

From: Paul Bigioni
Director, Corporate Services & City Solicitor

Subject: Ward Boundary Review
- Adoption of Terms of Reference
- File: A-1440

Recommendation:

1. That Report CLK 05-19 regarding the City of Pickering Ward Boundary Review and adoption of Terms of Reference be received;
 2. That the Terms of Reference appended as Attachment #1 to CLK 05-19 be approved; and,
 3. That the appropriate City of Pickering officials be authorized to take the necessary actions as indicated in this report.
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Executive Summary: Section 222 of the *Municipal Act, 2001, S.O. 2001, c. 25*, authorizes a municipality to divide or redivide the municipality into wards or to dissolve existing wards.

At the November 13, 2017 Council Meeting, upon completion of a formal competitive bid process, Council approved proposal RFP-10-2017 to engage the consulting services of Watson and Associates, in association with Dr. Robert J. Williams, to conduct a ward boundary review for the City prior to the 2022 Municipal Election.

Since that time, Staff began preliminary research for the ward boundary review, however, this work was suspended due to the announcement from the Provincial Government that a Regional Government Review would be undertaken which could have had an impact on existing geographic boundaries of Ontario municipalities.

On October 25, 2019, an announcement was made by Minister Steve Clark advising that there would be no forced amalgamations and that the Provincial Government would provide municipalities with resources to support local decision-making and would not be “pursuing a top-down approach.” The announcement has confirmed that municipalities are best positioned to determine their own governance. With no changes to Pickering’s geographic borders, work on the City’s ward boundary review can now begin.

The Terms of Reference included as Attachment #1 to this Report, provide an overview of the process that will be undertaken and the guiding principles which will be used when formulating ward boundary options for Council’s consideration.


Financial Implications: The associated budget for the consultants has been previously approved by Council and there are no further financial implications at this time should the project be completed within the proposed particulars and timelines as outlined in this Report and Attachment #1.



Discussion: The City of Pickering’s existing wards have been in place for the past 40 years with the exception of a minor change in 2005. Since then, the population of the City has significantly changed and is expected to continue to grow over the next number of years.

The Consultant Team has conducted more than 20 ward boundary reviews in Ontario since 2008. They have extensive experience in electoral and ward boundary reviews, housing and population forecasting, demographic and socio-economic analysis and growth management studies which are all key elements needed to undertake a successful ward boundary review.

Dr. Robert J. Williams has successfully collaborated with Watson and Associates on 13 electoral reviews in municipalities across Ontario since 2009 including the Cities of Barrie, Hamilton, Orillia and Oshawa, the Towns of Milton, Essex, Pelham, Bradford West Gwillimbury and Gravenhurst and the Townships of Clearview, Georgina and Scugog. None of these recommended proposals were appealed to the Ontario Municipal Board (now the Local Planning Appeal Tribunal (LPAT)).

The consulting team will consist mainly of Jack Ammendolia, Erik Karvinen and Dr. Robert Williams. The following provides an overview of the team members and their qualifications:

