

Monday, July 6, 2020
9:30 a.m. – Special Meeting
Council Chambers – 4th Floor with Electronic Participation

Members: Regional Councillor P. Fortini – Wards 7 and 8 **(Chair)**
Regional Councillor M. Medeiros – Wards 3 and 4
Regional Councillor P. Vicente – Wards 1 and 5
Regional Councillor G. Dhillon – Wards 9 and 10
City Councillor C. Williams – Wards 7 and 8

For inquiries about this agenda, or to make arrangements for accessibility accommodations for persons attending (some advance notice may be required), please contact:

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cityclerksoffice@brampton.ca

Note: Meeting information is also available in alternate formats upon request.

Notice:

In consideration of the current COVID-19 public health orders prohibiting public gatherings of more than 10 people and requirements for physical distancing between persons, in-person attendance at this Special Council meeting will be limited to Members of Council and essential City staff only.

Members of the public may watch the meeting live from the City of Brampton website at: <https://www.brampton.ca/EN/City-Hall/meetings-agendas/Pages/Welcome.aspx> or <http://video.isilive.ca/brampton/live.html>

Correspondence related to agenda business to be considered at the meeting may be submitted via email to the City Clerk at cityclerksoffice@brampton.ca up until the start of the meeting.

During the meeting, the public may submit questions regarding decisions made at the meeting via email to the City Clerk at cityclerksoffice@brampton.ca, to be introduced during the Public Question Period section of the meeting.

Agenda
Governance and Council Operations Committee

1. Call to Order

Note: The City Clerk will conduct a roll call at the start of the meeting.

2. Approval of Agenda

3. Declarations of Interest under the Municipal Conflict of Interest Act

4. Delegations

5. Reports

5.1. Staff Report re: **Council Composition, Ward Boundary Review and Terms of Reference (RM 5/2020).**

Recommendation

6. Other Business/New Business

6.1. Discussion Item at Request of Chair Fortini re: **Policies and Procedures for Councillors.**

6.2. Discussion Item re: **Current Committee Structure.**

7. Correspondence

8. Councillor Question Period

9. Public Question Period

15 Minute Limit (regarding any decision made at this meeting)

During the meeting, the public may submit questions regarding decisions made at the meeting via email to the City Clerk at cityclerksoffice@brampton.ca, to be introduced during the Public Question Period section of the meeting.

10. Closed Session

11. Adjournment

Next Meeting:

Monday, September 14, 2020 – 9:30 a.m.

Date: 2020-01-09

Subject: **Council Composition, Ward Boundary Review and Terms of Reference (RM 5/2020)**

Contact: Peter Fay, City Clerk, City Clerk's Office, Legislative Services, 905.874.2172, peter.fay@brampton.ca

Recommendations:

1. That the report titled: **Council Composition, Ward Boundary Review and Terms of Reference (RM 5/2020)**, to the Governance and Council Operations Committee meeting of July 6, 2020, be received;
2. That direction be provided to staff regarding a review of Council composition:
 - a. Proceed with a change in Council composition; or
 - b. Not proceed with a change in Council composition;
3. That direction be provided to staff to either:
 - a. Proceed with a Ward Boundary Review to ensure completion by December 31, 2021, based on the terms of reference set out in Appendix 2; or
 - b. Not proceed with a Ward Boundary Review; and
4. That the Governance and Council Operations Committee serve as the steering committee to guide the work of the Ward Boundary Project Team.

Overview:

- **At its meeting of December 4, 2019, Committee of Council directed staff to create criteria to be considered in the review of ward boundaries, along with draft Terms of Reference.**
- **The last ward boundary review was conducted in advance of the 2014 Municipal Election.**

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- **This report provides information on the following:**
 - **Options for a change in Council composition**
 - **Criteria to be considered in the review of ward boundaries**
 - **Establishment of a staff Ward Boundary Project Team, Council steering committee and Terms of Reference**
 - **Timelines for a ward boundary review and implementation.**

Background:

The last ward boundary review was conducted ahead of the 2014 Municipal Election, where boundaries were realigned based on forecasted population growth.

