concerns the remuneration or benefits of a member.
- 13.3 Section 13.1 does not prevent a member from requesting that Council grant a lawful exemption from a Regional policy not including this Code of Conduct.

#### **14. NO REPRISAL OR OBSTRUCTION IN THE APPLICATION OR ENFORCEMENT OF THIS CODE**

- 14.1 Every member must respect the integrity of the Code of Conduct and inquiries and investigations conducted under it, and shall cooperate in every way possible in securing compliance with its application and enforcement.
- 14.2 No member shall obstruct the Integrity Commissioner, his or her designate, or any other Regional official involved in applying or furthering the objectives or requirements of the Code of Conduct, in the carrying out of such responsibilities, or pursuing any such objective. No member shall undertake any act of reprisal or threaten reprisal against a complainant or any other person for providing relevant information to the Integrity Commissioner or any other person under the Code of Conduct.

#### **15. STATUTES REGULATING THE CONDUCT OF COUNCILLORS**

- 15.1 Members acknowledge that in addition to this Code of Conduct, the following legislation also governs the conduct of members:
  - A) *Municipal Act, 2001*;
  - B) *Municipal Conflict of Interest Act, R.S.O. 1990, c. M.50*;
  - C) *Municipal Elections Act*;
  - D) *Municipal Freedom of Information and Protection of Privacy Act*;
  - E) *Occupational Health and Safety Act, R.S.O. 1990, c. O.1*;

F) *Human Rights Code, R.S.O. 1990, c. H.19*; and

G) *Criminal Code, R.S.C. 1985, c. C-46*.

15.2 A member may become disqualified and lose his or her seat by operation of law, including being convicted of an offence under the *Criminal Code* or the *Municipal Elections Act, 1996*, or being found to have failed to comply with the *Municipal Conflict of Interest Act*, whether or not the conduct in question involves a contravention of this Code of Conduct.

15.3 In the case of any inconsistency between this Code of Conduct and a federal or provincial statute or regulation, the statute or regulation shall prevail.

15.4 All references to any statute, regulation, by-law or legislation shall be deemed to be a reference to the statute, regulation, by-law or legislation as amended, consolidated, replaced or superseded.

## **16. INTEGRITY COMMISSIONER**

16.1 The Integrity Commissioner shall be responsible for performing in an independent manner the following functions as assigned by the Region with respect to:

- A) the application of the Code of Conduct; and
- B) the application of any procedures, rules and policies of the Region governing the ethical behaviour of members;

and, without limiting the generality of the foregoing, shall be entitled to undertake investigations or not undertake investigations in accordance with provisions of Part V.1 of the *Municipal Act, 2001*.

16.2 In addition, to the responsibilities set out in Section 16.1, the Integrity Commissioner shall also provide:

- A) information to Council as to members' obligations under the Code of Conduct and the Complaint Procedure;
- B) advice to individual members regarding specific situations as they relate to the application of the Code of Conduct;
- C) advice to Council on other policies and procedures that relate to the ethical behavior of members;
- D) information to the public regarding the Code of Conduct and the obligations of members under the Code of Conduct; and
- E) an annual report to Council on the activities of the Integrity Commissioner.



- 16.3 Without limiting the generality of Section 16.1, the Integrity Commissioner may determine, on a case-by-case basis, whether to undertake an investigation or not to undertake an investigation. The Integrity Commissioner shall be entitled to summarily dismiss a complaint filed in accordance with the Complaint Procedure on the basis that it constitutes in his or her opinion, an abuse of process or is frivolous or vexatious.
- 16.4 Without limiting the generality of Article 16, all determinations of the Integrity Commissioner under the Code of Conduct shall be made in his or her own absolute discretion and shall be final and binding.

## **17. COMPLAINTS**

- A) All complaints pursuant to the Code of Conduct shall be filed in accordance with the Complaints Procedure in Appendix "A" attached hereto.

## **18. PENALTIES**

- 18.1 Council may, where it has received a report from its Integrity Commissioner that there has been a violation of the Code of Conduct, impose one of the following penalties on a member who has been found to be in contravention of the Code of Conduct:
- A) a reprimand; or
- B) suspension of the remuneration paid to the member in respect of his or her services as a member for a period of up to ninety (90) days.

## **19. ANNUAL REPORTS**

- 19.1 The Integrity Commissioner shall submit an annual report to Council which will include information on the nature and volume of activity for the past year and provide examples, while maintaining the anonymity of the persons involved, in respect of advice provided and the nature of complaints received and responded to.
- 19.2 The annual report of the Integrity Commissioner shall be provided to Council for information purposes. The report is a public document.

## **Appendix B: Niagara Region Integrity Commissioner, Annual Report**



ADR  
CHAMBERS

Integrity Commissioner Office  
for Niagara Region

September 11, 2018

SENT BY COURIER AND EMAIL TO:

Ann-Marie Norio  
Regional Clerk  
Office of the Regional Clerk  
Niagara Region  
1815 Sir Isaac Brock Way, P.O. Box 1042  
Thorold, ON L2V 4T7  
Ann-Marie.Norio@niagararegion.ca

**Re: Niagara Region Integrity Commissioner  
Annual Report**

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Dear Ms. Norio:

Thank you for the opportunity to act as the Integrity Commissioner (or “IC”) for the Region of Niagara over the past year. In accordance with the terms of the Agreement between the Region and ADR Chambers pursuant to s-s. 223.6 (1) of the *Municipal Act, 2001*, we are providing our annual report for the first operating period of the Agreement covering the period August 17, 2017 to August 16, 2018.

As you know, the IC’s role is to help Members of Council (“Members”) ensure that they are performing their functions in accordance with the Region’s Code of Conduct (“the Code”). The IC is available to educate and provide advice to Members on matters governing their ethical behaviour and compliance with the Code. The IC is also responsible for receiving, assessing, and investigating appropriate complaints made by Council, Members, and members of the public respecting alleged breaches of the Code by Members.

There is no question that the first year of operation undertaken by the Office of the Integrity Commissioner and this Integrity Commissioner was indeed a busy one.