	<p>Jack Ammendolia, BES, PLE, is a Director at Watson and has been involved in school board planning matters for close to 20 years. He has worked closely with over 40 school boards in Ontario as well as school boards and First Nations reserves across Canada. Jack has established strong working relationships with school board staffs, local governments in Durham Region and planning departments and has an unparalleled understanding of the area’s school-aged demographics and the issues facing the school boards. Jack has specific experience working with the Durham District and Durham Catholic District School Boards including working with the Boards’ senior executive teams and Boards of Trustees. Jack has presented to the public in Durham Region many times on a diverse set of issues ranging from Education Development Charges to School Accommodation Reviews and Program Reviews. Jack would interview school board staff and Trustees and assist in the development of ward boundary options with a school board perspective.</p>
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	<p>Erik Karvinen, MCIP, RPP, PLE, is a Manager with Watson. Erik has extensive experience in electoral and ward boundary reviews, demographic and economic forecasting, demographic analysis, growth management studies, employment land strategies and a range of economic studies. Erik also has a strong background in geographic information systems (GIS) and has developed innovative approaches to using GIS-based applications in population growth modelling and querying spatial data for the purposes of ward boundary reviews.</p>
	<p>Robert J. Williams, Ph.D., is a leading Ontario authority in the area of municipal electoral systems. Robert was a faculty member in the Department of Political Science, University of Waterloo from 1971 until he took early retirement in 2006 and has been an independent consultant on municipal electoral systems since then. Robert has participated in various roles in more than twenty electoral and ward boundary reviews in Ontario, either independently or in collaboration with Watson.</p> <p>Robert has independently designed and evaluated electoral systems in 9 municipalities and has worked in collaboration with Watson on ward boundary reviews in a further 13. Robert has served in an advisory capacity in several other Ontario municipalities on electoral boundary reviews and has appeared as an expert witness on representation issues at seven Ontario Municipal Board hearings since 2009.</p> <p>Robert will undertake research on relevant academic and public policy research on representation, and will participate in meetings and interviews with City Staff and Council to gather perspectives for use in the development of alternatives. He will work with Watson to design these alternatives. Robert, in concert with the Consultant Team, will prepare reports and recommendations and will present them to Council.</p>

The consultant team and their expertise with ward boundary reviews will ensure that all relevant factors are taken into account to achieve effective representation for all residents. The Review will be carried out in accordance with the Terms of Reference (Attachment #1) which provide guiding principles focused on five key areas:

1. Representation by Population
2. Protection of Communities of Interest
3. Current and Future Population Trends
4. Physical Features as Natural Boundaries
5. Effective Representation

In addition to these guiding principles, consideration will be given to the composition of Pickering City Council and whether any changes may be needed to the number of City Councillors should the number of wards increase. Similarly, consideration will also be given to the manner in which the City's Councillors are elected and a determination may be needed as to whether Regional Councillors should be elected at large rather than by ward. It should be noted that City Council has authority under Section 7(3) and 217(1) of the *Municipal Act* to change the composition of Council, decide on the number of City Councillors and set how members (other than the Head of Council) are elected. The number of Regional Councillors for the City of Pickering is set by the Region of Durham and the City does not have the ability to change the number of Regional Councillors.

The Region of Durham undertook a Regional Council Composition Review in 2016 which saw no change to the number of Regional Councillors for the City of Pickering at that time. As part of the composition review, provisions were put in place to review the composition of Regional Council on a regular basis with a stipulation that the reviews take place the first year of every third term of Council following the 2018 election. In accordance with these provisions and Section 218(11) of the *Municipal Act*, another review of Regional Council composition is not scheduled to be conducted until 2026/2027. Therefore, the number of Regional Councillors will remain the same until at least after the 2026 municipal election has occurred.

All options for ward structure and council composition will be explored and communicated to all relevant stakeholders and the public to obtain their feedback as part of the Ward Boundary Review project.

The consultant will provide a detailed work plan that will include timelines for the various aspects of the project, however the following provides a high level overview of the various stages of the project:

- project initiation, information gathering from City Staff;
- individual interviews with Members of Council and relevant stakeholders;
- growth forecasting;
- preliminary evaluation of the existing ward structure;
- public consultation (Round 1);
- development of preliminary ward boundary alternatives and preparation of preliminary options report (Interim information report provided by Consultant to the public and Council)
- public consultation (Round 2);
- finalization of options for ward boundaries;
- final report and recommendation to Council on ward boundary options; and,
- finalization of ward and poll data for the 2022 election (providing there are no appeals).

Consultation, community engagement and communication will be a crucial part of the project and the Clerk's Office will work with Corporate Communications and the consultant to develop a comprehensive engagement strategy that will include a dedicated webpage, public surveys, creative mapping and visuals as well as the use of the City's social media channels and digital advertising options.

It is anticipated that the full ward boundary review will take approximately 10 to 12 months to complete. Staff are recommending that the Review be carried out in accordance with the Terms of Reference (Attachment #1) and are seeking Council’s approval of same.