At the December 4, 2019 meeting of Committee of Council, staff provided population projection information for the next three election cycles, based on preliminary population forecast figures provided to the Region of Peel by Hemson Consulting Ltd. The preliminary forecasts, as updated in April 2020, are included in Appendix 1 for reference.

At the same meeting, Committee of Council passed Recommendation CW502-2019 as follows:

That staff be directed to create criteria to be considered in the review of ward boundaries, to provide a draft Terms of Reference to establish an adhoc Committee of Council for a ward boundary review, and create timelines for a ward boundary review and implementation and to present options for changing Council's composition in conjunction with realigning ward boundaries based on Council decisions on the size and composition of Council.

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Current Situation:

Reviewing Council Composition

Section 217 of the *Municipal Act, 2001* (“Act”) authorizes a local municipality to change the composition of its Council subject to the following rules:

- Minimum of five members, one of which is the Head of Council
- Members are elected in accordance with the *Municipal Elections Act, 1996*
- Head of Council is elected by general vote
- Members, other than Head of Council, are elected by general vote or wards, or by any combination of general vote and wards
- Representation of the City at Regional Council shall not be affected by a change in composition at the local level.

Council moved from an 11-ward composition to 10 wards for the 2006 Municipal Election.

Staff has outlined potential options for a change in Council composition. These options are based on a premise that City Council does not wish to increase or decrease the total size of City Council (1 Mayor and 10 Councillors). It is highly recommended that a decision on Council composition be made ahead of a ward boundary review.

Option 1: Maintain current structure

The municipality is divided into 10 wards, with five ward pairings. Each ward pairing is represented by a City Councillor and Regional Councillor, with the Mayor elected to serve at large. A sixth Regional Councillor is appointed by City Council at the beginning of the term of Council, from amongst the five City Councillors. The Head of Council also serves on Regional Council.

Council is not required by the Act to review or change its composition and may decide to maintain the current structure.

Option 2: Revision to current ward pairings

Council may wish to change the existing ward pairings based on projected population and growth in certain wards. In this scenario, wards would still be paired together, however the ward pairings or groups would be different. Based on the new ward pairings, a new approach for how to elect Councillors to Regional Council may be required to ensure adequate representation.

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Option 3: Unpair wards

Council may wish to continue with the 10-ward structure, however unpair them, so that each Councillor represents one ward only.

For the next municipal election, 10 individuals would be elected to serve as City Councillor for their respective ward. The current regional representation of six Regional Councillors would continue. A new approach for how to elect Councillors to Regional Council would be required – one option is that the six Councillors who received the most number of votes (total votes or percentage) in the municipal election would be appointed to Regional Council, along with the Mayor.

Option 4: Clean slate review and definition of new wards

Council may wish to direct staff to conduct a “clean slate” review in which the existing ward boundaries are removed and new wards are created without reference to the previous wards and based on the ward boundary criteria, as approved by Council.

Option 5: Align ward boundaries with provincial and federal electoral districts

For the 2018 Municipal Election, the Government of Ontario changed the City of Toronto’s ward boundaries to be identical to the Ontario and federal electoral districts (as discussed later in this report).

Council may wish to take a similar approach by creating five wards that mirror the five electoral districts within Brampton.

In this scenario, one City Councillor and one Regional Councillor would represent each ward. The sixth Regional Councillor could be appointed using the current method.

Alternatively, each of the five wards could be further divided into two, creating 10 wards, and the composition of Council could be changed in a similar way to Option 3.

The federal electoral districts undergo a review and redistribution exercise after each 10-year census. The last redistribution exercise began in 2012 and changes took effect in 2014. The next review exercise will likely begin at the end of 2021, after the next 10-year census and will possibly conclude in 2023.

Option 6: Create a new composition with six wards

Council may direct staff to create a six-ward scenario, with the election of six Regional Councillors and four City Councillors. Each Regional Councillor would represent one of the six wards.

