

To: Council in Committee of the Whole

From: Beverly Hendry, Commissioner,
Corporate Services Department

Report Number: CM-16-19

Date of Report: September 14, 2016

Date of Meeting: September 19, 2016

Subject: Conduct of the Ward Boundary Review

File: A-2410

1.0 Purpose

The purpose of this report is to seek direction from City Council respecting certain elements of the ward boundary review in light of changes arising from the Regional Council Composition Review Committee and potential actions which may be undertaken by the Region of Durham.

2.0 Recommendation

It is recommended to City Council:

1. That in accordance with Report CM-16-19, dated September 14, 2016, the ward boundary review proceed as outlined by the consulting partnership of Watson and Associates Economists Ltd. and Dr. Robert Williams; and,
2. That upon completion of the ward boundary review, City Council determine the composition of Oshawa City Council to be effective commencing with the 2018 term of office.

3.0 Executive Summary

On August 31, 2016, a kick-off meeting was held between members of the City's Ward Boundary Review Team and the partnership of Watson and Associates Economists Ltd. and Dr. Robert Williams, engaged to conduct an independent, comprehensive and defensible ward boundary review. During this meeting, a wide ranging discussion took place, noting both the opportunities and challenges presented by the City's return to ward elections and the current review of the composition of Regional Council conducted by the Region of Durham.

This meeting enabled the participants to generate a shared consensus around the conduct of the review and the roles, responsibilities and expectations for the various study

participants. Furthermore, the session enabled the consultants to more fully expand on the elements proposed within the work plan and outline how the various stages build upon the preceding activities. As noted, a potential challenge is presented by the Region of Durham's current initiative to amend the composition of Regional Council; however, the work plan proposed by the consultants provides sufficient flexibility to respond to any potential outcome. Report CORP-16-14 reviewed certain items of importance to the City's ward boundary review, one of which was a review of the appropriate size of Council. Should the study identify a need to modify the number of wards or size of Council to ensure effective representation, or should the Region of Durham fail to successfully implement the recommended changes to the composition of Regional Council, the timing of the final report and recommendations will provide Council with an opportunity to adjust and confirm the number of wards as appropriate. Furthermore, the development of boundary options is anticipated to occur after the outcome of the Region's efforts to amend the composition of Regional Council is known. Should the proposed changes to the composition of Regional Council fail to pass the triple majority required by Section 219 of the Municipal Act, sufficient time will be available to develop boundary options for consideration during the second round of public engagement that recognize the number of Regional Councillors representing Oshawa on Regional Council.

4.0 Input From Other Sources

- Ward Boundary Review Team comprised of representatives from City Clerk Services, Corporate Communications, Information Technology Services, Legal Services and Planning Services
- City Manager
- Consulting Partnership of Watson & Associates Economists Ltd. and Dr. Robert Williams

5.0 Analysis

5.1 Legislative Framework

Section 217 of the Municipal Act provides municipalities with the power to determine the composition of their legislative bodies to respond to the unique needs of their community. This power is subject to certain requirements, namely that Council shall consist of at least five members, one of whom shall serve as the head of council; the head of council shall be elected by general vote, and the balance of council shall be elected by ward vote or general vote or any combination of ward vote and general vote, and all members shall be elected in accordance with the Municipal Elections Act. Any decisions respecting the composition of a local council shall not affect the representation of the local municipality on the council of an upper-tier municipality. Finally, any decision to amend the composition of council cannot be appealed to the Ontario Municipal Board. Section 222 of the Municipal Act, 2001 provides Council with the power to divide, redivide or abolish ward boundaries within a municipality. This authority is subject to a right of appeal that may be exercised by the Minister of Municipal Affairs, or any other person or agency within 45 days after the passage of a by-law by Council. Section 222(7) directs that the Ontario Municipal Board shall hear the appeal and may issue an order affirming, amending or repealing a by-law passed by Council respecting electoral boundaries within the municipality.

5.2 Conduct of the Ward Boundary Review

In accordance with Council's direction that the 2018 Municipal Elections be conducted by ward vote and subsequent approval for the single sourcing of consulting services, the partnership of Watson & Associates Economists Ltd. and Dr. Robert Williams has been retained to conduct an independent, comprehensive and defensible review in order to establish boundaries in advance of the December 31, 2017 deadline established by Section 222 of the Municipal Act.

On August 31, 2016, a project kick-off meeting was held between members of the City's Ward Boundary Review Team and the consultants engaged to complete the ward boundary review. During this meeting, a variety of topics was reviewed, including the roles and responsibilities for staff and the consultant team, the anticipated work plan and timing of events throughout the project, influences on the review emerging from Regional Council's composition review, and information and data required from the City to support the ward boundary review.

One matter that was discussed was the opportunities and challenges presented by the City's return to ward elections. Previous engagements completed by the consultants have focused on amending existing boundaries in light of demographic changes, residential development and municipal amalgamations. The City's review will be a unique exercise for the consultants given the City's return to ward elections and the absence of any current electoral boundaries. It is anticipated the review may offer an opportunity to establish boundaries that may be more responsive to the feedback gathered during the public consultation process, given the lack of existing electoral boundaries within the community and any attachments to those boundaries.

Council has been particularly sensitive to the timing of the City's ward boundary review and the need to implement new boundaries in advance of January 2018. Having reviewed and discussed the work plan with the consultants and their experience before the Ontario Municipal Board, it is believed that the plan provides sufficient flexibility to accommodate challenges that may arise due to the Region's composition review, or appeals lodged with the Board respecting the boundaries approved by Council.

Given the consultants' extensive experience conducting ward boundary reviews within Ontario, the need for boundaries in place prior to the 2018 Municipal Election, and a process that is independent, comprehensive and defensible, it is recommended that the study proceed as outlined by the consultants in their presentation to Council. Proceeding as recommended is anticipated to most fully leverage the recognized expertise offered by the consultants engaged to complete the City's ward boundary review.

6.0 Financial Implications

There are no financial implications associated with this report.

7.0 Relationship to the Oshawa Strategic Plan

This report and the Ward Boundary Review supports the Oshawa Strategic Plan and the goal of Accountable Leadership by providing an opportunity for deliberate community engagement and input into the boundaries to be employed in future municipal elections.

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Sandra Kranc, City Clerk,
City Clerk Services

A handwritten signature in black ink, appearing to read "B Hendry". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Beverly Hendry, Commissioner,
Corporate Services Department