



Memorandum

TO: City Council

FROM: Krista Power, Director of Legislative Services & City Clerk

DATE: March 25, 2025

SUBJECT: **Follow Up Information for Council Composition Review Committee Report**

MEETING & DATE: Committee of the Whole Meeting – April 7, 2025

At the March 3, 2025 Committee of the Whole meeting, Council Composition Review Committee - Final Report relative to Council Composition, was presented as a First Report to allow Committee of the Whole and the general public time to consider the implications of the report before its recommendations are considered by Committee of the Whole on April 7, 2025.

My office participated as a resource to this committee as per the terms of reference approved by City Council and provided input, feedback and advice as a subject matter expert from a legislative perspective. As a result, the following memorandum provides additional information for City Council as per questions asked at the March 3, 2025 meeting.

Potential increase to workload with smaller council and additional administrative support required:

In decreasing the number of elected officials as outlined in the recommendation from 13 members of City Council to 11 members, workload is a consideration. The following outlines the current administrative support provided and additional opportunities that council may consider addressing potential challenges with less elected officials to do the same amount of work.

The Office of the City Clerk currently provides administrative support to members of City Council in the following ways:

- 1) Council Support Clerk provides support administrative support with budget management, travel arrangements and basic administrative tasks, i.e. photocopying, purchasing items/tickets etc.
- 2) Council and Committee Staff also provide administrative support relative to Ward and Town Hall meetings, development of the associated agendas, minutes, booking meeting space, inviting members of administration and/or guests and promotion of the meeting.

Opportunities to address workload concerns:

- The City of Thunder Bay is currently working towards more streamlined customer service opportunities via the One Stop Development Shop and the creation of a One Stop Customer Service Shop (this is included in the City Manager's workplan), these efficiencies may assist members of council to direct customer inquiries rather than members working to facilitate connections between customers and staff.
- City Council currently has almost 20 advisory committees, while a current governance review is ongoing, council and the public should not be predisposed to the idea that City Council will decrease the number of advisory committees currently in place, however a decrease to the number of committees is an option for council's future consideration that would impact workload.
- Additionally, a consideration may be to decrease council representation on committees/boards and/or provide different options for committee work that may decrease the amount devoted to committee work by members of council.
- Should additional administrative support be required by City Council, additional budget would be required in the 2026 and go forward budgets (costs could range from \$60,000-\$100,000) depending on the number of staff and the level of service required.

Decrease in representation

Following the decrease to City Council in Toronto in 2019 directed by the Province of Ontario, Toronto city administration provided City Council with information and recommendations to respond to their significant decrease in City Council which included;

- Making changes to their governance system to better divide work and seek efficiencies.
- Changing the appointment process and the types of appointments to agencies/boards and committees which included an increase to public member appointments (citizen participation).
- Significantly increasing the budget allocated to members of council for staff support to allow for additional staff support for each member of City Council.

My office took the opportunity to reach out to the City Clerk's office in Toronto to ask for some additional information and the following information was shared with respect to their decrease in representation.

The biggest concerns shared by members of council at this time are;

- 1) Volume of constituency calls can be overwhelming (the City of Toronto does have a one stop customer service shop in place [Customer Experience – 311 – Toronto at Your Service – City of Toronto](#)).
- 2) Demands on members time to attend legislative meetings as well as ward-based planning open houses, Annual General Meetings, community meetings with tax payers and connecting with constituents.
- 3) Achieving quorum on lower profile boards and advisory committees can be a challenge.

Change in comparator information

In 2024, a comparator analysis was completed by the Office of the City Clerk with respect to like-size and like-servicing single tier municipalities. How many members of council did they have and what did the make-up of their council look like. At that time, the number of elected officials for the City of Thunder Bay was moderately higher than their comparators. This was based partially on the inclusion of the city of Chatham-Kent which is a municipality of similar population (110,000) and provides similar services (Municipal Police force, Long Term Care home, Emergency Medical Services etc.). Chatham-Kent currently has an 18 member City Council.

