

## **Review of Size of Council**

### **Executive Summary:**

Council sets their short terms goals on an annual basis. On January 7, 2015, Council confirmed that one of their goals for 2015 is to “Investigate the size of Council”. To assist Members of Council, background information is being provided to give you a sense of what has taken place to date, and the steps that will be required should Council decide to reduce/increase the number of Ward Councillors and create new Electoral Ward Boundaries.

### **Recommendation:**

**THAT the report of Mayor Quaiff dated April 16, 2015 regarding the Review of Size of Council be received.**

### **Purpose:**

The purpose of this report is to provide background information, and steps that will be required should Council decide to change the size of council and electoral ward boundaries.

### **Background:**

In 2008, a Composition of Council Committee was established and provided a report to Council with various options on electoral boundaries and Council representation. The report contained various electoral boundary options for a Council comprised of 10 Councillors and a Mayor. Those included a 2 Electoral Ward System, 5 Electoral Ward System, and an Election at Large option with no electoral boundaries. The report of the Composition of Council Committee was received and no further action was taken on the matter.

Following the above-noted decision by Council, a Petition of Electors was presented by Lyle McBurney, Chair of Electors of Prince Edward County for Restructuring Wards and Council, in accordance with subsection 223(1) of the Municipal Act 2001, S.O. 2001, c.25 as amended. The Petition requested Council enact a by-law to restructure the present 10 Wards into 6 Wards, and reduce size of council from 15 plus a Mayor to 2 Councillors per Ward and a Mayor at large.

Further to that petition, there was an OMB Hearing that led to the following Question being included on the Ballot for the 2010 municipal election:

“Are you in favour of Council commencing a public consultation process to review the size of Council for the County of Prince Edward?”

In 2013, although the results of the Question on the Ballot did not mandate the municipality to take any further action, the municipality issued a Request for Proposal for Consultant Services to Review Size of Council. A Citizens' Assembly was established and provided a report to Council with a recommendation that Council be reduced from the current 15 Councillors plus a Mayor, to ten (10) Councillors and a Mayor, to represent the County of Prince Edward.

The report of the Citizens' Assembly was presented at a Special Committee of the Whole meeting held on September 19, 2013. The Committee of the Whole report from this meeting was considered at a Special Council meeting held on October 9, 2013 and, although the Committee of the Whole report included motions related to the Size of Council and Electoral Ward Boundaries, they were not adopted by Council at that meeting.

### **Analysis/Comment:**

#### Size of Council

Council, as a first step, will need to discuss and decide if they wish to change the current size of council.

The following sections of the Municipal Act S.O. 2001, c. 25 set out the criteria as it relates to the composition of council.

#### **Composition of council of local municipality**

217. (1) Without limiting sections 9, 10 and 11, those sections authorize a local municipality 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. 2001, c. 25, s. 217 (1); 2006, c. 32, Sched. A, s. 92 (1).

(2) Repealed: 2006, c. 32, Sched. A, s. 92 (2).

#### **Coming into force**

(3) A by-law described in this section does not come into force until the day the new council is organized,

- (a) after the first regular election following the passing of the by-law; or
- (b) if the by-law is passed in the year of a regular election before voting day, after the second regular election following the passing of the by-law. 2001, c. 25, s. 217 (3); 2006, c. 32, Sched. A, s. 92 (3).

## **Election**

(4) The regular election held immediately before the coming into force of a by-law described in this section shall be conducted as if the by-law was already in force. 2001, c. 25, s. 217 (4); 2006, c. 32, Sched. A, s. 92 (4).

A By-law to change the composition of Council **cannot be appealed**.

When considering the Size of Council, Council members should be mindful of representation by population - this is where Electoral Ward Boundaries come into the discussion and need to be taken into account when discussing the Size of Council.

## **Municipal Electoral Wards**

### **Establishment of wards**

222. (1) Without limiting sections 9, 10 and 11, those sections authorize a municipality to divide or redivide the municipality into wards or to dissolve the existing wards. 2006, c. 32, Sched. A, s. 96 (1).

### **Conflict**

(2) In the event of a conflict between a by-law described in subsection (1) and any provision of this Act, other than this section or section 223, any provision of any other Act or a regulation made under any other Act, the by-law prevails. 2006, c. 32, Sched. A, s. 96 (1).

### **Notice**

(3) Within 15 days after a by-law described in subsection (1) is passed, the municipality shall give notice of the passing of the by-law to the public specifying the last date for filing a notice of appeal under subsection (4). 2006, c. 32, Sched. A, s. 96 (1).

### **Appeal**

(4) Within 45 days after a by-law described in subsection (1) is passed, the Minister or any other person or agency may appeal to the Ontario Municipal Board 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. 2006, c. 32, Sched. A, s. 96 (1).

### **Notices forwarded to Board**

(5) Within 15 days after the last day for filing a notice of appeal under subsection (4), the municipality shall forward any notices of appeal to the Ontario Municipal Board. 2001, c. 25, s. 222 (5).

### **Other material**

(6) The municipality shall provide any other information or material that the Board requires in connection with the appeal. 2001, c. 25, s. 222 (6).

### **Board decision**

(7) The Board shall hear the appeal and may, despite any Act, make an order affirming, amending or repealing the by-law. 2001, c. 25, s. 222 (7).

### **Coming into force of by-law**

[\(8\)](#) A by-law of a municipality described in this section comes into force on the day the new council of the municipality is organized following,

- (a) the first regular election after the by-law is passed if the by-law is passed before January 1 in the year of the regular election and,
  - (i) no notices of appeal are filed,
  - (ii) notices of appeal are filed and are all withdrawn before January 1 in the year of the election, or
  - (iii) notices of appeal are filed and the Board issues an order to affirm or amend the by-law before January 1 in the year of the election; or
- (b) the second regular election after the by-law is passed, in all other cases except where the by-law is repealed by the Board. 2001, c. 25, s. 222 (8); 2006, c. 32, Sched. A, s. 96 (2).

### **Election**

[\(9\)](#) Despite subsection (8), where a by-law comes into force on the day the new council of a municipality is organized following a regular election, that election shall be conducted as if the by-law was already in force. 2001, c. 25, s. 222 (9).

### **Notice to assessment corporation**

[\(9.1\)](#) When a by-law described in this section is passed, the clerk of the municipality shall notify the assessment corporation,

- (a) before January 1 in the year of the first regular election after the by-law is passed, if clause (8) (a) applies;
- (b) before January 1 in the year of the second regular election after the by-law is passed, if clause (8) (b) applies. 2009, c. 33, Sched. 21, s. 6 (10).

### **Regulations**

[\(10\)](#) The Minister may prescribe criteria for the purpose of subsection (2). 2001, c. 25, s. 222 (10).

### **Petition re: wards**

[223. \(1\)](#) Electors in a municipality may present a petition to the council asking the council to pass a by-law dividing or redividing the municipality into wards or dissolving the existing wards. 2001, c. 25, s. 223 (1); 2006, c. 32, Sched. A, s. 97 (1).

### **Number of electors required**

[\(2\)](#) The petition requires the signatures of 1 per cent of the electors in the municipality or 500 of the electors in the municipality, whichever is less, but, in any event, a minimum of 50 signatures of the electors in the municipality is required. 2001, c. 25, s. 223 (2).

### **Definition**

[\(3\)](#) In this section,

“elector” means a person whose name appears on the voters’ list, as amended up until the close of voting on voting day, for the last regular election preceding a petition being presented to council under subsection (1). 2001, c. 25, s. 223 (3).

### **Failure to act**

(4) If the council does not pass a by-law in accordance with the petition within 90 days after receiving the petition, any of the electors who signed the petition may apply to the Ontario Municipal Board to have the municipality divided or redivided into wards or to have the existing wards dissolved. 2001, c. 25, s. 223 (4); 2006, c. 32, Sched. A, s. 97 (2).

### **Order**

(5) The Board shall hear the application and may, despite any Act, make an order dividing or redividing the municipality into wards or dissolving the existing wards and subsection 222 (6) applies with necessary modifications in respect to the hearing. 2001, c. 25, s. 223 (5).

### **Coming into force**

(6) An order of the Board under this section comes into force on the day the new council of the municipality is organized following,

- (a) the first regular election after the order is made, if the order is made before January 1 in the year of the regular election; or
- (b) the second regular election after the order is made, if the order is made on or after January 1 in the year of a regular election but before voting day. 2001, c. 25, s. 223 (6).

### **Election**

(7) Despite subsection (6), if an order comes into force on the day the new council of a municipality is organized following a regular election, that election shall be conducted as if the order was already in force. 2001, c. 25, s. 223 (7).

### **Deemed by-law**

(8) Once an order of the Board is in force, the order shall be deemed to be a by-law of the municipality and may be amended or repealed by the municipality by by-law described in section 222. 2001, c. 25, s. 223 (8); 2006, c. 32, Sched. A, s. 97 (3).

### Various Electoral Ward Boundary Scenarios

1. Currently, the Hasting and Prince Edward Public School Board consists of 2 Electoral Wards for the County of Prince Edward, as follows:
  - North Electoral Ward consists of Ward 3-Wellington, Ward 4-Ameliasburgh, Ward 7-Hillier and Ward 10-Sophiasburgh.
  - South Electoral Ward consists of Ward 1-Picton, Ward 2-Bloomfield, Ward 5-Athol, Ward 6-Hallowell, Ward 8-North Marysburgh and Ward 9-South Marysburgh.
2. Electoral Ward Boundary Options Report of September 19, 2013 containing a 2 Ward and 5 Ward Options.
3. Gary Mooney submitted a proposal referred to as the N.E.W. Plan consisting of 3 Electoral Wards – provided at the October 9, 2013 special meeting.
4. Dick Prinzen submitted a proposal that would consist of 4 Electoral Wards – provided at the October 9, 2013 special meeting.
5. Election at Large – No Electoral Ward Boundaries.

## Moving Forward

Although the requirement for councillor representation is established by population and not electoral counts, the following figures may become part of the discussion as the process moves forward.

As a starting point, based on the recommendation of the Citizens' Assembly and a previous Committee of the Whole motion put forward, I am suggesting that the size of council be reduced to 10 Councillors and a Mayor at large, with consideration being given to a 2 Electoral District System as utilized in the existing Hasting and Prince Edward Public School Board Electoral Wards (Attachment 3), as follows:

Electoral District 1 – comprising Ward 3-Wellington, Ward 4-Ameliasburgh, Ward 7-Hillier and Ward 10-Sophiasburgh

Population - 10,954 (estimated)

Electoral - 12,759, including non-residents (MPAC - Mar 10 2015)

Electoral District 2 – comprising Ward 1-Picton, Ward 2-Bloomfield, Ward 5-Athol, Ward 6-Hallowell, Ward 8-North Marysburgh and Ward 9-South Marysburgh

Population - 11,309 (estimated)

Electoral - 13,366, including non-residents (MPAC - Mar 10 2015)

Difference in Population for this scenario = 355

Difference in Electoral Count for this scenario, including non-resident = 607

### **Strategic Plan/Priority Implications:**

None identified for the recommendations of this report.

### **Financial Implications:**

None identified for the recommendations of this report.

### **Notice/Consultation:**

None identified for the recommendations of this report.

### **Other Options:**

None identified for the recommendations of this report.

**Attachments:**

1. Size of Council – History – an excerpt from the report dated November 19, 2012
2. Deliberation at Work – An excerpt of the Prince Edward County Citizen's Assembly Final Report
3. Hastings Prince Edward Public School Board Election Boundaries – North and South
4. Electoral Boundaries Proposal – submitted by Gary Mooney
5. Electoral Boundaries Proposal – submitted by Dick Prinzen
6. Electoral Ward Boundary Options report of September 19, 2013
7. Ontario Municipal Board Order – August 28, 2009

Submitted by:

A handwritten signature in black ink, appearing to read "Robert L. Quaiff". The signature is written in a cursive, flowing style.

