

**To:** Warden and Members of County Council

**From:** Director of Corporate Services

## County Council Composition and Election of Head of Council (Warden) Review

### RECOMMENDATIONS

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1. That County Council adopt the process and timelines to review the County of Oxford council composition and election of the head of council as set out in Report No. CS 2020-11 entitled "County Council Composition and Election of Head of Council (Warden) Review";
2. And further, that a copy of this report be circulated to the Councils of the Area Municipalities for review and comment on or before May 15, 2020.

### REPORT HIGHLIGHTS

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- Outlines a process and timelines to meet the legislative requirement that Oxford County undertake a council composition review by December 1, 2020, to take effect at the beginning of the 2023-2027 term of council
- Informs Council of options with respect to:
  - number of representatives which comprise Oxford County Council
  - election of the head of council (warden) and/or the term of the warden

### Implementation Points

Upon conclusion of the legislated review of the County's council composition, the Minister of Municipal Affairs and Housing will be notified accordingly and, if any changes are approved, the necessary steps as outlined in this report will be taken.

### Financial Impact

This report has no financial implications beyond that approved within the 2020 Business Plan and Budget.

The Treasurer has reviewed this report and agrees with the financial impact information.

## Risks/Implications

The Province of Ontario, through the Modernizing Ontario's Municipal Legislation Act, 2017, (Bill 68), requires all upper-tier municipalities to periodically undertake a review of the composition of their councils. The Ministry of Municipal Affairs and Housing has set a deadline of December 1, 2020 for the County of Oxford's review.

Failure to either initiate a change in council composition or affirm the existing council composition by December 1, 2020, may result in the Minister of Municipal Affairs and Housing intervening by imposing regulation to unilaterally change the composition of the upper-tier council.

## Strategic Plan (2015-2018)

County Council adopted the County of Oxford Strategic Plan (2015-2018) at its regular meeting held May 27, 2015. The initiative contained within this report supports the Values and Strategic Directions as set out in the Strategic Plan as it pertains to the following Strategic Directions:

3. i. **A County that Thinks Ahead and Wisely Shapes the Future** – Influence federal and provincial policy with implications for the County by:
  - *Advocating for fairness for rural and small urban communities*
  - *Advocating for federal and provincial initiatives that are appropriate to our county*
4. i. **A County that Informs and Engages** - Harness the power of the community through conversation and dialogue by:
  - *Providing multiple opportunities for public participation and a meaningful voice in civic affairs*
  - *Understanding and addressing public aspirations for a more livable community*

## DISCUSSION

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### Background

The *Municipal Act* states that a key principle of fair representation is ensuring that local representation at the regional level keeps up with changing demographics over time. To ensure council composition continues to reflect local and demographic needs, the *Municipal Act* requires all regional municipalities to review their council composition. This requirement began after the 2018 municipal election and must be done within two years after every second regular municipal election.

At its meeting of February 13, 2019, Oxford County Council received correspondence from the Minister of Municipal Affairs and Housing (Attachment 1), asking that work be paused with respect to a review of council composition as Oxford County was involved in the Regional Government Review at the time.

At its January 22, 2020 meeting, Oxford County Council received correspondence from the Minister of Municipal Affairs and Housing (Attachment 2) requesting that Council continue its work to review its composition with a goal to adjust or reaffirm its composition by December 1, 2020.

Although review of the election of the head of council for the County of Oxford is not a legislated requirement, County Council has expressed an interest in carrying out a concurrent review at this time to ensure the election process continues to effectively serve the County's constituents.

## **Comments**

### **Requirements and Considerations**

As indicated above, being a regional government the County is required by the Province of Ontario, through the Modernizing Ontario's Municipal Legislation Act, 2017, (Bill 68), to undertake a review of its council composition by December 1, 2020.

#### **Options which can be considered with respect to council composition include the following:**

- Maintain the status quo of ten members of council (50% Urban, 50% Rural); or
- Increase or decrease the number of representatives on County council effective with the next term of council.

