

# INFORMATION REPORT

<b>TO:</b>	Mayor and Members General Issues Committee
<b>COMMITTEE DATE:</b>	March 30, 2015
<b>SUBJECT/REPORT NO:</b>	Ward Boundary Review (CM15004) (City Wide)
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Rose Caterini, City Clerk, 905 546-2424 x5409 Tony Fallis, Manager, Elections, 905 546-2424 x2753
<b>SUBMITTED BY:</b>	Chris Murray City Manager City Manager's Office
<b>SIGNATURE:</b>	

## Council Direction:

At its meeting of June 27, 2012 Council directed: "That the City Clerk prepare, for the consideration of the General Issues Committee, in the first quarter of 2015, terms of reference and a timeline for a ward boundary review, to commence in 2015 and be completed by June 30, 2017 for the 2018 municipal election.

That in order to address OMB expectations for full public participation in municipal ward boundary reviews, the City Clerk be directed to include a public consultation process in developing the terms of reference for this comprehensive ward boundary review.

That the comprehensive ward boundary review be undertaken with the assistance of a consultant, and to begin the ward boundary review prior to June 30, 2015."

## Information:

An RFP for the hiring of a consultant for the ward boundary review is currently underway. The expectation is that the consultant/s will be hired in May or June, 2015

As part of the RFP process it is explicitly clear that public consultation will be part of the ward boundary review process, and discussions will include any additions or modifications to the terms of reference.

Following is a guideline of the terms of reference:

- A. **Representation by Population:** Considering representation by population for every Councillor generally representing an equal number of constituents within his or her respective wards. Given the geography and varying

population densities, and characteristics of the City, a degree of variation is acceptable.

- B. **Population and Electoral Trends:** Accommodating for and balancing future increases or decreases in population growth/decline to maintain a general equilibrium in the representation by population until the year 2018 at a minimum.
- C. **Means of Communication and Accessibility:** Arranging ward boundaries by primary and secondary road patterns, railway and public transit accesses, telephone exchanges, postal codes and servicing capabilities to help foster and identity and neighbourhood groupings.
- D. **Geographical and Topographical Features:** Utilizing geographical and topographical features to provide for ward boundaries and compact and contiguous area.
- E. **Community or Diversity of Interests:** Recognizing settlement patterns, traditional neighbourhoods, and community groupings (social, historical, economic, religious and political diversities) while, at the same time, not fragmenting a municipality.
- F. **Effective Representation:** Consider an overriding principle of effective representation as described by the Supreme Court of Canada in its decision on the Carter case.

The noted terms of reference have been used by multiple Ontario municipalities in previous ward boundary reviews and included in the city's RFP. In reviewing previous OMB decisions it is clear that the OMB has accepted these principles with regard to their decisions.

In keeping with Council's direction to approve a Ward Boundary by-law by June 2017, a draft timeline is provided for Council's information.

Section 222, of the *Municipal Act, 2001* provides municipalities with the authority to divide or redivide the municipality into wards or to dissolve existing wards.

Generally a ward boundary review will take from 18 to 24 months for completion, taking into consideration an OMB appeal, the draft timeline includes a process to December of 2016. By targeting this date the city remains well within the target date prescribed by Council of June 30, 2017.

Please note that this timeline does not take into consideration any delays that may occur in the process or additional input required, or provided by the Consultant.

<b>Action</b>	<b>Time Line</b>
Procurement RFP process for the hiring of a consultant.	March and April 2015
A Consultant is hired.	May/June 2015
Consultant meets with Mayor, Councillors and stakeholders <sup>1</sup> to determine the Terms of Reference.	June/July 2015
Establishment of Consultant support team <sup>2</sup> . Consultant to review all resources and relevant information. Consultant prepares and provides an Information Report to GIC Committee for discussion.	June/September 2015
Stakeholder Meetings including the public, special interest groups, ratepayers, etc. regarding ward boundarys.	September/November 2015
Consultant develops a draft report and presentations for the stakeholders.	December 2015/January 2016
Additional Stakeholders meetings to review the draft report and recommendations.	February/March 2016
Consultant completes final report	May 2016
GIC considers final report	June 2016
City Council adopts by-law	July/August 2016
Within 15 days after a by-law is passed, the municipality shall give notice of the passing of the by-law to the public specifying the last date for filing a notice of appeal.	September 2016

<sup>1</sup> The list of stakeholders includes, but is not limited to: City of Hamilton residents and business groups, City Council, Neighbourhood/Resident Association, and School boards.

<sup>2</sup> The support team will include City Clerk's, Planning and Economic Development, Information Technology, Legal Services, Communications and any other department that may have pertinent information to assist in the ward boundary review.

<b>Action</b>	<b>Time Line</b>
Within 45 days after a by-law is passed, the Minister or any other person or agency may appeal to the OMB 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.	October 2016
Within 15 days after the last day for filing a notice of appeal, the municipality shall forward any notices of appeal to the OMB.	November/December 2016
The OMB schedules and hears any appeals and may make an order affirming, amending or repealing the by-law.	January/June 2017 (Dependant on number of appeals and scheduling at the OMB)

The ward boundary review is intended to be comprehensive, and not restrained by specific objectives established at the outset.

All residents will have an opportunity to express meaningful input prior to, and after, the specific proposal prepared by the consultant. This will be done through the process of consultation and public meetings.