**Mayor Robert L. Quaiff**  
**April 7, 2015**

### Size of Council – history

Prince Edward County was amalgamated as a single tier government in 1998 with ten wards. The ten wards correspond to and have the same boundaries as the previous ten townships, villages and town. Representation was identified by the province at that time as 1 Councillor per ward plus one extra Councillor per 2,500 people. This structure was altered somewhat through the negotiation process at the time. The result was a council of 15 with one mayor.

Ward	Ward Population (2006)	# of Councillors
1 Picton	3,705	2
2 Bloomfield	575	1
3 Wellington	1,657	1
4 Ameliasburgh	5,493	3
5 Athol	1,215	1
6 Hallowell	3,700	2
7 Hillier	1,744	1
8 North Marysburgh	1,242	1
9 South Marysburgh	868	1
10 Sophiasburgh	2,060	2

#### 2008 Composition of Council Committee

In 2008 Council established an Ad Hoc committee, the Composition of Council Committee (CCC) to review the composition of Council. The committee was initiated primarily to review the size of Council, although it became apparent early in the process that any change of size would very likely impact ward boundaries, so the terminology 'composition of Council' was used and the review process encompassed both size of Council and ward boundaries.

The Ad Hoc committee was composed of members of Council and the public. The Ad Hoc committee met six times in 2008 and undertook the following activities:

- Reviewed Terms of Reference and recommended to Council that the Terms of Reference be changed to allow the Committee to make recommendations (This change was not approved by Council)
- Reviewed amalgamation order and background information that related to the governance model and representation selected for the newly amalgamated municipality.
- Reviewed pertinent legislation and other related information: Municipal Act Municipal World articles, newspaper stories, reports and information from other municipalities' experiences in ward boundary review.

- Explained meaning of 'effective representation' as articulated in the Carter decision and referenced in the Ottawa boundary review experiences.
- Reviewed key dates and timelines
- Developed a work plan
- Surveyed 15 other municipalities for comparison purposed on the following criteria: population, % on non-residents, size of council, # of Wards, # of Councillors per ward, Council Budget, Operating and Capital Budgets, description of geographic area, Council/Committee Structure, # of Advisory Committees, productivity, representation and customer service assessment of current model.
- Carried out personal interviews with staff of 3 of the 15 municipalities most similar to PEC, being Brant, Norfolk and Kawartha Lakes to obtain additional data.
- Established the following basic governance models to be evaluated:
  - existing ward structure and Council size
  - Council elected at large
  - reduced Council size/reduced number of Wards
- Identified strengths and weaknesses of:
  - existing ward structure and Council size
  - Council elected at large
  - reduced Council size/reduced number of Wards to determine which options to be included in the evaluation
- Established the following sizes of Council be evaluated for the ward and 'at large' system: 15 Councillors plus Mayor, 12 Councillors plus Mayor, 10 Councillors plus Mayor, and 8 Councillors plus Mayor.
- Developed criteria based on the Terms of Reference and suggested weighting for evaluation of each model and model evaluation worksheet
- Developed potential boundaries for each ward model and estimated population for each
- Tested each model using the model evaluation worksheet
- Developed options for public consultation process

The CCC reported to Council on October 15, 2008 including a summary of its activities and findings. The matter was debated at length through several meetings.

Although some members of Council wished to proceed to a full public process to determine the best option, the majority were of the opinion that there was no strong public interest or support for change. To be able to gauge public opinion, Council decided to add a Question to the Ballot.

#### Petition and OMB Hearing

Following the Council decision to take no action on the findings of the CCC and place a question on the ballot, a petition was submitted to Council, requesting that Council reduce its size to 12 and reconfigure ward boundaries to 6. Council took no action on this petition, wishing to see the results of the ballot question.

Subsequently, two individuals who had initiated the petition appealed the matter to the OMB. The OMB only had jurisdiction to consider the ward boundary matter, so the size of Council component was not considered as part of the appeal.

The OMB dismissed the appeal and denied the application to reconfigure Prince Edward County into 6 wards as proposed by the appellants. The main basis for the decision was that Council had not abandoned the process, but took the step of adding a Question on the Ballot to determine the wishes of the public.

The OMB hearing was extremely lengthy and complex involving an extensive amount of witnesses and documentary evidence. The appellants called seven witnesses. The County called four witnesses including one expert witness. There were five participants. The hearing took nine days and numerous weeks of meeting with legal counsel and witnesses to prepare for the hearing. The legal fees were \$112,004.24 which included the cost of preparing for and responding to the appellants' motion which was argued on September 16, 2009 and dismissed by the OMB as well as the hearing itself. The County requested costs against the Appellants for the cost of the motion but the OMB declined to award costs.

The fees for the expert witness, Brian Donaldson, called by the County to provide opinion evidence were \$6,093.64. The OMB stated that "Mr. Donaldson's testimony and opinions were unshaken, credible and sound. The Board relies upon them in order to arrive at its decision."

The total cost of \$118,097.88 did not include staff time. It is estimated that the Clerk spent approximately six weeks in preparation for and attendance at the hearings. This included the research, provision and review of documentary evidence. The Chief Administrative Officer attended the full nine day hearing plus preparation and review of evidence. The time devoted to the hearings had a significant impact on the workload of the Clerk's Department and delayed other important project work.

#### Question on the Ballot

The following question was placed on the ballot for the 2010 election:

*Are you in favour of Council commencing a public consultation process to review the size of Council for the County of Prince Edward?*

The Question was explained to the voters through a Q & A document which was made available to the public through the candidates, handed out at the Picton Fair, through the County website and by paid ads. There was also a considerable amount of press coverage of the issue.

For the results of the question to be legally binding, at least 50 per cent of the eligible electors must vote on the question and more than 50 per cent of the votes on the question must vote in favour of the result.

As only 41.87 percent of the eligible electors voted on the question, the result is not binding.

The results of the vote for the Question on the Ballot are as follows:

	<b>Votes</b>	<b>Percentage of eligible voters</b>
Eligible Electors	<b>22,403</b>	
Ballots Cast	<b>10,614</b>	<b>47.37</b>
Ballots Voted on the Question	<b>9,381</b>	<b>41.87</b>
Yes Votes	<b>7578</b>	<b>33.82</b>
No Votes	<b>1803</b>	<b>8.04</b>

At its meeting of September 15, 2011 Council considered a report of the Corporate Services Commission regarding Size of Council – Question on the Ballot.

The report was received and no further action was taken on the matter.

COUNTS

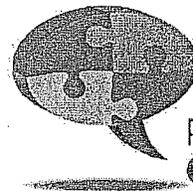
1350 - Prince Edward County

14/10/2012

WARD_NUMBER	POLL_NUMBER	N	U	TOTAL
01	001	348	3,555	3,903
<b>01 TOTAL</b>		<b>348</b>	<b>3,555</b>	<b>3,903</b>
02	001	59	525	584
<b>02 TOTAL</b>		<b>59</b>	<b>525</b>	<b>584</b>
03	001	221	1,816	2,037
<b>03 TOTAL</b>		<b>221</b>	<b>1,816</b>	<b>2,037</b>
04	001	306	2,000	2,306
04	002	254	1,388	1,642
04	003	469	1,910	2,379
<b>04 TOTAL</b>		<b>1,029</b>	<b>5,298</b>	<b>6,327</b>
05	001	547	1,183	1,730
<b>05 TOTAL</b>		<b>547</b>	<b>1,183</b>	<b>1,730</b>
06	001	218	1,692	1,910
06	002	548	1,762	2,310
<b>06 TOTAL</b>		<b>766</b>	<b>3,454</b>	<b>4,220</b>
07	001	754	1,677	2,431
<b>07 TOTAL</b>		<b>754</b>	<b>1,677</b>	<b>2,431</b>
08	001	771	1,203	1,974
<b>08 TOTAL</b>		<b>771</b>	<b>1,203</b>	<b>1,974</b>
09	001	588	875	1,463
<b>09 TOTAL</b>		<b>588</b>	<b>875</b>	<b>1,463</b>
10	001	745	2,036	2,781
<b>10 TOTAL</b>		<b>745</b>	<b>2,036</b>	<b>2,781</b>
<b>MUN TOTAL</b>		<b>5,828</b>	<b>21,622</b>	<b>27,450</b>

# Deliberation at work

An excerpt of the *Prince Edward County Citizens' Assembly Final Report*  
for the Prince Edward County Council Committee of the Whole. September 19, 2013



Prince Edward County  
**Citizens' Assembly**

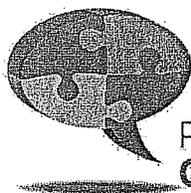
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Prince Edward County  
**Citizens' Assembly**



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## Executive Summary

For years the size of Prince Edward County's Council has been a matter of contention. In April 2013, Council decided to establish a citizens' panel to answer a question that had been so elusive: what is the appropriate size-of-council in Prince Edward County? Thus, the Prince Edward County Citizens' Assembly was born.

Selected at random using a civic lottery system, twenty-three residents of the County met on three Saturdays in July and August 2013. They heard from former County employees, local councillors, consulted friends and neighbours, deliberated together, and, finally, made a principles-based recommendation to Council.

By consensus, the Assembly recommended that Council should be made up of ten councillors plus one mayor. They further decided that these councillors should be distributed across a number of wards created in accordance with a list of primary values developed over the course of the Assembly's meetings.

This report summarizes the recommendations, the reasoning behind those recommendations and provides an account of how those decisions were made.

The Citizens' Assembly was led by Dr. Jonathan Rose, an associate professor in the Department of Political Studies at Queen's University.

## What is a Citizens' Assembly?

A citizens' assembly model places citizens at the heart of public decision-making. It involves a group selected at random to deliberate on matters of public importance. Assembly members, who are broadly representative of the population, are given an in-depth curriculum that includes insider perspectives, small group discussions and plenary debates. The Assembly is created through a civic lottery whereby randomly selected citizens are invited to opt into a pool of potential participants. From this list, individuals are randomly selected until a representative balance of key demographic attributes such as gender, age, and geography is achieved.

The Citizens' Assembly model is designed to draw upon the capacities of non experts to make informed decisions in the public interest. In the past, this model has been used by national and provincial governments to resolve contentious issues in a democratic and transparent manner. At its core, a Citizens' Assembly is about consensus-

building and finding shared interests. It is not a replacement for elected democracy but is a tool used to enhance it.

Convening a Citizens' Assembly is a new process that has been tried in a few places across Canada to resolve challenging and divisive public issues. What distinguishes the Citizens' Assembly from other forms of public consultation is the faith it places in the abilities of the typical citizen. Through a specially crafted and rigorous curriculum, presentations and roundtable discussions, this process turned randomly selected citizens into citizen-experts capable of making informed and well-reasoned policy decisions. This approach is much deeper than typical surveying methods or poorly attended public meetings. Citizens' Assembly members are asked to learn about a particular issue, deliberate with their fellow citizens and come to a consensus on a policy issue.