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The six wards would then be split into two groupings, for example, Wards 1, 2 and 3 as one grouping, and Wards 4, 5 and 6 as the other grouping. Two City Councillors would be elected to represent each ward grouping, i.e., two City Councillors serving Wards 1-3, and two City Councillors serving Wards 4-6.

This option is based on the premise that representation at the regional level remains at six Councillors from the City of Brampton (see Other Considerations below).

Other Considerations

Section 218 (6) of the *Municipal Act, 2001*, as amended, requires that a regional municipality review the number of representatives on Council from each of its lower-tier municipalities. A regional municipality can either confirm its current composition or initiate a review to change it. If the municipality does not make a decision by December 1, 2020, the Minister of Municipal Affairs and Housing may make a regulation changing the composition of the Council of the regional municipality.

In February 2020, the Region of Peel reported to its Policies and Procedures Committee regarding this matter. The discussion was deferred to a later meeting, which has not occurred due to the COVID-19 pandemic. As such, this matter remains paused. If the Region decides to initiate a composition review once the matter resumes, there could be implications for Brampton's representation at the regional level.

Reviewing Ward Boundaries – Legislative Requirements

Under the *Municipal Act, 2001* ("Act") municipalities can establish, re-divide, or dissolve existing wards. While the Act states that a municipality has the authority to change their ward boundaries, it does not specify how to conduct such a review or any parameters to consider.

Establishing Criteria for a Ward Boundary Review

Municipalities across Ontario that have conducted ward boundary reviews rely on a set of generally accepted principles that are regularly considered when defining or refining ward boundaries. These principles have been developed based on previous Supreme Court of Canada and Ontario Municipal Board (OMB) (now Local Planning Appeal Tribunal (LPAT)) decisions. The previous City of Brampton ward boundary review conducted in 2012/2013 also incorporated these principles.

These principles are considered in order to achieve the primary goal of a ward boundary review, which is "effective representation", as established by the Supreme Court of Canada.

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According to the City of Toronto's Ward Boundary Review website, "the primary consideration when it comes to effective representation is "voter parity" (often also referred to as representation-by-population). This is the principle that all votes should have equal weight and therefore the number of people living in each voting area (i.e. ward) should be similar. This is fundamental to the democratic electoral system."

While there is no requirement under the Act for municipalities to conduct a review of ward boundaries, a review is generally considered when it appears that "effective representation" across wards has become unbalanced.

Preliminary Population Forecasts

Appendix 1 includes revised preliminary population forecast figures prepared by Hemson Consulting Ltd, for the Region of Peel. The appendix also includes projected population figures for the next three election cycles – these figures were interpolated from the data provided by Hemson.

As indicated in Appendix 1, forecasts show that the projected population growth in Wards 6 and 10 will increase significantly throughout the next three election cycles. By the 2030 election year, the population for Ward 6 is projected to be at 150,028 (currently projected at 97,896 for 2020), and the population for Ward 10 is projected to be at 117,922 (currently projected at 83,002 for 2020).

It is important to note that the preliminary forecasts reflect the population figure set out for the Heritage Heights area (Northwest Brampton) in the City's Official Plan. Recent planning work undertaken for the area is recommending that Heritage Heights have a higher population (the precise figure has not yet been determined). This, and plans for additional intensification in several other areas of the city, has not yet been accounted for in the preliminary forecasts. This may affect the distribution of population amongst the City's wards in future years.

Population Variance

Appendix 1 also indicates the population size variance between wards for the next three election cycles.

The generally accepted maximum population size variance between wards is 25% (or 33% in certain cases). However, a 10% variance is considered ideal.

Looking ahead to the 2022 Municipal Election, Ward 6 will have a variance of 54% based on current projections, while Ward 10 will have a variance of 27%. All other wards will fall within the generally accepted threshold of 25% variance, however only three wards (Wards 4, 5 and 8) fall within the optimal 10% variance.