At the outset, we were charged with the responsibility of processing three complaints which had been outstanding for some months as the selection process to secure a new IC unfolded. We immediately turned to dealing with these complaints and were able to process and bring them to final conclusion in a reasonable time frame. We were also asked by the Region to undertake a review of a draft Code which had been prepared by the previous Interim Integrity Commissioner, Mr. Mascarin, that had been the subject of considerable input and debate both by Members and the public. We completed that review and presented it to Council in November 2017 following which, at the invitation of Council, we attended before it on December 14, 2017 in order to respond to any questions that Council may have relative to the proposed new Code and/or review thereof. In the end result, Council determined not to adopt the proposed new Code and opted to remain with the existing Code which had been in place for some time.

We also prepared and provided the Regional Clerk with a proposed Investigation Protocol which sets forth a process for dealing with complaints of contraventions of the Code.

### **Complaints received during the first year**

The Office of the IC received 14 formal requests for investigation of contraventions of the Code. Twelve of these complaints had been completed and determined by the Integrity Commissioner as at of July 25, 2018, although since then, two additional complaints have now been received by the Office of the Integrity Commissioner and are now in the course of being processed.

With respect to the 12 requests for investigation that were received and disposed of during the first year of operation:

- One Complainant did not submit a signed Consent and Confidentiality Agreement in accordance with the terms of the protocol and accordingly the matter was not proceeded with.

- Five of the requests for investigation were disposed of on a summary basis with rulings issued to the Complainants denying the complaints on various grounds without or after a partial investigation.
- Six requests (excluding the two most recent ones) were fully investigated and reported on to Council with the determination being made as to whether the Councillor in question had or had not violated the terms of the Code and if a contravention was found, the penalty which the IC recommended that Council adopt. Of the six which were fully investigated, two resulted in a recommendation of a penalty.

It is of some interest to note that of the 14 complaints filed:

- Four of the complaints were initiated by a Councillor (although one was not proceeded with);
- Three complaints were initiated by the same citizen;
- Three complaints were initiated against one Member;
- Two complaints were initiated against each of two Members.

In addition a significant number of complaints touched upon the use of social media or email by a Member.

### **Cost**

Aside from the work associated with reviewing the proposed new draft Code and attending before Council in that respect, the total costs incurred by the Region during the year (up to and including the end of July 2018) for the investigation and adjudication process amounted to \$65,218.17 including tax.

Two of the complaints initiated by a Councillor resulted in a cost of \$23,551.56. A third was still in progress as at August 17, 2018 and had not been completed or billed at the end of the period covered by this Report. The three complaints initiated by one citizen involved a total cost of \$22,578.19.

### **Issues to be considered going forward**

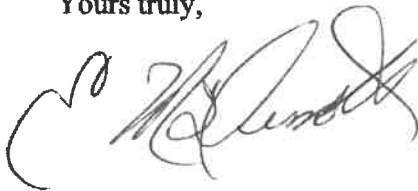
As a result of our experience during the past year, it is respectfully suggested that Council consider the following issues:

- The provisions of Bill 68 will come into force on March 1, 2019 and will contain some significant amendments to the *Municipal Act, 2001* and the *Municipal Conflict of Interest Act* which affect the role and powers of the Integrity Commissioner and the obligation of Members under the Region's Code. Once the new Council is in place, an *in camera* education seminar should be scheduled in order to familiarize all Councillors with the effect of these new amendments as well as emphasizing the importance of not disclosing confidential information in accordance with the requirements of the Code.
- We are seeing a significant increase in complaints being filed by a Member against other Members both within and out of the Region. The Region's investigation protocol should include a provision conferring on the IC the discretion to mandatorily order a mediation session when circumstances so warrant.
- Council should formally adopt a new and updated investigation protocol as the current complaint process was adopted by Council in contemplation of the Regional Chair, rather than the Integrity Commissioner, dealing with complaints under the Code. We would be pleased to submit a revised protocol for consideration by Council.

**Summary**

It has been a pleasure to assist the Region and its Members in contending with the numerous issues which have arisen in connection with the administration of its Code of Conduct. We look forward to continuing to provide the services of Integrity Commissioner to the Region of Niagara in the forthcoming year.

Yours truly,

A handwritten signature in black ink, appearing to read 'E. McDermott', written over a faint circular stamp or watermark.

Edward T. McDermott  
Integrity Commissioner  
Office of the Integrity Commissioner for Niagara Region

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**Subject:** Citizen Committee on Council Remuneration

**Report to:** Regional Council

**Report date:** Thursday, August 15, 2019

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## **Recommendations**

1. That the terms of reference contained in Appendix I to Report CLK 12-2019, for the Citizen Committee on Council Remuneration **BE APPROVED**; and
2. That the recommendation contained in Confidential Appendix II to Report CLK-12-2019, **BE APPROVED**, confirming the citizen appointments for the Citizen Committee on Council Remuneration.

## **Key Facts**

The following are key points for consideration with respect to this report:

- On June 12, 2019, Council directed that a citizen committee be established to look at Councillor (excluding the Regional Chair) remuneration; that the committee include five citizen members and one staff member with knowledge on the matter; and provide a report back in November 2019.
- Applications opened on Thursday, July 25, 2019 and closed on Sunday, August 11, 2019.
- The public was notified, in a manner consistent with other committees, including on the Niagara Region website through the Reports, Agendas and Minutes for Council and Committees page and through social media channels.
- This Report contains the recommended selection of candidates for appointment to the Citizen Committee on Council Remuneration.

## **Financial Considerations**

The financial implications relating to this committee for the appointment process of committee members include the use of administrative resources and staff time required to review applications for consideration and include the use of administrative resources and staff time required to prepare for and conduct meetings.

## **Analysis**

The recommended terms of reference for the Citizen Committee on Council Remuneration are attached as Appendix I to this report for consideration and outline the



scope for the Committee. In accordance with Council's direction, the Committee will undertake the following:

- Review the current council approved methodology used for annual council remuneration increases
- Review the current external comparator group of municipalities and make recommendation on whether to maintain existing comparator group or to make amendments to existing group
- Review external comparator regional and local municipal council remuneration methodology and rates, and make recommendation for future methodology on base compensation for Regional Councillors
- Prepare final report with recommendations to CSC and Regional Council for approval

During the application period, staff received four (4) applications from citizens interested in being a member of the Committee. The applications were scored using a scoring matrix. The matrix consisted of points being allotted for expressed motivation to be on the Committee, previous experience with compensation as well experience on a Committee or Board and submission of a complete application. Based on the results of the scoring, staff are recommending the appointment of three (3) citizens to the Committee.