## Prince Edward County Citizens' Assembly By the Numbers

- 0** Number of times a Citizens' Assembly had previously been used by a municipality to address the size-of-council issue in Canada
- 5000** Number of Letters sent to residents of the County in May 2013
- 365** Responses by phone or by mail, a 7.3 percent return rate
- 6** Upon hearing they'd been selected, the number of times members said "I feel like I won the lottery!"
- 70** Percentage of Assembly members who have lived in the County for more than ten years
- 26** Percentage of Assembly members who have lived in the County for 5 to 9 years
- 96** Percentage of Assembly members who are year-long residents of the County
- 576** Total volunteer hours given by members of the Citizens' Assembly
- 95.7** Percentage of Assembly members who agreed or strongly agreed with the statement, "I would participate in another Citizens' Assembly again"
- 95.7** Percentage of Assembly members who agreed or strongly agreed with the statement, "I learned a lot during this process"
- 100+** Number of slides presented over three weekends
- 24** Number of hours spent by each Citizens' Assembly member deliberating, discussing and learning
- 3** Total absences over three sessions (96 percent attendance)
- 0** Easy answers

## The Prince Edward County Citizens' Assembly recommendations

The following is the recommendation of the Prince Edward County Citizens' Assembly to Council:

**“ We, the Prince Edward County Citizens' Assembly, recommend that the appropriate size-of-council be ten councillors (plus one mayor) and that those councillors be distributed across a number of wards created in accordance with the values we have articulated.**

### About size-of-council

*81% of Assembly members want Council to be comprised of ten councillors and one mayor*

An even number of councillors plus a mayor is necessary to arrive at decisive voting majorities on Council.

Currently, a tie vote is automatically defeated and such an outcome is possible because Council is comprised of an even number (15 plus a mayor). An even number of councillors plus mayor would prevent this from occurring.

There was no desire among the members of the Citizens' Assembly to increase the size-of-council.

### About ward configuration

*The Assembly's recommendation of a Council of 10 plus a mayor points to a ward configuration that consists of one, two, five or ten wards of roughly equal population.*

While ward configuration was beyond the scope of the Assembly's mandate, there are some implications for ward structure that can be drawn from the deliberations and that suggest a system of either two or five wards of roughly equal population.

The relevant considerations were as follows:

There was no appetite for an at-large system (i.e., one ward) because it would cause many small communities to lose their voice on Council. Moreover, campaigning in a single, at-large ward could impose prohibitive costs on potential candidates. High costs could keep talented people from running for office.

Representation by population must be satisfied. This is the principle that each vote should be roughly equal in its influence on elections. When wards differ significantly in population, the value of each vote counts more in some places than in others. The implication of representation by population alongside the ten-councillor recommendation is that the current ten-ward structure is not viable and needs to be reconfigured. In its present form, wards have varying populations, which creates voter inequality.

In order to satisfy the members' principles of greater good, effectiveness and forward thinking, there needs to be fewer wards than the current ten.

The greater good value is satisfied by the fewest number of wards. But this must be balanced against the needs of smaller communities and regional populations. Ten is too many; one is too few.

Balance and fairness suggests that, where possible, wards should include urban and rural mix.

Finally, any redistricting must be accompanied by meaningful consultation with citizens of Prince Edward County.

While re-districting was beyond their scope, the Assembly was clear that their values provide clear guidance as to how their recommendation could be implemented. An elaboration of this is found in *An Account of the Citizens' Assembly proceedings*, Day three.

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## About the values

The values articulated by the Citizens' Assembly are the product of many hours of deliberation and form the core reasons for their recommendation. They should be taken into consideration when Council makes its decisions on the recommendations expressed in this report. For people who did not watch the proceedings, the number ten may at first seem rather arbitrary. However, Assembly members spent a lot of time thinking about their values and how they inform their size-of-Council decision. This table explains how the values-based reasoning translated into the specific recommendation that emerged in the final meeting.

### Why do these values mean ten councillors?

Value	What it means	Why it means ten Councillors
<b>Balance and Fairness</b>	<p>The needs of the County should take precedence over needs of each ward.</p> <p>There should be a balance between: the needs of business and labour; permanent and non-permanent residents; urban and rural; north and south.</p> <p>All wards should have urban and rural elements wherever possible.</p>	<p>A ten councillor system is large enough to ensure that there is a low councillor-to-resident ratio and provides for representation of smaller communities on Council.</p> <p>Under a six or eight councillor system, the needs of smaller communities may become lost in the workload of few councillors. Twelve or fourteen councillors would begin to strain the principle of effectiveness.</p> <p>The matter of redistricting to have wards encompass urban and rural elements is a technical matter that the Assembly cannot reasonably pursue.</p>
<b>Effectiveness</b>	<p>Effectiveness is understood as Council governing and not managing.</p> <p>Elected officials are elected to govern and decide, not to administer and execute.</p> <p>An effective Council should not have tie votes. The tie-breaker mechanism should not create a higher threshold for passage of motions.</p>	<p>A smaller Council is necessary in order to achieve the goal of governing. If Council focuses on governing, councillors will be less inclined to manage the implementation of policy, leaving that for County staff.</p> <p>Fewer councillors representing a greater number of residents is ideal. However, the number of councillors cannot be brought down too low without compromising the low councillor-to-resident ratio. Based on population projections, ten councillors would maintain a desirable resident-to-councillor ratio.</p> <p>To rectify the tie-breaker mechanism, an even number of councillors is necessary so that alongside the mayor (elected at-large), an effective Council would be comprised of an odd number.</p>
<b>Forward Thinking</b>	<p>Forward thinking as a value suggests that the size-of-council ought to be adaptable to changes in County population patterns</p>	<p>The Assembly felt that reducing the size-of-council was desirable, but that their recommendation needed to anticipate future growth.</p> <p>This value reinforces the historically low councillor-to-resident ratio that is so valuable in Prince Edward County.</p> <p>The County population is expected to grow by 2,000 over the next two decades and a Council of ten (plus the mayor) is a reasonable balance between effectiveness and adaptability.</p>

Value	What it means	Why it means ten Councillors
<b>Greater Good</b>	<p>The needs of the entire County come first wherever possible.</p> <p>Collective good of the County as a whole should take precedence over individual or regional good.</p>	<p>The current number of councillors and the current ward configuration make it too easy for decision making to become captured by parochial interests. At the same time, it is important not to completely eliminate individual interests.</p> <p>A ten councillor system balances representation of interests with a broader vision of Prince Edward County.</p> <p>Combined with a well-crafted ward configuration, ten councillors could satisfy the greater good much better than the current system.</p>
<b>Openness</b>	<p>Accessibility, engagement and responsiveness are core features of a good Council.</p> <p>Councillors are conduits for these three virtues.</p> <p>Free flow of information places emphasis on governance over management.</p>	<p>For a small community, having easy access to councillors is an important virtue. Therefore, maintaining a low councillor-to-resident ratio is important in Prince Edward County.</p> <p>A ten-councillor system will still retain one of the lowest ratios among similarly sized municipalities in Ontario in the coming decades (see Table 1, page 15).</p> <p>Ten councillors is a reasonable compromise between the larger Council sizes, and the other values articulated by the Assembly.</p>
<b>Representation by Population</b>	<p>Following good democratic practices, each councillor should represent approximately the same number of constituents.</p>	<p>This is a legal requirement that will have to be satisfied regardless of the size-of-council. See <i>Electoral Boundary Readjustment Act (RSC, 1985, s. 15)</i>. At both the federal and provincial levels, the population variation for each district should not exceed 25 percent except in extraordinary circumstances.</p> <p>Having ten-councillors allows for a degree of flexibility in redistricting that can satisfy the diverse needs of different communities.</p>

**From:** K.Vowinckel  
**Sent:** Monday, September 16, 2013 9:45 AM  
**To:** Kim White  
**Subject:** 19th September

Dear Ms. White,

I would like to make a deputation to Council on September 19th at the Special Committee of the Whole Meeting - County Citizens Assembly. I was a member of the Citizen's Assembly and my purpose is to present a dissenting opinion. Attached is a copy of my document. (I can send it in another format if required.)

Could you please confirm that I am on the agenda and will have time to address Council.

Sincerely,

Kathy Vowinckel

I would like to commend the team for the way they ran our Assembly and the expertise they brought to bear on our deliberations. It was at once entertaining, profoundly interesting, and regardless of outcome, an incredible seminar on municipal government. To Dr. Jonathan Ross, Drs to be Aaron Ettinger and Tim Abray-Nyman, our sincere thanks for your invaluable contribution to making the Assembly a great success.

Councillors are rarely given the luxury of dealing with issues which have a right or wrong answer to them. Most of the items they deal with are based on a bias generated by the presenter. The question of support or non-support then has to be decided based on a criterion which is established by each councillor given his or her experience, activity in the area they represent and their own personal opinion on the topic. Opinions will vary on each topic and it is a format which requires all facets of life and activity in the municipality to be represented.

The final recommendation of the Citizen's Assembly was a Council of 10 members and the Mayor. This number was reached by consensus building. The "actual" opinions ranged from 6 to 15 Councillors. There are however a number of citizens who strongly feel that the status quo is the correct answer to the question, what should the size of the Prince Edward County Council be?

Some of the reasons the group felt were important to the decision of retaining the current council size are as follows.

1. A smaller council simply means that fewer people will decide the direction and governance of the community in which we live and work. We feel we have a diverse community and would like all voices to be heard at Council deliberations.
2. The reduction of councillors would mean that the existing workload (and constituent contact time) would have to be addressed by fewer people possibly establishing the need for more and longer meetings. This would certainly impact councillors who have full time employment and would most likely dissuade many potential candidates from running thus greatly decrease and limit the number of qualified candidates available to the electorate.
3. A reduction in council size would also mean that each councillor would have a larger ward and be responsible to and for more constituents. At election time this again would very much limit the number of people able to consider standing for election. It is an expectation in our County that the candidates try to visit each house. A person who has a full time job, or someone without a lot of resources, will have significant difficulties handling a campaign successfully. This will start limiting Council to retired wealthy residents!
4. The diversity of the current council, as far as life and work experience, is greater due to its larger size which is beneficial to the decision making process, given the myriad of departments and situations council has to deal with.

5. Currently it is practically impossible for a group of like-minded individuals with strong personalities to dominate and control processes by banding together, given council's current size. The possibility of this type of domination would increase as the number of participants shrinks.

6. Accessibility of councillors to the public is a cornerstone of municipal politics, and a very important factor to our residents. Shrinking representation will definitely decrease the amount of accessibility to the public.

7. In a municipality like ours, which has a large geographical area and a diversity of function depending on the Ward (tourism, beaches, bedroom communities, retirement communities, agricultural activity, shoreline issues, specialized activities such as wineries, rural issues, urban issues) but a small population, dispersed throughout its entirety, the distribution of representation is an important consideration and the existing council compliment addresses this issue.

8. The County is unique and its historical boundaries are an important part of its heritage and need to be preserved. Although not perfect (Bloomfield being the only real concession), the current system creates a respectable ratio of representation by population while still addressing the more important issue of dispersion of representation. The current model does also allow for changes if the population changes significantly, though this is not forecast.

9. A major issue in discussions was that of the "tie vote". The rules for councils specify that a tie vote means a motion is defeated. Thus the size of council is irrelevant and making changes just to satisfy this concern is meaningless.