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For the 2026 election, Wards 3, 6 and 10 will be outside of the 25% threshold, and for the 2030 election, Wards 2, 6, 7 and 10 will be outside of the threshold

When comparing variance between the existing ward pairings, all ward pairings remain within the generally accepted 25% threshold for the next two election cycles. This means that while individual wards will be outside of the variance threshold in the future, if the existing ward pairings and Council composition remain, the variance for each ward pairing is within the acceptable margin (although not within the optimal margin of 10% variance).

For the 2030 election, ward pairings 2 & 6, and 9 & 10 will be outside of the 25% threshold.

If undertaken, a review of ward boundaries should aim to rebalance the population variance for each ward.

Terms of Reference

A draft Terms of Reference for a ward boundary review has been included as Appendix 2 to this report. Within the Terms of Reference, key criteria and guiding principles have been established based on the above, which include:

- Effective representation, the primary goal of a review
- Representation by population (voter parity)
- Population trends and growth (i.e. development and intensification)
- Physical boundaries (natural and built)
- Protection of established neighbourhoods and communities

Project Team and Council Steering Committee

The Terms of Reference also include a proposed cross-departmental project team to conduct the review. The proposed project team will be led by the Clerk's Office and will include team members from Legislative Services, Planning, Building and Economic Development, Corporate Support Services, and the Office of the Chief Administrative Officer.

The work of this team will be overseen by a committee of Council, as approved by Council resolution. The resolution provides for an ad hoc committee, however the existing Governance and Council Operations Committee could serve as a steering committee for the ward boundary review as its mandate does include Council governance, structure and composition, matters which can include ward boundaries. Staff recommends that the Governance and Council Operations Committee serve as the steering committee for this review.

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If Council decides instead to establish a stand-alone ad hoc committee of Council with defined tasks and term, it may also wish to consider possible inclusion of citizen members on the ad hoc steering committee.

The 2012/2013 ward boundary review was led by the Clerk's Office. Alternatively, the review can also be led by the Planning, Building and Economic Development department. The City of Mississauga's Planning team is leading their current ward boundary review.

A number of municipalities have sought the assistance of an independent consultant to lead their recent ward boundary reviews, including the Cities of Toronto and Hamilton. The City of Ottawa and the Town of Caledon are currently undergoing ward boundary reviews with external consultants. The Cities of Guelph and Vaughan, and the Town of Newmarket also intend to hire an independent consultant.

Staff is confident, however, that the review can be completed internally.

Timelines for Review and Implementation

The Act specifies the timeline for completion of a ward boundary review. Any ward boundary changes must be complete and final by December 31 in the year preceding an election.

Any decision by Council to change ward boundaries is subject to public notice and possible appeal to the Local Planning Appeal Tribunal (LPAT). Any appeals must be fully resolved by December 31, 2021 in order for the ward boundary changes to take effect for the 2022 Municipal Election.

If appeals are not resolved prior to that date, the changes would not take effect until the 2026 Municipal Election.

Appendix 3 includes extracts from the Act relating to the legislated timelines.

The Terms of Reference include a proposed timeline for a ward boundary review with all work (including a public consultation period) completed by January/February 2021. This should allow ample time for any appeals to be considered and resolved by LPAT.

For reference, several parties appealed the outcome of the City of Toronto's ward boundary review. Two parties also appealed the City of Hamilton's review decision.

Other Considerations

Post-Ward Boundary Review Work

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Once a ward boundary review has been completed, and any appeals resolved, work will begin in order to finalize the new ward boundaries. Ward boundary change information will be provided to the Municipal Property Assessment Corporation (MPAC), which is currently responsible for Voters' List information.

Moving forward, however, the Ontario Government has announced its intention to combine the provincial and municipal Voters' Lists, which means that Elections Ontario will become responsible for the municipal Voters' List, if legislation is passed. Timelines for the transition between MPAC and Elections Ontario are not yet known, which could affect the timing of work being done post-review.

School Board Trustee Representation

School boards rely on elector ward population information in order to determine their trustee distribution. Currently there are five trustees for the Peel District School Board (one for each ward pairing), and three trustees for the Dufferin-Peel Catholic District School Board (one trustee for wards 1, 3 and 4, one trustee for wards 2, 5 and 6, and one trustee for wards 7-10). The trustee distribution has remained the same for both the 2014 and 2018 Municipal Elections.

