

TOWNSHIP OF HAVELOCK-BELMONT-METHUEN

To: Mayor Martin and Members of Council
From: Bob Angione, Chief Administrative Officer/Clerk
Meeting Date: October 3, 2023
Subject: Electoral Ward System

Purpose:

The purpose of this report is to seek Council direction regarding a possible revision to the electoral ward system within the Township of Havelock-Belmont-Methuen.

Recommendation:

Whereas currently the positions of Mayor, Deputy Mayor, and Councillor at Large are elected by all the eligible voters within the Township but the Township Ward Councillor and the Village Ward Councillor are elected solely by the respective eligible electors in that specific ward; and

Whereas Council has expressed a desire to review the electoral ward system currently in place within the Township of Havelock-Belmont-Methuen; and

Whereas Section 222(1) of the *Municipal Act, 2001* states that a municipality is authorized *to divide or redivide the municipality into wards or to dissolve the existing wards.*;

Be It Resolved That a public consultation process be undertaken that includes a community survey to be included in the next general tax bill mailing and a Special Council Meeting to receive input from the community regarding a possible change to the electoral ward system.

Background:

Council has expressed a desire to review the electoral ward system within the Township. The Township of Havelock-Belmont-Methuen is currently comprised of two electoral wards for municipal elections; Township Ward and the Village Ward. The ward boundaries are described as follows:

Ward 01 – Township Ward

Being all properties lying within the descriptive boundaries known as Belmont and Methuen in the assessment roll of the municipality with map sub-division number of 010.

Ward 02 – Village Ward

Being all properties lying within the descriptive boundaries known as the Village of Havelock and appearing in the assessment roll of the municipality with map sub-division number of 020.

Currently one councillor is elected in the Township Ward and one councillor is elected in the Village Ward with the remaining three members of council (Mayor, Deputy Mayor, and Councillor at Large) being elected at large by all the voters of the Township. The Township of Havelock-Belmont-Methuen was formed on January 1, 1998 via the amalgamation of Belmont and Methuen Townships with the Village of Havelock. The electoral wards have remained unchanged for twenty-five years since amalgamation.

In the 2014 municipal election there were a total 7,548 registered voters in the entire Township comprised of 6,613 eligible voters in the Township Ward and 935 in the Village Ward. These numbers equate to 88% of the eligible voters residing in the Township Ward and 12% of the eligible voters residing in the Village Ward. In 2014, voter turnout in the Township Ward was 2,334 (35.29%) with the winner receiving 1,000 votes. That same year the voter turnout in the Village Ward was 528 (56.47%) with the winner receiving 231 votes.

In the 2018 municipal election there were a total 7,255 registered voters in the entire Township comprised of 6,387 eligible voters in the Township Ward and 868 in the Village Ward. These numbers equate to 88% of the voters being in the Township Ward and 12% of the voters being in the Village Ward. In 2018, voter turnout in the Township Ward was 2,460 (38.52%) with the winner receiving 1,255 votes. That same year the voter turnout in the Village Ward was 464 (53.46%) with the winner receiving 241 votes.

In the 2022 municipal election there were a total 7,498 registered voters in the entire Township comprised of 6,531 eligible voters in the Township Ward and 967 in the Village Ward. These numbers equate to 87% of the voters residing in the Township Ward and 13% of the voters residing in the Village Ward. In 2022, voter turnout in the Township Ward was 1,839 (28.17%) with the winner receiving 858 votes. That same year the voter turnout in the Village Ward was 355 (36.50%) with the winner receiving 140 votes.

With the voters electing a five-member council, the ward numbers consistently reveal that the Village Ward voters are electing 20% of the Members of Council with 12% to 13% of the eligible voters while Township Ward voters are electing 20% of the Members of Council with 87% to 88% of the eligible electors. The ward numbers also reveal that the Township Ward member of council has been elected by at least 718 votes more than the Village Ward member of council in each of the last three elections. It is important to note that the number votes required to win and the margin of victory in any given election is affected by the number of candidates running in each ward.