The citizen members recommended for appointment to the Citizen Committee on Council Remuneration can be found in Confidential Appendix II to this report for consideration.

## **Alternatives Reviewed**

As Council directed the establishment of a citizen committee to examine Council remuneration, no alternatives were reviewed.

## **Relationship to Council Strategic Priorities**

This report aligns with Council's strategic priority for sustainable and engaging government, specifically objective 4.3 Fiscally Sustainable.

## **Other Pertinent Reports**

- HR 01-2019, dated June 12, 2019, respecting 2019 Council Member Remuneration
- GM 15-2018: 2019 Council Member Remuneration – Impacts due to elimination of the non-taxable 'Municipal Officers' Expense Allowance' under the Income Tax Act, October 4, 2018

- HR 02-2015 Revised: Council Remuneration Effective December 1, 2014 to November 30, 2015
- HR 03-2015 Council Remuneration: Annual Process
- CL 2.2004 Council Remuneration Citizens Review Committee
- Recommendations from Independent External Governance Auditor – First Report

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**Prepared and Recommended by:**

Ann-Marie Norio  
Regional Clerk  
Administration

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**Submitted by:**

Ron Tripp, P.Eng.  
Acting Chief Administrative Officer

*This report was prepared in consultation with Kristen Angrilli, Manager, Total Rewards, Linda Gigliotti, Associate Director, Employee Services, and reviewed by Franco Meffe, Acting Director, Human Resources.*

## **Appendices**

Appendix I                      Terms of Reference for the Citizen Committee on Council Remuneration

Confidential  
Appendix II                      Recommended Citizen Appointments to the Citizen Committee on Council Remuneration (found in the Closed Session section)

**Citizen Committee on Council Remuneration  
(CCCR)**

**TERMS OF REFERENCE**

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**Appendix to Report CLK 12-2019**

**Recommended for Approval by Regional Council on <date>**

**Ratified by Regional Council on <date>**

**Consolidated Version as of <date>**

**Citizen Committee on Council Remuneration**  
**Terms of Reference**

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**Citizen Committee on Council Remuneration****Terms of Reference**

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**1. PREAMBLE**

The Citizen Committee on Councillor Remuneration (CCCR), reports to Corporate Services Committee (CSC) and Regional Council, and includes citizen representatives, with a focus on reviewing and/or recommending a sustainable methodology for council remuneration excluding the remuneration of the Regional Chair.

**2. MANDATE**

Regional Council, at its meeting on June 20, 2019, determined that a Citizen Committee be established to look at Councillor remuneration (excluding the Regional Chair) and provide a report back to Council in November 2019.

**3. GOALS/PURPOSE**

- Review the current council approved methodology used for annual council remuneration increases
- Review the current external comparator group of municipalities and make recommendation on whether to maintain existing comparator group or to make amendments to existing group
- Review external comparator regional and local municipal council remuneration methodology and rates, and make recommendation for future methodology on base compensation for Regional Councillors
- Prepare final report with recommendations to CSC and Regional Council for approval

**4. REPORTING STRUCTURE**

The CCCR will report to Regional Council through the Corporate Services Committee (CSC).

**5. WORK PLAN**

The CCCR will review and make recommendations regarding councillor remuneration methodology used to determine annual review/increases and the external benchmark comparators through staff to the Corporate Services Committee.

**6. BUDGET**

The CCCR is a volunteer committee and does not have an annual operating budget. There shall be no compensation payable to the members of the Committee and will not incur any additional reimbursable expenses.

**Citizen Committee on Council Remuneration****Terms of Reference**

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**7. MEMBERSHIP****7.1 Composition**

Membership for the CCCR shall not exceed a maximum of five citizen members.

Membership for the CCCR shall include:

- Citizens with knowledge on the matter
- Although not required, citizens with experience on Boards or Committees and knowledge in the field of compensation will be preferred
- Minimum age of applicants should be 18 years of age

All attempts will be made to stay within the guideline composition; however, if the applications received or the qualifications of applicants do not fully address the guideline composition criteria, the most capable and qualified applicants will be recommended for appointment to fulfill the membership composition.

Staff from Human Resources will support the committee.

**7.2 Term**

The term of membership shall be for the duration of the project, which is anticipated to be from August to November 2019. If necessary, this may be extended as directed by Regional Council as per the mandate.

**7.3 Privacy**

The meetings of the CCCR are public. Members should be aware that their names will be in the public realm and a list of membership may be provided when requested. Member information, other than name or municipality, will be kept confidential in accordance with the *Municipal Freedom of Information and Protection of Privacy Act*.

**8. ROLES & RESPONSIBILITIES****8.1 Chair & Vice Chair**

A Chair and Vice Chair will be elected from Committee members at the first meeting to preside over meetings and Committee business.

It is the role of the Chair to preside over Committee meetings so that its business can be carried out efficiently and effectively, and to act as a liaison between the Committee, the Corporate Services Committee and Regional Council.

It is the role of the Vice Chair to preside over Committee meetings in the absence of the Chair and to perform any other duties delegated by the Chair or as assigned by the Committee through a majority vote.

**Citizen Committee on Council Remuneration****Terms of Reference**

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**8.2 Committee Members**

All CCCR members, including the Chair and Vice Chair, have the responsibility to help achieve the CCCR's Mandate and Goals/Purposes. Committee members are also responsible for:

- Reviewing meeting materials in advance of the meetings and arriving prepared to provide a broad perspective on the issues under consideration;
- Working diligently to complete assigned activities;
- Agreeing to describe, process and resolve issues in a professional and respectful manner;
- Providing input to help identify recommendations.

**9. RESOURCES**

The Corporate Administration department and Human Resources division is the designated lead department/division providing resource support for the CCCR; however, the Committee also has access to the technical expertise of staff from other Regional departments as may be required. It is recognized that staff time and the level of participation will be dependent on other departmental priorities as determined by senior management and/or Regional Council. As required, additional resources may be sought.