If the outcome of a ward boundary review includes substantial changes in ward boundaries, trustee distribution could be potentially impacted. Any changes to trustee distribution would be communicated to voters throughout the election period.

Communication with the Ministry of Municipal Affairs and Housing

The City of Toronto's ward boundary review concluded in the creation of 47 wards across the municipality, an increase from 44. Ahead of the 2018 Municipal Election, under the *Better Local Government Act, 2018*, the Province changed the municipality's ward structure to be identical to the electoral districts of Ontario, resulting in 25 wards within Toronto. This change was implemented deep into the election period and posed many challenges in the administration of the 2018 Municipal Election.

As part of their ward boundary review, the City of Ottawa will be advising the provincial government of any Council decisions with respect to the review. In their June 4, 2019 report to Ottawa's Finance and Economic Development Committee, staff recommended advising the Province of any Council decisions relating to the ward boundary review early on in order to, "mitigate any possible risk that the outcome of a comprehensive review process would be subject to potential provincial legislation that could have the effect of adding parameters to the review after public consultation and other work has been conducted, and/or overturning any future Council decisions with respect to ward boundaries."

While the Province has not indicated a similar approach to prescribe Ottawa's Council composition, Ottawa Council chose to have proactive communication with the Province

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regarding their review, which would in turn provide the Province with a formal opportunity to offer any feedback. Council may wish to consider a similar approach.

Next Steps

The following options exist for Council's consideration:

Option 1 – Change Council composition and conduct review for boundary realignment

Council may decide to change its composition (or explore options regarding a composition change) which will establish the preconditions for Council's governance structure, and serve as the basis for staff to conduct a ward boundary review.

The Ward Boundary Review Terms of Reference (Appendix 2) would be adopted to guide the process, which would be overseen by a committee established by Council.

Option 2 – Conduct review for boundary realignment only

Council may direct staff to conduct a ward boundary review under the guidance of a committee of Council. Council composition would remain unchanged, and the review will focus exclusively on ward boundary realignment.

The Ward Boundary Review Terms of Reference (Appendix 2) would be adopted to guide the process, which would be overseen by a committee of Council.

Option 3 – No review

Council may decide there is no requirement to conduct a ward boundary review at this time. There is a provision in the *Municipal Act, 2001*, however, which allows "electors in a municipality to present a petition to Council asking that Council pass a by-law dividing or re-dividing the municipality into wards, or dissolving the existing wards."

Should Council resolve not to conduct a ward boundary review at this time, and no petitions for a review are received and undertaken, the current boundaries will remain intact for the 2022 Municipal Election.

Corporate Implications:

Financial Implications:

If a review of ward boundaries is undertaken, public notice will be required, and there may be costs associated with public consultation and engagement. Any outcomes of a review are subject to appeal to LPAT, which could have financial implications. Costs related to the ward boundary review will be attributed to the operating budget of the

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department that leads the review. Depending on Council's decision to move forward, any required budget could be provided from the current Election Reserve (Reserve #25).

Other Implications:

There are no other implications resulting from this report.

Term of Council Priorities:

This report fulfils the Council Priority of a Well-run City by facilitating a dialogue on representative government.

Living the Mosaic – 2040 Vision:

This report has been prepared in full consideration of the overall vision that the people of Brampton will "Live the Mosaic" through accountable, transparent and representative government.

Conclusion:

The last ward boundary review was conducted and implemented ahead of the 2014 Municipal Election. Similar to previous population forecasts, preliminary projections suggest a significant population increase in Wards 6 and 10 in the coming years. If Council directs staff to initiate a ward boundary review and/or a Council composition change, the Terms of Reference attached as Appendix 2 should be adopted.

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Reviewed by:

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City Clerk

Submitted by:

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Chief Administrative Officer

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Attachments:

Appendix 1: Population Forecasts and Variance

Appendix 2: Terms of Reference – Ward Boundary Review

Appendix 3: Extracts from *Municipal Act, 2001*

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