

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF NOVEMBER 24, 2008

Item 1, Report No. 56, of the Committee of the Whole (Working Session), which was adopted without amendment by the Council of the City of Vaughan on November 24, 2008.

1 **SIGN BY-LAW AMENDMENTS**

The Committee of the Whole (Working Session) recommends:

1) That the following resolution be approved:

Whereas there has been a number of challenges to this By-law; and

Whereas the By-law is difficult to enforce as presently written as the Region of York By-law differs considerably in rules, penalties and time frames; and

Whereas the City of Vaughan is undertaking a review of the Sign By-law;

Therefore be it resolved that the City prepare a further report on the regulation of signs that include election signs; and

Further that the funds collected for this By-law be returned to all candidates except for the deposits;

2) That the deputation of Mr. Adriano Volpentesta, 74 Mediterra Drive, Vaughan, L4H 3B8, be received; and

3) That the following report of the Commissioner of Legal and Administrative Services and City solicitor, dated November 11, 2008, be received.

Recommendation

The Commissioner of Legal and Administrative Services and City Solicitor, in consultation with the City Clerk and the Director of Enforcement Services, recommends:

1. That the election sign provisions of By-law 203-92 be amended as outlined; and
2. That Public Notice be provided.

Economic Impact

Not applicable.

Communications Plan

Staff is recommending that for ease of enforcement and to reduce confusion, the provision be revised to reflect the same period as the Region's By-law: 6 weeks prior to election day.

Public Notice will be given that amendments to the Sign By-law 203-92 are to be considered at a Committee of the Whole meeting to be specified.

Purpose

This report is to provide draft amendments to the Sign By-law 203-92, as amended.

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Background – Analysis and Options

In 2006, amendments were enacted to the Sign By-law 203-92 in an attempt to control the proliferation and clutter of election signs, and with a view to seeking York Region's agreement to ensuring only one set of election sign regulations prevailed within the City of Vaughan.

Some of the principles the By-law attempts to balance in regulating election signs are:

- Reducing and minimizing impacts of street 'clutter'
- Ensuring no public safety/hazards arise (i.e. maintaining sight lines)
- Ensuring a level playing field among all candidates
- Ensuring Charter Rights are respected
- Simplifying and ensuring general understanding of the rules
- Reduce points of conflict between candidates and Enforcement staff

To reduce/minimize the impacts of street 'clutter' during election periods, provisions are in place restricting the timing, location and size of election signs. The City's By-law contains an outright prohibition of election signs on road allowances. However, York Region's By-law differs in this regard, permitting election signs at intersections of all Regional roads, subject to certain conditions. Staff had sought to obtain support from the Region to all the more restrictive regulations to prevail within Vaughan. These attempts have not met with success.

The Region's By-law allows election signs to be erected 6 weeks prior to election day. The lack of alignment between the two By-laws has given rise to misunderstanding and confusion. Also, the two tiers of government are each responsible for enforcement of their own By-laws. The Region does not allocate any funds to the City to cover such enforcement costs incurred, and the City can not receive fine revenues from such enforcement. Therefore, while the City does, on occasion, enforce the Region's Sign By-law provision within the City of Vaughan, this is typically confined to issues potentially impacting public safety (sight lines for motorists).

In 2006, the Sign By-law was amended to restrict the length of time that an election sign could be posted prior to an election from 42 days to 21 days. This amendment, however, was successfully challenged in Court during the 2007 Provincial Election, which had a campaign period of 30 days. The Superior Court of Justice found that prohibiting election signs during the 30-day election campaign infringed upon a candidate's freedom of expression under the *Charter of Rights and Freedoms*.

Staff is recommending that to reduce confusion, the provision be revised to reflect the same period as the Region's By-law: 6 weeks prior to election day.