The Committee shall receive administrative support from the Office of the Regional Clerk for meeting and agenda management.

**10. MEETINGS**

A meeting schedule following a biweekly cycle shall be set for the CCCR. The schedule will be circulated to the members for consideration at the first meeting and a final meeting schedule will be determined based on time required to meet the goals/objectives. Should a time sensitive matter arise, the CCCR may meet at the call of the Chair.

The CCCR meetings will be held at Regional Headquarters at a time as determined by the members. All meetings will be open to the public.

Meetings shall be governed by the Region's Procedural By-law, being a by-law to govern the calling, place and proceedings of the meetings of Council and its Committees, as may be amended from time-to-time.

If necessary, a schedule setting the due dates for materials to be included on the agenda will be circulated to each member pending adoption of a meeting schedule or the scheduling of a meeting date.

A committee member who is unable to attend a meeting, shall forward his/her regrets to the Office of the Regional Clerk as soon as possible. Should the Office of the Regional Clerk not have confirmation of quorum 24 hours prior to the meeting, the meeting shall be cancelled.

**Citizen Committee on Council Remuneration**  
**Terms of Reference**

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**11. ABSENTEEISM**

Members who miss two unauthorized consecutive meetings shall be deemed to have resigned from the Committee and will be notified of this in writing by the Committee Chair.

**12. AMENDMENTS TO THE TERMS OF REFERENCE**

Proposals to amend the Terms of Reference shall require the approval of a majority of the members present. Proposed amendments to the Terms of Reference shall be submitted to Regional Council for approval through the Corporate Services Committee and shall take effect only upon the approval of Council.

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**THE REGIONAL MUNICIPALITY OF NIAGARA  
PROCEEDINGS OF COUNCIL  
OPEN SESSION**

**CL 12-2019  
Thursday, June 20, 2019  
Council Chamber  
Niagara Region Headquarters, Campbell West  
1815 Sir Isaac Brock Way, Thorold, ON**

Council: Bradley (Regional Chair), Bellows, Butters, Bylsma, Chiocchio, Darte, Diodati, Disero, Edgar, Fertich, Gale, Gibson, Greenwood, Heit, Huson, Insinna, Ip, Jordan, Junkin, Nicholson, Redekop, Rigby, Steele, Ugulini, Villella, Whalen, Witteveen, Zalepa

Absent/Regrets: Campion, Easton, Foster, Sendzik

Staff: C. Banach, Manager, Housing Operations, Niagara Regional Housing, D. Barnhart, Executive Officer to the Regional Chair, H. Chamberlain, Director, Financial Management & Planning/Deputy Treasurer, M. Ciriello, Manager, Court Services, D. Gibbs, Director, Legal & Court Services, L. Gigliotti, Associate Director, Employee Services, T. Harrison, Commissioner/Treasurer, Enterprise Resource Management Services, Dr. M. Hirji, Acting Medical Officer of Health, A. Jugley, Commissioner, Community Services, V. Kuhns, Acting Director, Economic Development, F. Meffe, Acting Director, Human Resources, R. Mostacci, Commissioner, Planning & Development Services, A.-M. Norio, Regional Clerk, M. Trennum, Deputy Regional Clerk, R. Tripp, Acting Chief Administrative Officer

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**1. CALL TO ORDER**

Regional Chair Bradley called the meeting to order at 6:34 p.m.

**2. LAND ACKNOWLEDGMENT STATEMENT**

Councillor Gale read the Land Acknowledgment Statement.

**3. MOMENT OF REFLECTION**

Councillor Butters read the statement of reflection.

4. **SINGING OF 'O CANADA'**

Regional Chair Bradley asked all in attendance to stand for the singing of 'O Canada'.

5. **ADOPTION OF AGENDA**

5.1 **Addition of Items**

Moved by Councillor Ip  
Seconded by Councillor Darte

That Brian Skrydstrup **BE PERMITTED** to appear before Council as a delegate respecting 2019 Council Member Remuneration - Impacts following changes made to the non-taxable "Municipal Officers" Expense Allowance under the *Income Tax Act* (Minute Item 5.7 of CSC 06-2019 (Agenda Item 12.3)).

**Carried**

5.2 **Changes in Order of Items**

Moved by Councillor Ip  
Seconded by Councillor Butters

That the order of the Agenda **BE AMENDED** to consider Minute Item 5.7 of Report CSC 06-2019 (Agenda Item 12.3), respecting 2019 Council Member Remuneration - Impacts following changes to the non-taxable 'Municipal Officers' Expense Allowance' under the *Income Tax Act* (HR 01-2019) to immediately following the delegation on this matter.

**Carried**

Moved by Councillor Huson  
Seconded by Councillor Ip

That the Council Agenda CL 12-2016, **BE ADOPTED**, as amended.

**Carried**

6. **DISCLOSURES OF PECUNIARY INTEREST**

Councillor Huson declared an indirect pecuniary interest with respect to the presentation respecting Brock University Strategic Plan (Agenda Item 7.2) as she is employed by Brock University.

## **7. PRESENTATIONS**

### **7.1 Regional Chair's Award of Valour**

Chair Bradley bestowed the Regional Chair's Award of Valour upon Niagara Emergency Medical Services' Operations Superintendent Carolyn Chandler-Hill for going above and beyond the call of duty with her courageous response assisting an individual who was contemplating death by suicide.

### **7.2 Brock University Strategic Plan**

Dr. Gervan Fearon, President and Vice-Chancellor, and Tim Kenyon, Vice-President, Research, Brock University provided information respecting Brock University Strategic Plan. Topics of the presentation included:

- History of Success & Engagement
- Impact of Growth & Brock Today
- Brock's Economic Impact in Niagara
- Value of the University
- Brock University Institutional Strategic Plan: Four Key Priorities
- Providing Relevant Education and Skills Training
- Brock's Research Impact on Industry, the Community and Industry
- LINC Benefits & Outcomes for Niagara Region

## **8. CHAIR'S REPORTS, ANNOUNCEMENTS, REMARKS**

The Regional Chair made various announcements related to activities and events he attended within the Region.

