

COMMITTEE OF THE WHOLE (WORKING SESSION) NOVEMBER 22, 2011

WARD BOUNDARY REVIEW SUMMARY

Recommendation

The City Clerk recommends:

- 1) That this report be received for information.

Contribution to Sustainability

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

Economic Impact

No outside consulting costs were incurred for the 2008/2009 Ward Boundary Review, however a new Ward Boundary Review will involve expenditures for public consultation and planning projections at an estimated cost of approximately \$40,000. If after adoption of a ward boundary by-law the by-law is appealed to the Ontario Municipal Board additional expenditures will be incurred. Funds for the project will be addressed in an upcoming 2012 budget report on contributions to the Election Reserve.

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 May 24, 2011 [Committee of the Whole (Working Session) Report No. 29, Item 2] that a report be provided summarizing information determined from the previous Ward Boundary Review to enable Council to decide whether a further ward boundary review should be conducted.

Background - Analysis and Options

Legislative Framework

Council has authority under the *Municipal Act, 2001*, Section 222, to divide or re-divide the municipality into wards or dissolve the existing wards. Though there is no statutory direction given for how a review is to be conducted. When conducting a review municipal councils must be cognizant of the principles established by the courts on electoral representation, as discussed later in this report.

Following a council's approval of a ward boundary by-law, notice of passing is given within 15 days and the Minister of Municipal Affairs and Housing or any other person may appeal the by-law to the Ontario Municipal Board within 45 days of passing. If appealed, the OMB may make an order affirming, amending or repealing the by-law. If passed (and, if appealed, approved or amended) before January 1 of an election year, the election is administered as if the revised wards are already in place. For all other purposes the revised wards take effect when the new council takes office.

Background

In 2008, the City of Vaughan, facing an increasing disparity in population size amongst the existing five wards, conducted a Ward Boundary Review. The objective of the review was to establish new municipal ward boundaries for the 2010, 2014 and 2018 general municipal elections. A public consultation process ensued on the basis of options prepared by the City Clerk and with the addition of options submitted by Members of Council and the public.

On May 5, 2009, following the submission of additional options by Members of Council, Council adopted By-law 89-2009 to implement a revised five ward system. Notice of the by-law was provided pursuant to Section 222 of the *Municipal Act, 2001*, specifying the last date for the filing of an appeal.

The by-law was appealed to the Ontario Municipal Board by Lucia Milani. The OMB's order amended By-law 89-2009 by altering the ward boundaries for wards 1, 4 and 5 (Appendix #1), which revised boundaries formed the basis of the 2010 general municipal election.

Recent Review History

Vaughan has undertaken four ward boundary reviews since 1994, (1994, 2000, 2005 and 2008/2009). The city consisted of three wards for the 1982 – 1994 Term of Council, and five wards since that time. General municipal elections took place in 1994, 1997, 2000, 2003, 2006 and most recently, 2010.

Residential Growth/Population Projections

According to the 2010 City of Vaughan Official Plan, "The population of Vaughan grew from 15,000 in 1971 to over 100,000 in 1991, when it was incorporated as a City. In the 1990's population growth continued to an incredibly fast pace ... The pace of growth has continued into the 21st century. In 2006, Vaughan had a residential population of 249,300 people ... Provincial and Regional forecasts see Vaughan reaching a population of 416,600 people and 266,100 jobs by 2031". The population of Vaughan in 2010, during the last general municipal election was estimated by York Region to be 295,202 as of October 31, 2010, an increase of 18.4% over the 2006 census of 249,300. As noted in Charts #1 and #2 below, distribution of population in the existing wards was far from balanced.

The 2003 & 2006 Ward Boundary Reviews

Responding to a need to address perceived growing population inequalities between the various wards, prior to the 2003 general municipal election Council directed that a ward boundary review be conducted for implementation in the 2006 general municipal election.

The matter was considered at a Committee of the Whole (Working Session) meeting Item 1, Report 18, on March 22, 2005, which was adopted without amendment by Council on April 11, 2005, and at a Special Committee of the Whole (Working Session) meeting, Item 1, Report 21 on April 4, 2005 and was adopted as amended by Council on April 11, 2005. Council considered in detail a number of 5, 6 and 7 ward configurations for local representation and also reviewed the matter of Regional representation.

In examining various options, Council was mindful of the cost of increasing the size of Council and the possibility that Council may eventually expand should the City of Vaughan gain an additional representative on Regional Council. There was, at the time, an anticipated review of regional representation by the Council of The Regional Municipality of York.

Council ultimately adopted the recommendation “that a five ward option that addresses the current inequality in ward population be considered as an interim measure for the 2006 election and that a review be undertaken prior to the 2009 election”. The review was guided by principles such as respect for existing communities, ratepayer association territories and easily recognizable boundaries, such as arterial roads and major highways.

