



CITY OF
ST. CATHARINES

Corporate Report

Report from Economic Development and Customer Service, Office of the City Clerk

Date of Report: March 19, 2013

Date of Meeting: July 8, 2013

Report Number: EDCS-186-2013

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Subject: Report from the City of St. Catharines – Governance Committee

Recommendation

That the Governance Committee seek Council's approval to request that the Region of Niagara apply to the Ministry of Municipal Affairs and Housing to allow the City of St. Catharines to change its method of electing City and Regional Councillors to the 'Double Direct method' as outlined in this report, where six members of Council would serve on both Regional and City Council, while six council members would serve only on City Council; and

That if the Region agrees to make this request, that the City of St. Catharines reconvene the Governance Committee to decide upon how these Councillors would be elected; and

That a citizen's committee be established to discuss and decide upon the issues related to compensation of these new 'double duty' Councillors. FORTHWITH

Summary

This report provides Council with a synopsis of the work done by the City of St. Catharines, Governance Committee and its recommendations.

Background

City Council, at its meeting of October 17, 2011, approved the formation of a Governance Committee composed of the Mayor, three City Councillors, two Regional Councillors, and three citizen members. The citizen positions were advertised and three members of the community were appointed by Council. The Regional Councillors volunteered to serve on the Committee but were not appointed by their Regional Council. The first meeting was held on December 14, 2011.

The members of the Committee are:

- Councillors Siscoe, Burch and Secord
- Regional Councillors Caslin and Timms
- Citizens-at-large: Dr. John McTavish, Brett Sweeney, and Mike Sullivan

The City Clerk was appointed the staff liaison for the Committee, the Mayor, CAO and Deputy CAO are ex-officios.

The guiding principles and mandate of the Committee were developed and approved as follows:

- Review improved coordination and communication among upper and lower tier municipalities in the Region of Niagara
- Review and report on the overlap and duplication in present service delivery
- Review an enhanced accountability, transparency and accessibility model for both levels of government
- Review and report on enhancing sustainable community planning and development for both tiers
- Review and report on the potential models for future governance structure in Niagara, considering: structural change-boundary adjustments, amalgamations and annexations; representative change-size and composition of Council, mode of election; functional change-service delivery and the 'new regionalism' and weighted votes for representatives of larger municipalities
- Review and report on the need for a cohesive, region wide identity

The Governance Committee held ten meetings, and has reviewed a variety of issues respecting the relationship of the area municipalities within the Region. There were general discussions on how to proceed under the accepted Terms of Reference. It became evident, through much discussion that the mandate was very broad and the committee decided, very early on, to focus on a new governance structure that could potentially address the many issues that were part of their mandate.

The City Clerk gave a brief presentation to the Committee on governance models that have been studied, including what can and cannot be done at the municipal level in accordance with the Municipal Act 2001, as amended, and the relevant timelines with respect to the upcoming 2014 municipal election. A question matrix was developed respecting the composition of Council, the role of the Councillor, and pros and cons of Councillors filling a dual role, and a ward versus an at-large system.

The members of the Committee each put forward their ideas related to a vision for a new governance structure. A synopsis of their comments is attached as Appendix 1. It was suggested that other municipalities in the Region should be advised of what St. Catharines is doing and include them in the process by asking them to consider working on governance within their respective municipalities. The committee members believed it was a good idea to involve them and invite them to do the same. A letter of intent was sent to all the municipalities in the region and our City Council representatives on this committee made presentations to eight of the area municipalities. One municipality, the Town of Lincoln, preferred to send two of their Councillors to a governance meeting to hear first-hand what St. Catharines was considering. Overall, the presentations were well received. At the time of writing this report, the City of Welland is the only municipality that has moved forward to set up an internal governance committee. A visit to their website and a call to the Clerks' Department verified they have only held two meetings. They are 'on hold' given the recent Business Planning Committee of the Whole meeting of Regional Councillors that, in essence, defeated most of the relevant

changes to governance and deferred part of the motion awaiting St. Catharines Council's recommendations.