The Growth Analysis Report prepared for the County of Peterborough by the consulting firm Hemson forecasts a population growth of 600 to 1,000 citizens in the Township of Havelock-Belmont-Methuen by the year 2051. Even if all of this growth occurs in the

Village Ward the proportion of eligible voters would remain unbalanced with 77% of the voters being in the Township Ward and 23% in the Village Ward.

All eligible voters are electing the three positions of Mayor, Deputy Mayor, and Councillor at Large.

There are three (3) options available regarding the composition of the electoral ward system in the Township of Havelock-Belmont-Methuen:

1. Leave the electoral ward system unchanged.
2. Redraw the boundaries of the two current wards to allow for an equal number of eligible voters in each ward.
3. Eliminate the ward system and elect all Members of Council at-large whereby all eligible voters within the entire Township would be casting ballots for Mayor, Deputy Mayor, and three Councillors.

Municipalities have the legal authority to divide or re-divide the municipality into wards or to dissolve existing wards. This typically entails a Ward Boundary Review process, public consultation, and the passing of a by-law by Council. The by-law is subject to an appeal to the Ontario Land Tribunal and may be challenged by anyone including the Minister of Municipal Affairs although explicit provincial approval is not required.

The Municipal Act does allow the council of a municipality to determine the number of wards into which the municipality may be divided. Municipalities wanting to create, dissolve or change ward boundaries are required to comply with certain processes and requirements including:

- passing a by-law that sets out the new ward boundaries or at-large structure
- providing notice of the passing of the by-law to the public within fifteen days
- specifying the last date for the public to file a notice of appeal of the by-law.

The next municipal election is scheduled to be held in 2026. For changes to ward boundaries to be in effect for the next regular municipal election, by-laws must be passed before January 1, 2026.

Revising electoral boundaries is typically an involved process. Many municipalities hire a consultant to undertake a Ward Boundary Review. The cost to hire a consultant is estimated to be \$40,000 to \$60,000 in total. Consultants will typically specialize in planning, demographics, and political science. This item is currently not budgeted for but could be included in the 2024 budget.

The *Municipal Act, 2001* does not provide any criteria to guide the municipal electoral ward system review process. A precedent case known as the Carter Decision issued by the Supreme Court of Canada, and other decisions issued by the Ontario Municipal Board (OMB), now known as the Ontario Land Tribunal (OLT), have established a set of guiding principles that have become the unwritten standard of electoral boundary reviews in Ontario. These guiding principles include:

1. Effective Representation
 - Voters should be equally represented to the greatest extent possible. When defining effective representation as the right protected by the Charter, the court notes that the relative parity of voting power is a prime, but not an exclusive condition of effective representation. Deviations can be justified where the consideration of other factors, such as geography, community history, community interests and minority representation would result in a legislative body that is more representative of Canada's diversity. According to the court, considering all these factors provides effective representation.
2. Representation by Population
 - Population numbers should be relatively equal in each ward. This will allow voters to be equally represented, and wards should have reasonably equal population totals. Voter parity should be the goal of ward boundary reviews.
3. Protection of Communities of Interest and Neighbourhoods
 - A review should endeavor to preserve established neighbourhoods. The Carter decision recognizes that the protection of communities of interest may justifiably override the principle of voter parity where the inclusion of a community of interest will lead to a system that is more representative of the municipality's diversity. The Court does not define what constitutes a community of interest, however it has been leveraged in Ontario Municipal Board appeals to recognize historical settlement patterns or existing communities and to represent social, historical, economic, religious, linguistic, or political groups.
4. Future Population Trends
 - A review should consider the impact of development and increase of population. Ward boundary reviews should consider future changes in ward population. Being mindful of anticipated population trends will ensure that a ward and its residents are neither advantaged, nor disadvantaged because of development activity throughout the municipality. Ward boundary reviews should generally take into consideration anticipated changes in population of a period of twelve years, or three elections.
5. Physical Features as Natural Boundaries
 - A review should consider physical boundaries, both natural and built. Ward boundaries will be drawn impartially and with consideration to using distinct physical and geographic features. Physical features should be leveraged as they create preexisting boundaries which naturally divide the municipality's residents and may facilitate the effective representation of the ward's residents.

