



## STAFF REPORT ACTION REQUIRED

### Draw the Line: Toronto Ward Boundary Review Project Work Plan, Civic Engagement and Public Consultation Strategy

<b>Date:</b>	May 12, 2014
<b>To:</b>	Executive Committee
<b>From:</b>	City Manager
<b>Wards:</b>	All

#### **SUMMARY**

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At its meeting on June 11, 2013, City Council authorized the City Manager to retain a third party consultant to undertake a Ward Boundary Review for Toronto consistent with the Terms of Reference adopted by City Council.

Following a competitive Request for Proposal (RFP) process, at its meeting on March 5, 2014, the Bid Committee authorized the award to conduct an independent, objective analysis and review of the City of Toronto's ward boundaries to the Canadian Urban Institute.

The purpose of this report is to transmit the consultant's work plan, *Draw the Line: Toronto Ward Boundary Review Project Work Plan, Civic Engagement and Public Consultation Strategy*, for City Council's consideration. The work plan is consistent with the Terms of Reference adopted by City Council and applies judicially recognized principles, considers leading electoral and public policy research and advice and implements a two-step broad engagement and consultation strategy with the Toronto public, communities, key stakeholders, the Mayor and City Councillors.

Toronto's ward boundary review must follow an independent and unbiased process that includes substantial public consultation and complies with principles set out by the courts, including the Supreme Court of Canada, and the Ontario Municipal Board (OMB).

## **RECOMMENDATIONS**

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### **The City Manager recommends that:**

1. City Council approve *Draw the Line: Toronto Ward Boundary Review Project Work Plan, Civic Engagement and Public Consultation Strategy* attached as Appendix A;
2. City Council authorize the use of funds in the amount of \$800,050 from the Innovation Reserve Fund, Account XR1713 for 2014 to 2016 to cover the costs for the Toronto Ward Boundary Review; and
3. City Council increase the 2014 approved Operating Budget for the City Manager's Office by \$0.368 million gross and \$0 net to provide for the third party consultant to undertake 2014 research, civic engagement and public consultation activities for the Toronto Ward Boundary Review.

### **Financial Impact**

Costs to undertake Toronto's Ward Boundary Review is \$800,050 inclusive of all fees and taxes. It is estimated that annual costs include: \$367,626 in 2014, \$376,342 in 2015 and \$56,082 in 2016. A large portion of the cost is allocated to undertake two rounds of broad consultation with the public, key stakeholders, the Mayor and Members of City Council. Funds are available in the Innovation Reserve Fund, Account XR1713 to cover the costs of this initiative. The use of the Innovation Reserve Fund for the Toronto Ward Boundary Review is consistent with its intended purpose. The Innovation Reserve Fund is to fund the incremental cost of acquiring external resources required for Program Reviews.

Should City Council amend the work plan, additional costs could be incurred and the legal agreement between the City of Toronto and the Canadian Urban Institute will need to be amended.

The Deputy City Manager and Chief Financial Officer has reviewed this report and agrees with the financial impact information.

### **Equity Statement**

The principles articulated by the courts in relation to ward boundary reviews support the City's equity framework, and equity goals and objectives. The third-party consultant will be required to incorporate equity considerations in their work plan, throughout the review process and in the engagement and consultation strategy.

## **DECISION HISTORY**

On April 15, 2010, in consideration of the 2010 Operating Budget, City Council requested that the City Manager and the City Clerk report to City Council on a mechanism to recognize the uneven population growth in some wards, together with accompanying recommendations for the appropriate allocation of resources. Council also authorized the City Manager to provide one additional staff member at the constituency assistant level for any ward which exceeds the median by more than 50 percent in both population and households, funded through the Council General Expenses Budget, until such time as the report is considered by City Council.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2010.EX42.1>,  
<http://www.toronto.ca/legdocs/mmis/2010/cc/bgrb/backgroundfile-29379.pdf>

On March 19, 2012, the Executive Committee recommended that the City Manager report back on the process for establishing a ward boundary review to better reflect effective representation within the City of Toronto.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2012.EX18.12>

On June 11, 2013, City Council authorized the City Manager to retain a third party consultant to undertake a Ward Boundary Review for Toronto consistent with the Terms of Reference attached in Appendix B to the report.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.EX32.2>

On March 5, 2014, following a competitive Request for Proposal process, Bid Committee awarded the contract for the provision of services to conduct an independent, objective analysis and review of the City of Toronto's electoral ward boundaries to the Canadian Urban Institute.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.BD167.7>

## **ISSUE BACKGROUND**

Toronto is the largest city in Canada, and contains a wide diversity of communities and interests. A strong and fair foundation for local government is fundamental for the effective governance of Toronto, and begins with the ward structure. Ward boundaries are dynamic and should not be considered permanent fixtures as local government structures must keep pace with population changes and municipal growth.

At present, there are significant discrepancies in population amongst Toronto's ward boundaries that warrant a review. The *City of Toronto Act* provides City Council with authority to make changes to its ward boundaries. Council last reviewed Toronto's ward boundaries in 2000 and since that time some Toronto wards exceed or are approaching the plus or minus 25 percent population variance benchmark for acceptable differences in electoral boundaries as established by the courts.

The division of ward boundaries is the very basis of representative democracy and must be approached without any preconceived ideas of final ward boundaries such as for

example, pre-judging the number or populations of wards. The process must be independent and unbiased, include substantial public consultation, and comply with principles set out by the Supreme Court of Canada, Ontario courts and the OMB.