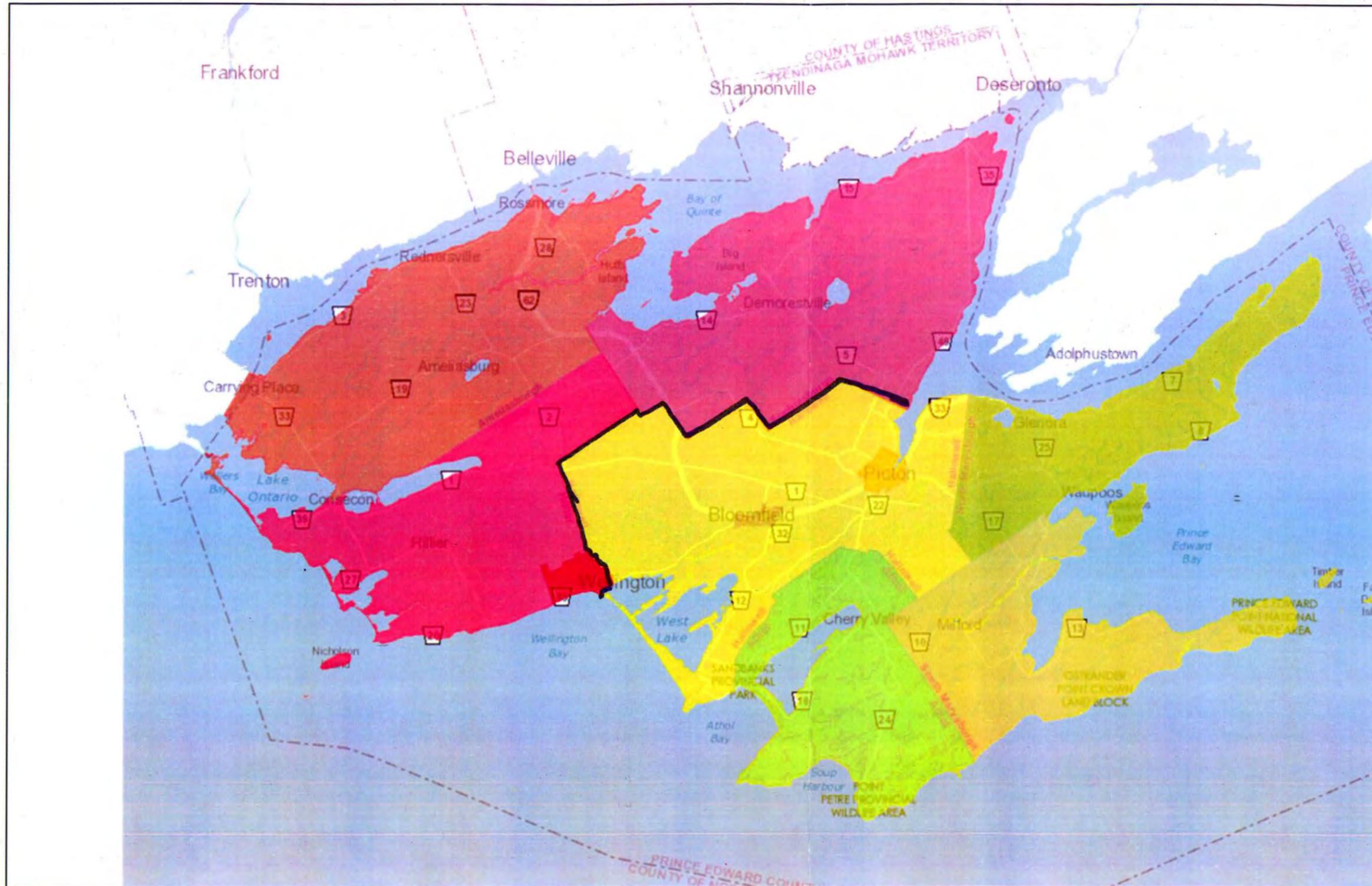
10. Repeatedly it was brought forward that a smaller council is a more effective and efficient council. How effective a council is will depend on the people elected and on the mayor, both of which are determined during the election. A smaller council in no way means that it is more effective. Also, council may be more "efficient" in that decisions are made more quickly, but this certainly does not mean that the decisions are better.

11. There was talk that councillors should focus on "governing" and not "manage". The latter implies that residents should not be calling councillors for help with a problem, but go directly to the County employees. Usually, if there is a problem, it means that the resident has tried contacting staff to no avail, or needs advice on how to proceed. Inherent in our system of government, and in the role of an elected official (at any level) is this interface with the electorate. Residents believe that a councillor should be available to help!

12. Comparing ourselves to other areas, and concluding that we need fewer

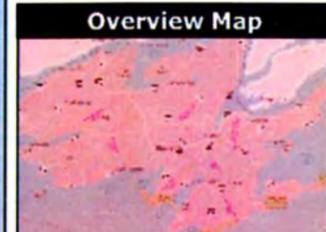
# SCHOOL BOARD ELECTION BOUNDARIES

THIS MAP IS NOT TO BE USED FOR NAVIGATION



### Legend

- Municipal Ward**
  - Ameliasburgh
  - Athol
  - Bloomfield
  - Hallowell
  - Hillier
  - North Marysburgh
  - Picton
  - Sophiasburgh
  - South Marysburgh
  - Wellington
- Building Footprints**
- Boundaries**
  - Municipal
  - County
- Streams & Rivers**
- Parks**



### Notes

North - RED tones  
 Population - 10,954 \*  
 South - YELLOW tones  
 Population - 11,309 \*  
*estimated population\**



This map is a user generated static output from an Internet mapping site and is for reference only. The Corporation of the County of Prince Edward (PEC) makes no warranty, representation or guaranty as to the content, sequence, accuracy, or completeness of any of the data provided. Produced by PEC and includes material © Queen's Printer for Ontario, 2014. DRAPE Imagery © 2008. Copyright © of Groupe Alta - All Rights Reserved. Projection & Coordinate System: WGS 1984 Web Mercator Auxiliary Sphere

**Prince Edward County**

332 Picton Main St.  
 Picton, ON  
 K0K2T0  
[www.pecounty.on.ca](http://www.pecounty.on.ca)

## Prince Edward County's Ward structure Gary Mooney, 2013-10-09 (ver. 3)

1. **Council's focus.** Council has been focused on a review of the number of Councillors, but the required changes to the Ward structure are equally important, and perhaps more contentious.

### A. The rep. by pop. issue

2. **Rep. by pop. is important.** From a risk management point of view, rep. by pop. is THE important issue, because it could result in an appeal to the OMB and an externally imposed solution. By contrast, the number of Councillors is not appealable. So, rep. by pop. needs particular attention, whether or not Council votes for downsizing, or the status quo.
3. **Examples of rep. by pop. problems.** Some examples of the problem. #1: There are 2431 electors per Councillor in Hillier, more than 4 times the 584 electors in Bloomfield. #2: Ameliasburgh electors get to choose three Councillors, while those in South Marysburgh are able to vote for only one. #3: Inclusion of part-time residents, which I'll address later.
4. **No changes please to Historic Wards.** It is not possible to fix rep. by pop. without changing Electoral Ward boundaries. But, in general, people don't want changes to Historic Wards, which currently serve as Electoral Wards.
5. **Electoral Wards and Historic Wards.** The solution to rep. by pop. is to create Electoral Wards that are separate from Historic Wards, with the latter being retained for administrative and historic purposes.
6. **Two proposals for Electoral Wards.** Two plans have been proposed: Configuration 5B, with 5 Electoral Wards as proposed by the Mayor, and the N.E.W. Plan, with 3 Electoral Wards, as proposed by me. You have received considerable documentation from me on the N.E.W. plan, starting in July. Here are maps.
7. **5B boundaries based on permanent population.** Configuration 5B attempts to fix rep. by pop. by creating 5 Electoral Wards, but with boundaries based on permanent population, rather than electoral population.
8. **6,000 part-time residents!** There's a big difference between the two. The electoral population equals the permanent population, less children, plus part-time adult residents who own or rent property here. In round numbers: 25,000 permanent residents, less 4,000 children, plus 6,000 part-timers.
9. **Large number, unevenly spread.** The 6,000 part-time residents, who are full-time taxpayers, make up a substantial 21% of the electoral population. But, because they are spread unevenly throughout the County, the 5B Electoral Ward boundaries, based on permanent residents only, are not satisfactory.
10. **Ward 5 is +10% vs Ward 4 is +58%.** To illustrate, consider proposed Ward 5 (which is mostly Picton) and proposed Ward 4 (mostly N. Marysburgh, S. Marysburgh and Athol). If the permanent adult population of Ward 5 is increased by part-timers, the increase is a modest 10%. But for Ward 4, the increase is a huge 58%. So, satisfactory rep. by pop. will not be achieved under 5B, because it ignores part-timers.

Here is a chart showing an approximation of 5B's Electoral Wards, with the equal permanent populations represented as 100%, and with the additional part-time population added on top. The addition for part-timers ranges from 10% to 58% across the 5 Wards. This is too great a spread.

11. **The Supreme Court on voter parity.** Is it necessary to consider electors who are part-time residents? The Supreme Court of Canada thinks so. Quoting from its 1991 Carter decision: "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 to the citizen whose vote is diluted .. The result will be uneven and unfair representation." (Note their reference to "voters" – which include both permanent and part-time residents.)

12. **Potential for OMB appeal re part-timers.** Ignoring the 6,000 part-timers will result in uneven and unfair representation, possibly leading to an OMB appeal, and an externally imposed solution. So, at a minimum, 5B's Electoral Ward boundaries need to be redrawn based on the electoral population.
13. **The N.E.W. Plan offers excellent rep. by pop.** Alternatively, the N.E.W. Plan establishes three Electoral Wards based on the electoral population. Each of the proposed North, East and West Wards has equal numbers of electors (including part-timers), resulting in excellent rep. by pop.

## **B. Relationship between Electoral and Historic Wards**

14. **Relationship between Electoral and Historic.** With separate Electoral and Historic Wards, people want to see a strong relationship or linkage between the two. Moving Electoral Ward boundaries off Historical Ward boundaries is highly contentious. This was made clear at recent town hall meetings.
15. **5B doesn't provide a strong relationship.** Configuration 5B fails in this regard, because it carves the 10 Historic Wards into 24 "puzzle pieces" before reassembling them into five Electoral Wards. To illustrate, Hallowell is carved up into 5 pieces, with each piece allocated to a different Electoral Ward. County-wide, the result is a poor relationship between Electoral and Historic Wards due to this fragmentation and reassembly, and is not fixable in a five Ward configuration. The 24 pieces are shown on the included map.
16. **The N.E.W. Plan provides a strong relationship.** By contrast, the N.E.W. Plan keeps all 10 Historic Wards whole and assigns each to one of 3 Electoral Wards, resulting in a clear and strong relationship between Electoral and Historic Wards. North Ward includes the whole of 2 Historic Wards, East -- the whole of 4 Historic Wards, and West -- the whole of 4 Historic Wards. Simple and straightforward. Nobody will be in doubt about their Electoral Ward or their Historic Ward.

