

COMMITTEE OF THE WHOLE (WORKING SESSION) FEBRUARY 14, 2012

WARD BOUNDARY REVIEW SUMMARY – FOLLOW UP REPORT

Recommendation

The City Clerk recommends:

- 1) That Council give consideration to the options set out in this report respecting the potential commencement of a ward boundary review.

Contribution to Sustainability

A balanced ward system that provides effective representation is a key component of a sustainable governance structure.

Economic Impact

Consultant's fees for facilitation and planning projections are estimated at \$40,000. In addition, if after adoption of a ward boundary by-law the by-law is appealed to the Ontario Municipal Board additional expenditures will likely be incurred.

Communications Plan

A public consultation plan will be a key component of a Ward Boundary Review if one is commenced.

Purpose

The purpose of this report is to respond to the recommendation of Committee of the Whole (Working Session) adopted by Council at its meeting of November 29, 2011 [Committee of the Whole (Working Session) Report No. 53, Item 2] that staff provide a report outlining the next steps and options for a ward boundary review.

Background - Analysis and Options

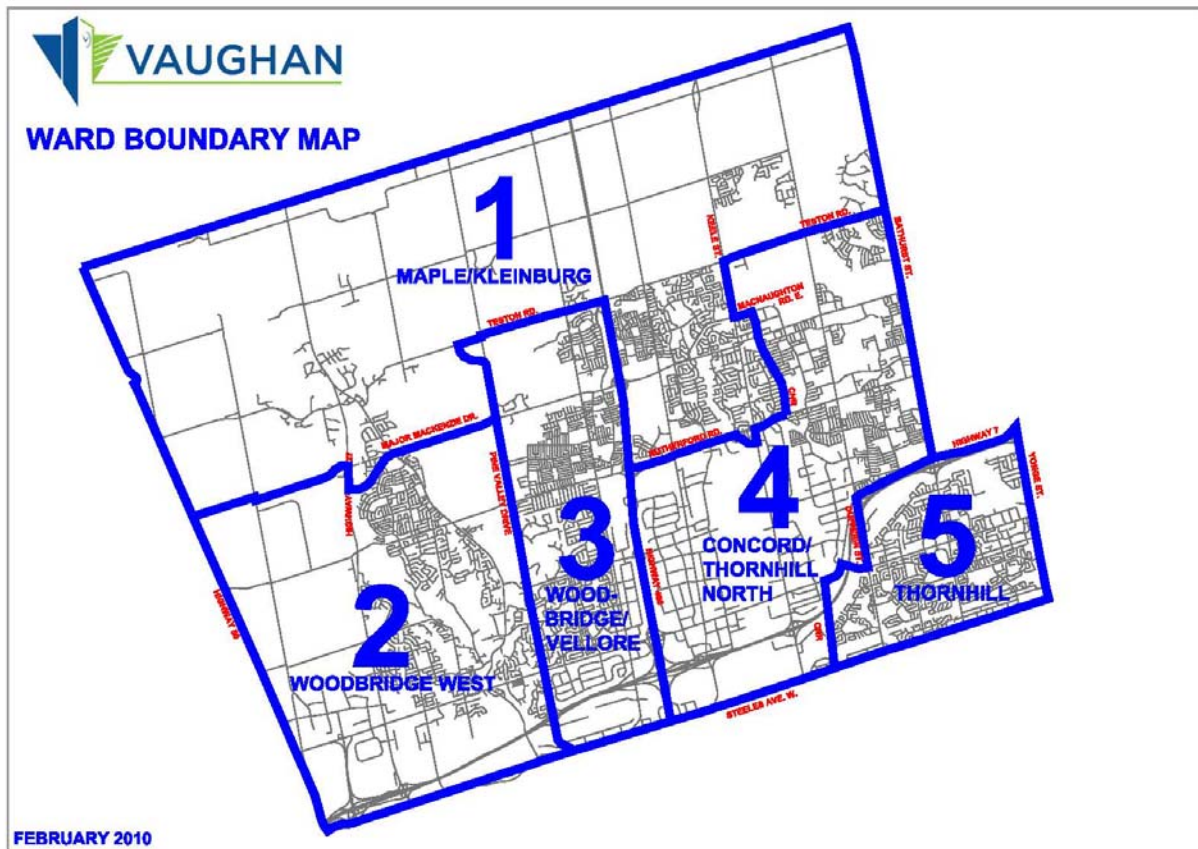
Background

The results of the most recent census (2010) have not yet been released and so staff have not been able to include any updated population analysis in this report. It is expected that data will be made available in February, and if released in time an update will be provided to Committee.

