

## Staff Report 2021-0266

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Meeting Date: June 14, 2021

Subject: Ward Boundary Review – Final Report

Submitted By: Laura Hall, Director, Corporate Services / Town Clerk

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### RECOMMENDATION

That Option \_\_\_ outlined in Staff Report 2021-0266, be selected and approved as the Town's new Ward System Configuration to take effect for the 2022 Municipal Election;

That a by-law be enacted to reflect the changes to the Town's Ward System and be renumbered accordingly;

That Option \_\_\_ outlined in Staff Report 2021-0266, be selected and approved as the composition and representation of the Town's two (2) Regional Councillors;

That a by-law be enacted to reflect the changes to the Regional composition and representation; and

That a copy of this Staff Report and associated By-laws be circulated to the Region of Peel.

### REPORT HIGHLIGHTS

- The *Municipal Act, 2001, as amended* ("the Act") provides the framework for a municipality to change its composition of council and conduct electoral ward boundary reviews
- In 2020, staff was directed to retain a consultant to undertake a Ward Boundary Review with an intent for a new system to be in effect for the 2022 Municipal Election. The last review was completed in 1994
- Staff retained the services of Watson and Associates Economists Limited to conduct the Town's ward boundary review project which kicked off in July 2020
- The project consisted of nine (9) stages outlined in this report, which included two (2) rounds of Public Engagement and Consultation
- Attached as Schedule A to this Staff Report is the Final Report presented to the Town by the Consultant Team. As outlined in Schedule A, two proposed ward configurations are before Council for consideration
- As a result of Caledon's Regional Composition decreasing to three members for the 2022 Municipal Election, Council must consider how the two Councillor representatives will be elected, whether through a ward system approach or at-large
- Should Council select a new Ward system configuration, staff will retain the services of a communication consultant to inform and educate the public of the changes in preparation for the 2022 Municipal Election
- The Act states that within 45 days of a new ward boundary by-law being passed, it may be appealed to the Ontario Land Tribunal (OLT) by the Minister of Municipal Affairs and Housing, or any other person or agency. The appeal is made by filing a notice of appeal with the municipality setting out the objections to the by-law and the reasons in support of the objections

## **DISCUSSION**

### **Background**

In February 2020, Council through Staff Report 2020-0007 directed staff to retain a consultant to undertake a Ward Boundary Review with an intent for a new ward system to be in effect for the 2022 Municipal Election.

The Town of Caledon has seen significant development and population growth in the past two decades. Caledon's current ward boundaries were established in 1994 by an appeal to the Ontario Municipal Board. According to Census data, the population of Caledon in 1994 was 39,150. The 2011 Census indicated that Caledon's population had grown to 59,460 and to 66,502 by 2016. This represents a population increase of 58.9% from 1994 to 2016. The Region's Official Plan growth forecasts estimate the Town's population will increase to 87,000 or by another 30.8% before the next Municipal Election in 2026, 108,000 by 2031 and 169,000 by 2041.

Given the length of time that has lapsed since the last review and the fact that population growth in certain wards has increased, staff believe that undertaking a ward boundary review at this time was appropriate.

Staff retained the services of Watson and Associates Economists Limited to conduct the Town's ward boundary review project. The Consultant Team began the initial stages of the review in July 2020 and completed the following phases as part of the review:

1. Project Initiation, information gathering and research
2. Interviews with Members of Council and staff
3. Compilation of existing and forecast population and GIS data modeling
4. Round 1 – Public Consultation
5. Evaluation of the existing ward structure
6. Development of preliminary ward boundary alternatives
7. Council Presentation and Workshop
8. Round 2 – Public Consultation
9. **Council Presentation of Final Report and Options (June 14, 2021 General Committee Meeting)**

### **Recommendations for Consideration**

As a result of the Ward Boundary Review and recent changes to the Town's Regional Representation, there are two important decisions for Council to consider. Attached as Schedule A to this Staff Report is the Final Report presented to the Town by the Consultant Team. As outlined in Schedule A, two proposed ward configurations are before Council for consideration. Refer to Schedule A for full details about each Final Option and a complete rationale on how the final options were configured. In addition, the Report also outlines options for Council to consider regarding the representation of the Town's two (2) Regional Council members.