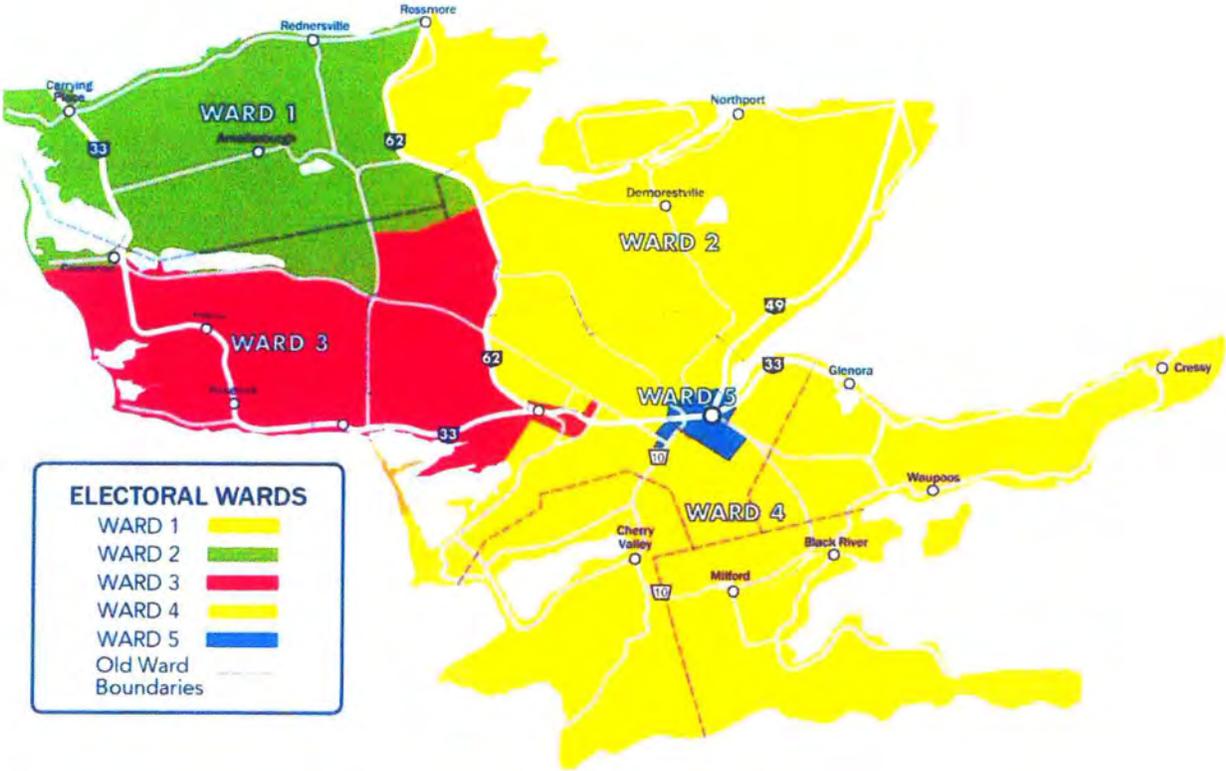
## **C. Number of Councillors**

17. **Downsizing, a good idea?** Voters on the referendum question were 81% in favour of a review of Council size, strongly suggesting their preference for downsizing. But for many, the reason may have been simply that 15 Councillors seem to be too many when compared to other municipalities. While public input is useful, the inside knowledge of Councillors regarding the most appropriate number is also important.
18. **Citizens' Assembly range is 8 to 14.** The Citizens' Assembly recommended downsizing to 10 Councillors. However, there was almost equal support for 8, and several wanted 14 -- so the CA's preferred range was 8 to 14 Councillors. There is nothing sacred about 10.
19. **No commitment to CA only.** There was no commitment by Council to adopt the CA's recommendation, or to obtain input only from the CA. In fact, Council has sought additional public input via town hall meetings.
20. **Rationale for other than 10 Councillors.** There are several reasons to justify the choice of a number of Councillors other than 10, and as a consequence, a number of Electoral Wards other than 5.
21. **N.E.W. Plan allows for 9, 12 or 15.** The N.E.W. Plan works for multiples of 3 -- i.e. 9, 12 or 15 Councillors. Choosing 9 or 12 would be consistent with the spirit of the CA's recommendation to reduce Council size. Alternatively, choosing 15 would maintain the status quo.
22. **N.E.W. Plan is free of problems.** The N.E.W. Plan is free of the two problems referenced earlier for Configuration 5B. It achieves excellent rep. by pop. based on the electoral population (including part-timers), and provides a strong relationship or linkage between Electoral and Historic Wards.

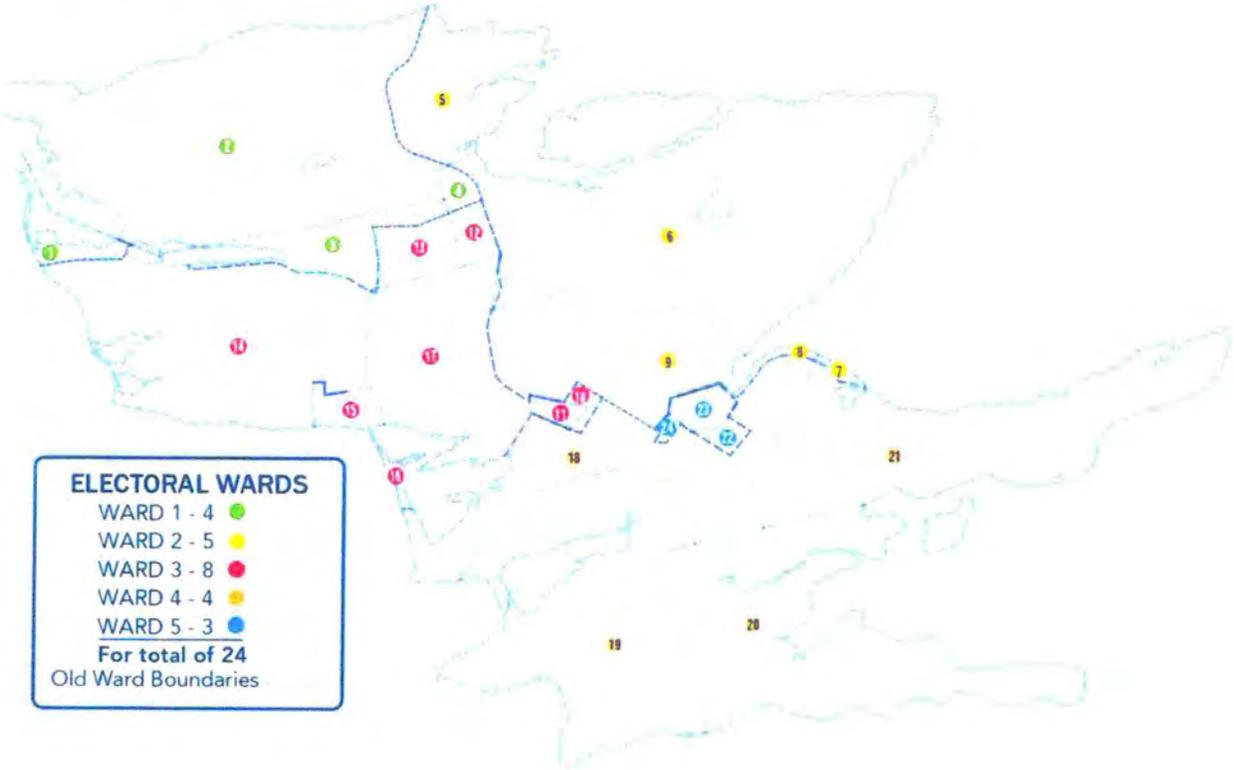
## **D. Summary**

23. **The N.E.W. Plan is an excellent choice.** Whatever the number of Councillors, rep. by pop. needs to be fixed. And it is essential that there be a strong relationship between Electoral and Historic Wards. The N.E.W. Plan succeeds where Configuration 5B does not. I leave the choice to your good judgment.

Configuration 5B



24 Pieces → 5 Electoral Wards



## Prince Edward County New Ward Structure

Gary Mooney  
2013-10-09

### The rep. by pop. issue

1. Council's focus
2. Rep. by pop. is important
3. Examples of rep. by pop. problems
4. No changes please to Historic Wards
5. Electoral Wards and Historic Wards
6. Two proposals for Historic Wards

### Configuration 5B



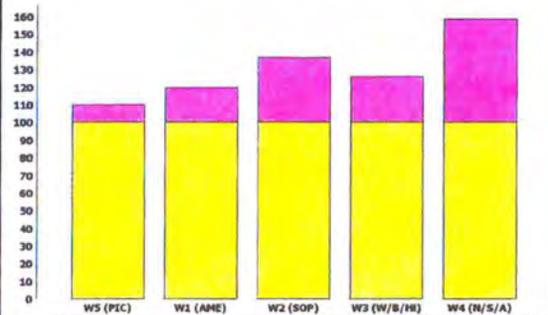
### The N.E.W. Plan



### The rep. by pop. issue (2)

7. 5B boundaries based on permanent pop.
8. 6,000 part-time residents!
9. Large number, unevenly spread
10. Ward 5 is +10% vs Ward 4 is +58%V

### 5B – Adding in part-timers



### The rep. by pop. issue (2)

- 11. The Supreme Court on voter parity
- 12. Potential for OMB appeal re part-timers
- 13. The N.E.W. Plan offers perfect rep. by pop.

### Relationship between Electoral Wards and Historic Wards

- 14. Relationship between Electoral and Historic
- 15. 5B doesn't provide a strong relationship
- 16. N.E.W. Plan provides a strong relationship

### 24 Pieces → 5 Electoral Wards



### Number of Councillors

- 17. Downsizing, a good idea?
- 18. Citizens' Assembly range is 8 to 14
- 19. No commitment to CA only
- 20. Rationale for other than 10 Councillors
- 21. N.E.W. Plan allows for 9, 12 or 15
- 22. N.E.W. Plan is free of problems
- 23. The N.E.W. Plan is an excellent choice

2013-10-04

Dear Council Member:

- Do you know that the County has almost 6,000 part-time adult residents who own or rent property in the County and who have a vote in municipal electors?
- Are you aware that Configuration 5B doesn't achieve rep. by pop. as defined by the Supreme Court of Canada, because it doesn't take into account the uneven distribution of part-timers throughout the County?
- Do you know that the N.E.W. Plan does achieve rep. by pop. because it uses the electoral population (see table at the bottom of this email)?

Here is an excerpt from a 1991 decision of the Supreme Court of Canada, known as the "Carter decision":

"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 to the citizen whose vote is diluted. The legislative power of the citizen whose vote is diluted will be reduced, as may be access to and assistance from his or her representative. **The result will be uneven and unfair representation.**" [emphasis added]

Carter goes on to state that:

"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."

The electoral boundaries of Configuration 5B have been determined based on the permanent population of each Ward. But permanent population is NOT the appropriate criterion for drawing electoral boundaries, because it excludes part-time residents, who have a vote in municipal elections, and includes children, who do not. Part-time residents are distributed unevenly throughout the County and, therefore, need to be included when drawing electoral boundaries. We're dealing with the parity of **voting power**, as confirmed by the Carter decision.

To illustrate, under 5B, Ward 4 (mostly North Marysburgh, South Marysburgh and Athol) and Ward 5 (mostly Picton) presumably have equal permanent resident populations. But there are many more part-time residents in Ward 4 than in Ward 5, making the elector population much higher in Ward 4.

Looking at the adult populations of each, if part-time residents are added to Ward 5 (Picton), the total increases by a modest 10%, while doing the same for Ward 4 (mostly North Marysburgh, South Marysburgh and Athol), the total increases by a huge 58%.

Looking at the two Wards in another way, estimated total electors in Ward 4 (N.M + S.M + A. ) = 5167 and in Ward 5 (Picton) = 3903. So Ward 4 has approximately one-third more electors than Ward 5.

Bottom line: The Electoral Ward boundaries should be based on electoral population, not permanent resident population.

Regards, Gary  
613-919-8765

Here is the calculation:

Ward 5 Picton:

Total electors in Picton = 3903

Permanent adult residents = 3555

Ratio =  $3903 / 3555 = 110\%$

Ward 4:

Total electors in N. Marysburgh, S. Marysburgh and Athol =  $1974 + 1463 + 1730 = 5167$

Permanent adult residents =  $1203 + 875 + 1183 = 3261$

Ratio =  $5167 / 3261 = 158\%$

In the following table, which was provided by MPAC and included in the RFP for an external consultant for public input:

- "Residents" = permanent adult residents.
- "Non-res" = part-time adult residents.

		Residents	Electors Non-res	Total	Councillors	Electors per Councillor
North E.W.	Ameliasburgh	5298	1029	6327	3	2109
	Sophiasburgh	2036	745	2781	2	1391
	Sum of North	7334	1774	<b>9108</b>	<b>5</b>	<b>1822</b>
East E.W.	Picton	3555	348	3903	2	1952
	N. Marysburgh	1203	771	1974	1	1974
	S. Marysburgh	875	588	1463	1	1463
	Athol	1183	547	1730	1	1730
	Sum of East	6816	2254	<b>9070</b>	<b>5</b>	<b>1814</b>
West E.W.	Bloomfield	525	59	584	1	584
	Hallowell	3454	766	4220	2	2110
	Wellington	1816	221	2037	1	2037
	Hillier	1677	754	2431	1	2431
	Sum of West	7472	1800	<b>9272</b>	<b>5</b>	<b>1854</b>
Sum of County		21622	5828	27450	15	1830

Regards, Gary  
613-919-8765

October 9th Attachment # 5  
Special Council-item 5.6  
meeting.

