

POLITICS AS USUAL: Selecting the Regional Chair

By Alison Collins-Mrakas

I would like to start by offering my sincere thanks to the many people who offered their support and encouragement for my potential candidacy for Regional Chair. Your emails and personal messages were very much appreciated.

I also want to thank the Members of Regional Council who afforded me their time and consideration for my potential candidacy. Their thoughtfulness and open-mindedness was similarly appreciated.

However, despite the support I have received, unfortunately, given the nature of the current appointment process and the lack of opportunity to engage in it in any meaningful way, I have withdrawn my name from any further consideration.

My decision is due to the reality that the current relevant Provincial legislation severely constrains the democratic accessibility of the appointment process.

Many people are not aware of how the Chair of York Region Council is chosen.

For starters, the position is appointed and not elected.

The legislation as it speaks to this process is maddeningly vague.

The Municipal Act states that, "The head of council shall be elected by general vote, in accordance with the Municipal Elections Act, 1996, or shall be appointed by the members of council."

That's it. Nothing more.

Some regions such as Durham and Waterloo elect their Regional Chair. Others do not. For those that opt to appoint the Chair, who shall be appointed, and how, is left entirely to the respective Regions.

One can infer from the Act that anyone can stand as a candidate for the appointment (subject to the standard provisos of citizenship). However, in practice, that is not the case.

In Regions such as Peel, Niagara and York, where the Chair is appointed, past appointment processes presume that a Member of Regional Council – a person who has literally just been inaugurated as a Mayor or Regional Councillor for their respective municipalities – is the ideal candidate for Chair.

This despite the fact that, if successful, the Council member would be required to vacate his or her newly elected office triggering a by-election, or multiple by-elections as the case may be, in their respective municipality.

Thus, given that the presumptive candidate(s) are generally current or outgoing members of Regional Council, it is difficult to see how any other person can stand as a candidate.

It's unclear how one would even know that was an option. Unlike municipal council vacancies, for which notice is legislatively required, the "vacancy" for York Region Chair was not advertised.

There was no open call for nominations, no notice to the general public in local papers that "anyone" could stand as a candidate for Chair. Given this fact, it is difficult to envisage how residents could be aware of this opportunity, let alone pursue it.

But even if a person was aware of the vacancy and sought potential candidacy, the constraints of the nomination process – or lack thereof – act as an impediment to standing for the Office.

According to York Region's procedural by-law, in order to be a candidate for Regional Chair, you must be nominated – by a member of Council. That nomination has to be in writing and signed by a nominator and seconder.

But how one gets nominated is not known. The procedural by-law is silent on the matter. There is no formal – or public – process, no application form, no package to complete, no formal means for candidates to speak to their qualifications. Given that Councillors receive no standardized submissions or even submissions from every candidate, it is unclear how potential candidates are evaluated let alone how they are nominated.

And yet somehow a list of nominated "candidates" is compiled. A vote is taken and the Chair is appointed.

Contrast this process to Aurora's recent experience with a Council vacancy. There was an open call for candidates – advertised in the local papers and on the Town website. There was a formal nomination process. 22 persons interested in standing as a candidate for the vacant seat on Council completed the nomination form, attached a bio and provided a brief rationale for seeking office. Each was also afforded the opportunity to speak to their qualifications at a Council meeting open to all members of the public. Council voted by public vote and appointed the Councillor.

The difference between the two appointment processes is stark. One is open and transparent and one is not.

It is clear that the Regional Chair appointment process is an artifact from a bygone era when the region was considerably less populous. The implications of the selection process reflect that.

It does appear that this might be a moot point - certainly for the 2018 election if the current amendment to the Municipal Act (bill 42) to require direct election of the Chair receives assent. However, even if successful, it will have no effect on the current situation. It will also not address vacancies that may arise prior to 2018. In fact, it expressly excludes it.

The amendment as written stipulates that direct election would not occur until, ??the next regular election.? Thus, should the Chair step down for any reason (personal, professional, political) prior to 2018, we could see this whole exercise repeated ? including multiple by-elections.

Action should be taken now to prevent that potentiality. If possible the amendment should ? once passed - apply immediately rather than the next regular election.

However, even in the absence of legislative change(s), there is still an opportunity to address this highly flawed process and affect positive change today. Clearly, one should not be left to guess how our Chair is nominated. Thus, the Regional Council procedural by-law should be amended to clarify who can stand as a candidate and how that process ? in particular the nomination process - should unfold.

As residents and taxpayers, I don't believe we should wait 4 years to gain at least some measure of democracy as it speaks to the election of the office of Regional Chair. I believe that time is now.