#### Proposed Options for a New Ward System

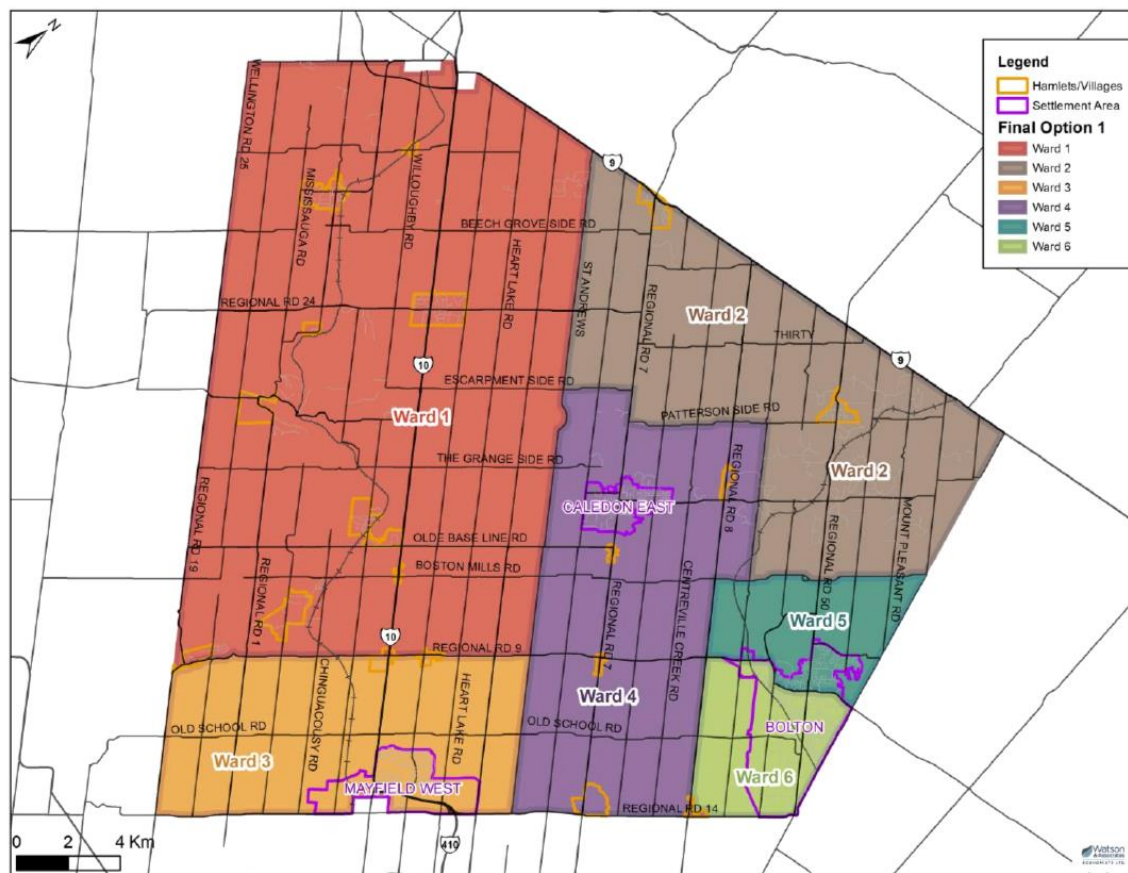
Based on the results of the review, Council can select one of the recommended options, amend one of the recommended options (although this can be problematic in the context of a possible appeal to OLT) or default to the status quo by taking no actions at all.

As outlined in Schedule A, the Consultant Team has highlighted some deficiencies in the current ward boundary system in relation to the guiding principles. These deficiencies have led the Consultant Team to conclude that the current ward boundary system no longer serves the residents of Caledon well and ought to be changed. The public engagement efforts throughout this review have been largely consistent with this view.

### Option 1 – 6 Ward System Configuration

This option as shown in Figure 1, presents six wards placing a high priority on the communities of interest in Caledon. Ward 1 extends east as far as St. Andrew's Road and includes Terra Cotta, with the south boundary being Regional Road 9 (also known as King Street). The main implication of this option is trying to keep the entire Credit River watershed and the Niagara Escarpment in the same ward. This option maintains the existing Council composition at nine, with six Area Councillors, two Regional Councillors and one Mayor. The explicit recognition and focus on communities of interest in this option results with two wards being outside the acceptable range of variation based on estimated 2021 population. Population parity does not improve in 2031 as five of the six wards will have populations outside of the acceptable range, making the population disparities extreme. This option places a greater emphasis on wards that recognize Caledon's historical communities and the importance of an urban-rural mix.

