

THE CORPORATION OF THE TOWN OF LAKESHORE

LEGISLATIVE AND LEGAL SERVICES

TO: Mayor and Members of Council

FROM: Kristen Newman, Director of Legislative & Legal Services

DATE: December 5, 2019

SUBJECT: Implications of Adoption of a Name Change By-law

RECOMMENDATION:

It is recommended that:

The report of the Director of Legislative & Legal Services entitled, *Implications of Adoption of a Name Change By-law*, presented at the December 10, 2019 Council meeting be received for information.

BACKGROUND:

On October 22, 2019, the Council of The Corporation of the Town of Lakeshore passed resolution# 474-10-2019 which states:

The Council of the Corporation of the Town of Lakeshore directs Administration to bring forward a By-law to change the name of the Town of Lakeshore to the Municipality of Lakeshore and bring a report back on the matter to the December 10, 2019 Council meeting.

COMMENTS:

History of the Current Name

During the restructuring exercise led by the Province in the late 1990s, several Essex County municipalities were amalgamated and provided with an opportunity to change their names in the Restructuring Order dated November 19, 1997 (excerpt of the order attached as Appendix "A" to this report). At the time, the former municipalities of The Corporation of Lakeshore Township, The Corporation of the Township of Rochester, The Corporation of the Township of Tilbury North and The Corporation of the Township of Tilbury West were restructured and named "The Corporation of the Town of Lakeshore-Rochester-Tilbury North-Tilbury West".

As part of the Restructuring Order, the name of the new municipality could be changed upon a request (resolution) to the Ministry of Municipal Affairs and Housing by the transition board (if the request was made prior to January 1, 1999) or by the Council of the new municipality (if the request was made between January 1 and December 31, 1999).

In July of 1998, a flyer was distributed to residents in the area of the new municipal boundaries, requesting that the public submit suggested names for the new municipality by July 31, 1998. Minutes of the May 26, 1998 Transition Board state the following with respect to the approved flyer: "that there be no designation for the new municipality with respect to either Town or Township."

The minutes of the Transition Board dated after the survey deadline appear to have been destroyed. Administration has conducted a comprehensive search of its records and made inquiries elsewhere to locate the records but to no avail. The Ministry of Municipal Affairs and Housing advised that their copy of the records were destroyed in 2007 pursuant to the Province's records retention policy.

Ultimately, a Naming Order (attached as Appendix "B" to this report) was issued under the *Municipal Act* dated December 17, 1998, whereby the name of the municipality was ordered by the Province to be "The Corporation of the Town of Lakeshore".

Authority to Change a Name

Section 187 of the *Municipal Act, 2001* (attached as Schedule "C" to this report) sets out the process by which a municipality can change its name. To change the name, Council is required to pass a by-law because Council exercises its powers by by-law (section 5 of the *Municipal Act, 2001*).

A name change has no effect on the municipality's status as a lower tier municipality and will not change the legal status of those communities that comprise the municipality. The communities within the Town currently do not have legal standing under the *Municipal Act, 2001* and this will not change with a name change. The name change only has the effect of changing the name of the municipality itself. Furthermore, changing the name will not affect the municipality's role, responsibilities or rights under the *Municipal Act, 2001* or any other legislation.

Notice regarding Name Change

The *Municipal Act, 2001* contains only 1 requirement regarding notice of a name change. Once a by-law is passed to change the name, the municipality is required to promptly send a copy of the by-law to the Director of Titles appointed under the Land Titles Act and to the Minister of Municipal Affairs and Housing (subsection 187(3) of the *Municipal Act, 2001*). There is not a legislated requirement to conduct a public meeting in order to adopt a by-law to change the name of a municipality. Technically, Council having considered this issue at a public meeting does provide notice to the public that such a matter is being considered. However, Council is always at liberty to conduct further public consultation on matters and seek out the input of residents in keeping with the spirit of transparency and accountability.

If a name change were to occur though, Administration would be required to ensure that the notice of the name change is circulated widely to avoid confusion and to ensure that financial and legal transactions occur smoothly. As such, Administration anticipate staff committing several weeks of time to ensuring that the appropriate institutional accounts are changed to reflect the new name,

preparing advertisements notifying of the name change, issuing notices to vendors, service providers and other parties with which the Town has legal relationships to advise them of the name change and the continuation of the Town's legal obligations under the changed name. Administration anticipates approximately \$9,000 in advertising costs to advise of the name change which does not include postage.