## ELECTORIAL BOUNDRIES PROPOSAL

Submitted by Dick Prinzen

Township/Ward	Residence	Non residence	Total
1. Picton	3555	348	3903
2. Bloomfield	525	59	584
3. Wellington	1816	221	2037
4. Ameliasburgh	5298	1029	6327
5. Athol	1183	547	1730
6. Hallowell	3454	766	4220
7. Hillier	1677	754	2431
8. North Marysburgh	1203	771	1974
9. South Marysburgh	875	588	1463
10. Sophiasburgh	2036	745	2781
TOTAL:	21,622	5828	27,450

### Proposal:

1. Join Ameliasburgh, Sophiasburgh and Hillier as North West.

Total residential Number 9011 , non-residential 2528.

Elect 4 representatives

2. Join Hallowell, North and South Marysburgh and Athol as South East.

Total residential Number 6715 Non-residential 2672

Elect 3 representatives

3. Picton

Total residential 3555, non-residential 348

Elect 2 representatives

4. Join Bloomfield and Wellington

Total residential 2341, non-residential 280

Elect 1 representative.



Special Committee of the Whole Meeting  
September 19, 2013

## **Electoral Ward Boundary Options**

### **Executive Summary:**

This report is provided in addition to the report of the Citizens' Assembly for the purposes of providing electoral boundary representation options to accommodate the proposed reduction in the size of Council being recommended by the Citizens' Assembly.

### **Recommendation:**

**THAT the report of Mayor Mertens dated September 19, 2013 regarding proposed Electoral Ward Boundary Options be received for information purposes.**

### **Purpose:**

The purpose of this report is to provide options on electoral ward boundaries should Council desire to adopt the recommendation of the Citizens' Assembly to reduce the size of Council.

### **Background:**

Currently there are ten (10) electoral wards within the County of Prince Edward with 15 members of Council being elected to represent the various electoral wards. Council representation varies, from one (1) Councillor representing as few as approximately 575 residents while another electoral ward Councillor may represent as many as approximately 1,850 residents.

The County issued an Invitational Request for Proposal 2013-CSF-08 for Consultant Services to Review Size of Council, which closed on March 25, 2013. Council selected the proposal submitted by Dr. Jonathan Rose to undertake this assignment.

A Citizens' Assembly was established and on August 24, 2013 the Assembly met for their third and final meeting, with a recommendation that Council be reduced from the current 15 Councillors and a Mayor to ten (10) Councillors and a Mayor to represent the County of Prince Edward.

In addition to the recommendation by the Citizens' Assembly, any change in the size of Council will result in the recognized need to adjust ward boundaries for election purposes to provide for equal Council representation.

In 2008, a Composition of Council Committee was established and provided a report to Council with various options on electoral boundaries and Council representation. The report contained various electoral boundary options for a Council comprised of 10 Councillors and a Mayor. Those included a 2 Electoral Ward System, 5 Electoral Ward System, and an Election at Large option with no electoral boundaries.

~~The Citizens' Assembly as well recommended a 2 Ward or 5 Ward system, however did not recommend the Election at Large option.~~ **(report amended to remove as per Motion CW-312-2013 as Amended, at the Committee of the Whole meeting September 19, 2013)**

As both groups have identified that a 2 Ward and 5 Ward option would accommodate the reduction in Council representatives, attached are new ward boundary maps providing various ward options and populations statistics.

### **Analysis/Comment:**

If Council chooses to reduce the size of Council, new electoral boundaries would be required to accommodate the reduction of Council members representing the residents of Prince Edward County and to balance representation by population. The current ten (10) electoral wards cannot accommodate the reduction of Councillors and provide equal and fair representation by population, which was the subject of the Ontario Municipal Board challenge. Electoral boundaries are created for election purposes only, and when new boundaries are created, they are to be created with due diligence to ensure that each new electoral ward is represented with minimal variance by population in each ward created. Note that, should Council accept the recommendation of the Citizens' Assembly, future electoral ward boundary adjustments can be expected as development occurs.

If the election at large option is selected, the ten (10) current ward boundaries would be eliminated for election purposes.

As stated within this report, ward boundaries are created for election purposes. If new electoral wards are created, the current ten (10) wards would remain as historic municipal jurisdictions as per **Council's Motion 2012-187** as follows:

**"THAT staff be directed to issue a Request for Proposal to obtain an independent facilitator to conduct a public consultation process with the broadest number of stakeholders from all wards to review the size of Council and the consultant to report back to council with the results of the public consultation process and their recommendations;**

**THAT should the public consultation process result in a recommendation to alter the existing wards in any way, any new electoral divisions that are created be identified by numbers only and be for municipal election voting purposes only;**

**THAT the original pre-amalgamation boundaries and names be retained for all purposes other than municipal election voting such as marketing, branding, tourism, community identity and events;**

**THAT the original pre-amalgamation municipalities' names be retained and identified by signage, maps and other publications as "The historic township (town or village) of..." to further enhance and maintain the historical significance of those original municipalities, and the community identification with place."; and**

**THAT staff be requested to bring forward the following items to a Council Meeting:**

- **The timelines and steps required to undertake a public consultation process that could result in changes to the composition of Council for the 2014 election**
- **The staff report from the September 2011 meeting**
- **The OMB decision on the 2009 ward boundary appeal**
- **The full report of the Composition of Council Committee from 2008, and**

**THAT the proposal not exceed \$25,000 to be taken from the contingency funds."**

#### **Key Meeting Dates**

The key meeting dates for any ward boundary changes are as follows:

#### **September 19, 2013**

Dr. Rose to give a presentation, on behalf of the Citizens' Assembly, to Committee of the Whole.

#### **September 24, 2013**

Council to consider the recommendation of the Citizens' Assembly to reduce the size of Council.

Should Council adopt the recommendation to reduce the size of Council to ten (10) Councillors plus a Mayor, then a decision is required on electoral ward boundaries.

**Motion recommended if Council decides to reduce the current size of Council:**

**"THAT the Council for the Corporation of the County of Prince Edward be reduced from the current composition of 15 Councillors plus a Mayor to 10 Councillors plus a Mayor, as recommended by the Prince Edward County Citizens' Assembly;**

**THAT Option \_\_\_\_\_, which creates new ward boundaries for electoral purposes for the County of Prince Edward, be adopted; and**

**THAT a By-law reducing the size of Council and creating new electoral ward boundaries for the County of Prince Edward be prepared and included on the agenda for the October 22, 2013 Council meeting.”**

**October 9, 2013**

Council hold a special public meeting at 7:00 p.m. in the Council Chambers for the purposes of receiving input from the public regarding the recommendation to reduce the size of Council and proposed electoral boundary changes.

(As the County of Prince Edward is a single-tier municipality, there is no statutory requirement as per *the Municipal Act* to hold a public meeting regarding the composition of council or ward boundary changes.)

**October 22, 2013**

Council to pass a by-law to enact new ward boundaries for the 2014 Election (45-day appeal period would commence on October 22, 2013 and end on December 6, 2013).

**Prior to November 6, 2013**

Municipality gives notice of the passing of the by-law to the public specifying the last date for filing a notice of appeal.

**December 6, 2013**

Last day for notice(s) of appeal to be received.

**Prior to December 20, 2013**

Notice(s) of appeal to be forward to the Municipal Board.

A by-law to enact new ward boundaries for the 2014 Election By-law must be in force and the 45-day appeal period must have lapsed with no appeals to be able to implement changes for the 2014 election. Therefore, the by-law must be adopted by October 22, 2013. If the by-law is appealed, the Ontario Municipal Board issues an order to affirm or amend the by-law.

**Strategic Plan/Priority Implications:**

None identified for the recommendations of this report.

**Financial Implications:**

The financial implications to change from the current ten (10) ward structure to either a 2 Ward, 5 Ward or Election at Large structure is expected to be relatively equal.

**Policy Implications:**

None identified for the recommendations of this report.

**Notice/Consultation:**

The Chief Administrative Officer and the Commissioner of Corporate Services and Finance were consulted in the preparation of this report.

**Other Options:**

Council may choose to receive this report as information only and take no action.

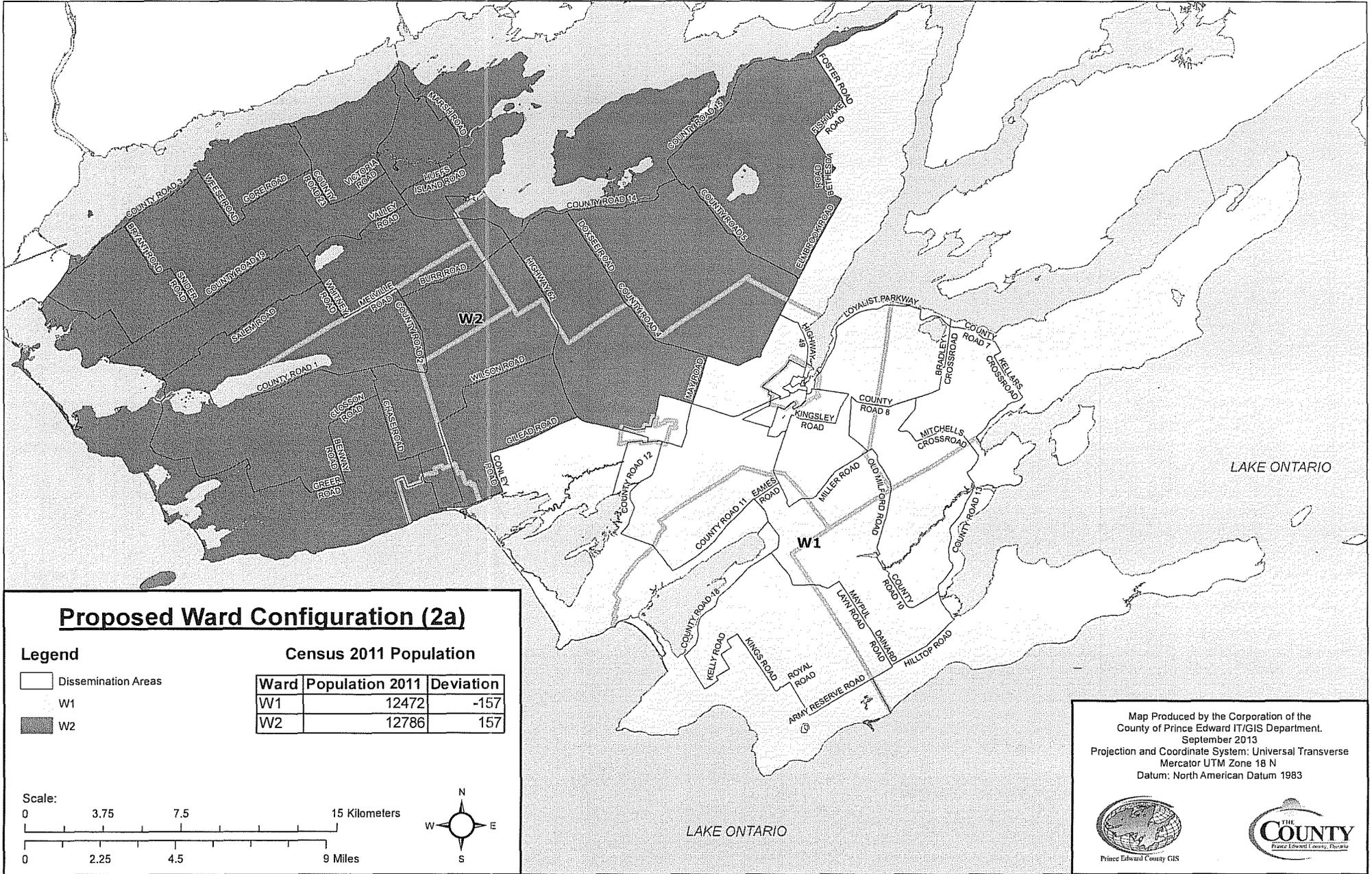
**Attachments:**

1. Two maps providing a two (2) Electoral Ward scenario
2. Two maps providing a five (5) Electoral Ward scenario
3. Charts providing population variances within each scenario

Submitted by:

A handwritten signature in black ink that reads "Peter Mertens". The signature is written in a cursive style with a large, looped initial "P".