In 2006, Council directed the imposition of a \$20 per sign fee, for signs illegally erected, which was intended to defray City enforcement costs and deter non-compliance. This fee is attributable to the candidate whose sign is confiscated. While a deposit was taken from each candidate, some candidates incurred fees far in excess of the deposit, rendering the deposit meaningless in most cases. The administrative effort in obtaining, documenting and monitoring the deposit may outweigh the effectiveness in its use to deter non-compliance and/or reduce staff time in collecting fees after the fact.

Staff is recommending that the deposit provision be removed, so that no deposit is obtained from candidates in elections.

Relationship to Vaughan Vision 2020

This Report meets the Vaughan Vision objectives of enhancing community safety and excellence in service delivery.

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Regional Implications

None

Conclusion

In an effort to ensure misunderstandings and confusion are reduced, Charter Rights are respected, and conflicts between candidates and Administrative or Enforcement staff are minimized, staff are recommending alignment of the City's By-law to the Region's with respect to the 6 week window for election signs and deletion of the candidate deposit provisions.

Attachments

None

Report prepared by:

Janice Atwood-Petkovski

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Item 2, Report No. 56, of the Committee of the Whole (Working Session), which was adopted, as amended, by the Council of the City of Vaughan on November 24, 2008, as follows:

By approving the following in accordance with the memorandum from the City Clerk, dated November 20, 2008:

1. ***That Council endorse the following timetable for the Ward Boundary Review Public Consultation Process:***

<i>January 23, 2009</i>	<i>Deadline for Public Comments</i>
<i>February 2, 2009</i>	<i>Staff Report to Committee of the Whole (Working Session) summarizing the results of questionnaire and public comments</i>
<i>February 24, 2009</i>	<i>Report to Council outlining survey results and ward boundary options</i>
<i>March 9, 2009</i>	<i>Public Meeting to outline Ward Boundary options</i>
<i>March 31, 2009</i>	<i>Report to Committee of the Whole with recommended Ward Boundary Configuration</i>
<i>April 14, 2009</i>	<i>Final approval by Council.</i>

2. ***That at the conclusion of the public consultations, the City Clerk submit to the February 2, 2009 meeting of Committee of the Whole (Working Session) a summary of comments received, and options for five and six ward configurations, and options on such other feasible configurations brought forward during the public consultation process.***

3. ***That the attached Ward Boundary Review Questionnaire be made widely available, particularly by posting it to a web page dedicated to the Ward Boundary Review; and***

By receiving the report of the City Clerk, dated November 11, 2008.

**2 WARD BOUNDARY REVIEW PUBLIC CONSULTATION PROCESS AND
REVIEW TIMETABLE**

The Committee of the Whole (Working Session) recommends:

- 1) **That this matter be referred back to staff for a further report that includes modifications with respect to the time frame; and**

- 2) **That the presentation material submitted titled, “Ward Boundary Review Ready for the Future Election 2010 - Election 2014 - Election 2018”, be received.**

Recommendation

The City Clerk, in consultation with the Commissioner of Legal and Administrative Services/City Solicitor recommends:

- 1) That Council endorse the Ward Boundary Review Public Consultation Process and Timetable set out in this report;

- 2) That at the conclusion of public consultations, the City Clerk submit to the January 12, 2009 meeting of Committee of the Whole (Working Session):
 - i) a summary of comments received; and

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- ii) options for five and six ward configurations, and options on such other feasible configurations brought forward during the public consultation process; and
- 3) That the presentation of the City Clerk to Committee of the Whole (Working Session) be received.

Economic Impact

Expenses arising from this report will be accommodated from within existing budgets for printing and communications costs.

Communications Plan

The survey and public meeting elements of the Ward Boundary Review Public Consultation Process will include publication on the City Page, a web site, and distribution of materials and surveys.

Purpose

The purpose of this report is to present for Council's consideration the elements of the Ward Boundary Review Public Consultation Process, and the Ward Boundary Review timetable.