Chatham-Kent began a review of ward boundaries and council composition as directed by City Council in 2023. A member of City Council requested the review which focused on a decrease which is similar to how this work began in Thunder Bay. My office has been following this review and the associated work. Chatham-Kent hired a consultant (Strategy Corp) to complete this work. On March 7, 2025, notice was provided to citizens of the formal decision approved by by-law to redivide the wards and decrease City Council from 18 members to 14 members. This was following significant internal and external consultation. Chatham-Kent is divided into wards, with more than one member elected per ward. They also have a significant number of advisory committees, similar to Thunder Bay.

Plebiscite/Question on the Ballot

Questions were asked at the March 3, 2025 meeting about the potential of a plebiscite on this matter, the following outlines the legislative process for a plebiscite, also known as a question on the ballot as per the *Municipal Elections Act, 1996*.

Clauses 8(1)(b) of the *Municipal Elections Act, 1996*, as amended allow a municipal council to pass a by-law to submit to its electors a question on the ballot. *The Municipal Elections Act, 1996* prescribes the process, parameters for a question on the ballot along with the process for appeals and how municipal councils must respond to the result and whether it is binding or not.

Rules for Questions on the Ballot

Section 8.1(2) of the Act sets out the process and rules for submitting a question to the electors on an election ballot. Rules for questions on the ballot include the following:

1. shall concern a matter within the jurisdiction of the municipality;
2. shall not concern a matter prescribed by the Minister as a matter of provincial interest;
3. shall be clear, concise and neutral; and
4. shall be capable of being answered in the affirmative or negative – the only permitted answers to the question are “yes” and “no”.

As previously reported, the matters that Council is considering within the Council Composition review, remains within the jurisdiction of the municipality. Particularly, sections 9, 10, 217, and 222 of the *Municipal Act, 2001*, permits local municipalities to change the composition of its council, including dividing and redividing into wards, or dissolving existing wards.

It is important to note the reason and rationale for including a question on the ballot. Questions placed on an election ballot are for the purpose of obtaining a true expression of the views of the electorate, using clear, simple, and direct language, which is why the answer must be a “yes” or “no”.

The City of Thunder Bay has used questions on the ballot past elections. Two examples are; a decision to contribute tax dollars to the building of Thunder Bay Regional Health Sciences Centre and relative to support for a Smoking By-law for the City of Thunder Bay.

Both of those examples provided for a clear question asked to voters and a response that could be implemented in the case that the result was binding. Neither of those results were binding as 50% or more of eligible electors in the municipality did not vote on the question at the polls in those election years but both outcomes were implemented.

Public Consultation Required

The Clerk is responsible for providing notice to the public relative to a proposed by-law that includes a question on the ballot.

Subsection 8.1(3) of the Act defines that “at least 10 days’ notice of the city’s intent to pass a by-law must be provided to the public and the Minister of Municipal Affairs”, notice

is provided by the City Clerk. Further, at least one public meeting must be held to consider the public's input on the proposed by-law. Across Ontario, it is best practice that a series of consultations be held prior to the public meeting in order to ensure the public is fully informed of the question, the process and the potential outcome of the results of a question on the ballot.

The contents of the notice shall include:

- (a) the wording of the question to be included on the ballot;
- (b) a clear, concise and neutral description of the consequences of the question if it is approved or rejected and an estimate of the costs, if any, that the municipality may incur in implementing the results of the question; and
- (c) a description of the right to appeal to the Chief Electoral Officer, including the last day for the filing of a notice of appeal.

Question on the Ballot Appeals Process

The Appeal Process is pursuant to subsection 8.1 (6) of *the Municipal Elections Act, 1996*, the Minister of Municipal Affairs and Housing and any other person or entity may appeal to the Chief Electoral Officer of the Province of Ontario on the grounds that a question is not:

- (a) clear, concise and neutral; or
- (b) capable of being answered in the affirmative or the negative, as the only permitted answers to the question are "yes" or "no".