Mayor Peter A. Mertens  
September 16, 2013



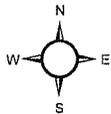
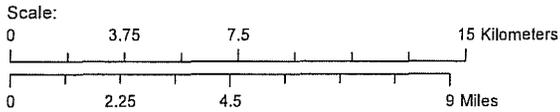
### Proposed Ward Configuration (2a)

#### Legend

- Dissemination Areas
- W1
- W2

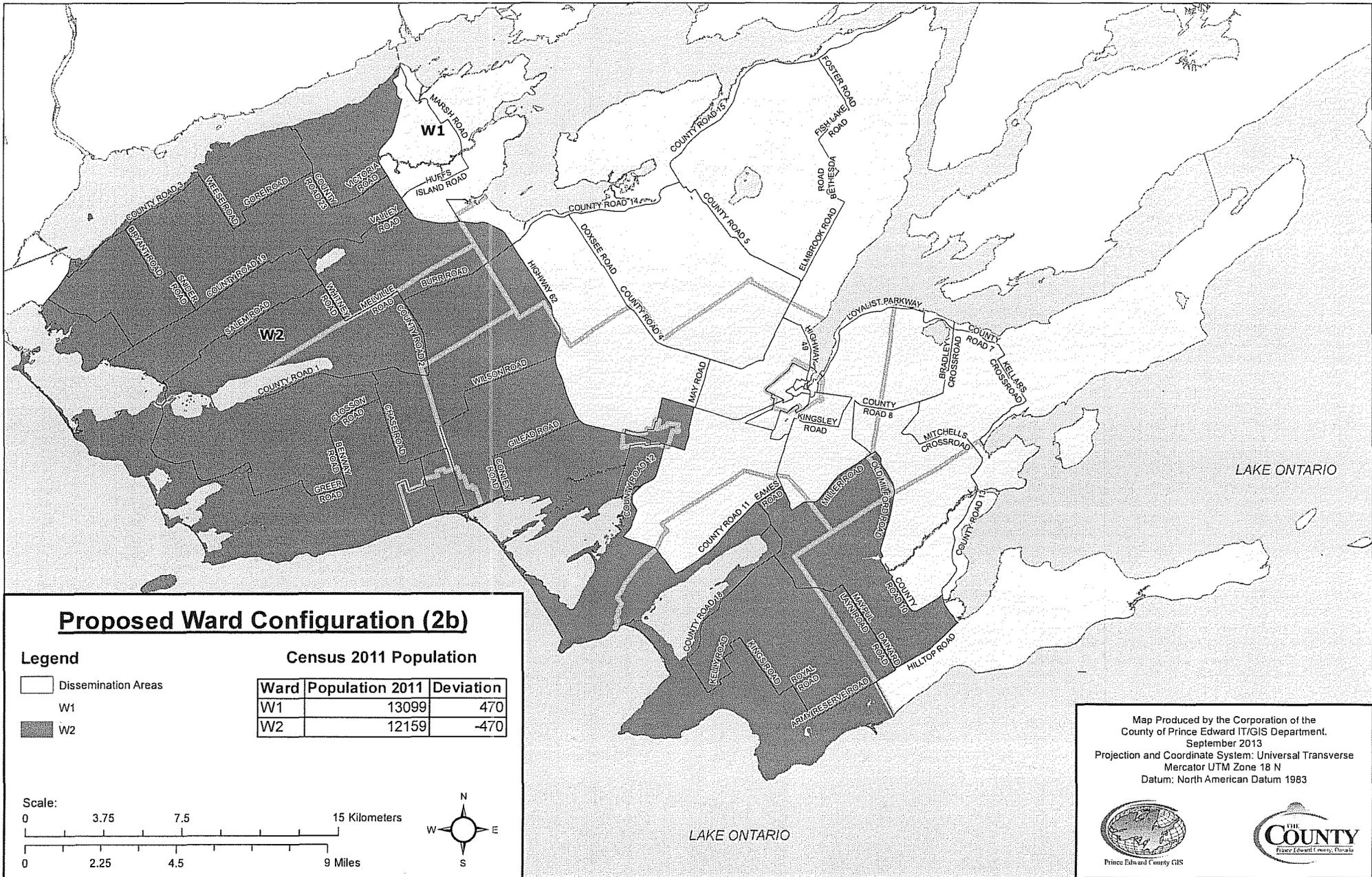
#### Census 2011 Population

Ward	Population 2011	Deviation
W1	12472	-157
W2	12786	157



Map Produced by the Corporation of the  
County of Prince Edward IT/GIS Department.  
September 2013  
Projection and Coordinate System: Universal Transverse  
Mercator UTM Zone 18 N  
Datum: North American Datum 1983

Prince Edward County GIS

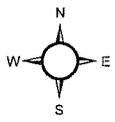
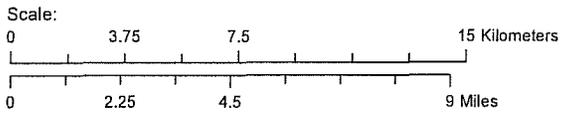


### Proposed Ward Configuration (2b)

- Legend**
- Dissemination Areas
  - W1
  - W2

**Census 2011 Population**

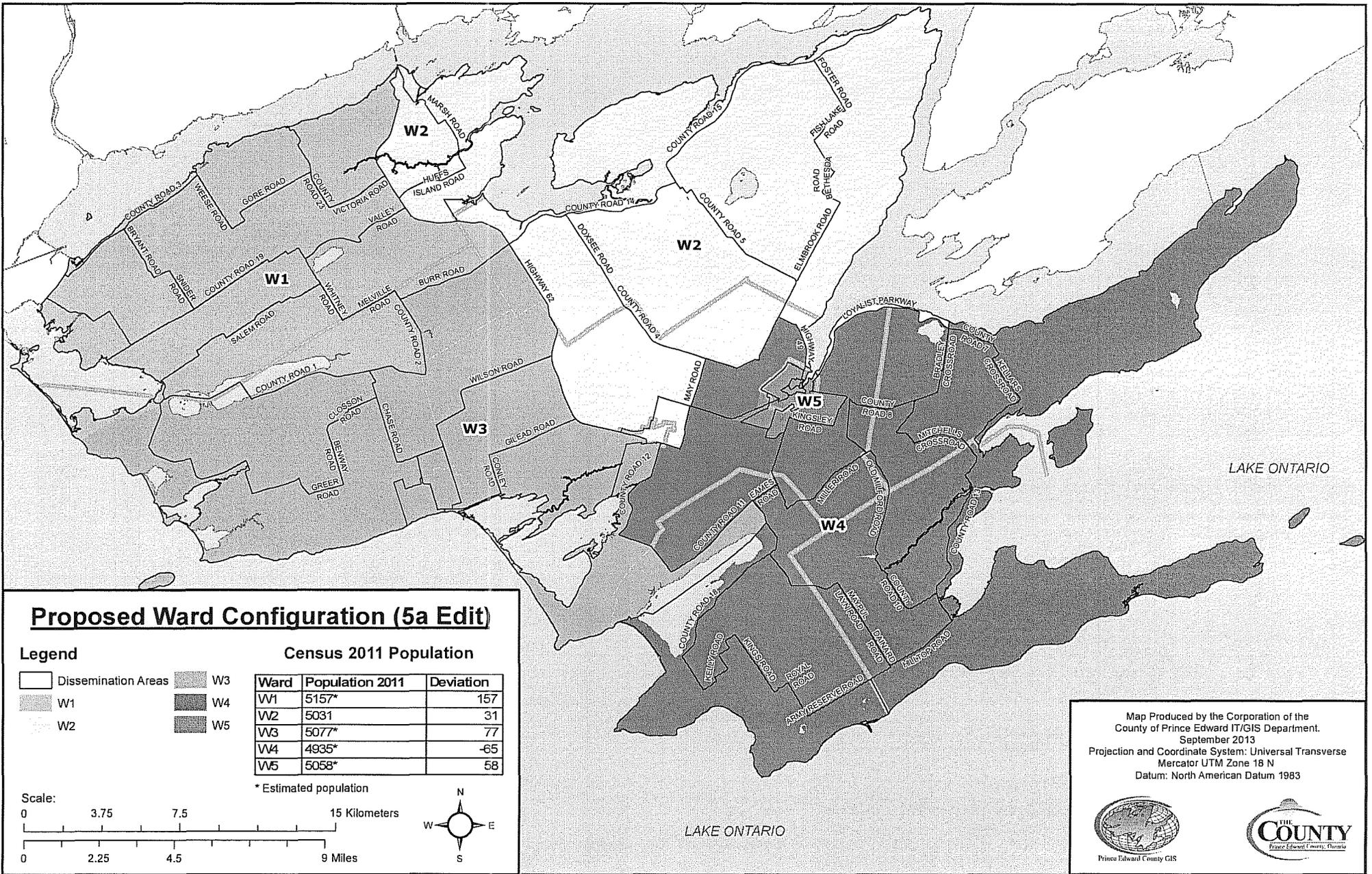
Ward	Population 2011	Deviation
W1	13099	470
W2	12159	-470

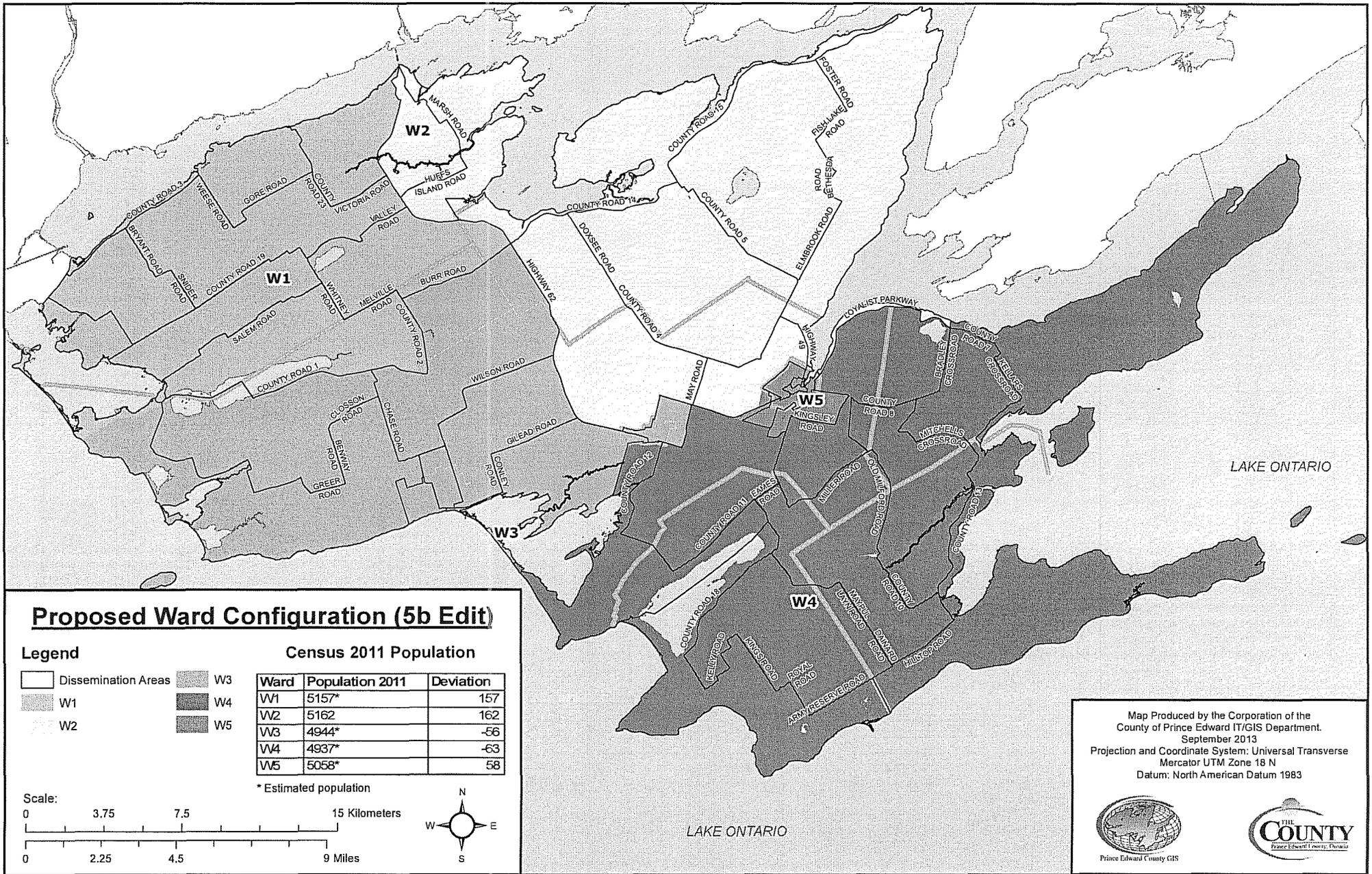


Map Produced by the Corporation of the County of Prince Edward IT/GIS Department.  
 September 2013  
 Projection and Coordinate System: Universal Transverse Mercator UTM Zone 18 N  
 Datum: North American Datum 1983