Attachments:

- 1. Draft Terms of Reference

Prepared By:

Approved/Endorsed By:

Original Signed By:

Original Signed By:

Susan Cassel
City Clerk

Paul Bigioni
Director, Corporate Services & City Solicitor

SC:sc

Recommended for the consideration
of Pickering City Council

Original Signed By:

Tony Prevedel, P.Eng.
Chief Administrative Officer



Ward Boundary Review

Terms of Reference

Background

Pickering City Council is currently comprised of seven (7) Members, being the Mayor (elected at large by all voters in the City), three (3) Regional Councillors, each representing one of the three (3) existing wards (elected by the voters in each of those respective wards), and three (3) City Councillors, each representing one of the three (3) existing wards (also elected by the voters in each of those respective wards). The Mayor and Regional Councillors also sit on the Council for the Regional Municipality of Durham.

Undertaking a review of the City's current ward boundaries has been a topic of discussion for quite some time, however, due to various factors, including the anticipated growth in the north part of the City, it was decided that the ward boundary review be postponed to provide for a ward structure that could be in place for multiple, future elections. The current ward structure has been in place for 40 years with the exception of a minor change to the City's ward boundaries in 2005.

With the continued, ongoing development in the City, and forecasted occupancy of a high number of new residents on the horizon, in 2017, City Council approved the retention of Watson & Associates Economists Ltd., in association with Dr. Robert J. Williams, Public Affairs Consultant, to proceed with a comprehensive review of the City's existing ward structure and anticipated future growth. The Review will provide the consultants with the necessary information to provide recommendations for changes to existing ward boundaries while striving for effective and fair representation for all constituents in the community.

There is no prescribed process set out in legislation pertaining to a ward boundary review and municipal councils have the ability under section 222 of the *Municipal Act* to divide or redivide the municipality into wards or to dissolve the existing wards. Under section 217, Council also has the ability to change the composition of its council subject to the following rules:

1. There shall be a minimum of five members, one of whom shall be the head of council.
2. The members of council shall be elected in accordance with the *Municipal Elections Act, 1996*.
3. The head of council shall be elected by general vote.
4. The members, other than the head of council, shall be elected by general vote or wards or by any combination of general vote and wards.
5. The representation of a local municipality on the council of an upper-tier municipality shall not be affected by the by-law of the local municipality under this section.

The following provides an overview of the objectives, guiding principles and timelines for the various phases that will be covered during the Review.

Objective

The objective of a ward boundary review is to establish ward boundaries that provide for an effective system of fair representation on Pickering Council for all residents of the City of Pickering. Any changes to the existing ward boundaries would be in effect for the 2022 Municipal Election and beyond until the population ranges become too wide and such a review needs to be undertaken again. As a means to ensure population ranges keep to reasonable thresholds in future, consideration may be given to adopting a City Policy which would clearly lay out when a ward boundary review should be triggered when population variations among the wards become too large.

Depending on the results of this Ward Boundary Review, and the potential for the number of wards in the City to increase, the composition of City Council may also be impacted which could result in a larger number of City Councillors and/or the election of Regional Councillors at large. All options will be explored and communicated to all relevant stakeholders and the public to obtain their feedback as part of the process.

Guiding Principles

The overarching focus of a ward boundary review is to achieve fair and effective representation for all constituents. The following provides a list of the guiding principles which will help formulate the draft options presented to stakeholders and City Council:

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. That said, a degree of population variation is acceptable in recognition of varied geography, population densities and characteristics, and established communities of interest. The principle is intended to ensure that residents have comparable access to their elected representative and that the workload of these representatives is relatively balanced.

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** – It is desirable to avoid fragmenting existing communities of interest and neighbourhoods. 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** – The Review shall consider anticipated population trends to ensure the ward structure provides effective representation for the 2022 Municipal Election and beyond. 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, approved development

proposals and estimated population growth. Population and housing forecasts for Pickering and its neighbourhoods will be based on a “household formation” growth forecast model using available data from both the City and the Region of Durham.