#### **Options which can be considered with respect to the election of the Head of Council (Warden) include the following:**

##### **Election from within:**

- Continue with council's current process for electing a warden as outlined in the [Procedure By-law](#) which includes the election of a sitting member of County council for the entire term of council; or
- Continue with the County's current process for electing a warden as outlined in the Procedure By-law which includes the election of a sitting member of County council for the period of one year; or
- Continue with the County's current process for electing a warden as outlined in the Procedure By-law which includes the election of a sitting member of County council for the period of two years.

##### **Election at large:**

- In addition to electing a mayor and councillors at the local level, residents would be asked to elect a warden from 'at large' (without specificity to an area municipal ward or jurisdictional boundaries) on October 24, 2022 for the four year term of council.
- Depending on the recommendations made with respect to the number of council representatives on council, election of a warden at large could potentially increase the number of members of County council by one.

## Public Meeting

In accordance with section 218 subsection 173(3) of the *Municipal Act* with respect to restructuring, "Council shall consult with the public by giving notice of, and by holding, at least one public meeting".

It is proposed that a public meeting be held at the June 24, 2020 meeting of Council in regards to Council's recommendations with respect to both the composition of County council and election of the warden. The manner and timing of notice of the public meeting will be in accordance with the County's Public Notice Policy No. 6.13.

## Triple Majority Support

Regional municipalities can either change their council composition by passing a by-law or affirm their council composition by adopting a resolution. If the regional municipality does not receive "triple majority" support for either by the deadline, the Minister of Municipal Affairs and Housing has the authority to make a regulation to change the regional municipality's composition.

*Triple Majority Support* is defined in the *Municipal Act* as follows:

- "A majority of all votes on upper tier council":
  - o A majority of the members of County of Oxford Council is defined in subsection 237(1) of the *Municipal Act* as "a majority of members representing at least one-half of the lower-tier municipalities is necessary to form a quorum"
- "A majority of all the lower-tier councils have passed resolutions consenting to the by-law"
  - o Five Area Municipal Councils must be in support of the proposed by-law
- "The total number of electors in the lower-tier municipalities that have passed resolutions consenting to the proposal form a majority of the electors of the upper-tier municipality"
  - o The sum of the electors in the Area Municipalities who have passed resolutions in support of the proposed by-law must add up to a minimum of 40,934 electors (one half plus one)

In the event that a regional government does not submit a position with respect to its council composition, the Minister can make regulation under subsection 14(7) of the Act to change the composition of council, which may include anything that could be included in a by-law of the upper-tier municipality under sections (1) to (5), having regard for the principle of representation by population.

Table 1 below sets out the number of electors by Area Municipality for the purposes of meeting the triple majority requirements to constitute a change in council composition and for assessing the appropriateness of the County's council representation based on the 2018 electorate listing and forecasted population growth figures presented in Table 2.

Table 1 – Number of Electors by Area Municipality – 2018 Election

| Municipality                                      | Electors (2018) |
|---------------------------------------------------|-----------------|
| Township of Blandford-Blenheim                    | 5,940           |
| Township of East Zorra-Tavistock                  | 5,157           |
| Town of Ingersoll                                 | 9,264           |
| Township of Norwich                               | 7,711           |
| Township of South-West Oxford                     | 5,367           |
| Town of Tillsonburg                               | 12,583          |
| City of Woodstock                                 | 29,669          |
| Township of Zorra                                 | 6,174           |
| <b>Total Eligible Voters Oxford County (2018)</b> | <b>81,865</b>   |
| <b>Majority</b>                                   | <b>40,934</b>   |

