

## Representation on Municipal Councils in Ontario



There have been continuing discussions about the system of representation in the Region of Niagara. One criticism is that the area is ‘over-governed,’ which usually is meant to suggest that there are too many councillors for the 13 local governments in the area. Another point of continuing discussion has to do with the method of selection of the regional chair. The chair is currently selected by regional councillors at the first meeting of each new council, while the chairs of some other regions are directly elected by the population.

This policy brief will present information about how other jurisdictions in Ontario select upper tier councillors and the head of council. We will begin with a short discussion of the current method of selection of regional councillors in Niagara which will lead to a discussion of the roles of the regional chair and councillors. The next section will review how heads of council and councillors are chosen in other jurisdictions. The final section will consider

some of the pros and cons of different methods of selection of councillors and chairs.

### **The current system**

Regional councillors in Niagara currently come to office through a combination of indirect and direct election. The mayors of the 12 area municipalities are indirectly elected to regional council meaning that they automatically become regional councillors by virtue of becoming mayor. The other 18 regional councillors are directly elected meaning that they run for the office of regional councillor in their municipality, and serve only on regional council. The directly elected councillors all run on an at-large basis in their municipality.

The regional chair is currently selected for a four-year term by regional councillors at the first meeting of council after the municipal election. According to the legislation, councillors are free to choose any qualified elector in Niagara to be regional chair. The

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practice in Niagara has been to choose a directly elected councillor (not a mayor) to serve as regional chair, but this is a custom; it is not enshrined in any legislation.

## **Role of the regional chair**

The Ontario legislation provides a head of council with relatively limited formal authority, but wise heads of council can exercise a great deal of influence much beyond their legislative authority. The chair's formal, legal authority is limited because all decisions are made by a majority of councillors; the chair has no independent authority to decide on policies, supervise staff, or make expenditure decisions. In fact, the chair only votes on matters before council to break a tie.

However, the chair has a great deal of informal influence. The chair presides over council meetings, and is the only full-time regional councillor. He or she frequently acts as the spokesperson for council in dealing with both local residents and provincial, national, and international authorities. While the chair has no more legal authority than any other councillor, the chair does occupy a strategic position that could allow her or him to exercise a significant leadership role among peers. However, at base, the chair's position is like any other position with more influence than authority. It is what the incumbent of the position makes of it.

In sum, it is important to understand what the regional chair is and is not. The regional chair in Niagara, like the head of council in all Ontario municipal jurisdictions, does not wield a great deal of formal authority. Ontario legislation vests formal authority with the full council. However, it is very important to have an effective head of council because this person acts as the spokesperson for the region and wields a great deal of informal influence both in the council chamber and in the broader community.

## **What happens in other places?**

Table 1 shows the current practice for selection of heads of council and councillors in a number of jurisdictions. The county system was created in Ontario in 1849 when the current system of local government was established by the Baldwin Act. Wardens, as heads of county council are called, have always been selected by county councillors for a one-year term. This allows the largely honorific office to be passed between several councillors during one term of council.

When Ontario regions were created in the 1970s, the first regional chairs were appointed by the province, but the system going forward was meant to be like the county system in that the regional chairs would be selected by councillors. However, regional chairs were given more leadership ability than the wardens because regional chairs are selected for the full term of council.

Over time there has been a movement from selection by councillors to popular election of regional chairs. The regions of Halton and Waterloo currently have an elected regional chair, and Hamilton-Wentworth had this system before it was amalgamated into a single-tier system. In October 2010, electors in the Region of Durham voted to have their regional chair elected at-large. This change will take place in the next regional election in 2014.

However, in other regions such as Peel and York, councillors continue to select their chairs at the first meeting of council. These regions differ from Niagara in that they have not adopted the tradition of requiring that the chair be an elected member of council. In Peel, the current chair has served in the position for 20 years. He was first appointed to the position in 1991 after he was defeated in a contest for mayor. He has not stood for election since, but he has been re-appointed as chair at every opportunity. The situations in York and Durham are similar.