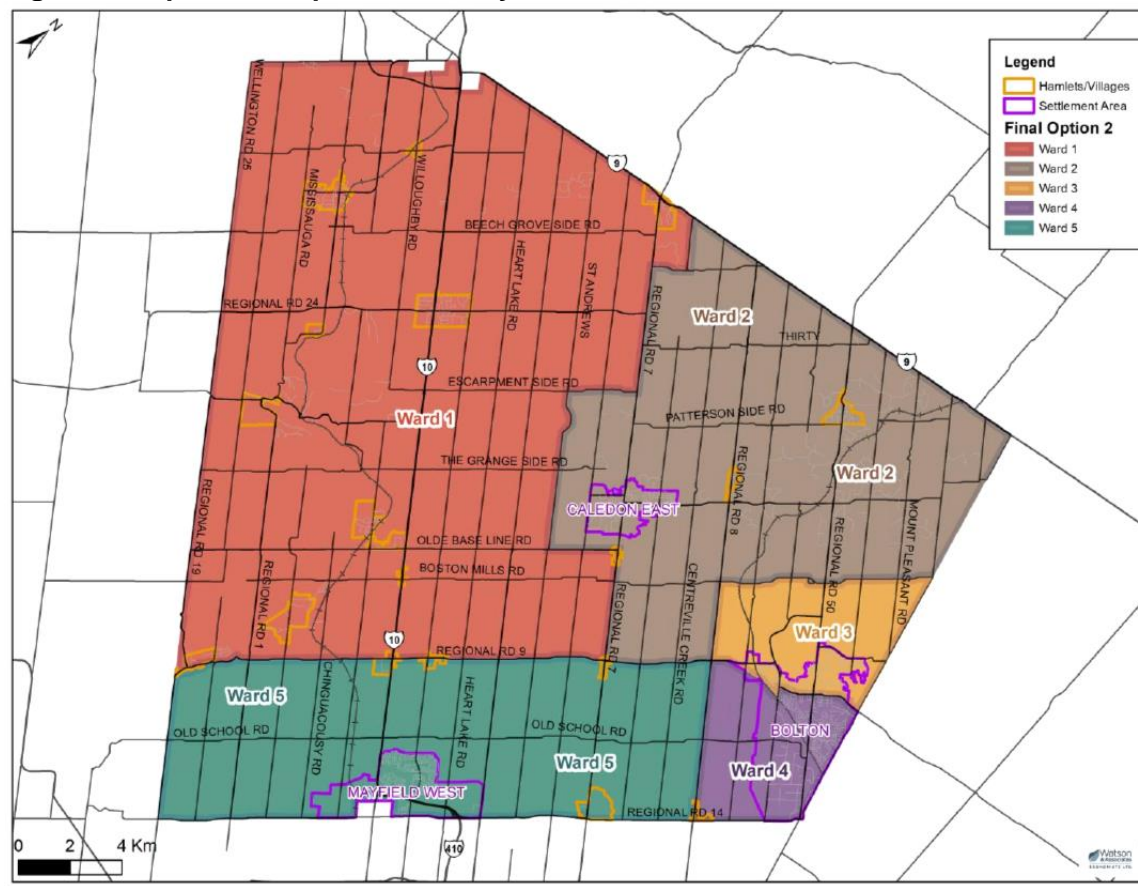
**Figure 1 – Option 1 Proposed Ward System**



## Option 2 – 5 Ward System Configuration

This option as shown in Figure 2, presents five wards, adopting the change in population distribution expanding Bolton west to Regional Road 8, also known as the Gore Road and separating into two wards utilizing the rail line and Regional Road 9 (also known as King Street) to act as a north / south divide. This option does not maintain the existing composition of Council and includes five Area Councillors, two Regional Councillors, and one Mayor, totaling eight. This option includes three wards that have similarities to the existing ward structure. The proposed ward 1 runs south to Regional Road 9 (also known as King Street) and contains the village of Mono Mills and Terra Cotta. Bolton remains split into two proposed wards, similar to Final Option 1. Final Option 2 presents a balanced approach when evaluated against the five guiding principles. In addition, this option provides a ward system that illustrates effective representation for residents across the entire municipality.

**Figure 2 – Option 2 Proposed Ward System**



## Regional Representation

On November 26, 2020 Regional Council adopted a resolution regarding the Composition of Regional Council, for notice to be given in accordance with legislation, that the Region intend to adopt a by-law to change the number of its members that represent the City of Brampton and the Town of Caledon by increasing the number representing Brampton by 2 to 9 members and decreasing the number representing Caledon by 2 to 3 members to be effective for purposes of the municipal election to be held in October 2022. The resolution also directed

staff to organize a public meeting which was held on December 17, 2020 to consider the matter of Council's intention. On December 17, 2021, the Region of Peel Council passed By-law 83-2020 providing authority to change the composition of Regional Council.

As a result of Caledon's Regional Composition decreasing to three members for the 2022 Municipal Election, Council must consider how the two Councillor representatives will be elected, whether through a ward system approach or at-large.