Background - Analysis and Options

At the September 9, 2008 meeting of Committee of the Whole (Working Session) the City Clerk presented the Ward Boundary Review Preliminary Report as well as options for 5, 6 and 7 ward systems. The proposed ward boundary options were created using the following criteria:

- The maintenance of distinct communities
- Acknowledgement of natural or built boundaries between communities
- Use of easily identifiable boundaries
- No population variances greater than 15% based on the average populations between wards as of the date of the 2018 census
- Accommodation of future growth

The report was adopted without amendment by Council on September 22, 2008 (Item 1, Report No. 43 of the Committee of the Whole (Working Session)).

It was the view of the Committee that rather than engaging in public consultations on the basis of ward options already created, it would be preferable to assess the importance of the ward boundary criteria to the citizens of the City of Vaughan. The Committee wanted to take an approach which ensured that the public consultation process was not prejudiced by the presentation of concrete options, at this time.

Accordingly, the City Clerk was directed to report back on a proposed public consultation process which would identify the relative priority of principles that in the public's view should guide the process by which the number and/or boundaries of wards are revised, with direction that the consultation process should include but not be limited to a public meeting.

Public Consultation Elements and Timetable

The City Clerk proposes that the public consultation process consist of the following elements, on the dates indicated:

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Approval of Public Consultation by Council (followed as soon as possible by a News Release, and issuance of the survey)	November 24, 2008
Survey due date	January 15, 2009
Report to Working Session/Council on results of Survey, Public Consultations, and presentation of Ward Map options	February 2, 2009/February 24, 2009
Public Meeting to consider Ward Map options	March 9, 2009
Presentation of results of Public Meeting to Committee of the Whole / Council	March 31, 2009/April 14, 2009

Survey

A key component of the public consultation process will involve a survey (see draft attached as Attachment 1) which will be made available on-line and distributed as well through community centres and libraries.

City Web Site

Throughout the consultation period Ward Boundary information, including the survey and feedback opportunities, will be set out on the City of Vaughan web site. Staff are investigating the possibility of a short video presentation to assist in conveying background information.

February 2, 2009 Working Session

At the February 2, 2009 meeting of Committee of the Whole (Working Session), ward map options taking into account the input received during the consultation process will be presented. The Committee will be asked to recommend to Council that the proposed ward boundary configuration options (for at least 5 and 6 ward configurations) be presented at a public meeting on March 9, 2009.

March 9, 2009 Public Meeting

At the March Public Meeting, to be held in the Council Chamber, a full presentation will be delivered on the various ward options, including their underlying rationale.

Adoption of Ward Configuration

Final adoption of the new ward boundaries will be made by by-law at the April 14, 2009 meeting of Council. Pursuant to section 222 of the *Municipal Act, 2001* as amended, any appeal of the by-law is to be filed within 45 days of its enactment. The by-law will come into force on January 1, 2010 provided any outstanding appeals are resolved or withdrawn by that date. In practical terms, the matter must be resolved well in advance of the election year in order to permit the City Clerk to conduct the work of drawing polling subdivisions and the complex planning required to conduct the election event. Accordingly, adoption of the Ward Boundary by-law by June of 2009 is essential.

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Relationship to Vaughan Vision 2020

This report is consistent with the priorities set forth in Vaughan Vision 2020, particularly “Demonstrate Leadership and Promote Effective Governance.”

Regional Implications

Implementation of any measures modifying the number or manner in which Vaughan councillors are appointed to Regional Council will require the approval of that body.

The election of representatives on York Region’s School Boards will be affected by reconfiguration of Vaughan wards.

Conclusion

The proposed ward boundary review consultation process provides for numerous opportunities for public input, including two public meetings. A target of April 14, 2009 for completion of the review is reasonable in light of the possibility that the ward boundary review by-law may be appealed to the Ontario Municipal Board.

Attachments

Attachment 1 City of Vaughan Ward Boundary Review Questionnaire

Report prepared by:

Jeffrey A. Abrams
City Clerk

(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)