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There are three options for the selection of upper tier councillors. *Indirect election* is exemplified by the current situation of mayors in Niagara; they are indirectly elected to regional council by virtue of being elected mayors of their municipalities. *Direct election* is exemplified by the situation of the other 18 councillors in Niagara who are elected to serve on regional council and only on regional council. *Double direct election* is found in a number of other regions.

In the double direct system, candidates choose to run for seats that have been identified as serving on both the upper and lower tier councils. Mayors already do this, but in some regions, there are other council seats which are designated as double direct as well. These councillors tend to be full-time councillors because of the time demands involved in serving on two councils and the accompanying committee and other commitments. Of course, they must also be paid as full-time councillors.

There is a legal and ethical issue involved in serving on two councils. It is an important legal principle that a representative serving on a board of any organization must protect and advance the interests of that organization regardless of how the person obtained the position. Specifically, someone elected to an area municipal council who also serves on the regional council must always act in the best interest of the regional council when he or she is dealing with regional matters. However, the person also has a responsibility to her or his area municipality. Mayors already must strive to balance this issue. Having double direct members on council would mean that every member of regional council will be serving two masters with the accompanying ethical and practical dilemmas.



### How Niagara compares

Niagara currently has the largest number of members of regional council and also the largest total number of councillors serving on both upper and lower tiers in the sample in Table 1. This is in part because Niagara also has the largest number of constituent municipalities and one of the largest gaps in size between the largest and smallest constituent municipalities. These facts are strong drivers of the total number of councillors. First, the large number of lower tier councillors is driven to a significant extent by the number of municipalities. Second, the large number of regional councillors is driven by the need for representation by population in a situation where there is a significant gap between the largest and smallest municipalities. If Wainfleet has one councillor, then other municipalities need requisite numbers to meet the concept of representation by population. In fact, the larger cities complain that Niagara regional council falls far short of full rep-by-pop. Proper rep-by-pop would require a council about twice as large as the existing council.

While Niagara does have a relatively large number of elected representatives, a consideration of how that number is built in terms of number of municipalities suggests that it would be difficult to change that number without a radically different way of viewing representation on councils.

**Table 1: Elected Council Representatives for Two-tier Municipalities**

	Upper tier				Lower tiers			Totals	
Municipality	Number of councillors	Population	Direct election of chair	Method of election	Number of municipalities	Number of councillors	Population range	Total number of councillors	Population per councillor
Niagara	31	427,421	No	1 chair 12 mayors 18 councillors (direct election)	12	Fort Erie – 6 Grimsby – 8 Lincoln – 8 Niagara Falls - 8 NOTL – 8 Pelham – 6 Port Colborne – 8 St. Catharines – 12 Thorold – 8 Wainfleet – 4 Welland – 12 West Lincoln – 6	Wainfleet 6,601 – St. Catharines 131,989	125	3,419
Durham	29	561,258	No (Yes in 2014)	1 chair 8 mayors 20 councillors (double direct)	8	Ajax – 6 Brock - 6 Clarington - 6 Oshawa – 10 Pickering - 6 Scugog - 7 Uxbridge - 6 Whitby – 7	Uxbridge 19,169 – Oshawa 141,590	62	9,053
York	21	892,712	No	1 chair 9 mayors 11 councillors (double direct)	9	Aurora – 8 East Gwilliambury – 4 Georgina - 6 King - 6 Markham - 12 Newmarket - 8 Richmondhill - 8 Vaughan - 8 Whitchurch-Stouffville - 6	Markham- 309,144 King 23,641	76	11,746
Peel	25	1,159,405	No	1 chair 3 mayors 21 councillors (double direct)	3	Brampton - 10 Caledon - 8 Mississauga - 11	Caledon 57,000 Mississauga 673,000	35	33,126

