

## A Ward Boundary Review

- The *Municipal Act, 2001*, s.222 (1) permits a municipal council to pass a by-law “to divide or redivide the municipality into wards or to dissolve the existing wards” but a review of electoral boundaries is not subject to a stipulated schedule, to a standardized process or to established criteria. Furthermore, despite a statement in the *Municipal Act, 2001* that the Minister “may prescribe criteria,” none actually exists.
- Therefore, it is up to each municipal council to determine when a review should occur, to set the terms of reference for its review, including the process to be followed, and to establish criteria or guiding principles to evaluate the municipality’s electoral system.
- It is reasonable to consider whether the present ward boundaries are still valid for Cavan Monaghan. On a broad level, three factors normally trigger a ward boundary review:
  - If the population of the municipality has changed by more than ten percent since the present ward boundaries were set, it is time to review them.
  - If the present ward boundaries were set as part of an amalgamation, it is time to examine their continuing relevance as the new municipality matures.
  - If the population of at least one of the wards varies by more than twenty-five percent from the average population of all wards, it is time to review the present ward boundaries. [note: the measurement is population not the number of electors]
- Additional considerations are also relevant:
  - Is the present system congruent with changes (especially related to the distribution of the Township’s population) that have occurred in the municipality since amalgamation or are expected to occur in the next few years?
  - Does the present system provide for effective representation for all of the communities of interest in the municipality?

- Does the present system provide accountability to electors?
- Such questions are important reflections of the health of local democracy in the Township. Such issues need not be considered continually but, if the community has never considered them, it is important to find an opportunity to do so. It is also important to recognize that such a review might determine that the present ward boundaries meet these expectations and would not therefore need to be changed. However, until the questions are asked and present conditions independently evaluated, the strengths and weaknesses of the existing wards can only be based on conjecture and informal familiarity. The key questions are
  - Does the present system need to change?
  - Are there identifiable 'problems' that need to be addressed?
- Council has the authority to change the municipality's electoral system and is free to make its determination through whatever process it chooses. It would obviously be preferable to reach its decision by identifying appropriate resources to manage the process (an external consultant) and deliver plausible options for consideration and as much public consultation as possible.
- The present ward configuration is familiar to residents and can be a choice open to Council to endorse. After nearly twenty-five years, however, the ward system should at least be subject to review, just as every other facet of the municipality's operations are regularly reviewed.
- A W.B.R. in Cavan Monaghan would be directed towards developing and assessing possible alternatives to "redivide" the municipality - the terminology used in *Municipal Act, 2001*, s. 222 (1) – in terms of agreed-upon guiding principles so as to provide equitable and effective representation to all residents.
- In Ontario, members of a municipal council (other than the Mayor) "shall be elected by general vote or wards or by any combination of general vote and wards (*Municipal Act, 2001* s 217 (1) 4). The authority "to

divide or redivide the municipality into wards or to dissolve the existing wards” rests with the municipal council (*Municipal Act*, 2001 s 222 (1)). A by-law adopted by Council to implement this authority is subject to appeal to the Local Planning Authority Tribunal (LPAT) (s 222 (4)).

- There are no standard practices, terms of reference, criteria or guiding principles either in provincial legislation or regulation that can be used to evaluate the municipality’s electoral system. Instead, municipalities look to relevant Ontario Municipal Board (now the LPAT) decisions, case law and best practices followed in other municipalities to establish appropriate guiding principles.
- The objective of a Ward Boundary Review is to evaluate the suitability of the present wards in terms of approved Guiding Principles and to develop alternative designs that are consistent with those principles. The following five Guiding Principles have been developed from a number of sources and should apply to a ward boundary review in Cavan Monaghan to ensure that an effective and equitable system of representation is selected.
  - a. Representation by Population
    - To the extent possible, every Councillor will generally represent the same number of constituents with some variation acceptable to take account of residential density and the patterns of settlement across the Municipality.
    - The acceptable range of population variance will not exceed 25% unless it can be justified as a way to meet one of the other criteria.
    - Non-resident electors will be considered in the determination of population in the Wards.
  - b. Population and Electoral Trends
    - Wards will be designed so as to maintain equitable representation by population, to the extent possible, over a three-election cycle (2022, 2026 and 2030).
    - Population projections will be based on adopted municipal-wide residential growth forecasts and other planning data compiled in 2020.
  - c. Representation of Communities of Interest
    - Wards will be composed of plausible groupings of communities and

established settlements.

- Wards will, to the extent possible, will have regard for the rural nature of the Municipality.

d. Geographical and Topographical Features

- The boundaries used to delineate wards should be straightforward and easily recognizable and, to the extent possible, reflect customary patterns of communication among communities and settlements within the municipality.
- Wards will be contiguous in shape and as compact as possible.

e. Effective representation

- The previous four principles are all subject to the overarching principle of “effective representation” as enunciated by the Supreme Court of Canada in the *Carter* case (that is, *Reference re Provincial Electoral Boundaries* (Sask.), [1991]).
- This principle is intended to ensure that residents have comparable access to their elected representative and each Councillor will speak in governmental deliberations on behalf of approximately the same number of residents.