Corporate Identity & Branding

Because the Town of Lakeshore is a relatively new entity that is in the course of developing its own identity, a name change could have the result of confusing residents and stakeholders as to the implications of the name change. Anecdotally, Administration is hearing concerns associated with whether the name change is a change in Lakeshore's structure, whether municipal addresses will be affected and other concerns. However, it could also be argued that changing the name may correct a misnomer. Should Council decide to pursue a name change for the Town, Administration recommends that communications resources be allocated toward communicating a clear message regarding the implications of the name change to mitigate these types of concerns. Administration anticipates the cost to properly communicate this message would be approximately \$12,000.

Prior to embarking upon further consideration of a name change, Administration recommends that a public consultation process occur. This will permit Council an opportunity to collect organized public feedback through a transparent process and also help to clearly explain to the public what the implications of a name change will be.

In the event that that Administration conducted public engagement of this nature, communications materials would need to be developed. That cost would be approximately \$8,500 for design and printing for printed materials to be distributed to the public. To mitigate the costs of public engagement and engage as broadly as possible, the Town would conduct communication initiatives in person and through Placespeak as well.

a) Social Media Handles

Lakeshore's Facebook page is branded "Town of Lakeshore" and the electronic link is www.facebook.com/TownofLakeshore/ as well as branded @TownofLakeshore. The text portion of the title can be revised to another name, however the electronic address cannot. Lakeshore Administration would need to create a new Facebook page with the approved name and then launch a media campaign to get individuals to 'Like' and 'Follow' the new Facebook page. In the interim, throughout the transition and into the future, Administration would be required to manage two Facebook pages. There is a risk that some individuals will not change to the new page and the Town could lose followers potentially reducing the effectiveness of communication.

a) Social Media

Lakeshore's Twitter page is also branded "Town of Lakeshore" with a similar electronic link www.twitter.com/TownofLakeshore . In order to change, Administration will have to create a new page and launch a media campaign to encourage individuals to 'follow' the new

page. During this transition and for some time in the future, Administration will have to manage 2 accounts. Furthermore, other agencies use @TownofLakeshore to 'tag' Lakeshore on Twitter, linking the municipal account, growing the user base and increasing Lakeshore's exposure. Each of these users would have to be verified and reminded to use a different tag. There is a risk some individuals will not 'follow' the new page nor use the new electronic link to follow Lakeshore, thereby potentially decreasing communications effectiveness.

Lakeshore's website would require some changes to remove some references to the 'Town of Lakeshore', some of which may require programming by the website service provider. Other changes can be completed by Administration.

b) Logo

Lakeshore's logo (as designed in a rebranding exercise several years ago) includes "Lakeshore" only and states "Our Communities. Our Home". The logo would not require immediate change due to a name change.

c) Crest (at right)

Lakeshore's crest includes the language, "Town of/Ville de Lakeshore" and references an establishment date of 1999. This text would require revision to match the new name. It would cost \$1,500 to change the text. The crest is placed on Town Hall, the John George Water Treatment Plant and the Dennis St. Pierre Wastewater Treatment Plant. New crests would need to be constructed and installed on each building. There is non-financial cost that may be associated with a name change.



Physical Assets

The following lists identifies the facility signage that would need to be changed to reflect a name change for the Town. The signage changes are estimated to cost approximately \$29,500.

Facilities

- Fire Station #1 - \$2,500
- Fire Station #2 - \$2,500
- Fire Station #3 - \$2,500
- Fire Station #4 - \$2,500
- Fire Station #5 - \$2,500
- Comber Community Centre - \$2,500
- Town Hall - \$10,000
- Highway 77 Signage - \$1,500

These signs were all replaced within the last 3 years and therefore are considered relatively new.

Parks

- Playground notification signs (23) - \$3,000

Environmental Scan

Administration conducted an environmental scan of recent examples of municipal name changes in Ontario.

Markham: The Town of Markham changed its name to the City of Markham on May 29, 2012 as a result of a staff recommendation associated with branding the Town. This process included a staff report to the Town's General Committee, a public information session and a by-law to approve the name change. The staff report outlined a phased-in approach to replacing the assets of the corporation, such as replacement of signage over a 3-5 year period.

Richmond Hill: The Town of Richmond Hill voted to change its name to the City of Richmond Hill by way of a vote on a Member Motion on March 25, 2019. A by-law was subsequently passed at the April 9, 2019 Council meeting.