Prince Edward County GIS

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<b>PROPOSED WARD CONFIGURATION (2a)</b>			
<b>Ward</b>	<b>Composition</b>	<b>Population 2011</b>	<b>Deviation</b>
<b>W1</b> Electoral Ward	All of Ward 1 Picton All of Ward 2 Bloomfield All of Ward 5 Athol Portion of Ward 6 Hallowell All of Ward 8 North Marysburgh All of Ward 9 South Marysburgh Portion of Ward 10 Sophiasburgh	12,472	-157
<b>W2</b> Electoral Ward	All of Ward 3 Wellington All of Ward 4 Ameliasburgh Portion of Ward 6 Hallowell All of Ward 7 Hillier Portion of Ward 10 Sophiasburgh	12,786	157

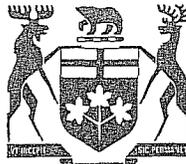
<b>PROPOSED WARD CONFIGURATION (2b)</b>			
<b>Ward</b>	<b>Composition</b>	<b>Population 2011</b>	<b>Deviation</b>
<b>W1</b> Electoral Ward	All of Ward 1 Picton Portion of Ward 4 Ameliasburgh Portion of Ward 5 Athol Portion of Ward 6 Hallowell Portion of Ward 8 North Marysburgh Portion of Ward 9 South Marysburgh Portion of Ward 10 Sophiasburgh	13,099	470
<b>W2</b> Electoral Ward	All of Ward 2 Bloomfield All of Ward 3 Wellington Portion of Ward 4 Ameliasburgh Portion of Ward 5 Athol Portion of Ward 6 Hallowell All of Ward 7 Hillier Portion of Ward 8 North Marysburgh Portion of Ward 9 South Marysburgh Portion of Ward 10 Sophiasburgh	12,159	-470

<b>Electoral Ward</b>	<b>Proposed Ward Configuration 5a</b>	<b>Population 2011 (Deviation)</b>	<b>Proposed Ward Configuration 5b</b>	<b>Population 2011 (Deviation)</b>
<b>W1</b>	Portion of Ward 4 Ameliasburgh Portion of Ward 6 Hallowell Portion of Ward 7 Hillier Portion of Ward 10 Sophiasburgh	5157* (157)	Portion of Ward 4 Ameliasburgh Portion of Ward 6 Hallowell Portion of Ward 7 Hillier Portion of Ward 10 Sophiasburgh	5157* (157)
<b>W2</b>	Portion of Ward 2 Bloomfield Portion of Ward 4 Ameliasburgh Portion of Ward 6 Hallowell Portion of Ward 8 North Marysburgh Portion of Ward 10 Sophiasburgh	5031 (31)	Portion of Ward 4 Ameliasburgh Portion of Ward 6 Hallowell Portion of Ward 8 North Marysburgh Portion of Ward 10 Sophiasburgh	5162 (162)
<b>W3</b>	Portion of Ward 2 Bloomfield All of Ward 3 Wellington Portion of Ward 5 Athol Portion of Ward 6 Hallowell Portion of Ward 7 Hillier Portion of Ward 10 Sophiasburgh	5077* (77)	All of Ward 2 Bloomfield All of Ward 3 Wellington Portion of Ward 6 Hallowell Portion of Ward 7 Hillier Portion of Ward 10 Sophiasburgh	4944* (-56)
<b>W4</b>	Portion of Ward 5 Athol Portion of Ward 6 Hallowell Portion of Ward 8 North Marysburgh All of Ward 9 South Marysburgh	4935* (-65)	All of Ward 5 Athol Portion of Ward 6 Hallowell Portion of Ward 8 North Marysburgh All of Ward 9 South Marysburgh	4937* (-63)
<b>W5</b>	All of Ward 1 Picton Portion of Ward 6 Hallowell	5058* (58)	All of Ward 1 Picton Portion of Ward 6 Hallowell	5058* (58)

\* estimated population

ISSUE DATE:

Aug. 28, 2009



Ontario

Ontario Municipal Board  
Commission des affaires municipales de l'Ontario

MM090016

IN THE MATTER OF subsection 223(4) of the *Municipal Act*, S.O. 2001, c. 25

Application by: Jim McPherson and Lyle McBurney  
 Subject: Application to restructure the existing ward structure  
 Municipality: County of Prince Edward  
 OMB Case No.: MM090016  
 OMB File No.: MM090016

RECEIVED

AUG 31 2009

## APPEARANCES:

CLERK'S OFFICE

PartiesCounsel\*/Agent

County of Prince Edward

W. Fairbrother\*

Jim McPherson, Lyle McBurney

John Legate

**DECISION DELIVERED BY K. J. HUSSEY AND PROCEDURAL ORDER  
OF THE BOARD**

This pre-hearing conference deals with preliminary and procedural matters for the hearing of the appeal brought by Jim McPherson and Lyle McBurney pursuant to subsection 223(4) of the *Municipal Act*, from failure of Council of the County of Prince Edward for not passing a by-law within 90 days of receiving a petition to have the municipality re-divided into wards in accordance with the petition.

The Parties

The parties are as identified above.

The Participants

The following persons requested and were granted participant status:

John M. Hill

Paul Lang

Ian Inrig

Peter Sztuke

Monica Alyea

Hugh Sonnenberg

Ron Norton

#### The Issues

The parties have each submitted a list of issues to be determined at the hearing. These lists are appended hereto as Attachments "1" and "2".

#### The Witnesses

Mr. Legate, on behalf of the Appellants, informed the Board that the Appellants would be calling fifteen witnesses. The County intends to call four witnesses.

#### Other Matters

Council for the County requested the Board to set aside a date for hearing a motion, prior to the hearing. The Board has set aside September 16 and 17, 2009 for hearing the motion.

The Appellants have indicated a desire for mediation. If both parties agree and if mediation is deemed to be appropriate, the dates set aside for the motion may be used instead for conducting the mediation. The parties are directed to contact the Board as early as possible for a mediation assessment to be scheduled.

Hearing Date

The parties have requested that ten days be set aside for this hearing. The hearing is fixed to begin on Monday, November 16 at 10:30 a.m. at Council Chambers, County Building, 332 Main Street, Picton, Prince Edward County, Ontario K0K 2T0.

There will be no further notice.

This member is not seized.

So orders the Board

"K. J. Hussey"

K. J. HUSSEY  
MEMBER

## ATTACHMENT "1"

### ISSUES LIST

#### CORPORATION OF THE COUNTY OF PRINCE EDWARD

Is the appeal premature?

Should the decision of Council of the Corporation of the County of Prince Edward to seek a determination from the electorate next fall as to whether or not there is significant support for change to the ward boundaries be given deference and allowed to be carried out?

Is there a need for change to the existing Ward boundaries?

Is there clear evidence of a significant groundswell of public support for the change to the existing Ward boundaries proposed by the Petitioners?

Does the petitioners' proposal for six wards result in "effective representation"?

Does the existing ward system in the County of Prince Edward constitute "effective representation"?

Have the Petitioners adequately consulted with the public?

Have the Petitioners adequately and fully informed the public in general [and those signing the petition in specific] as to the exact nature of their proposed Ward boundary adjustments?

Is the Petitioners' proposal for new Ward boundaries sufficiently clear and certain?

Is the Petitioners' proposal to have the municipal planning staff make the final adjustments to the boundaries an inappropriate delegation of authority?

If the County is to be divided into six wards for the election to be held in 2010, is there sufficient time to adjust the Council size before January 2010?

If there is not sufficient time and the County is to be divided into six wards for the election to be held in 2010 with the same Council size, how will the 15 members of Council be divided among the six wards? Will this result in "effective representation"?

If there is a demonstrated need for change for either or both Ward boundaries and Council size, is it more appropriate to deal with the issue of Ward boundary adjustments and Council size contemporaneously pursuant to a detailed, open public process?

## ATTACHMENT "2"

### 12 Issues Identified by Appellants:

1. In its 1991 Carter Decision, the Supreme Court of Canada (SCC) defined "effective representation" and set standards to ensure voters do not have their vote unfairly diluted to the point where equitable and effective representation cannot be achieved. Justice Beverley McLachlin (now Chief Justice of Canada) then wrote "Voting is far too important and precious a right to be unreasonably and unnecessarily diluted."
2. SCC also identified in its Carter Decision the need to be cognisant of equality from the perspective of costs to candidates for campaigning and servicing constituents. The current County ward structure makes this a serious issue.
3. OMB has relied heavily on the Carter Decision standards of fairness (e.g. Ottawa, London, Blind River, Niagara Falls, Twp. of North Grenville).
4. Several other Ontario municipalities use these SCC standards to plan corrections of inequities in their own electoral structures.
5. However during negotiations leading to our 1998 P.E.County amalgamation, some towns, villages or townships feared loss of identity, and so established a structure wherein eight of ten wards fail to meet SCC standards of fairness.
6. We need to restore equitable voting by Dec. 31, 2009 for the 2010 election.
7. Repeatedly since amalgamation, councillors concerned about the flawed ward structure have moved to revisit the issue, but their motions were defeated.
8. Furthermore all councils since 1998 have failed to seek public input concerning council size/structure, or fairness of representation.
9. In January 2009, after debates requiring 6 ad-hoc committee meetings and 3 committee-of-the-whole meetings, council decided, without public input, to discontinue its review of ward and council structure, and to "let the people decide" in a ballot question in 2010. (On August 13<sup>th</sup> 2009 it proposed that the ballot question seek voter support to retain existing ward boundaries!)
10. In March 2009, faced with a further 5 1/2 years of inequity, the appellants submitted a petition to council, and 90 days later filed this appeal to OMB.
11. Although many citizens (and some councillors) believe the issue is both unfair representation and inordinate council size, this appeal is for **fairness**. Until there has been public consultation, we recommend only minimal ward boundary changes now, to correct inequities before 2010. Council would then have many options from which, in consultation with the public, it could choose a council size and structure to fit a more equitable ward structure.
12. To date the cost of this action has been borne by the appellants. The failure of the municipality to act in accordance with SCC standards should not result in a cost to citizens who seek a fair voting structure.