## **9. DELEGATIONS**

### **9.1 2019 Council Member Remuneration - Impacts following changes made to the non-taxable "Municipal Officers" Expense Allowance under the Income Tax Act (Minute Item 5.7 of CSC 6-2019 (Agenda Item 12.3))**

#### **9.1.1 Brian Skrydstrup, Resident, City of St. Catharines**

Brian Skrydstrup, Resident, City of St. Catharines, appeared before Council in opposition to the increases proposed in Report HR 1-2019 respecting 2019 Council Member Remuneration - Impacts following changes made to the non-taxable "Municipal Officers' Expense Allowance under the *Income Tax Act* (Minute Item 5.7 of CSC 6-2019 (Agenda Item 12.3)).

## 12. COMMITTEE REPORTS - OPEN SESSION

### 12.3 Corporate Services Committee

#### 12.3.1 Minute Item 5.7 respecting Council Member Remuneration - Impacts following changes to the non-taxable 'Municipal Officers' Expense Allowance' under the *Income Tax Act*

The recommendations respecting Council Member Remuneration - Impacts following changes to the non-taxable 'Municipal Officers' Expense Allowance' under the *Income Tax Act* contained in Minute Item 5.7 were considered separately as follows:

That Report HR 01-2019, dated June 12, 2019, respecting 2019 Council Member Remuneration – Impacts following changes to the non-taxable 'Municipal Officers' Expense Allowance under the *Income Tax Act*, **BE RECEIVED** and the following recommendations **BE APPROVED**:

1. That the Region's existing methodology for Councillor and Chair remuneration, as confirmed by the analysis and review provided in the Niagara Region Independent External Governance Auditor Final Report, April 5, 2019 (Appendix A to Report HR 01-2019), **BE APPROVED**, with retroactive implementation to December 1, 2018; and
2. That the increase in the 2019 base remuneration for Council members, including the Chair, required to offset the impact from the *Income Tax Act* changes, **BE APPROVED** effective January 1, 2019.

Councillor Steele rose on a point of order stating that consideration of clause 2 of the motion respecting 2019 Council Member Remuneration - Impacts following changes to the non-taxable Municipal Officers' Expense Allowance under the *Income Tax Act* was a reconsideration as the increase to the 2019 base remuneration to offset the impact from the *Income Tax Act* changes had been previously decided.

The Regional Chair ruled that the motion was not a reconsideration.

Councillor Steele challenged the ruling of the Chair and the following motion was considered:

Moved by Councillor Steele  
Seconded by Councillor Bylsma

That the ruling of the Chair **BE SUSTAINED** to permit the consideration of clause 2 of the motion, respecting 2019 Council Member Remuneration - Impacts following changes to the non-taxable Municipal Officers' Expense Allowance under the *Income Tax Act*.

Recorded Vote:

Yes (7): Butters, Chiochio, Dart, Huson, Ip, Villella, Witteveen.

No (19): Bylsma, Diodati, Disero, Edgar, Fertich, Gale, Gibson, Greenwood, Heit, Insinna, Jordan, Junkin, Nicholson, Redekop, Rigby, Steele, Ugolini, Whalen, Zalepa.

#### **Defeated**

The Regional Chair declared that the ruling was not sustained; therefor to consider clause 2 of the motion respecting 2019 Council Member Remuneration – Impacts following changes to the non-taxable 'Municipal Officers' Expense Allowance under the *Income Tax Act*, an affirmative vote of two-thirds of those Members present would be required.

Clause 2 of the motion was not reconsidered.

Moved by Councillor Ip  
Seconded by Councillor Butters

That clause 1 of the motion **BE AMENDED** to read as follows:

1. That the Region's methodology for Councillor remuneration **BE BASED** on Statistics Canada's Table 11-10-0047 (Summary Characteristics of Canadian tax filers), specifically the Median Total Income of Tax Filers, as reported annually, and that increases and decreases in Councillor and Chair remuneration be adjusted annually to match the most recent year's corresponding percentage increase or decrease in this data.

After debate, Councillor Ip withdrew her amendment to the motion.

Moved by Councillor Heit  
Seconded by Councillor Redekop

That the question **BE CALLED**.

Recorded Vote:

Yes (21): Bellows, Butters, Bylsma, Chiocchio, Dart, Diodati, Edgar, Gale, Gibson, Heit, Huson, Insinna, Ip, Jordan, Nicholson, Redekop, Rigby, Steele, Ugolini, Villella, Zalepa.

No (6): Disero, Fertich, Greenwood, Junkin, Whalen, Witteveen.

**Carried**

The Regional Chair called the vote on the motion as follows:

That Report HR 01-2019, dated June 12, 2019, respecting 2019 Council Member Remuneration – Impacts following changes to the non-taxable ‘Municipal Officers’ Expense Allowance under the *Income Tax Act*, **BE RECEIVED** and the following recommendation **BE APPROVED**:

1. That the Region’s existing methodology for Councillor and Chair remuneration, as confirmed by the analysis and review provided in the Niagara Region Independent External Governance Auditor Final Report, April 5, 2019 (Appendix A to Report HR 01-2019), **BE APPROVED**, with retroactive implementation to December 1, 2018.

Recorded Vote:

Yes (2): Bylsma, Greenwood.

No (25): Bellows, Butters, Chiocchio, Dart, Diodati, Disero, Edgar, Fertich, Gale, Gibson, Heit, Huson, Insinna, Ip, Jordan, Junkin, Nicholson, Redekop, Rigby, Steele, Ugolini, Villella, Whalen, Witteveen, Zalepa.

**Defeated**

Moved by Councillor Steele  
Seconded by Councillor Gibson

1. That a citizen committee **BE ESTABLISHED** to look at Councillor (excluding the Regional Chair) remuneration;
2. That the Committee **INCLUDE** five citizen members and one staff member with knowledge on the matter; and
3. That the Committee **BE DIRECTED** to provide a report back in November 2019.