The City continued to grow, predominantly in the new urban areas established in OPA #600. The result was a disproportionate growth in some wards as compared to others. In 2006, based on census data, Ward 1 had a population of approximately 58,000 people, while the smallest ward, Ward 5, had a population of approximately 36,700 people. This resulted in a variation of population from the average ward size of 22% more, and 23% less, respectively. Chart #1 provides greater detail:

CHART #1

(The following table illustrates the population according to 2006 Census information across the then existing 5 local wards and the resulting ratios of Councillors to the total population and eligible voters)

Ward <small>(2006 Election)</small>	Population <small>(2006 Census)</small>	Eligible Voters <small>(2006 Election)</small>	Councillor Ratio (Total Population) <small>rounded to nearest '00</small>	Councillor Ratio (Eligible Voters) <small>rounded to nearest '00</small>	% Difference from Average Ward Population	Ratio of Eligible Voters to Total Population
1	58,008	36,643	1:58,000	1:36,600	22	0.63
2	50,374	35,348	1:50,400	1:35,300	6	0.70
3	43,849	30,549	1:43,900	1:30,500	-8	0.70
4	49,500	31,243	1:49,500	1:31,200	4	0.63
5	36,736	26,544	1:36,700	1:26,500	-23	0.72
Total Population	238,467	160,327	1:47,000	1:32,000		

NOTE: 2006 Census populations have been adjusted for undercount.

Population Forecasts

In 2008, with the assistance of Planning Department staff, population projections (Chart #2) were applied to the then existing 5 ward system over the next 3 elections. The results of the analysis showed that the inequalities of the population distribution amongst the wards continued to grow.

By 2018, if not reconfigured, Ward 1 was expected to have a population of approximately 117,200 (85% above the average ward size in 2018), and Ward 5 would have a population of approximately 37,900 (40% below the average ward size in 2018). In 2008, the analysis supported the need for evaluating new ward boundary options for 2010 and beyond.

CHART #2

EFFECT OF POPULATION INCREASE ON EXISTING 5 (2006) WARDS						
Ward	2010		2014		2018	
	Population	Variation from Average Ward Population (%)	Population	Variation from Average Ward Population (%)	Population	Variation from Average Ward Population (%)
1	79,013	47	103,081	70	117,245	85
2	51,939	-3	51,939	-14	51,939	-18
3	47,257	-12	55,217	-9	55,217	-13
4	52,993	-2	54,744	-10	54,744	-14
5	37,873	-30	37,873	-37	37,873	-40
Total Population	269,075		302,854		317,018	
Average Population per Ward	53,815		60,571		63,404	
*Average Deviation from Ward Avg. Pop.	10,079	19	17,004	28	21,537	34

*Average Deviation reflects how effective a particular ward option is at balancing the population amongst the proposed wards. The lower this deviation number, the more closely the population of each ward is to the average ward population in that option. This figure allows a direct comparison between ward options with respect to population distribution.

In 2003, Council size increased by one Regional Councillor to reflect Vaughan's increasing population and size relative to other York Region municipalities. It is also noted that the Mayor and Local and Regional Councillors are elected at large across Vaughan although other options exist in other regions. Alternative means of representation on Regional Council will likely form part of a Regional review of representation options.

CHART #3

(The following chart reflects how the previous City of Vaughan five-ward configuration compared to other neighbouring councils, as of the 2006 census.)

	POP. (2006 CENSUS)	NO. OF WARDS	COUNCIL SIZE	NO. LOCAL	NO. REGIONAL	RATIO/ LOCAL	RATIO/ REGIONAL
Vaughan	238,467	5	9	5	3	1:47,6931	1:79,489
Richmond Hill	167,747	6	9	6	2	1:27,957	1:83,873
Markham	269,681	8	13	8	4	1:33,710	1:67,420
Brampton	447,253	10	11	5	5	1:89,450	1:89,450
Mississauga	689,274	11	12	11	-	1:62,661	-
Oakville	165,613	6	13	6	6	1:27,602	1:27,602
					AVERAGE:	1:48,321	1:57,972

2008/2009 Ward Boundary Review

Since the previous Ward Boundary Review the City continued to grow, predominantly in the new urban areas established in OPA #600. This resulted in some wards growing in population disproportionately to other wards.

2006 census population data was analyzed at the census dissemination level (roughly equivalent to the neighbourhood level except in sparsely populated areas) and then adjusted to project estimated populations for the next three elections. Proposed ward boundary options were created using the following criteria:

- No population variances greater than 15% based on the average populations between the wards;

- The maintenance of distinct communities;
- Acknowledgement of natural or built boundaries between communities;
- Use of easily identifiable boundaries;
- Recognition of communities of interest; and
- Accommodation of future growth

Public consultation formed a major component of the review. Several methods of garnering public input were employed, including a survey and public consultation meeting. Though criticized in the course of the appeal, public consultations stimulated discussion amongst members of the public and generated one ward option submission by a member of the public. Numerous other submissions were made by Members of Council.

