

Information Report

Title: Ward Boundary & Council
Composition Review

Report Number: Legislative Services-2024-11

Director: Corporate Services

Manager: Legislative Services

Meeting Date:

Wednesday, May 22, 2024

Executive Summary:

At the March 27, 2024, meeting, Council directed staff to provide a report outlining the Council Composition and Ward Boundary Review Process including timelines and an approximate budget.

This report outlines the principles established in law for these types of reviews, the scope of the work that would need to be undertaken, and the need to have the review completed by November 2024 in order to allow for an appeal period.

Context and Background Information:

The Municipality of Kincardine present ward boundaries were established in 1999 along the historical lines of the former Town of Kincardine (Ward 1), former Township of Kincardine (Ward 2) and former Township of Bruce (Ward 3). The Council composition has not been fully reviewed since 2005. In the previous term of Council, one change was made to have the Deputy Mayor elected in a stand alone position, as opposed to being selected by the candidate having the most votes in the Councillor At-Large race. The composition consists of Mayor, Deputy Mayor, three (3) Councillors At-Large, two (2) Councillors for Ward 1, one (1) Councillor for Ward 2 and one (1) Councillor for Ward 3.

Council at its meeting of March 27, 2024 directed staff to bring back a report on the Council Composition and Ward Boundary Review process including timelines and approximate budget.

The conduct of a ward boundary and council composition review is a highly specialized field of study, guided by the following principles established in law:

Representation by population: Ensuring electors are comparatively represented on Council, giving an equal voice, which is understood to be within +/-25% maximum deviation for the average ward population.

Considerations of current and future population trends: Including changes in population growth and development, aging communities etc.

Consideration of physical and natural boundaries: Including change in the way in which constructed and natural features such as highways, railways, river valleys and farmland shape the community.

Consideration of communities of interest: Including settlement patterns and existing historical communities in the context of the broader municipality.

Effective Representation: The overall objective of ward boundary review, which seeks to establish fair and equitable representation based on the principles outlined above and describe in the Supreme Court of Canada in the Carter case. It's not equality of voting power, but the right to effective representation considering different factors including geography, community, history, community interests etc.

Due to the unique nature of ward boundary and council composition reviews and the need to adhere to established legal principles, it has been the practice of municipalities to engage expert consultants to conduct the work of engaging stakeholders, analyzing the data, and presenting professional, expert and unbiased options for consideration by Council.

Scope of Work

The consultant would be required to:

- Use the experience gained through other municipal ward boundary reviews and the outcome of any OMB/LPAT hearings and Court decision in those cases where a review has been appealed.
- Provide options for changes to Council composition and options for how Council representatives are elected, if deemed appropriate.
- Provide options for re-alignment of the existing wards and/or for a change in the number of wards, if deemed appropriate, through the application of the principles established in law as noted above.

The objectives of the review would be to:

- Develop a ward structure that will accommodate growth and population shifts for a minimum of two (2) Municipal elections (2026 and 2030) and beyond, if feasible.
- Conduct all research, stakeholder consultations (Council and the community), facilitate a minimum of two (2) public open house/workshop style community engagement events and present a final report and recommendations to Council.
- Ensure that the "final product" could withstand scrutiny should it be appealed.

Timeline

The Council Composition and Ward Boundary Review would need to be completed by the end of November 2024, if feasible, to accommodate the appeal period any associated processes if required.

If approved, the successful consultant would need to provide a detailed workplan and schedule showing the tasks and activities to be undertaken to meet the project requirements within the timeframe, including approximate timing of key internal, public/stakeholder engagement meetings and formal Council meetings.

Financial Considerations

A Ward Boundary/Council Composition review was not included in the 2024 budget or workplan and would require a budget amendment to include funds for it. The cost for consultants to complete similar reviews has ranged from \$50,000 to \$70,000.

The scope of work in these comparative RFP's includes conducting the review including research, public consultations, formulation of options, and the preparation of a final report as discussed below.

The cost does not include the cost of any appeals to the Ontario Land Tribunal or other legal challenges.

Risk Analysis

As indicated earlier, a Council Composition and Ward Boundary review is a highly specialized field of study. It requires the consultant to not only have experience with the principles established in law regarding this topic and public consultation expertise, but they must also be unbiased and open minded in order to provide recommendations that are based on facts and the principles at law.

The risk of proceeding with any changes to the ward boundary or council composition without this thorough unbiased review would be in the event of an appeal or legal proceedings the decisions would not be able to withstand scrutiny.

Proceeding with changes to Council Composition without a review can be made as demonstrated in the previous term. However, changes in the composition of the members representing wards without a review could lead to legal proceedings and ultimately a risk that the composition and wards are not fair and equitable to all electors in the Municipality.

Consultation Overview:

This work will involve significant public consultation. The Council Composition and Ward Boundary Review will require interaction with key stakeholders through a public engagement process: to describe/explain the purpose and process, to determine community issues and expectations, to obtain feedback on a draft(s) of the document(s), and to obtain considerations for the formulation of the final Council composition and ward boundaries.

If approved, the successful consultant would need to detail the approach to public engagement and communications in terms of stakeholder engagement, obtaining input and conveying information in order to develop consensus.

Origin:

Resolution # 03/27/24-13 That Council direct staff to provide a report outlining the Council Composition and Ward Boundary Review process including timelines and an approximate budget.

Attachments: None

Prepared by: Jennifer Lawrie, Manager of Legislative Services/Clerk

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