

Ward Boundary Review

Revised Terms of Reference

Revised July 27, 2020

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.

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;
- Virtual community engagement sessions, coordinated and implemented by the Consultants, using a variety of mediums and virtual tools to accomplish effective dialogue and fulsome public engagement. The engagement session will provide residents with an overview of the Review, the City's existing structure, and the ability for residents to ask and receive answers to questions. (A minimum of 2 virtual engagement sessions to be held);
- 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 community engagement sessions are being 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 virtual engagement sessions, written comments and completed surveys 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 virtual community engagement sessions (and possible in-person engagement depending on the state of the COVID-19 Pandemic) where the Consultant will provide ward boundary options and obtain feedback. (A minimum of 2 community engagement sessions to be held for Phase 2);
- 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.

Revised Time Table

December 2019 (Complete)	Interviews with Members of Council and initial kick-off meeting with City Staff
September 2020	Phase 1 – first round of public engagement to solicit feedback regarding existing and future ward boundaries and council composition using a variety of virtual, on-line and traditional tools to facilitate effective dialogue and feedback from the community.
December 2020	Development of draft ward boundary and council composition options and interim report to Executive Committee and Council.
February – March 2021	Phase 2 – second round of public consultation to present ward boundary options and solicit the public’s preferred option using a variety of virtual, on-line and traditional tools to receive feedback. Note: Should COVID-19 restrictions be lifted, in-person public consultation may also be utilized in conjunction with on-line and virtual tools.
May 2021	Presentation of ward boundary options to Executive Committee and Council for approval.
June 2021	Adoption of By-law to change ward boundaries and possibly council composition.
August/September 2021	Appeal period for By-law concludes and By-law in force and effect for the 2022 Municipal Election.