Table 2 – Population Growth Projections by Area Municipality

|                      | Population <sup>1</sup> |                   |                |                   |
|----------------------|-------------------------|-------------------|----------------|-------------------|
| Location             | 2016                    | 2018 <sup>2</sup> | 2021           | 2022 <sup>2</sup> |
| <b>Oxford County</b> | <b>113,940</b>          | <b>117,520</b>    | <b>122,890</b> | <b>124,680</b>    |
| Woodstock            | 42,040                  | 43,870            | 46,620         | 47,540            |
| Ingersoll            | 13,110                  | 13,560            | 14,240         | 14,470            |
| Tillsonburg          | 16,310                  | 16,740            | 17,380         | 17,590            |
| Blandford-Blenheim   | 7,600                   | 7,750             | 7,980          | 8,060             |
| East Zorra-Tavistock | 7,330                   | 7,570             | 7,940          | 8,060             |
| Norwich              | 11,310                  | 11,530            | 11,850         | 11,960            |
| South-West Oxford    | 7,880                   | 7,980             | 8,140          | 8,190             |
| Zorra                | 8,360                   | 8,510             | 8,740          | 8,820             |

Source: 2019 growth forecasts (Hemson)

1. Forecasted population includes a net Census undercount of approximately 2.8%.
2. Annualized forecast estimates for 2018 and 2022 were derived from the Hemson five year interval forecasts, assuming straight line growth between intervals.
3. Numbers are rounded.

The following table presents the population in each Area Municipality that is represented by council using the population from the year of the current term's election compared to the population representation for councillor complement using the 2022 forecasted population figures.

**Table 3 – Representation by Population Comparison**

| <b>Municipality</b>                     | <b>No. of Council Reps</b> | <b>County Councillor Representation per Resident (2018)</b> | <b>County Councillor Representation per Resident (2022)<sup>1</sup></b> | <b>% Change</b> |
|-----------------------------------------|----------------------------|-------------------------------------------------------------|-------------------------------------------------------------------------|-----------------|
| <b>Township of Blandford-Blenheim</b>   | 1                          | 7,750                                                       | 8,060                                                                   | 4.0%            |
| <b>Township of East Zorra-Tavistock</b> | 1                          | 7,570                                                       | 8,060                                                                   | 6.5%            |
| <b>Township of Norwich</b>              | 1                          | 11,530                                                      | 11,960                                                                  | 3.7%            |
| <b>Township of South-West Oxford</b>    | 1                          | 7,980                                                       | 8,190                                                                   | 2.6%            |
| <b>Township of Zorra</b>                | 1                          | 8,510                                                       | 8,820                                                                   | 3.6%            |
| <b>Town of Ingersoll</b>                | 1                          | 13,560                                                      | 14,470                                                                  | 6.7%            |
| <b>Town of Tillsonburg</b>              | 1                          | 16,740                                                      | 17,590                                                                  | 5.1%            |
| <b>City of Woodstock</b>                | 3                          | 14,623                                                      | 15,847                                                                  | 8.4%            |
| <b>Total Oxford County</b>              | <b>10</b>                  |                                                             |                                                                         |                 |

Note 1 – based on status quo council composition for next election year

## Proposed Timelines

Staff recommends the following timelines in order to ensure the December 1, 2020 deadline for providing a response to the Province is met:

| Item                                                             | Date             |
|------------------------------------------------------------------|------------------|
| Receive Area Municipal Input                                     | May 15, 2020     |
| County Council consider input and draft position                 | May 27, 2020     |
| Public Meeting to consider Council's draft position              | June 24, 2020    |
| Set Final Position                                               | July 8, 2020     |
| Receive Area Municipal Council consideration and formal position | October 2, 2020  |
| Consider Resolutions from Area Municipalities                    | October 14, 2020 |
| Adoption of By-law supporting Council's position                 | October 28, 2020 |

## Conclusions

The recommendations as contained within this report are in response to the January 9, 2020 correspondence from the Minister of Municipal Affairs and Housing outlining the County's requirement to undertake a review of the County's council composition. Failure to undertake a review by either proposing change or confirming status quo by December 1, 2020 may result in the Minister of Municipal Affairs and Housing intervening by imposing regulation to unilaterally change the County's council composition.

Including review of the County's election of warden process concurrent with the legislated requirement for a council composition review will ensure our regional governance model effectively meets the needs of constituents of Oxford County in the future.