Recorded Vote:

Yes (20): Butters, Bylsma, Chiocchio, Darte, Edgar, Fertich, Gibson, Greenwood, Heit, Huson, Ip, Jordan, Redekop, Rigby, Steele, Ugulini, Villella, Whalen, Witteveen, Zalepa.

No (7): Bellows, Diodati, Disero, Gale, Insinna, Junkin, Nicholson.

**Carried**

Moved by Councillor Darte  
Seconded by Councillor Gibson

That the Regional Chair's base remuneration **REMAIN** the same so as not to be impacted by any annual increase including the increase to the Municipal Officers' Expense Allowance under the *Income Tax Act*.

**Carried**

## **10. ADOPTION OF MINUTES**

Moved by Councillor Heit  
Seconded by Councillor Redekop

That Minutes CL 10-2019 being the Open and Closed Session minutes of Special Regional Council and Minutes CL 11-2019 being the Open Session minutes of the Regular Regional Council meetings held on Thursday, May 16, 2019, **BE ADOPTED**.

**Carried**

## 11. **CORRESPONDENCE**

### 11.1 **Receive and/or Refer**

Moved by Councillor Gibson  
Seconded by Councillor Greenwood

That the following items **BE DEALT WITH** as follows:

CL-C 47-2019 respecting Proposed Regional Delegations for the Annual 2019 AMO Conference, **BE RECEIVED**; and

CL-C 49-2019 respecting Community Issues Update, **BE RECEIVED**.

**Carried**

### 11.2 **For Consideration**

#### 11.2.1 CL-C 46-2019

Niagara Peninsula Conservation Authority Board Appointments

Moved by Councillor Bylsma  
Seconded by Councillor Edgar

That Correspondence Item CL-C 46-2019 respecting Niagara Peninsula Conservation Authority Board Appointments, **BE RECEIVED**; and

That Regional Council **APPOINT** Rick Brady (City of Niagara Falls), Donna Cridland (Township of Wainfleet), and Diana Huson (Town of Pelham) to replace Regional Councillors Greenwood and Gibson on the Niagara Peninsula Conservation Authority Board effective immediately.

Moved by Councillor Gibson  
Seconded by Councillor Darte

That the motion **BE AMENDED** as follows:

That Regional Council **APPOINT** Rick Brady (City of Niagara Falls), Donna Cridland (Township of Wainfleet), and Diana Huson (Town of Pelham) to replace Regional Councillors Greenwood and Gibson on the Niagara Peninsula Conservation Authority Board ~~effective immediately~~ **effective October 31, 2019**.



Recorded Vote:

Yes (11): Bylsma, Edgar, Gibson, Greenwood, Heit, Huson, Insinna, Redekop, Rigby, Steele, Witteveen.

No (16): Bellows, Butters, Chiocchio, Darte, Diodati, Disero, Fertich, Gale, Ip, Jordan, Junkin, Nicholson, Ugulini, Villella, Whalen, Zalepa.

**Defeated**

The Regional Chair called the vote on the motion as follows:

That Correspondence Item CL-C 46-2019 respecting Niagara Peninsula Conservation Authority Board Appointments, **BE RECEIVED**; and

That Regional Council **APPOINT** Rick Brady (City of Niagara Falls), Donna Cridland (Township of Wainfleet), and Diana Huson (Town of Pelham) to replace Regional Councillors Greenwood and Gibson on the Niagara Peninsula Conservation Authority Board effective immediately.

Recorded Vote:

Yes (16): Bellows, Butters, Chiocchio, Darte, Diodati, Disero, Gale, Insinna, Ip, Jordan, Junkin, Nicholson, Rigby, Ugulini, Villella, Zalepa.

No (11): Bylsma, Edgar, Fertich, Gibson, Greenwood, Heit, Huson, Redekop, Steele, Whalen, Witteveen.

**Carried**

**Councillor Information Request(s):**

Provide information respecting a qualifications matrix for use in evaluating appointments to the Niagara Peninsula Conservation Authority Board of Directors. Councillor Huson.

That staff consider sending matters related to the NPCA to the Planning and Economic Development Committee for consideration. Councillor Gale.

**12. COMMITTEE REPORTS - OPEN SESSION**

**12.1 Public Works Committee**

Minutes PWC 6-2019, Tuesday, June 11, 2019

Moved by Councillor Edgar

Seconded by Councillor Bylsma

That Report PWC 6-2019 being the Open and Closed Session minutes of the Public Works Committee meeting held on Tuesday, June 11, 2019, **BE RECEIVED** and the recommendations contained therein **BE APPROVED**.

**Carried**

**12.2 Public Health and Social Services Committee**

Minutes PHSSC 6-2019, Tuesday, June 11, 2019

Moved by Councillor Greenwood

Seconded by Councillor Gibson

That Report PHSSC 6-2019 being the Open Session minutes of the Public Health & Social Services Committee meeting held on Tuesday, June 11, 2019, **BE RECEIVED** and the recommendations contained therein **BE APPROVED**.

**Carried**

**12.3 Corporate Services Committee**

Minutes CSC 6-2019, Wednesday, June 12, 2019

That Report CSC 6-2019 being the Open and Closed Session minutes of the Corporate Services Committee meeting held on Wednesday, June 12, 2019, **BE RECEIVED** and the recommendations contained therein **BE APPROVED**, save and except Minute Item 5.7.

12.4 Planning and Economic Development Committee

Minutes PEDC 6-2019, Wednesday, June 12, 2019

That Report PEDC 6-2019 being the Open Session minutes of the Planning & Development Committee meeting held on Wednesday, June 12, 2019, **BE RECEIVED** and the recommendations contained therein **BE APPROVED**.

12.4.1 Minute Item 5.1 respecting Recommendation Report for Regional Official Plan Amendment (ROPA) 13 - Transportation Policies

The recommendation respecting Recommendation Report for Regional Official Plan Amendment (ROPA) 13 - Transportation Policies was considered separately as follows:

That Report PDS 23-2019, dated June 12, 2019, respecting Recommendation Report for Regional Official Plan Amendment (ROPA) 13 - Transportation Policies, **BE RECEIVED** and the following recommendation **BE APPROVED**:

1. That Regional Official Plan Amendment 13 – Transportation Policies **BE ADOPTED** under Section 26 of the *Planning Act*.