The *Municipal Act, 2001* provides the framework for municipalities to conduct electoral Ward Boundary reviews. Section 222(1) of the Act states that a municipality is authorized to “divide or redivide the municipality into wards or to dissolve the existing wards.”

Section 222(3) of *Municipal Act, 2001* provides that the municipality is required to give public notice that the ward boundary by-law has been passed within fifteen (15) days after the by-law is passed. The notice must specify the last date for filing a notice of appeal.

Section 222(4) of the *Municipal Act, 2001* states that within forty-five (45) days of the Ward Boundary By-law being passed, it may be appealed to the OLT by the “Minister or any other person or agency.” The appeal is made by filing a notice of appeal with the municipality setting out the objections to the By-law and the reasons in support of the objections.

Section 222(5) of the *Municipal Act, 2001* states that the municipality is required to forward any notice of appeal to the OLT within 15 days after the last day for filing the notice.

In a report prepared by Dr. Robert J. Williams for the Town of Aurora, it is stated:

“Given the primary importance of the electoral structure to those presently holding public office in the Town, a review that would be considered acceptable by the community (and by the O.M.B. in the event of an appeal) must be conducted for the municipality by someone who is not a member of Council or a municipal employee, ideally an experienced independent consultant.

Furthermore, a successful Ward Boundary Review requires expertise on municipal electoral systems, reliable data on present and future population trends across the municipality, expertise to develop and map alternative designs and a public engagement strategy. Without access to such capacities, there is a risk that an electoral review may lead to unfair, ill-conceived, or politically motivated results.”

The Township of Havelock-Belmont-Methuen was formed twenty-five years ago in 1998 through the amalgamation of Belmont and Methuen Townships and the Village of Havelock. While past Township Councils have considered a revision to the electoral ward system, no changes have been made since amalgamation.

Establishing electoral boundaries is an exercise that requires a weighing of many policy considerations including effective representation which in turn must consider relative parity of voting powers as well as other factors such as geography, communities of interest, and capacity to represent. The principle of effective representation has been identified to mean that each resident should have comparable access to their elected representative and each councillor should speak on behalf of an equal number of residents.

The object of a Ward Boundary Review is to assess whether a municipality’s present wards are continuing to provide effective, equitable, and democratic representation. This is typically achieved by evaluating the suitability of the present wards or new proposed wards. Electors are typically invited to participate and provide input throughout the review process. Staff recommends that a public input process be

undertaken to gauge the will of the voters with respect to changes in the electoral ward system. It is recommended that the public input process consist of a Special Council Meeting to allow for in-person or virtual comments at a Special Council Meeting followed by a community survey that is inserted into the next general tax bill mailing that is scheduled for early next year either in late January or early February. It is also recommended that, should Council choose the option of redrawing the ward boundaries in order to achieve an equal number of voters in each ward, a consultant be retained to ensure that the boundaries of each ward are drawn properly. Should Council choose to proceed with a change to the electoral ward system, hiring a consultant will mitigate the effects of an appeal to the OLT, regardless of which option is chosen by Council.

Financial Impact:

The financial impact of undertaking a Ward Boundary Review will be determined by Council's decision to hire a consultant or proceed without the assistance of outside resources.

In Consultation With:

Bianca Boyington, Deputy Clerk
Arya Hejazi, Planning Assistant
Leah Hutton, Executive Assistant

Attachments:

None.

Respectfully Submitted:

Bob Angione

Bob Angione, Chief Administrative Officer/Clerk