A key consideration in determining whether a ward boundary review should take place is the question of whether the citizens of Vaughan are receiving (and will receive, for the elections contemplated by the review) effective representation from their Council. Effective representation, as noted in previous reports on this matter, is not simply a mathematical concept. Amidst the array of factors and considerations that are taken into account in assessing models for 'effective representation', the primary goal is to establish relative parity of voting power. A discussion of the concept of effective representation was presented to Committee of the Whole (Working Session) in the November report referred to above.

Summary of 2008 Review Results

A ward boundary review was conducted by the City of Vaughan prior to the 2010 general municipal election with the result that the Ontario Municipal Board, on appeal, set the City's ward configuration as follows:



In setting the new boundaries, the OMB set the following ward populations and population ratios:

		OMB DECISION					
Ward	Population	2010	Variation from Average Ward Population (%)	2014	Variation from Average Ward Population (%)	2018	Variation from Average Ward Population (%)
1	58,040	8		58,466	-3	60,575	-4
2	51,939	-3		51,939	-14	51,939	-18
3	54,400	1		68,284	13	69,331	9
4	38,990	-28		58,459	-3	69,467	10
5	65,706	22		65,706	8	65,706	4
Total Population		269,075		302,854		317,018	
Average Population per Ward		53,815		60,571		63,404	
Average Deviation from Ward Avg. Population		6,680	12	5,139	8	5,717	9

The City's Population Continues to Grow

Data for the last ward boundary review was obtained through 2006 Census reports, supplemented by information from the then on-going official plan review and data from the Region of York Planning Department. Through this process staff were able to predict *where* population growth would occur, but not *when* it would occur with any degree of certainty. In addition, under provincial and regional planning policies it was known that intensification development would occur across the City but *where* and *when* it would occur could not be determined with assurance.

The population projections set out in the chart above are not intended to be exact forecasted populations for each ward at each election date, but rather show the predicted distribution of population amongst the wards as the City's population grows. In fact, it is clear that the population projections are 'undercounted' – as indicated by the population totals for each election year.

Actual development patterns will vary, and the ward populations are based on assumptions that intensification within each ward will occur on a roughly equal basis across the City. Staff were unable to predict with any certainty where the intensification development will occur, and so, while it was assumed that infill development would be spread across the City on an equal basis, no additional population attributed to intensification is included in the above projections.

A key component of any future ward boundary review will involve third party planning projections based on the best available information at the time of the review.

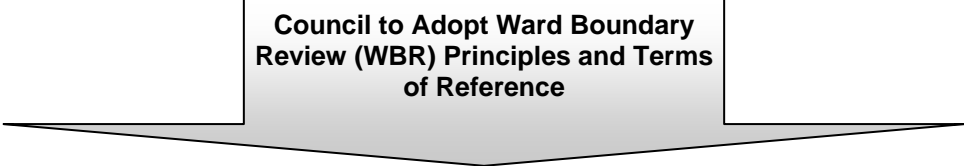
Next Steps and Options

Section 222 of the *Municipal Act, 2001*, provides that a municipality may divide or re-divide the municipality into wards or dissolve existing wards. The Act does not set out any criteria to guide the re-division of wards or the alteration of ward boundaries; these criteria are to be established by Council. When conducting a review, however, municipal councils must be cognizant of the principles established by the courts on electoral representation, particularly the decision of the Supreme Court of Canada in *Reference Re: Provincial Electoral Boundaries (Sask.)*, [1992] 2 S.C.R. 158 (referred to as the "Carter case").