Moved by Councillor Fertich  
Seconded by Councillor Jordan

That Report PDS 23-2019 **BE REFERRED** to staff to consult with the Town of Grimsby and to report back to the Planning and Economic Development Committee meeting being held on Wednesday, August 7, 2019.

**Carried**

12.4.2 Balance of the recommendations from Planning and Economic Development Committee

The Regional Chair called the vote on the balance of the recommendations from the Planning and Economic Development Committee and declared it,

**Carried**

**13. CHIEF ADMINISTRATIVE OFFICER'S REPORT(S)**

**13.1 CAO 7-2019**

2019-2022 Council Strategic Plan

Kristen Delong, Manager, Internal Controls & Organizational Performance, provided information respecting 2019-2022 Council Strategic Plan. Topics of the presentation included:

- 2015-2018 Council Strategy & Projects
- What Has Been Accomplished So Far?
- May 11th Strategic Planning Workshop / What was accomplished
- Strategy Framework
- A Renewed Regional Vision & Mission
- Updated Regional Values
- The Resulting Strategic Priorities
- Where Do We Go From Here?

Moved by Councillor Rigby

Seconded by Councillor Insinna

That Report CAO 7-2019, dated June 20, 2019, respecting 2019-2022 Council Strategic Plan, **BE RECEIVED**; and

That Niagara Region's 2019-2022 Council Strategic Plan found in Appendix 1 of Report CAO 07-2019 **BE APPROVED**.

**Carried**

**14. MOTIONS**

**14.1 Establishment of Niagara Region 50th Anniversary Committee**

Moved by Councillor Greenwood

Seconded by Councillor Witteveen

Whereas on January 1, 1970, the Regional Municipality of Niagara was officially formed;

Whereas in 2010 a number of events were held to commemorate the Regional Municipality of Niagara's 40<sup>th</sup> Anniversary;

Whereas on January 1, 2020, The Regional Municipality of Niagara will celebrate its 50<sup>th</sup> Anniversary or golden jubilee; and

Whereas it is important to communicate and celebrate the initiatives and accomplishments of Niagara Region.

NOW THEREFORE BE IT RESOLVED:

1. That Regional Council **ENDORSE** the establishment of a committee to facilitate, plan and organize events to commemorate the Regional Municipality of Niagara's 50<sup>th</sup> Anniversary to be celebrated in 2020; and
2. That staff **BE DIRECTED** to prepare a report respecting Terms of Reference, membership and budgetary information for the Corporate Services Committee meeting being held on July 10, 2019.

**Carried**

14.2 Reconsideration of Reimbursement of Legal Expense

The Regional Chair advised Members that as this was a reconsideration, it would require a two-thirds majority to suspend the rules and to reconsider the item.

Moved by Councillor Greenwood  
Seconded by Councillor Fertich

That, in accordance with subsection 2.4 of Niagara Region's Procedural By-law, the rules of procedure, specifically subsection 19.16 "Motion to Reconsider" of the Procedural By-law, **BE SUSPENDED** to permit Council to reconsider the reimbursement of legal expense.

Recorded Vote:

Yes (21): Bellows, Butters, Chiocchio, Darte, Disero, Edgar, Fertich, Gale, Greenwood, Heit, Huson, Insinna, Ip, Junkin, Redekop, Rigby, Steele, Ugulini, Whalen, Witteveen, Zalepa.

No (4): Bylsma, Gibson, Nicholson, Villella.

**Carried**

Moved by Councillor Greenwood  
Seconded by Councillor Fertich

That the Consideration of Reimbursement for Expense outside of the Regional Council Expense Policy (Minute Item 7.1 of AC 3-2019) **BE RECONSIDERED**.

Recorded Vote:

Yes (22): Bellows, Butters, Chiocchio, Darte, Disero, Edgar, Fertich, Gale, Gibson, Greenwood, Heit, Huson, Insinna, Ip, Junkin, Redekop, Steele, Ugulini, Villella, Whalen, Witteveen, Zalepa.

No (4): Bylsma, Diodati, Nicholson, Rigby.

**Carried**

Moved by Councillor Insinna  
Seconded by Councillor Darte

That the request for reimbursement of legal costs **BE REFERRED** to the Audit Committee for additional information to be provided respecting the expenditure.

**Carried**

14.3 Response to Proposed Provincial Restructuring of Local Public Health Agencies

Moved by Councillor Ip  
Seconded by Councillor Greenwood

WHEREAS the Provincial Government has announced restructuring local public health agencies from 35 public health units to 10 new Regional Public Health Entities, governed by autonomous boards of health;

WHEREAS the Province expects to reduce provincial spending on local public health by \$200 million by 2021-22 from a current provincial budget for local public health of approximately \$750 million;

WHEREAS the Province is adjusting the cost-sharing formula with municipalities for local public health;

WHEREAS municipalities such as Niagara, Hamilton, and most others have been contributing more than their 25% share under Provincial policy for many years in order to ensure community needs are met based on the Ontario Public Health Standards, as set out by the provincial government;

WHEREAS the announcements do not contain sufficient detail to be able to fully understand the costs and implications of the proposed restructuring;

WHEREAS the scale of the proposed changes to the governance, organization and funding of local public health is unprecedented in Ontario;

WHEREAS the role of municipal councils is not clear in the proposed restructuring;

WHEREAS local public health agencies that are part of local government such as Niagara already achieve significant administrative efficiencies through the economies of scale from being part of much larger organizations than the future Public Health Entities;

WHEREAS local public health benefits from significant collaboration with social service, planning, recreation, and transportation services all of which address the social determinants of health and determine half of health outcomes;

WHEREAS separating public health agencies that are part of local government may have unintended negative consequences such as reducing municipal leadership on public health issues, reducing transparency and public scrutiny, as well as reducing effectiveness in collaboration on the social determinants of health;

WHEREAS the announcements appear to have a significant likelihood to impact on the delivery of local public health services;

WHEREAS Niagara Regional Council confirms its support of its public health staff in all the work that they do;

WHEREAS lessons from the past show that when the public health system is weakened, serious consequences occur;