Halton	21	439,256	Yes	1 chair 4 mayors 16 councillors (double direct)	4	Burlington – 6 Halton Hills - 6 Milton - 10 Oakville – 12	Halton Hills 55,289 Oakville 165,613	39	11,263
Waterloo	16	478,121	Yes	1 chair 7 mayors 8 councillors	7	Cambridge – 8 Kitchener - 10 Waterloo - 7 North Dumfries - 4 Wellesley - 4 Wilmot - 5 Woolwich – 4	North Dumfries 9,063- Kitchener 204,668	58	8,243
Muskoka	23	57,563	No	1 District Chair 6 Mayors 16 District Councillors (double direct)	6	Bracebridge - 8 Gravenhurst - 8 Lake of Bays - 5 Georgian Bay - 5 Huntsville - 8 Muskoka Lakes - 9	Huntsville 18,280– Georgian bay 2,340	50	1,151
County of Essex	14	393,402	No	1 warden elected by 7 mayors 7 deputy mayors from each county's municipality	7	Amherstburg - 5 Essex - 5 Kingsville - 5 Lakeshore - 6 LaSalle - 5 Leamington - 5 Tecumseh - 5	Essex 20,032- Lakeshore 33,245	50	7,868
Bruce County	8	65,439	No	1 warden 8 mayors	8	Arran-Elderslie-6 Brockton- 6 Huron-Kinloss- 6 Kincardine- 7 Northern Bruce Peninsula – 4 Saugeen Shores- 8 South Bruce- 6 South Bruce Peninsula- 8	Northern Bruce Pennisula 3,522– Saugeen Shores 11,207	59	1,109
Oxford County	10	102,756	No	1 warden 8 mayors 2 councillors	8	Blandford-Blenheim- 4 East Zorra-Tavistock-6 Ingersoll-6 Norwich-4 South-West Oxford-6 Tillsonburg- 6 Woodstock- 6 Zorra-4	Southwest oxford 6,800 - Woodstock 34,000	50	2,055

All population information has been gathered from the 2006 Census

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### Options for Niagara

The first discussion that Niagara should have is: What problem needs to be solved? Too frequently the discussion of representation has begun with a debate about solutions, without engaging in a simple discussion of: What is the problem? Or even is there a problem? The potential problem that has been identified by some commentators seems to have two parts—one related to the regional chair, the other related to councillors.

This discussion of what is the problem should lead to a consideration of questions such as: Is our current number of municipal representatives too large? Are there identifiable problems in Niagara that would be solved if we had fewer councillors? We know that our numbers are larger than other jurisdictions. Does that mean that our numbers are too high? Or are other jurisdictions' numbers too low? Are there factors about Niagara that explain why our numbers are larger than those of other jurisdictions?

One of the consequences of having a relatively large number of councillors is that Niagara also has one of the lowest ratios of population to councillors. This means that residents of Niagara can have easier access to their councillors and a greater relative voice in electing councillors. A reduction in the number of councillors will increase the ratio of population to councillors. Is that desirable?

One consideration in selecting an optimum number of councillors should be disposed of

quickly. In most municipalities, the total cost of councillors—remuneration plus expenses—amounts to less than half of one per cent of total expenditure. There might be a number of good reasons for reducing the number of councillors; saving money is not one.

These are the kinds of questions that should be discussed before we rush to consider solutions. However, if we do want to make changes in the current situation, there are some options open to us.

### *How should the chair be selected?*

The two options would seem to be direct election by the general electorate or the current situation of selection by regional councillors.

There seems to be a trend in other regions of moving toward direct election. This has the obvious advantage of promoting direct democracy and giving the general electorate a voice in choosing the leader of the regional council. It is sometimes suggested that this might result in an increase in voter turnout, although experience in other jurisdictions does not strongly support this.

However, there are certain factors particular to Niagara that need to be weighed. The Niagara region is an agglomeration of several large and small urban areas with some significant rural areas mixed in. Not many local politicians are known across the entire area. A candidate for direct election to regional chair would have to spend a great deal of money on a campaign to make herself or himself known across the entire area. Either the person would need to be wealthy or have the ability to raise significant amounts of money. In the latter case, there is a risk that the candidate will become beholden to fund-raisers.

