Staff Report

To	Council
Department	Corporate Services Department
Meeting Date	Regular Council - 25 Apr 2022
Subject	Petition for Ward Boundary Changes
Report Number	SR- 2039

Recommendation

That the report from Corporate Services Department, Clerks Division, April 25, 2022 re: Petition for Ward Boundary Changes, be received for information.

Executive Summary:

Purpose of Report

This report responds to a petition requesting ward boundary changes and outlines the legislative requirements and the status of the petition.

Report Highlights

- Review of petition to meet statutory requirements
- Operational considerations for Ward Boundary review

Financial Implications

There are no financial impacts from this report.

Report Details:

Background and Analysis

The purpose of this staff report is to respond to a petition requesting ward boundary changes and outlines the legislative requirements and the status of the petition.

The petition was emailed to the Clerk at 8:09 PM on February 28th, 2022 and therefore determined to be received on March 1, 2022. The lead petitioner appeared as a delegation before Council on March 14th, 2022 to present the petition to Council. The petition states:

> "I/We the undersigned, petition the Council of Loyalist Township to: Pass a by-law re-dividing the municipality's wards, to achieve fair representation for all the electors of Loyalist Township."

If the petition is determined to be sufficient to meet the statutory requirements, Council has 90 days to pass a by-law dividing or redividing the municipality into wards or dissolving the existing wards. Ninety days from March 1, 2022 is May 29th, 2022.

The petition requires the signatures of 1 per cent of the electors in the municipality or 500 of the electors in the municipality, whichever is less, but, in any event, a minimum of 50 signatures of the electors in the municipality is required. (Section 223(2)).

Excerpts from the *Municipal Act,* 2001:
Section 223 (4) "If the council does not pass a by-law in accordance with the petition within 90 days after receiving the petition, any of the electors who signed the petition may apply to the Ontario Land Tribunal to have the municipality divided or redivided into wards or to have the existing wards dissolved."

Section 223(5) "The Tribunal shall hear the application and may, despite any Act, make an order dividing or redividing the municipality into wards or dissolving the existing wards and subsection 222 (6) applies with necessary modifications in respect to the hearing."

The Township Clerk has reviewed the petition and determined that the number of e-signatures would meet the requirement, however, in order to have e-signatures recognized, the Municipality is required to have established rules and procedures pursuant to the *Electronic Commerce Act*. It is important to have these policies in advance so that Council can authenticate the signatures and know that they are electors as required by the Act. The Township has not created those rules, and therefore the signatures do not meet the requirements of the Act and the petition is deemed to be insufficient.

This means that petitioners lack the right to apply to the Ontario Land Tribunal (OLT) should Council refuse to adopt a by-law re-dividing the municipality's wards to achieve fair representation for all the electors of Loyalist Township within 90 days of the date the petition was filed.

Operational Considerations

The deadline for dividing the local municipality into voting subdivisions and informing Municipal Property Assessment Corporation (MPAC) of the Boundaries is March 31st of an election year. An order of the Tribunal under Section 223(6) "comes into force on the day the new council of the municipality is organized following, ...(b) the second regular election after the order is made, if the order is made on or after January 1 in the year of a regular election but before voting day."

A review of electoral boundaries is not subject to any specified schedule, nor is there a standardized process or criteria established. Unless a petition is received under Section 223 of the Act, it is left up to each municipal council to:

- determine if and when a review should occur;
- set terms of reference for the review, including the process to be followed; and
- establish criteria or guiding principles that the municipality's electoral system will be evaluated on.

Ensuring that the appropriate resources to manage the process and deliver plausible options for consideration, including as much public consultation as possible, is important. An estimated timeline is between six to twelve months based on the scope including, but not limited to some of the following criteria:

- Reviewing present and historical election data
- Interviewing current Council members and staff
- Reviewing geography, population, growth forecasts, community history, community interests, minority representation, etc.
- Establishing a public engagement strategy, recognizing the important of community engagement
- Exploring alternative options (ward versus at large, decreasing or increasing the number of wards, etc.)

With the petition being received late in an election year, and even if the matter were appealed to the OLT, any order of the Tribunal is not effective until a subsequent election, being 2026. Therefore, given that there is no time constraint for the 2022 Election, it would be my recommendation to not rush the process and ensure that it is given the due attention it needs.

A viable option to consider, is to engage the services of an external consultant, with proven ability and expertise to conduct a ward boundary review, in line with the 2026 Municipal Election.

Relevant Policy/Legislation

Municipal Act, 2001
Municipal Elections Act, 1996

Links to Strategic Plan

Council adopted the Loyalist Township Strategic Plan (2019-2023) at its regular meeting held November 25, 2019. The initiative contained within this report supports the Strategic Priorities as set out in the Strategic Plan as it pertains to the following Strategic Objectives:

- External Communications
- Engage public through broad range of communication and marketing on multiple platforms and creating greater opportunities for public communications and engagement fostering a positive public/municipal relationship

Prepared by:
Debbie Chapman, Director of Corporate Services/Clerk

Approved by	Status:
Steven Silver, Chief Administrative Officer	Approved - 19 Apr 2022