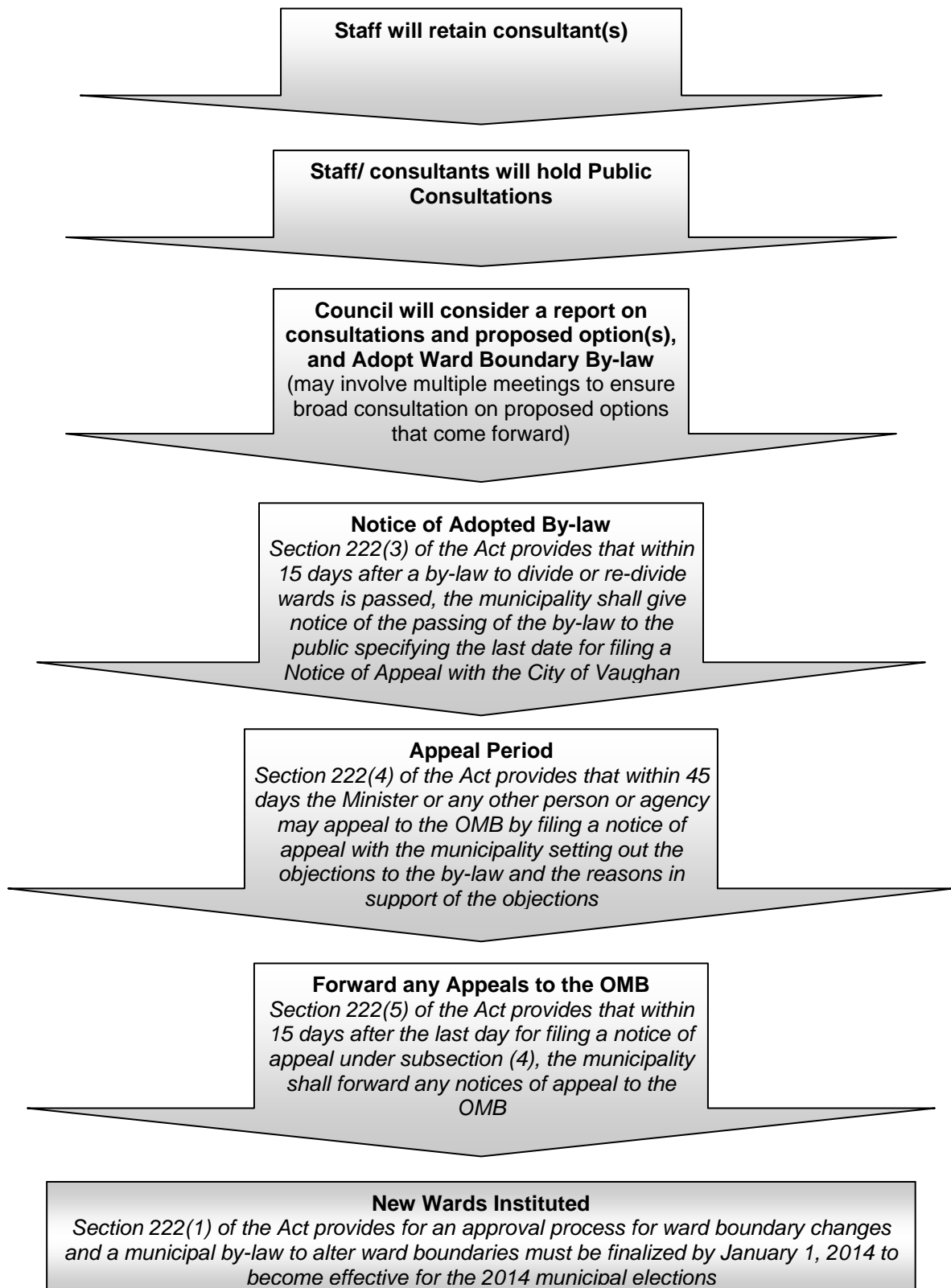
The options before Council at this time can be stated in the simplest of terms. Council can either instruct staff to conduct a ward boundary review, defer its decision, or it can choose not to conduct the review. It should be noted that the latter option does not necessarily preserve the *status quo*, as noted below.