WHEREAS expert reports, such as those following Walkerton's drinking water contamination and the outbreak of Severe Acute Respiratory Syndrome (SARS) have highlighted the need for a strong and independent public health sector to protect the health and safety of the public;

WHEREAS local public health has a unique mandate that focuses on upstream approaches to prevent injuries and illness before they occur, as well as health protection measures that contribute to the safety of our food, water, and environment, and protect us from infectious diseases;

WHEREAS the evidence shows that the success of prevention is largely invisible, but the social and economic returns on these investments are immense with every dollar invested in public health programming saving on average eight dollars in avoided health and social care costs;

WHEREAS to achieve health and reduce “hallway medicine” both a strong health care and a strong public health system are needed;

WHEREAS the independence of the Board of Health and the Medical Officer of Health as the doctor for the community are essential parts of a strong and transparent public health system;

WHEREAS local perspectives add value to provincial priority-setting and decision making;

WHEREAS significant advances in public health have been led through local action, such as the development of tobacco control bylaws; and

WHEREAS the Province has indicated a willingness to consult with boards of health and municipalities on the phased implementation of the proposed changes.

NOW THEREFORE BE IT RESOLVED:

1. That Regional Council **THANKS** the Premier and the Minister of Health for responding to feedback by municipalities to delay funding changes to public health and other municipally operated health and social services;
2. That the Regional Chair **BE DIRECTED** to write a letter to the Minister of Health and the Minister of Municipal Affairs and Housing to request that any restructuring or modernization of local Public Health ensure adherence to the following principles:
  - i. That its unique mandate to keep people and our communities healthy, prevent disease and reduce health inequities be maintained;
  - ii. That its focus on the core functions of public health, including population health assessment and surveillance, promotion of health and wellness, disease prevention, health protection, and emergency management and response be continued
  - iii. That sufficient funding and human resources to fulfill its unique mandate are ensured;
  - iv. That the focus for public health services be maintained at the community level to best serve residents and lead strategic community partnerships with municipalities, school boards, health care organizations, community agencies and residents



- v. That there be senior and medical leadership at the local public health level to provide advice on public health issues to municipal councils and to participate in strategic community partnerships;
  - vi. That local public health services be responsive and tailored to the health needs and priorities of each local community, including those of vulnerable groups or those with specific needs such as the indigenous community;
  - vii. That representation of municipalities on any board of health be proportionate to both their population and to the size of the financial contribution of that municipality to the regional Public Health Entity; and
  - viii. That any transition be carried out with attention to good change management, and while ensuring ongoing service delivery;
- 3. That the Regional Chair **BE DIRECTED** to work with MARCO/LUMCO and AMO to describe the benefits of Public Health remaining fully integrated with other Niagara Region functions;
  - 4. That the Medical Officer of Health **BE DIRECTED** to continue to report to the Board of Health in a timely manner as any new developments occur;
  - 5. That at a minimum, the Chair of the Board of Health or co-Chair (Public Health) of the Public Health & Social Services Committee **PARTICIPATE** in Ministry consultations with boards of health on public health restructuring, and through the Association of Local Public Health Agencies (alPHA); and
  - 6. That this resolution **BE CIRCULATED** to the Minister of Health, the Minister of Municipal Affairs and Housing, all municipalities, all Boards of Health, AMO, MARCO/LUMCO, and the Association of Local Public Health Agencies.

Moved by Councillor Rigby  
Seconded by Councillor Bylsma

That the motion respecting Response to Proposed Provincial Restructuring of Local Public Health Agencies **BE REFERRED** to the Public Health and Social Services Committee meeting being held on Tuesday, July 9, 2019.

Recorded Vote:

Yes (18): Bellows, Bylsma, Chiocchio, Darte, Diodati, Edgar, Fertich, Gale, Gibson, Heit, Huson, Insinna, Nicholson, Redekop, Rigby, Steele, Ugulini, Whalen.

No (8): Butters, Disero, Greenwood, Ip, Junkin, Villella, Witteveen, Zalepa.

**Carried**

**15. NOTICES OF MOTION**

There were no notices of motion.

**16. OTHER BUSINESS**

Members made various announcements related to activities and events within the Region and area municipalities.

**17. MOTION FOR CLOSED SESSION**

Council did not resolve into closed session.

**18. CLOSED SESSION**

Council did not resolve into closed session.

**19. REPORT FROM CLOSED SESSION**

Moved by Councillor Huson  
Seconded by Councillor Ugulini

That Confidential Report PW 31-2019, dated June 20, 2019, respecting A Matter of Advice that is Subject to Solicitor-Client Privilege - 2019 Waste Collection RFP, **BE REFERRED** to the Public Works Committee meeting being held on July 9, 2019.

**Carried**

**20. BY-LAWS**

Moved by Councillor Diodati  
Seconded by Councillor Ip

That the following Bills **BE NOW READ** and **DO PASS**:

Bill 2019-49

A by-law to accept, assume and dedicate part of Township Lot 90, in the Town of Niagara-on-the-Lake as part of Regional Road No. 100 (Four Mile Creek Road).

Bill 2019-50

A by-law to accept, assume and dedicate part of Lots 1, 2, 3, 4, 5 and A, Plan 300, in the City of Niagara Falls as part of Regional Road No. 102 (Stanley Avenue).

Bill 2019-51

A by-law to accept, assume and dedicate part of Lot 18, Concession 4 in the City of St. Catharines as part of Regional Road No. 83 (Carlton Street).

Bill 2019-52

A by-law to amend By-law 112-2013 being a by-law to protect children and vulnerable persons from exposure to outdoor second-hand smoke and vapour.

Bill 2019-53

A by-law to adopt, ratify and confirm the actions of Regional Council at its meeting held on June 20, 2019.

Bill 2019-54

A by-law to provide for the regulation of traffic on regional highways in the Town of Grimsby.

Bill 2019-55

A by-law to provide for the regulation of traffic on regional highways in the Town of Lincoln.

**Carried**

**21. ADJOURNMENT**

There being no further business, the meeting adjourned at 10:18 p.m

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Jim Bradley  
Regional Chair

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Matthew Trennum  
Deputy Regional Clerk

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Ann-Marie Norio  
Regional Clerk