The Ward Boundary Review did consider the change in Regional Representation and the Consultants are proposing the following possible options based on the proposed Ward System Options.

Recommended Options to Elect Regional Councillors:

Option 1: 2 Regional Councillors be elected at-large.

**Regional Council Options for Final Option 1 – 6 Ward System Configuration**

Option 2: Regional Councillor Representative for proposed Wards 1, 3 and 4  
Regional Councillor Representative for proposed Wards 2, 5 and 6

Option 3: Regional Councillor Representative for proposed Wards 1, 2 and 3  
Regional Councillor Representative for proposed Wards 4, 5 and 6

**Regional Council Options for Final Option 2 – 5 Ward System Configuration**

Option 4: Regional Councillor Representative for proposed Wards 1 and 5  
Regional Councillor Representative for proposed Wards 2, 3 and 4

Option 5: Regional Councillor Representative for proposed Wards 1 and 2  
Regional Councillor Representative for proposed Wards 3, 4 and 5

The Final Report attached as Schedule A provides further details about the proposed options regarding Regional Representation.

**Next Steps**

Should Council select a new Ward system configuration, staff will retain the services of a communication consultant to inform and educate the public of the changes in preparation for the 2022 Municipal Election. Both proposed options observe significant changes in representation to areas such as Bolton and other villages within the Town. It is imperative that residents have an understanding of the changes and representation that will take effect for the municipal election and new Term of Council.

Staff will bring forward the necessary By-laws for consideration at an upcoming Council meeting to enact the new Ward System and Regional Representation pursuant to the *Municipal Act, 2001*.

## **Appeal Process**

The *Municipal Act, 2001, as amended* (“the Act”) provides the framework for municipalities to change its composition of council and conduct electoral ward boundary reviews. Subsection 222(1) states that a municipality is authorized to “divide or re-divide the municipality into wards or to dissolve the existing wards.” Subsection 222(3) provides that a municipality is required to give public notice that a ward boundary by-law has been passed within 15 days after the by-law is passed. The notice must specify the last date for filing a notice of appeal.

Subsection 222(4) of the Act states that within 45 days of the ward boundary by-law being passed, it may be appealed to the Ontario Land Tribunal (OLT) by “the Minister or any other person or agency”. The appeal is made by filing a notice of appeal with the municipality setting out the objections to the by-law and the reasons in support of the objections. The municipality is required to forward any notices of appeal to the OLT within 15 days after the last day for filing the notice. While it is clear that adjustments to local wards can be appealed, the process in this subsection is broad as there is no distinction made between local or regional wards. Based on this, it should be anticipated that any arrangement of regional wards within a by-law may be appealed in addition to the local wards.

For any ward boundary changes to be in effect for the 2022 Municipal Election, any by-law establishing new ward boundaries must be in force before January 1, 2022. Specifically, if the by-law establishing new ward boundaries is appealed to the OLT, the notices of appeal must be withdrawn, or the Tribunal must have issued an order to affirm or amend the by-law, before that date.

While the Act provides for municipalities to divide or re-divide the municipalities into wards or to dissolve the existing wards, the Act also provides for a mechanism under Subsection 223(1) of the Act, whereby electors in a municipality may present a petition to the council asking the council to pass a by-law dividing or re-dividing the municipality into wards or dissolving the existing wards. The petition requires the signatures of one per cent of the electors in the municipality or 500 of the electors in the municipality, whichever is less and if Council does not pass a by-law in accordance with the submitted petition within 90 days of receiving the petition, any of the electors who signed the petition may apply to the OLT to have the municipality divided or re-divided into wards or to have the existing wards dissolved. The OLT is required to hear the application and may make an order dividing or re-dividing the municipality into wards or dissolving the existing wards. The significance of the section is that the OLT then becomes the decision maker for establishing ward boundaries with very little input from the municipality. This was the process that unfolded between 1993 and 1994 when the OMB combined wards 3 and 4 into one ward, known today as wards 3 / 4.

The appeal process in the Act for a by-law that adjusts ward boundaries is broad as there is no distinction made between local or regional wards. Based on this, it should be anticipated that any arrangement of regional wards within a by-law may be appealed. As an alternative to regional wards, the other option Council may decide on is to elect Regional Councillors at-large.

## **FINANCIAL IMPLICATIONS**

Staff don’t anticipate any major financial implications associated with a change to the Town’s ward system. Should any financial pressures arise, staff will advise as part of the 2022 Budget, specifically related to the Town’s Election Reserve Fund.

**COUNCIL WORK PLAN**

Good Governance – Review Council composition and ward boundaries

**ATTACHMENTS**

Schedule A: Ward Boundary Review – Final Report and Proposed Ward System Options