Dr. David Siegel, Professor, Brock University, Department of Political Science, attended one of the meetings and provided an overview of the policy brief prepared by the Niagara Community Observatory entitled, "*Representation on Municipal Councils in Ontario*". Dr. Siegel's extensive knowledge on the history of the region and his expertise with respect to all regional issues brought a new perspective to the committee.

Dr. Siegel's remarks were centered on the current governance model in the Niagara Region and he discussed at length the representation by population solution. His conclusion was that to truly have representation by population Regional Council could have up to 70 members. This he felt was an unrealistic number of Councillors and likely very little would get accomplished. He stated that one solution to the issue of inequity in representation is to have "weighted voting". For example, one vote from St. Catharines might count as two or more votes, in other words less bodies but a more equitable system.

Dr. Siegel also discussed a ward system for Niagara based on communities coming together and crossing municipal boundaries. In other words, this would be a regional ward system. The development of these boundaries would need to have this representational issue at its core. Any of these options could potentially work, however, the issue of a 'triple majority' would likely hinder any movement on any of these fronts given each of these municipalities have a strong conviction with respect to remaining autonomous.

Defining the problem... first step to solving the problem

With regards to the present governance structure as a whole, Dr. Siegel spoke to the committee about the need to define the problems first? Once these are defined, his sense is that a more productive discussion of possible considerations could follow. Although he was directly asked, Dr. Siegel refrained from giving direct advice to the committee on a chosen alternative to the status quo that would best suit Niagara.

Following the working meeting with Dr. Siegel, the committee moved ahead and began the work to identify issues that they felt were key issues and need to be addressed no matter what model was being discussed and/or accepted. By using a question matrix the following is an overview of their responses:

- Regional Council is too large
- Need to reduce parochialism
- Democracy issues
- Duplication of services between the area municipalities and the region, need to streamline services
- Need to create a more transparent, accountable and responsive government
- Should create a more regional identity
- Reduce the number of city wards (elect one per ward)
- Two tiers produce no Team Niagara
- Functional and political structure separates cities and towns from Region and each other

- Two tier structure inhibits Team Niagara approach among the 12 municipalities
- No political connection between the Region and the City, except through the Mayor
- City Councillors have no say and no vote at the Region and Regional Councillors have no say and no vote at their cities, (without an appointment, limited to 10 minutes on one subject only per meeting)
- No full time elected representatives except Mayor
- Regional Chair has no mandate from the “people”

In July 2012, members of Regional Council received a memorandum from their Regional Chair advising them of the next steps with respect to their review of governance. In that correspondence the Chair stated that a Governance Review was considered their third highest priority in their 2012-2015 Business Plan.

On January 24, 2013, Regional Council met as their Business Planning Committee of the Whole and debated the issue of governance. At the same meeting the following motion was put to a vote with the following results:

“WHEREAS Double Direct Councillors for Niagara Region is being proposed as a way of improving inter-municipal communications and co-ordination

WHEREAS members of Regional Council received an analysis respecting Dual Role (double-direct) Councillors as part of Communication C7921 (attached) at the September 20, 2012 Council Business Planning Committee of the Whole meeting

WHEREAS the Council of the Regional Municipality of Niagara is uncertain as to the support from the area municipalities for the change to the current Regional Councillors’ representation (single role) Regional Councillors representation model, similar to the Durham Region’s model of governance”

NOW THEREFORE BE IT RESOLVED:

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

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

The above-noted motion was extracted from the Region of Niagara’s Council Business Planning Committee of the Whole, Report 1-2013. From the Regional Municipality’s web site the minutes showed that the motion was separated and voted upon. The motion was defeated. However, while preparing this report, a call was made to the Regional Clerk’s office and it is noted that Item 5 from the Region’s minutes of

January 24, 2013 – Regional Council Business Planning Committee of the Whole, was lifted at Regional Council and the motion was “Deferred”.