The Supreme Court of Canada has set out guidelines for drawing of electoral boundaries and has established that governments must respect the principle of "effective representation." The first condition that courts consider for effective representation is voter parity, an equal number of voters in every electoral area, but effective representation rather than voter parity is the goal. The Supreme Court has recognized that other factors such as geography, community interests, community history and minority representation justify departure from voter parity to ensure effective representation.

The OMB has applied the Supreme Court factors to justify departures from voter parity in decisions related to municipal ward boundary appeals and identified that the population size of each electoral district should generally not deviate by more than plus or minus 25%.

## **COMMENTS**

### **1. Retain a Third Party Consultant to Undertake Toronto's Ward Boundary Review**

City Council authorized the City Manager to retain a third party consultant to undertake a ward boundary review for Toronto based on the Terms of Reference adopted by City Council. The Terms of Reference for Toronto's Ward Boundary Review are consistent with other municipal ward boundary reviews, include legally recognized principles and requirements and incorporate lessons learned from Ottawa's ward boundary review process. Ward boundary changes can be contentious and are often appealed so Toronto's process must be as legally robust as possible.

The City Manager undertook a competitive Request for Proposal (RFP) process to retain a third party consultant to undertake Toronto's Ward Boundary Review. At its meeting on March 5, 2014 Bid Committee authorized the award of the contract to the consortium of Canadian Urban Institute, Beate Bowron Etcetera Inc., and the Davidson Group Inc. The consultant consortium bring extensive experience in applied research, urban planning, land use planning, public engagement and ward boundary reviews (including the ward boundary review for the City of Ottawa). The total cost for the Toronto Ward Boundary Review is \$800,050: \$367,626 in 2014, \$376,342 in 2015 and \$56,082 in 2016 and funds in the Innovation Reserve Fund are available to cover the cost of this initiative.

The project will be managed in a manner consistent with the arm's length principle to ensure that the review is objective, independent and unbiased and will withstand possible appeals to the Ontario Municipal Board or Divisional Court. The consultant is responsible for performing all aspects of the ward boundary review process including research, engagement and consultation, the formulation of ward boundary options, and the preparation of a final report and recommendations for City Council's consideration.

The City Manager is responsible for administering the contract for Toronto's Ward Boundary Review and has established a staff Steering Committee for the duration of the project with representation from Strategic and Corporate Policy, the City Clerk's Office (including Election Services) and City Planning. The Steering Committee will monitor completion of deliverables, provide strategic advice and issues management support as required and coordinate City information and data required by the consultants.

## **2. Draw the Line: Toronto Ward Boundary Review Project Work Plan, Civic Engagement & Public Consultation Strategy**

The consultant's work plan, civic engagement and public consultation strategy is attached as Appendix A. The work plan includes five key components:

- **Research (June 2014 to November 2014)** - that will form the background information for the first round of public consultation including the legal context, jurisdictional reviews, analysis of Toronto's current wards and ward population projections out to 2030.
- **Civic Engagement (Round One: June 2014 to February 2015 and Round Two: May 2015 to November 2015)** - web-based activities (including social media platforms), communication and outreach to educate the public about the purpose of the ward boundary review, keep the public informed about the process and provide a range of opportunities for the public to get involved.
- **Public and Stakeholder Consultation (Round One: June 2014 to February 2015 and Round Two: June 2015 November 2015)** – includes two rounds of public and stakeholder consultation.
  - Round One will elicit input on Toronto's current ward boundaries and will include in-person individual interviews with the Mayor and Members of City Council, all four Toronto school boards, and key stakeholders groups as well as 12 public meetings (3 public meetings in each of the City's 4 Community Council districts).
  - Round Two will elicit input on ward boundary options and will include in-person individual interviews with the Mayor and Members of City Council, all four Toronto school boards and key stakeholder groups as well as 12 public meetings (3 public meetings in each of the City's 4 Community Council districts. For both rounds of public consultation, in addition to attending a public meeting input may also be provided through the Toronto Ward Boundary Review website or by mail.
- **Generation of Ward Boundary Options (March 2015 to April 2015)** – following Round One of the public and stakeholder consultation, and building on the research, a series of ward boundary review options will be developed for public and stakeholder input in Round Two.

- **Final Report (February 2016 to March 2016)** – following Round Two of public and stakeholder consultation, the final report will be developed with ward boundary options including a recommended option for Council's consideration. The final report will summarize the input of residents, elected officials and stakeholder groups and will identify any issues raised during the TWBR process that were outside of the scope of the review (for example, governance issues, methods of voting etc.)

It is anticipated that the final report will be submitted to Executive Committee and City Council for consideration in May 2016. City Council will determine any new ward boundary by-law following the review.

## **CONCLUSION**

This report responds to City Council's direction that the City Manager engage a third-party consultant to undertake a Ward Boundary Review for Toronto consistent with the Toronto Ward Boundary Review Terms of Reference. This report transmits the consultants work plan – *Draw the Line: Toronto Ward Boundary Review: Project Work Plan, Civic Engagement and Public Consultation Strategy* for City Council's consideration.

The City's current ward boundaries have been in place since 2000 and there are now considerable discrepancies in population amongst the current wards. Toronto's Ward Boundary Review will begin in 2014 and conclude in spring 2016 so that any adjustments to the City's ward boundaries can be implemented in time for the City's 2018 election.

## **CONTACT**

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## **SIGNATURE**

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Joseph P. Pennachetti  
City Manager

## **ATTACHMENTS**

Appendix A: *Draw the Line: Toronto Ward Boundary Review Project Work Plan, Civic Engagement & Public Consultation Strategy*

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