



The Corporation of the City of Cornwall
Regular Meeting of Council
Report

Department: Corporate Services
Division: Clerk's Division
Report Number: 2019-203-Corporate Services
Prepared By: Geoffrey Clarke, General Manager, Corporate Services and
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Meeting Date: November 25, 2019
Subject: Electoral System Review

Purpose

To outline the process of undertaking an Electoral System Review.

Recommendation

That Council receive Report 2019-203-Corporate Services.

Financial Implications

Administration estimates the cost of an Electoral System Review to be \$60,000 and recommends that, should Council choose to move forward with this review, it allocate \$60,000 in the 2020 Budget. This projected cost is based on discussions with other municipalities that have under gone a similar exercise.

Background / Discussion

Previous Ward System & Council Size in Cornwall

The City of Cornwall had previously operated under a ward system of six (6) wards with two elected officials per ward, for a council size of twelve (12) Aldermen and one (1) Mayor.

This system of representation was in place until 1974, when the question of changing from that system to election at large was put on a ballot. The citizens of Cornwall voted for a change to the election at large system, with the first election of this kind taking in place in 1975.

In 1985, Council reviewed the question of Council size and whether it should be reduced from twelve (12) to ten (10) Councillors with one (1) Mayor. This question was placed on an electoral ballot with the citizens of Cornwall voting in favour of a smaller Council. The new structure of ten (10) Councillors and one (1) Mayor was put in place in 1988.

Municipal Act Requirements

Section 222 of the Municipal Act, 2001 provides the framework and authority by which Councils may, by By-law, split their territory into smaller voting subdivisions (wards) or dissolve wards. Once the By-law is passed, the new ward boundaries come into force during the next regular election

The process to implement and review new ward boundaries would include:

- Passing of a By-law to establish a municipality into wards
- Notice within 15 days of the Passing of the By-law allowing for appeals to be filed
- Appeals to be filed within 45 days after the passing of the By-law
- Appeals to be filed with Ontario Municipal Board within 15 days following the final date of appeal
- Hearing of appeals by the Ontario Municipal Board and issue of an order affirming, amending or repealing the By-law

The Municipal Act, 2001 does not provide any criteria to guide the City's electoral system review process; however, legal precedent and decisions have established a set of guiding principles that are generally adhered to. These guiding principles include:

- 1) Effective Representation
- 2) Representation by Population
- 3) Protection of Communities of Interest and Neighborhoods
- 4) Future Population Trends
- 5) Physical Features and Natural Boundaries

Council Size vs, A Ward System

Council may wish to retain the current election at large electoral system, yet seek a smaller Council size.

Under the Municipal Act, 2001, municipalities are authorized to change the composition of its Council to a minimum of five Council Members, one of whom shall be the Head of Council.

Municipalities are given a significant amount of discretion to determine the size of their respective Councils. Beyond the five-member minimum, the Municipal Act does not provide criteria to guide or assist a municipality's decision-making process. Pursuant to the Municipal Act, changes to Council composition must be approved by By-law.

If a By-law was to be in place prior to the end of 2021, a revised Council structure would be in effect in time for the 2022 Municipal Election. If a By-law was to be in place in 2022, in the year of a regular election, before voting day, a revised Council structure would be in effect after the second regular election following the passing of the By-law (Municipal Election of 2026).

Please note that the Municipal Act does not provide for an appeal mechanism for objections to a By-law altering the composition of Council.

A question could be placed on the ballot (also known as a Referendum) at the next Municipal Election, October 2022. The Municipal Elections Act, 1996, allows municipalities to endorse By-laws to place questions on the ballot subject to certain requirements. This option is very prescriptive and, should Council wish to pursue this option, a detailed report outlining the process will be presented at a future Council Meeting.

Considerations for Moving Forward

Should Council consider conducting an Electoral System Review, Administration is recommending that a consultant be retained through an RFP process to complete the review, and that this work be overseen by a Task Force created for this purpose.

The City will require someone with expertise in this unique field of knowledge and give consideration to the credibility that person would bring to the overall project. Further to this, Administration will coordinate the project with the City's legal counsel to ensure that all proper documentation is obtained and all procedures are followed properly.

We recommend that a consultant would be required to do an in-depth analysis of Cornwall, based on both our historical ward system and the five (5) guiding principles highlighted earlier in this report. With these considerations, Administration feels that there would be the proper diligence in determining the appropriate ward options for Cornwall.

The electoral system review process is expected to be an extensive project that could take up to a year to complete. As such, Administration is recommending that the project commence as soon as possible to allow time to consider any appeals prior to 2022 Municipal Election.

Communications Considerations

An electoral system review would require substantial public consultation. Administration would work closely with the consultant to develop an extensive stakeholder consultation plan that would include public meetings, social media outreach and the use of online tools.

Conclusions

The Municipal Act does not stipulate how often municipalities must complete Electoral system reviews and ward boundary reviews.

With this report, Administration's sole intent is to convey the lengthy time this project would require to complete and establish what is understood to be the guiding principles in determining a possible ward system.

Report Approval Details

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Attachments:	
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This report and all of its attachments were approved and signed as outlined below:

Geoffrey Clarke - Nov 20, 2019 - 10:57 AM

Tracey Bailey - Nov 20, 2019 - 3:50 PM

Maureen Adams - Nov 20, 2019 - 5:25 PM