## **SIGNATURES**

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### **Report Author:**

Original signed by

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Chloé J. Senior  
Clerk

### **Departmental Approval:**

Original signed by

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Lynn S. Buchner, CPA, CGA  
Director of Corporate Services

### **Approved for submission:**

Original signed by

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Peter M. Crockett, P.Eng.  
Chief Administrative Officer

## **ATTACHMENTS**

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Attachment 1 – Correspondence received by Council February 13, 2019  
Attachment 2 – Correspondence received by Council January 22, 2020

**Ministry of  
Municipal Affairs  
and Housing**

Office of the Minister

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February 8, 2019

Dear Warden Martin:

As I mentioned in my letter dated January 15, 2019, I have taken steps to move forward on the government's commitment to review regional government that will focus on governance, service delivery and decision making. Indicated in the letter was the appointment of two special advisors, Michael Fenn and Ken Seiling, to conduct the review and provide me with recommendations.

As you look forward to the year ahead in the course of this review, I wanted to acknowledge the legislative requirements for regional municipalities to undertake regular reviews of regional council composition after the 2018 municipal election. While not all municipalities are immediately impacted by this requirement, all regional municipalities may determine and change their composition.

I encourage you to consider the context of the province's regional government review when determining whether to begin an evaluation of regional council composition at this time, as the results of the province's review may help inform your local actions. You may wish to consider an interim pause on any action towards evaluating your regional council composition while the early stages of the province's review are in progress.

If you have completed work or are planning to move forward with work on a review of regional council composition during the province's review, I would encourage you to ensure that the special advisors have the benefit of that work and advice throughout your local process.

Both Michael ([Michael.Fenn2@ontario.ca](mailto:Michael.Fenn2@ontario.ca)) and Ken ([Ken.Seiling@ontario.ca](mailto:Ken.Seiling@ontario.ca)) are eager to get work underway to help the government deliver on the important commitment to ensure that municipal governments continue to work for the people and business community.

Sincerely,

A handwritten signature in blue ink that reads "Steve Clark".

Steve Clark  
Minister

**Ministry of  
Municipal Affairs  
and Housing**

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JAN 09 2020

19-4806

Your Worship  
Mayor Larry Martin  
[Lmartin@Norwich.ca](mailto:Lmartin@Norwich.ca)

Dear Mayor Martin:

You may recall that in February 2019, I wrote to you about pausing your regional council composition review as the Regional Government Review progressed. I am writing today to provide an update on this matter.

As I announced on October 25, 2019, we heard during the Regional Government Review that local communities should decide what is best for them in terms of governance, decision-making and service delivery. After careful consideration our government is committed to partnering with municipalities without pursuing a top-down approach.

As a result, I am writing to ask that – if applicable to your municipality – you continue the work to review your council composition with a goal to adjust or reaffirm the composition of your regional council.

As a reminder, the *Municipal Act* requires that certain regional municipalities achieve triple majority support for a decision to either change or reaffirm regional council composition two years after the day the regional council was organized following the 2018 municipal election. The legislation allows the Minister of Municipal Affairs and Housing to make a regulation changing that region's council composition. Regional municipalities that made a change to their council composition between the 2014 and 2018 municipal elections are not subject to the requirement to conduct a council composition review until after the 2026 municipal election.

If you have any questions about these provisions, you may wish to refer to the *Municipal Act*, or to the [Municipal Councillor's Guide](#) on my ministry's website. Your municipal staff can also contact Ian Kerr, Regional Director, at our Western Municipal Services Office for more information at [Ian.Kerr@ontario.ca](mailto:Ian.Kerr@ontario.ca) or 519-873-4026.

Thank you for your ongoing commitment to delivering efficient, effective and modern services to the people of Ontario. I look forward to continuing to work together to help the people and businesses in communities across our province thrive.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Steve Clark', with a stylized, flowing script.

Steve Clark  
Minister

c: Chloe Senior, Clerk, Oxford County  
Kate Manson-Smith, Deputy Minister, Ministry of Municipal Affairs and Housing