



Addendum to the Regional Council Agenda

Regional Council Chambers
Regional Headquarters Building
605 Rossland Road East, Whitby

Wednesday, December 19, 2018

9:30 AM

6. Communications

CC 21 Memorandum from Don Beaton, Commissioner of
Corporate Services, re: Transit Commission and
Budgeting Process

Pages 44A-44C

Recommendation: Receive for Information



The Regional
Municipality of
Durham
Corporate Services
Department

Interoffice Memorandum

Date: December 19, 2018

To: Chair Henry and Members of Regional Council

From: Don Beaton, Commissioner of Corporate Services

Subject: Transit Commission and the Budgeting Process

Background

Staff took direction at the Finance and Administration Committee on December 13, 2018 to prepare this memo with options which would involve the Transit Commission in the budgeting process. Currently the Transit Servicing and Financing Study itself is scheduled to be considered before a Transit Executive Committee (TEC) meeting on February 6, 2019 and then Finance and Administration is to consider it on February 12, 2019. This is in accordance with the direction of Council from Bylaw 27-2007 in which the powers of the Commission have been delegated to the Transit Executive Committee.

The purpose of this memo is to provide members of Council with options for their consideration should they choose to make this change to the current procedures.

For example, Council may wish to direct that the 2019 Transit Servicing and Financing Study be considered instead at a full meeting of the Transit Commission either in place of or as well as consideration by the Transit Executive.

Discussion

The simplest option would be to have a Transit Commission meeting prior to the February 6, 2019 TEC meeting, if TEC has other items to consider on their agenda.

If you require this information in an accessible format, please contact Joanne Darroch at 1-800-372-1102 ext. 2095.



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This can be accomplished in two ways:

1. The Regional Chair, being the Chair of the Transit Commission call a meeting of the Transit Commission for the purposes of considering the Transit Servicing and Financing Study to be held on February 6, 2019 prior to the TEC meeting with the TEC meeting to be held immediately thereafter.
2. Regional Council to pass a resolution at the Committee and Council cycle in January 2019 for a meeting of the Transit Commission for the purposes of considering the Transit Servicing and Financing Study to be held on February 6, 2019 prior to the TEC meeting with the TEC meeting to be held immediately thereafter and direction be given to the Chair to call such a meeting.

There was some discussion of amending the current bylaw to accommodate the request above. This would require:

1. A notice of motion at the January Council meeting to amend Bylaw 27-2007 removing the delegation to Transit Executive Committee and replacing it with the Transit Commission for the purposes of business planning and budgeting.

The Transit Commission has the authority to consider and make recommendations on the Transit Servicing and Financing Study regardless of the provisions in the bylaw which appear to delegate that authority to the Transit Executive Committee from the Transit Commission. Any authority granted by bylaw to the Transit Executive Committee is a delegation of authority from the Transit Commission. Pursuant to the Municipal Act any delegation can be revoked at any time without notice.

Reviewing the relevant section under the Municipal Act, under s. 23.1 General Power to Delegate, section 23.1(1) and 23.1(2)1 are the most relevant ones:

“General power to delegate

23.1 (1) Without limiting sections 9, 10 and 11, those sections authorize a municipality to delegate its powers and duties under this or any other Act to a person or body subject to the restrictions set out in this Part. 2006, c. 32, Sched. A, s. 15.

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Scope of power

(2) The following rules apply to a by-law delegating any of the municipality's powers or duties:

1. A delegation may be revoked at any time without notice unless the delegation by-law specifically limits the municipality's power to revoke the delegation.
2. A delegation shall not limit the right to revoke the delegation beyond the term of the council which made the delegation
3. A delegation may provide that only the delegate can exercise the delegated power or that both the municipality and the delegate can exercise the power.
4. A delegation or deemed delegation under paragraph 6 of a duty results in the duty being a joint duty of the municipality and the delegate.
5. A delegation may be made subject to such conditions and limits as the council of a municipality considers appropriate."

Finally, it must be noted that a similar situation exists in March of 2019 when the Transit Budget comes to Transit Executive Committee and Finance and Administration Committee and members of Council may want to give consideration to this item as well.

Respectfully submitted,

Original signed by _____

Don Beaton
Commissioner of Corporate Services

Cc Elaine Baxter-Trahair, Chief Administrative Officer

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