

THE MUNICIPALITY OF LAMBTON SHORES

Report CL 03-2020

Council Meeting Date: February 11, 2020

TO: Mayor Weber and Members of Council
FROM: Stephanie Troyer-Boyd, Clerk
RE: Ward Boundary and Council Composition Review

RECOMMENDATION:

THAT staff undertake a Request for Proposal process to retain an independent consultant to conduct a ward boundary and Council composition review.

SUMMARY

This report provides the process and a recommendation for a ward boundary review. It will lay out the procedure for a review which will be completed in time to be in effect for the 2022 Municipal Elections.

BACKGROUND

Council has recognized the vital role they play in the electoral process in the establishment of the size and composition of municipal council, determining the method of selecting members of municipal council (i.e. at large elections versus the ward system) and by establishing the wards from which municipal councilors are elected.

The 2019-2022 Strategic Priorities adopted by Council includes a review of the current ward structure and size of Council. In addition Council passed the following resolution in October 2019:

THAT staff prepare a report on ward boundaries and any procedure for changing the boundaries for the 2022 municipal election

Council will recall the impetus for this resolution was brought forward when asked to consider a relatively minor boundary adjustment in Wards 4 and 5. The process to change ward boundaries is the same regardless of the magnitude of the adjustment.

Ward Boundaries

Section 222(1) of Ontario's Municipal Act, 2001 ("Municipal Act") authorizes municipalities to pass by-laws to create, redivide or abolish wards. Generally, the legislative parameters include the following:

1. Council must pass a by-law to divide or redivide the municipality into wards;
2. The municipality must provide notice of the passing of said by-law to the public within 15 days of passage by municipal council
3. Any person may appeal the by-law to LPAT within 45 days of the passage of the by-law
4. LPAT has the power to make an order affirming, amending or repealing the by-law.

Despite the importance of the ward boundary review process, Section 222 of the Municipal Act contains no criteria or direction has been provided to municipalities respecting the process for a ward boundary review.

There are a number of guiding principles concerning ward boundary reviews that have been established. A Supreme Court of Canada decision held that “effective representation”, not representation by population on its own, is the standard for determining electoral boundaries in Canada. Effective representation must be based on the relative parity of voting power and the focus must be on effective representation and not mathematical parity. It is noted that effective representation cannot be achieved without taking into account factors like geography, community history, communities of interest and minority representation.

To the extent possible, wards should have relatively equal population totals, with a reasonable degree of variation given to geography and varying population densities and characteristics of the municipality. It is generally accepted that population variations of up to 25% above or below the optimal or average size are considered reasonable. This range is consistent with legislated federal distribution provisions, precedents and past decisions and best practices in municipalities. The municipality’s current ward boundaries have been in place since amalgamation in 2001 and, at that time, were established based on a guarantee of representation from all of the former municipalities with weighed representation from the most populous of the 5 municipalities involved in the amalgamation.

Council Composition

The Municipal Act, 2001 gives municipalities the authority to determine the composition (including size) of Council, subject to certain parameters. Unlike ward boundary changes, the composition of a Council is not a matter that may be appealed to the Local Planning Appeal Tribunal (LPAT). The legislative parameters for the composition of Council are as follows:

1. There shall be a minimum of five members, one of whom shall be the head of council.
2. The members of council shall be elected in accordance with the *Municipal Elections Act, 1996*.
3. The head of council shall be elected by general vote.
4. The members, other than the head of council, shall be elected by general vote or wards or by any combination of general vote and wards.

5. The representation of a local municipality on the council of an upper-tier municipality shall not be affected by the by-law of the local municipality under this section.
6. A by-law does not come into force until the day the new Council is organized.

Any decision regarding the size of municipal Council is entirely at the discretion of Council based on what each member of Council feels is the appropriate composition to serve the needs of the residents.

An independent review will dovetail the two issues identified by Council being ward boundaries/configuration and composition of Council. The resulting report will provide option for Council to consider moving into the 2022 Municipal Election.

ALTERNATIVES TO CONSIDER

No alternatives have been considered.

RECOMMENDED ACTIONS

That Council direct staff to proceed with a Request for Proposal for a review of the current Council structure and ward boundary system.

FINANCIAL IMPACT

There is no financial impact at this point in the process, however, consultation costs are expected to range between \$ 25,000 and \$ 35,000.

CONSULTATION

Kevin Williams, CAO