Ontario Municipal Board Appeal

An Ontario Municipal Board hearing was held in October, 2009. In the Board's decision of November 24, 2009, the Board allowed the appeal, in part. Large areas of the ward boundary map were not disputed, with the result that the OMB's order adjusted only the boundaries between Ward 4 and 5, and Wards 1 and 4.

In the Board's decision, the Board indicated its hope that there would be another Ward Boundary review prior to the 2014 election.

The resulting, and now familiar ward boundaries, by the Board's own words is a solution that "is manifestly imperfect". A population analysis of the OMB approved ward boundaries was done using the same data that was used during the Ward Boundary Review (Chart #4). The result is, as follows:

Chart #4

Ward	2010		2014		2018	
	Population	Variation from Average Ward Population (%)	Population	Variation from Average Ward Population (%)	Population	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. Pop.	6,680	12	5,139	8	5,717	9

*Average Deviation reflects how effective a particular ward option is at balancing the population amongst the proposed wards. The lower this deviation number, the more closely the population of each ward is to the average ward population in that option. This figure allows a direct comparison between ward options with respect to population distribution.

While the results seem to indicate ward boundaries that are fairly close (within a 15% population variation) for the 2014 election, population distribution is not the only factor to be considered when evaluating the need for a Ward Boundary Review.

Ward Boundary Reviews are to follow the principles set out by the Supreme Court of Canada in *Re: Provincial Electoral Boundaries (Sask.)*, the 'Carter' case. The purpose of a review is to achieve 'effective representation'.

In describing the concept, the OMB in its order on the 2008/2009 ward boundary review quoted extensively from the Carter decision:

"In *Carter*, Madame Justice McLachlin (as she then was) stated:

To what extent, if at all, does the right to vote enshrined in the Charter permit deviation from the "one person – one vote" rule?... 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"....

What are the conditions of effective representation? The first is relative parity of voting power. A system which dilutes one citizen's vote unduly as compared with another citizen's vote runs the risk of providing inadequate representation.... The result will be uneven and unfair representation.

But parity of voting power, though of prime importance, is not the only factor... in ensuring effective representation....

Notwithstanding the fact that the value of a citizen's vote should not be unduly diluted, it is a practical fact that effective representation often cannot be achieved without taking into account countervailing factors. First, absolute parity is impossible. It is impossible to draw boundary lines which guarantee exactly the same number of voters in each district....

Secondly, such relative parity as may be possible of achievement may prove undesirable because it has the effect of detracting from the primary goal of effective representation. Factors like geography, community history, community interests and minority representation may need to be taken into account to ensure that our legislative assemblies effectively represent the diversity of our social mosaic. These are but examples of considerations which may justify departure from absolute voter parity in the pursuit of more effective representation; the list is not closed.

*It emerges therefore that the deviations from absolute voter parity may be justified on the grounds of practical impossibility or the provision of more effective representation. Beyond this, dilution of one citizen's vote as compared with another's should not be countenanced. I adhere to the proposition asserted in *Dixon*, that "only those deviations should be admitted which can be justified on the ground that they contribute to better government of the populace as a whole, giving due weight to regional issues within the populace and geographic factors within the territory governed".*

... The process (in this case), viewed as a whole, was fair. The original division between urban and rural ridings was the work of an unimpeded commission; the subsequent adjustment largely reflected population changes, and gave due weight to the principle of voter parity. The fact that the Legislature was involved in the readjustment does not in itself render the process arbitrary or unfair...

... It may be useful to mention some of the factors other than equality of voting power which figure in the analysis. One of the most important is the fact that it is more difficult to represent rural ridings than urban.... Thus the goal of effective representation may justify somewhat lower voter populations in rural areas. Another factor... is geographic boundaries... Yet another factor is growth projections. Given that the boundaries will govern for a number of years,...projected population changes

within that period may justify a deviation from strict equality at the time the boundaries are drawn.”

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

Regional services account for approximately half of the average residential tax bill. Although almost identical in population, the City of Vaughan has one less Regional Council Member than the Town of Markham. Regional Council, on October 20, 2011, 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.”

Prior to the adoption by Regional Council of a by-law to change its composition it must first seek a regulation from the Minister of Municipal Affairs and Housing to authorize changes to council composition.

A by-law to change regional composition would only take effect if:

- a majority of all votes on the upper-tier council are cast in its favour;
- a majority of the councils of all lower-tier municipalities forming part of the upper-tier municipality have passed resolutions consenting to the by-law; and
- the total number of electors in the lower-tier municipalities that have passed resolutions form a majority of all the electors in the upper-tier municipality.