Item 5 reads as follows:

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

Moved by Councillor Rigby

Seconded by Councillor Marshall

*That the foregoing amendment to the original motion, **BE DEFERRED** to another Council Business Planning Committee of the Whole Council Session. Defeated (at the Business Planning Meeting) removed and Deferred at Regional Council **pending the receipt of a letter from the City of St. Catharines respecting the City of St. Catharines’ Council decision on the recommendations from the St. Catharines Governance Committee.***

Report

Attached to this report is Appendix 1 that outlines the Committee’s considerations. The Committee struggled with all the options, and at their last meeting, they decided to provide Council with the following two options:

1. Six double-direct councillors and six part time councillors system; or
2. Status quo

Double direct election

Double direct election is found in a number of other regions. Policy Brief 10, dated September 2011, written by Margaret Corbett and Doug Hagar for the Niagara Community Observatory stated the following:

“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 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 committees 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.”

There was some discussion about this becoming an issue in St. Catharines. Although it is being done within other regions, there was no sense about how it is working and whether this is an issue, partly because no other region worked any other way from inception. More information and research regarding this issue would need to be done should Council choose this option.

If Council chooses the double direct model, the make-up suggested by this Committee would see at least six of the Councillors as members at-large and working as full-time councillors, alongside six part time ward Councillors. Council would need to consider the corresponding budgetary implications. This consideration should include not only full-time salaries for six (or more/less) of the Councillors but benefits, support staff and perhaps office space and equipment.

Another consideration with respect to the double direct election would be that the area would reduce the numbers of people that might otherwise consider running, given they may have to leave full time employment to seek the uncertain status of elected office for four years.

Although there are several other variations across the province on the double direct Councillor model, this Committee discussed the six full time and six part time concept for St. Catharines. Any change that this Council may consider is subject to ministerial approval.

Financial Implications

Not applicable at this time.

Conclusion

In conclusion, The Region of Niagara Act was repealed on January 1, 2003. *The Municipal Act 2001, (the Act) as amended* contains provisions for upper tier municipalities to change the composition of their councils and this can be found in *the Act* sections 217 and 218, details relating to Changes to Council. A call to the Ministry of Municipal Affairs and Housing confirmed that to commence such a change, Regional Council must ask for a Cabinet regulation to authorize a change in composition and submit the proposed changes to a public consultation process. The proposed change would need to receive a ‘triple majority’ approval, meaning approval by a majority of Regional Councillors, who represent the majority of eligible electors. No changes can be made prior to the by-law which would appoint the new Council in 2014.

Notification

It is in order to notify The Regional Municipality of Niagara.

Submitted by:

Bonnie Nistico-Dunk, City Clerk
Economic Development & Customer Service

Approved by:

Dave Oakes, Director
Economic Development & Customer Service

CITY OF ST. CATHARINES' GOVERNANCE COMMITTEE REVIEW COMMITTEE CONSIDERATIONS

MEMBER	MEMBER'S ALTERNATE PROPOSAL
Councillor Burch	Four wards in Niagara with boundaries similar to current federal/provincial riding boundaries
	Three Regional Councillors elected at large for a total of 12
	Chair elected at large across Region
Regional Councillor Caslin	City - Elect six councillors and Mayor at large (all full-time)
	Eliminate Wards
	Region - consider reducing Regional Council by half (maintain proportionate representation)
	Consider amalgamations: St. Catharines, Thorold, and NOTL; Wainfleet & Port Colborne; Niagara Falls and Fort Erie; Grimsby and Lincoln; Pelham and West Lincoln
	Upon amalgamation, limit council size to 12 - 15 total
	Continue to elect Chair within Council
Councillor Peter Secord	Reduce number of municipalities (3-5)
	Representation by population by Regional Councillors
	Six full-time/six part-time Councillors
	One water utility
	Streamline duplication of City and Region responsibilities
Brett Sweeney, Community Member	Reduce the number of City wards, one councillor per ward

	Elect double-direct City councillors at large	1
	Only Mayors and double-direct councillors at Region	
	Elect regional chair at large	
	Establish Auditor General at Region	
	Investigate feasibility of amalgamating municipalities	
Regional Councillor Bruce Timms	Double-direct City Councillors at Region	
	Part-time ward councillors	
	Regional Chair elected at large	
	Each municipality decides how to elect double direct councillors	