

## THE MUNICIPALITY OF LAMBTON SHORES

**Report CL 26-2021**

**Council Meeting Date: November 9, 2021**

**TO:** Mayor Weber and Members of Council  
**FROM:** Stephanie Troyer-Boyd, Clerk  
**RE:** Council Composition and Ward Boundaries

**RECOMMENDATION:**

**THAT** Report CL 26-2021 “Council Composition and Ward Boundaries” be received; and

**THAT** the composition of the Municipal Council of Lambton Shores be reduced from nine to seven members including a Mayor and Deputy Mayor to be elected at large and five Ward Councillors; and

**THAT** By-Law 85 of 2021 be approved.

---

### **SUMMARY**

This matter is brought back to Council for a decision on the recommendations presented by Andrew Sancton Consulting in the Lambton Shores Council Composition and Ward Boundary Review – Final Report.

### **BACKGROUND**

Early in this term, Council adopted the 2019-2022 Strategic Priorities plan. Under the area of Governance and Organizational Management, Council identified the need to complete a review of the current ward structure and size of Council.

Council directed that staff proceed with the Council Composition and Ward Boundary Review in June 2020. The review was awarded to Andrew Sancton Consulting.

Drs. Andrew Sancton and Timothy Cobban presented their preliminary report to Council on September 29, 2020. Their work continued in the fall of 2020 which included stakeholder interviews, a survey and public consultation meetings. In December 2020, the consultant team presented their final report including their recommendations for Council composition and a ward structure that will accommodate growth and population shifts for a minimum of three (3) municipal elections - 2022, 2026 and 2030. The following resolution was passed on December 15, 2020:

**THAT** staff prepare a report regarding the costs associated with any change to Council composition and ward boundaries; and

**THAT** a decision be tabled until such time that the state of emergency has been lifted.

#### Costs attributed to any change in Council composition and ward boundaries

Regardless of the decision of Council, there is limited financial impact expected with any change to Council composition and ward boundaries. Without direction from Council to review remuneration, it would be expected that a reduction in members of Council would subsequently reduce the Council payroll budget by \$ 19,273.44 per member reduction (two proposed) or \$ 38,546.88. There could be incidental cost savings for conferences, training and mileage. There would be minimal staff resources associated with communicating any change. The consultant costs for the review were \$ 35,972.00

#### State of Emergency Terminated

The Province of Ontario lifted its Declaration of Emergency on June 9, 2021. The Municipality of Lambton Shores lifted the local Declaration of Emergency on Friday, October 29, 2021.

#### Andrew Sancton Consulting Report – December 2020

Andrew Sancton Consulting was engaged to conduct a review of Council Composition and Ward Boundaries. The purpose of the project was to provide information that would assist Council in making a decision about council composition and ward boundaries. The Terms of Reference for the project were established in the RFP:

- Use the experience gained through other municipal ward boundary reviews and the outcome of OMB/LPAT/OLT hearings and Supreme Court of Canada decisions
- Provide options for changes to Council composition and options for how Council representatives are elected
- Provide options for re-alignment of the existing wards and/or for a change in the number of wards through the application of the following principles:
  - Representation by Population
  - Municipal Growth Trends and Projections
  - Geographic and Topographic Boundaries
  - Communities of Interest
  - Equal Representation and Voter Parity
- Develop a ward structure that will accommodate growth and population shifts for a minimum of three (3) Municipal elections

The Andrew Sancton Consulting Report contains the following recommendations: (final report attached)

That a deputy mayor, who is directly elected by all the voters of Lambton Shores, should continue to be a member of the council of the Municipality of Lambton Shores;

That all councillors in Lambton Shores continue to be elected from wards;

That the size of the municipal council of Lambton Shores be reduced from nine to seven; and

That the boundaries for the five wards contained in the revised version of Option 5 presented in this report be adopted as the new ward boundaries for Lambton Shores effective for the 2022 municipal election.

*Although our first choice is stated above, we add that, if the Council of Lambton Shores prefers, we would also support a system based on our Option 5 that combines our proposed Wards 1 and 2 and into one ward that would elect two councillors. The same could happen with Wards 4 and 5, leaving Ward 3 as the only ward electing one councillor.*

## **Next Steps**

### Council Composition – Size of Council

The Municipal Act, 2001 gives municipalities the authority to determine the composition (including size) of Council, subject to certain parameters. Unlike ward boundary changes, the composition of a Council is not a matter that may be appealed. The legislative parameters for the composition of Council are as follows:

1. There shall be a minimum of five members, one of whom shall be the head of council.
2. The members of council shall be elected in accordance with the *Municipal Elections Act, 1996*.
3. The head of council shall be elected by general vote.
4. The members, other than the head of council, shall be elected by general vote or wards or by any combination of general vote and wards.
5. The representation of a local municipality on the council of an upper-tier municipality shall not be affected by the by-law of the local municipality under this section.
6. A by-law does not come into force until the day the new Council is organized.

Any decision regarding the size of municipal Council is at the discretion of Council based on what Council feels is the appropriate composition to serve the needs of the residents.

A change in the composition of Council based on the above recommendations would also require a change of ward boundaries. A by-law must be passed to enact these

changes. Staff have prepared a by-law in accordance with Sections 217 and 222 of *The Municipal Act, 2001* to reduce the number of Council members and redivide wards. The legislative procedure is as follows:

1. Council must pass a by-law to divide or redivide the municipality into wards;
2. The municipality must provide notice of the passing of said by-law to the public within 15 days of passage by municipal council
3. Any person may appeal the by-law to OLT within 45 days of the passage of the by-law
4. OLT has the power to make an order affirming, amending or repealing the by-law.

A by-law passed under Section 222 comes into force on the day the new council of the municipality is organized following,

- (a) the first regular election after the by-law is passed if the by-law is passed before January 1 in the year of the regular election and,
  - (i) no notices of appeal are filed,
  - (ii) notices of appeal are filed and are all withdrawn before January 1 in the year of the election, or
  - (iii) notices of appeal are filed and the Tribunal issues an order to affirm or amend the by-law before January 1 in the year of the election; or
- (b) the second regular election after the by-law is passed, in all other cases except where the by-law is repealed by the Tribunal.

### **ALTERNATIVES TO CONSIDER**

Council could choose to forego the final recommendation of the consultant and move forward without change. Council could consider other options that were explored but not recommended by the consultant.

Council should be aware that if there is an appeal to by-law, it would not be dealt with by the OLT within the timeline set out in the Act; therefore, any change would be effective for the 2026 election.

### **RECOMMENDED ACTIONS**

That By-Law 85-2021 be approved.

### **FINANCIAL IMPACT**

There is no financial impact.

### **CONSULTATION**

Kevin Williams, CAO