The diversity of the region would also give a decided advantage to someone from one of the larger cities. He or she would start with the advantage of already being known to a significant portion of the electorate.

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Conversely, candidates from smaller municipalities would be fighting an uphill battle.

While direct election has some obvious attractions, it is not clear that there would be a level playing field for direct election in Niagara.

Another advantage to selection of the chair by councillors is that the chair will have the confidence and support of a majority of councillors, at least on the day on which he or she is selected, similar to a prime minister or provincial premier. Popular election might mean that the views of the elected chair could be considerably out of line with the legislative body which he or she is chairing. This could result in four years of stalemate.

If we decide to continue with the process of councillors selecting the chair, then there could be some consideration of alternative methods of selection. Niagara is the only region with the custom of requiring the chair to have been elected to council. Other regions have functioned very well with a different tradition. Should Niagara re-consider its current custom?

### *Reduction in the size of regional council*

It is sometimes suggested that the 31-member regional council is too large for effective debate. In fact, it is generally recognized that much real council business is done in committees precisely because of the large size of the full council.

As long as Niagara has a relatively large number of constituent municipalities and there is such a large difference between the sizes of the smallest and largest constituent municipalities, it is difficult to see what can be done to reduce the size of council without doing even more damage to the rep-by-pop principle which is already deemed unsatisfactory by the larger municipalities. However, there are some possibilities which

would require a significant re-thinking of how council currently operates.

### *Weighted voting*

Some Ontario counties operate on the basis of weighted voting. In those counties, every constituent municipality has either one or two representatives on council depending on the size of the municipality, but some of the representatives have more votes on council matters than others. For example, a representative from the smallest municipality might have one vote, while a representative from a municipality which is much larger might have four votes.

This allows for a close approximation to the rep-by-pop principle on voting without requiring a large number of bodies around the table.

While the mathematics of this works very well, it can result in the marginalization of some members of council who will have one-fourth of the weight of other members.

### *Double direct*

The 18 local councillors who are currently directly elected could be switched to double direct meaning that they would serve on both local and regional councils. This doubling up of duties could reduce the total number of councillors in Niagara by 18. However, on closer examination, that might be an optimistic estimate. For example, the numbers happen to fall into place nicely in St. Catharines which currently elects six regional councillors and has six wards. One council seat in each ward could be designated double direct and the numbers fit perfectly. It is more problematic in Fort Erie which has six wards and elects one regional councillor. The numbers do not work the same way there.

Assuming that a way could be found to elect all 18 councillors on a double direct basis (a very optimistic assumption), the total number of representatives in Niagara would

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be reduced to 107—still by far the largest number in the table.

Double direct election would also likely mean that those elected would be full-time councillors. This would have some rather small financial implications, but this would also have some implications on who could run for office. Employed people would probably have to give up their full-time employment to seek the uncertain status of elected office. People with significant family obligations might feel that they could not take on a full-time commitment like this.

### *Regional ward system*

Currently regional council seats are allocated among municipalities in a manner that pays some respect to representation by population, although falls short of mathematical precision. A regional ward system would create a system of wards of equal population across the entire region. We could begin by deciding how many councillors we wanted to have, then set up wards accordingly. For example, a council could consist of 12 mayors and 12 councillors elected by wards of approximately 35,000 people in each.

The ward boundaries would not necessarily follow the existing municipal boundaries. This would eliminate the idea that a councillor represents a certain municipality which might be seen as either desirable or undesirable.

### **Where do we go from here?**

Most of the changes discussed above would require some change in provincial legislation. This change is not necessarily difficult to obtain if regional council is reasonably united on the change it wants. However, these changes always take time. The next municipal election is about three years away, but it is not too early to begin to discuss what changes we would like to see for the next election.



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