



**Town of Ajax**  
**2016/2017 Ward Boundary Review**  
**Terms of Reference**

**Background**

Ajax Council is currently comprised of seven members, being four local councillors representing the four wards within the Town, two regional councillors representing two wards each and sitting on Durham Regional Council, and the Mayor.

In May of 2015, the Region of Durham launched the Regional Council Composition Review Committee (RCCRC), which examined the composition of Durham Regional Council to determine how best to achieve fair representation on Regional Council for all lower-tier municipalities within Durham. In February of 2016, the RCCRC recommended that the composition of Regional Council be changed to include one additional member each for Ajax and Whitby, and to remove two members from Oshawa. Regional Council approved the recommendations and made a formal request of the Minister of Municipal Affairs for a regulation to permit the Region of Durham to adopt a new Regional Council composition for the 2018 municipal elections. The necessary regulation was published on August 15, 2016, following which Durham Regional Council adopted the necessary by-law enacting the new composition at its meeting on September 14, 2016. Finally, a majority of lower-tier municipalities in Durham Region representing a majority of the electors in the Region must endorse Region's the by-law. This process is referred to as the 'triple majority.' It is expected that the triple majority will be achieved by the end of 2016.

Upon final approval of the new Regional Council composition, Ajax Council will be required to change its own composition to accommodate the new regional council seat. The Ward Boundary Review being undertaken (and for which these terms of reference apply) is in response to these changes to the composition of Regional Council.

**Objective**

The objective of the Ward Boundary Review is to establish ward boundaries that provide for an effective system of fair representation on Ajax Council for all residents of Ajax, commencing with the 2018 Municipal Elections.

## **Guiding Principles**

Subject to the overriding principle of “effective representation” as established by the Supreme Court of Canada in the Reference Re Provincial Electoral Boundaries (Sask.) [1991] S.C.J. No. 46 (the “Carter decision”), the Ward Boundary Review shall have regard for the following principles:

### **1. Representation by Population**

Subject to the overriding principle of effective representation, it is desirable that voters should be equally represented and wards should have reasonably equal populations. Accordingly:

- A degree of population variation is acceptable in recognition of varied geography, population densities and characteristics, and established communities of interest; and
- Representation by population will be calculated using the total population within each ward, rather than by the number of eligible electors, recognizing that non-voters are also participants within the community.

### **2. Protection of Communities of Interest and Neighbourhoods**

It is desirable to avoid fragmenting existing communities of interest and neighbourhoods. Accordingly:

- Communities of interest shall be deemed to include geographic, social, historic, economic, and/or cultural interests; and
- Where possible, existing and future communities of interest should not be divided between multiple wards.

### **3. Current and Future Population Trends**

Varying rates of population growth are present throughout the Town. Accordingly:

- The review shall consider anticipated population trends to ensure the ward structure provides effective representation for at least the 2018 and 2022 Municipal Elections;
- Where possible, reliable and accurate data will be used to generate current and future population projections, including but not limited to census data, approved building permits, and approved development proposals; and
- Reliance on speculative population projections will be minimized to the greatest extent possible. Examples include speculative population projections found in regional and local Official Plans and secondary plans and unfinalized development proposals.

### **4. Physical Features as Natural Boundaries**

The Town of Ajax has a number of natural and manmade features that serve as effective boundaries within the community. The review shall consider the following criteria when establishing potential boundaries for proposed wards:

- Where possible, natural and artificial features should be used to define ward boundaries, including but not limited to arterial roads, highways, creeks, railway lines, and hydro corridors; and

- Where possible, the preferred boundaries should follow straight lines, have few turns, and be easily identifiable.

The Terms of Reference recognize that the principles identified above may occasionally conflict with one another. Accordingly, it is expected that the overriding principle of effective representation will be used to arbitrate conflicts between principles.

### **Scope of the Review**

In addition to the guiding principles outlined above, the review shall:

- Build upon the knowledge accumulated from other municipal ward boundary reviews and the outcome of any relevant Ontario Municipal Board hearings, Supreme Court of Canada decisions and other case law;
- Include community engagement and consultation to seek input on existing communities of interest, physical features which may serve as ward boundaries, and other general issues to consider when establishing ward boundaries within Ajax, and to seek feedback from the public on the proposed ward boundaries prior to consideration by Council when such proposals are complete; and
- Develop a ward structure that shall accommodate growth and population changes for effective representation in both the 2018 and 2022 municipal elections.

### **Process**

#### **Project Lead**

The Town Clerk shall be responsible for all aspects of the project, including research, formulation of options, public consultation and the preparation of reports and recommendations. In particular, the Town Clerk shall:

- Involve necessary Town staff and technical resources to research and prepare public consultation information, reports to Council and the completion of any other project matters in a timely and efficient manner;
- Formulate and test alternative ward boundary configurations;
- Lead the public consultation process, including receiving and reviewing comments and submissions from all interested individuals and organizations;
- Ensure that all notices, consultation opportunities, displays and presentations, reports and by-laws are communicated effectively to Council and the general public;
- Recommend a preferred alternative that will satisfy, as much as possible, the Guiding Principles outlined in this Terms of Reference;
- Serve as a witness at the Ontario Municipal Board, if required; and
- Engage and oversee the assistance of a consultant.

#### **Involvement of Other Town Staff**

- Information Technology staff will provide assistance with mapping;
- Planning and Development staff will assist with population forecasts; and
- Communications staff will assist with preparation of communication materials, publication of information, and other general communication needs.

**Consultant Role**

- Review and comment on the research, public display and presentation materials and information, reports and recommendations prepared by the Town Clerk throughout the project; and
- Serve as a witness at the Ontario Municipal Board, if required.

**Council Role**

- To approve the Terms of Reference in order to define the scope of the review, confirm guiding principles and approve a process for completing the review in an open and timely manner; and
- To consider and approve a by-law that will create new ward boundaries for the Town.

**Workplan and Timetable**

## October 2016

- Report to Council re Terms of Reference and guiding principles
- Review background, best practices, and available resources
- Present preliminary information on population forecasts, communities of interest, and natural boundary features
- Complete preliminary ward boundary options with assessments of conformity to guiding principles

## November/December 2016

- Engage consultant to review and provide input on proposed alternative models
- Complete backgrounder document for public review
- Develop public consultation materials and advertise upcoming consultation opportunities

## January-February 2017

- Public consultation process, including print and online communications, opportunities to submit written comments, and open houses at all three Town community centres to collect input

## March 2017

- Interim Report to Council with summary of feedback from public consultations and peer review
- Recommendation for final ward boundary model to return to final public meeting

## April 2017

- Final Report with recommendation(s) presented at a public meeting for Council approval decision and adoption of by-law
- Within 15 days following adoption of the authorizing By-law, notice will be given to the public specifying timelines and process for appeal
- Last date for appeal is 45 days following passage of by-law