Option 1 – Conduct the Review

If Council directs that a further ward boundary review should be conducted at this time, the following steps would be undertaken:



**Council to Adopt Ward Boundary
Review (WBR) Principles and Terms
of Reference**



Should Council direct that a Ward Boundary Review take place, the process should commence as soon as possible to ensure that all the necessary consultation and appeals (if any) are completed prior to the January 1, 2014 deadline.

Option 2 – Defer Consideration

Delaying a decision to conduct a review may have ramifications for the administration of the 2014 general municipal election. Redistribution is a major undertaking that affects not only citizens but

election planning and staffing, and also affects candidates and their finances during the election. Given the scope and magnitude of election administration, decisions regarding a Ward Boundary Review should be made at the earliest opportunity to allow for implementation in sufficient time for the 2014 general municipal election.

Option 3 – Do not Conduct a Ward Boundary Review

Council is not compelled to conduct a ward boundary review at this time. The OMB decision in the appeal of the last review concluded that the current boundaries respect the *Carter* principles at the point in time the Order was made. Though the OMB raised an expectation that the boundaries would be revisited, it is for Council to determine whether the current model provides for effective representation for the purpose of the next election.

Note however that should Council determine that a ward boundary review not be conducted at this time, the current composition of Council will remain intact for the 2014 municipal election, unless either of the following two events occurs:

i) Regional Redistribution

Should the Region of York increase the number of Regional Councillors sitting on York Region Council (pursuant to the process established by Section 218 of the *Municipal Act, 2001*), the City's five wards would remain unchanged however the access that Vaughan citizens would have to their Members of Council would be altered. Recalling the Supreme Court of Canada *Carter* decision, the primary objective is to provide citizens with effective representation through the establishment of relative voting parity and other factors. The *Carter* principles were based on a provincial redistribution of seats and while they clearly set out the current state of the law with respect to electoral district redistributions, including the redistribution of municipal wards, the principles do not specifically analyze how local councillors elected at-large across a municipality (Vaughan's 'Local and Regional Councillors') contribute to effective representation. Though not impacting upon the question of 'relative voter parity', an increase in the number of Regional Councillors will have an impact on citizens' access to government.

The question of whether the process to enlarge Regional Council should be commenced is pending, with a report from Regional staff expected in the coming months.

ii) Petition

Under Section 223 of the *Municipal Act, 2001*, S.O. 2001, c. 25, electors may present a petition to Council requesting that Council pass a by-law dividing, re-dividing or dissolving wards. The petition requires the signatures of 1% of the total number of electors in the municipality or 500 electors, whichever is less, but with a minimum of 50 signatures. Five hundred (500) electors would have to sign a petition in the case of a population the size of the City of Vaughan.

If Council does not pass a by-law in accordance with a petition within 90 days after receiving it, any of the electors may apply to the Ontario Municipal Board (OMB) to have the municipality divided or re-divided or have the existing wards dissolved. The OMB will hear the application and may make an order dividing, re-dividing or dissolving wards.

Relationship to Vaughan Vision 2020/Strategic Plan

This report is consistent with the priorities previously set by Council as set out in Vaughan Vision 2020, particularly:

MANAGEMENT EXCELLENCE -
Demonstrate Leadership and Promote Effective Governance

Regional Implications

On October 20, 2011, Regional Council gave the direction "That staff prepare a report on options for representation on Regional Council and forward it to a Council Workshop that will be held in the 1st quarter of 2012."

Conclusion

This report responds to the request of Committee of the Whole (Working Session) for a report outlining the next steps and options for a ward boundary review.

Should data from the most recent census be made available prior to consideration of this matter by the Committee, staff will endeavour to analyze the data and submit a summary for consideration.

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Respectfully submitted,

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