4. **Physical Features as Natural Boundaries** – The Review shall take into consideration natural and manmade features within the City that may serve as effective boundaries within the community.
 - 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.

5. **Effective Representation** – In reference to the decision regarding Provincial Electoral Boundaries (Sask.) [1991] S.C.J. No. 46 (the “Carter decision”), the Supreme Court of Canada concluded that the “purpose of the right to vote enshrined in s.3 of the *Charter* is not equality of voting power *per se* but the right to ‘effective representation’. While voter parity is of utmost importance, exact voter parity is not likely obtainable. Rather, since a vote is intended to provide meaningful on-going representation after the election, it may be necessary to place a higher priority on other principles (such as protecting a community of interest) to create plausible and coherent electoral areas that better contribute to ‘effective representation’ than electoral areas that are equal in population.

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. Any deviation from the specific principles must be justified by other Carter decision criteria in a manner that is more supportive of effective representation.

Deliverables

The consultant will be responsible for the conduct of all aspects of the project including research, public consultation (including consultation with Members of Council and other stakeholders), formulation of options, and preparation and presentation of interim and final reports and recommendations which will be provided to and considered by the Executive Committee and Council.

A comprehensive communication plan will be developed by City Staff with input from the Consultant to ensure the content and approach is effective and reaches as many residents as possible. The use of graphics, social media, on-line and paper surveys, rack cards and a dedicated webpage will be utilized to provide as much information as possible throughout the process. Public open houses will be conducted in each of the 3 existing wards in the City.

The Consultant will develop, in consultation with the City Clerk, a comprehensive work plan and project schedule based on the following general parameters:

Phase 1:

Leading an initial public consultation process which will include:

- Interviews with Members of Council;
- Community public open houses (a minimum of 2 open houses to be held) with Consultant present to provide an overview of the Review, the City's existing structure and to answer questions;
- Launch of an on-line survey to obtain feedback from the public on the existing ward structure and what, if any changes should be considered;
- The on-line survey will be available throughout the period of time in which the open houses are conducted to allow ample time for public comment. Paper copies of the survey will also be available at Customer Care, City Facilities, the Library and the Clerk's Office for anyone who does not have access to a computer;
- The Consultant will review all feedback submissions from the open houses and survey and develop draft options of revised ward boundaries and council composition for consideration and comment from stakeholders and the public.

Phase 2:

Leading a second public consultation process which will include:

- Secondary community public open houses (a minimum of 2 open houses to be held) with the Consultant present to provide ward boundary options and obtain feedback;
- Launching of a second on-line survey which will provide visual maps and graphics to allow residents to choose which draft option is preferred;
- The consultant will review all feedback submissions and develop a final report and recommendation for presentation to the Executive Committee to seek approval from Council on the preferred option.

Phase 3:

- In conjunction with the City Clerk, the consultant will prepare the necessary materials for presentation to the Executive Committee with a recommendation for Council's preferred option and the passing of a by-law to change the ward boundaries and potentially the composition of Pickering City Council.
- Consultant to attend the Executive Committee meeting (and Council meeting if needed) to answer any questions raised by members of the public or Council.

Notes:

Under the direction of the City Clerk, designated staff in Legislative Services will be responsible for overseeing the project and will ensure that all necessary staff from other departments in the City are involved as needed and that public consultation is conducted in coordination with Corporate Communications.

The City Clerk will be the main contact between the Consultant and the municipality, and will ensure that resources are available to ensure the public is informed of the process, GIS mapping and other data is available, as well as printing and other services that may be required to complete the project.

Time Table

December – March 2020	Phase 1 – interviews and public engagement to solicit feedback regarding existing and future ward boundaries and council composition
April 2020	Development of draft ward boundary and council composition options
May – July 2020	Phase 2 – second round of public consultation to present ward boundary options and solicit the public's preferred option
September 2020	Presentation of options to Executive Committee for approval
September 2020	Adoption of By-law to change ward boundaries and possibly council composition