Appeals must be submitted to the City Clerk within 20 days of the passing of the by-law (Notice of Passing). Following receipt of Appeals, the City Clerk has 15 days to submit the appeals to the Chief Electoral Officer. The Chief Electoral Officer has 60 days to either hold a hearing or dismiss the appeal.

Results of Vote

Pursuant to subsection 8.2(1) of *the Municipal Elections Act, 1996*, the results of a question on a ballot authorized by the proposed by-law are binding if:

- a) at least 50% of the eligible electors in the city vote on the question; and
- b) more than 50% of the votes on the question are in favour of those results.

Pursuant to subsection 8.3(1) of *the Municipal Elections Act, 1996*, the results of a question authorized by the proposed by-law are binding if:

- a) if an affirmative answer received by the majority of the votes, the City shall do everything in its power to implement the results of the question in a timely manner; and

b) if a negative answer received the majority of the votes, the City shall not do anything within its jurisdiction to implement the matter which was the subject of the question for a period of four years following voting day.

Conclusion – Timelines

As there is a legislative process and associated requirements and timelines involved with both a change to the composition of City Council and the potential addition of a plebiscite for the 2026 Municipal Election. Council should be aware of the constraints relative to the prescribed requirements.

Plebiscite

If City Council were to propose the addition of a question on the ballot in the 2026 Municipal Election, a by-law must be passed and allow for the public notice and appeal period to take place. The deadline as per the Act, including notice, is February 20, 2026.

Considerable work must be completed in advance of that date to advance a question on the ballot for the 2026 Municipal Election. As outlined earlier in this memorandum, this work includes consultation, public meetings, notice of meetings and drafting of the by-law and the potential of appeal process. Should City Council seek this work to be completed, it must consider what work would be impacted in order to make the deadlines associated with this work a top priority.

There are also additional financial implications to consider within the 2026 Operating Budget as it is required that the public must be educated on the question and what the outcome of a yes or no answer means. In 2022, it was forecasted that additional funds upwards of \$50,000 - \$100,000 would be required for promotion, advertising and the potential of additional staff time to meet this legislative requirement.

Change to Council Composition

City Council began discussing making changes to the composition of City Council in 2020. This work was determined to begin in 2023 – 2024 for completion in 2025 so that the change could be implemented in time for the 2026 Municipal Election. The timelines associated with making a change to the composition of City Council will be soon upon us.

It is required that any by-law to change the composition of City Council be passed by December 31, 2025. Prior to any passage of a by-law to change the composition of City Council, a public meeting and notice of a public meeting must be held to approve the by-law along with approval by the Minister. There are also timelines associated with appeals to the Ontario Land Tribunal (OLT) that must be accommodated.

If City Council chooses not to support the recommendation of the Council Composition Review Committee and go in another direction, timing to complete additional work in advance of the December 31, 2025 deadline to pass a by-law and allow for time for a potential appeal (if necessary) to OLT presents a significant challenge. Council is urged to consider what is of greatest importance and priority based on the work completed to date and the capacity of the Office of the City Clerk.

Current Priorities and Capacity

At this time, Administration in the Office of the City Clerk is currently dedicated to an ongoing governance and committee review, enhancing the city's access and privacy program, planning and preparing for a significant addition to the Harry Kirk Archives and Records facility and significant day-to-day legislative work. The Office of the City Clerk also supports the remainder of Administration in the advancement of many large and complex files brought forward to Committee of the Whole, City Council and City Council – Public Meeting. Work is also underway on the 2026 Municipal Election including the transition to the new voters list portal with Elections Ontario. Our work on the Municipal Election has already begun behind the scenes and will become our top priority as of December 1, 2025 to meet all legislative requirements of *the Municipal Elections Act*.

C.C. John Collin, City Manager
Patty Robinet, City Solicitor