Depending on the process determined by the Region, this review and the required approvals could take from six months to one year to complete.

It should be noted that in addition to the regional activity, the Town of Markham is considering conducting a Ward Boundary Review.

Conclusion

An equitable system of representation that provides for effective representation will better address the needs of the community both at the Regional and Local level. For the democratic process to be truly representative, a system of maintaining a fair and properly balanced distribution of electoral ward boundaries is essential.

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 and/or an increase to York Region representation should be made at the earliest opportunity to allow for implementation in sufficient time for the 2014 general municipal election, and that the conduct of a Ward Boundary Review be suitably resourced.

Attachments

Appendix 1 2010 Ward Boundary Map as approved by the OMB.

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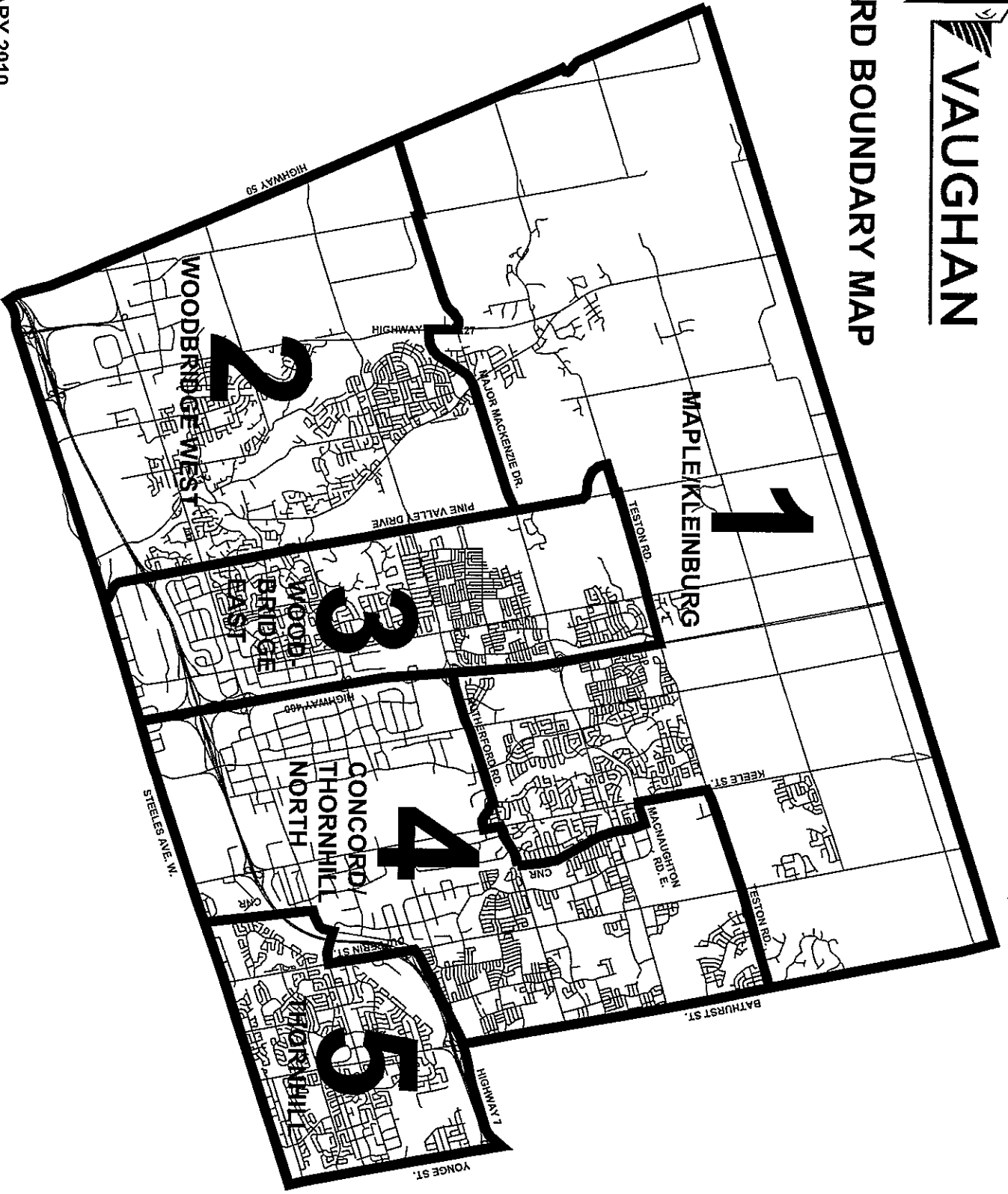
Respectfully submitted,

Jeffrey A. Abrams
City Clerk



VAUGHAN

WARD BOUNDARY MAP



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