Casselman: The Village of Casselman changed its name to the Municipality of Casselman on July 9, 2019. Prior to the decision, Administration provided notice to the public of the potential change in order to explain the legality of the name change and to solicit feedback. Administration provided the results of the feedback to Council, who then made the decision to move forward with the name change.

Direction for the Name

The Naming Order states that the name of the municipality is "The Corporation of the Town of Lakeshore". A name change could be accomplished by inserting "Municipality" in the place of "Town". By doing so, the name will be 16 syllables as opposed to 11 syllables. In the event that Council decides to adopt a name change by-law, Council may wish to consider a shorter name such as "Municipality of Lakeshore". This is an option that has been pursued by other municipalities. For example, the City of Toronto and City of Greater Sudbury do not include "The Corporation of..." in their names. From a legal perspective, there is no need to include "The Corporation of..." in the name—the inhabitants of the municipality are incorporated as a body corporate by virtue of section 4 of the *Municipal Act, 2001*.

Timing of a Name Change

As described above, changing the name will require administrative resources to prepare for the change. Should Council decide to pursue the change of name, Administration recommends that the name change by-law come into force no earlier than January 1, 2021. This timeline would permit the staff to prepare for the changes arising from the name change, issue notices on websites, tag lines of emails and in other documents, and also coincide with new cheque orders in order to avoid duplicate expenses (a cheque order for the Town costs approximately \$2,900).

Options

Option to maintain the status quo

Upon receiving this report, Council may decide not to proceed with the process to adopt a by-law to change the name of the Town. Council would not be required to take any further action and a resolution would not be required.

Option to Explore a Name Change with Consultation

If Council wishes to proceed with considering a name change with public consultation, then Council may wish to pass a resolution directing as follows:

Administration conduct a public engagement exercise to collect feedback regarding a change of the Town's name from "The Corporation of the Town of Lakeshore" to "Municipality of Lakeshore".

Option To Adopt a By-law

If Council wishes to proceed with the process to adopt a by-law in the immediate future, Administration would recommend that Council pass the following resolution:

Administration draft a by-law to adopt a change of name from "The Corporation of the Town of Lakeshore" to "Municipality of Lakeshore" which shall come into force on January 1, 2021 which shall be considered at the January 14, 2020 Council meeting.

OTHERS CONSULTED:

Manager of Legislative Services
Manager of Communications & Strategic Initiatives
Manager of Public Works
Director of Engineering & Infrastructure Services
Director of Community & Development Services
Director of Finance
Ministry of Municipal Affairs and Housing, Municipal Advisor

FINANCIAL IMPACTS:

Administration anticipate the financial cost of a name change to be approximately \$52,500 as follows:

Signage: \$29,500
Legal/Financial advertising: \$9,000
Communications Initiative: \$14,000

Total: \$52,500


With additional consultation/engagement prior to deciding name change the cost is estimated to be \$61,000

If the Town adopts the name change immediately, the Town would be required to incur an additional \$2,900 for replacement of the Town's cheque supply.

These expenses are currently unbudgeted and Administration would require Council direction to fund these expenses from the contingency reserve.

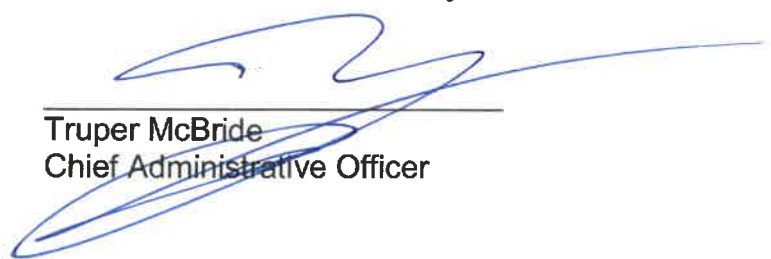
Finally, should the Town decide to proceed with the name change there would be a cost in terms of staff time which is estimated to be several weeks.

Prepared by:



Kristen Newman
Director of Legislative & Legal Services

Reviewed and submitted by:



Truper McBride
Chief Administrative Officer

Attachment(s): Schedule "A" – Restructuring Order dated November 19, 1997
 Schedule "B" – Naming Order dated December 17, 1998
 Schedule "C" – *Municipal Act, 2001*, s. 187