

Review of Size of Council and Proposed Electoral Ward Boundary Plan Options

Executive Summary:

This report is being provided to assist the Members of Council with a process for discussing the Size of Council and proposed Electoral Ward Boundary Plan Options submitted for consideration.

Recommendation:

- 1. THAT the report of the Corporate Services and Finance Commission dated May 6, 2015 regarding the Review of Size of Council and Proposed Electoral Ward Boundary Plan Options be received;**
- 2. THAT the size of Council and the Electoral Ward Boundary system for the Corporation of the County of Prince Edward be reviewed and that this review consist of, but not be limited to, the following proposals to create new Electoral Ward Boundaries:**
 - **Electoral Districts being North and South;**
 - **The N.E.W. Plan; and**
 - **Plan 13**
- 3. THAT an advertisement be placed in the local papers and on the website immediately seeking further Electoral Ward Boundary proposals to be submitted no later than June 4, 2015, 4:00pm for Committee consideration;**
- 4. THAT a Special Committee of the Whole meeting be scheduled for Thursday, June 25, 2015 at 9:00 a.m. to review any additional proposals brought forward by Committee or a member of the public prior to June 4, 2015 and to initiate the review of all proposals;**
- 5. THAT a Special Committee of the Whole meeting be scheduled for Thursday, July 16, 2015 at 1:00 p.m. for the purpose of finalizing the review of Electoral Ward Boundary proposals, recommending a preferred option or options and recommending a number of Councillors for each proposal for the purpose of vetting the option(s) at public meetings; and**
- 6. THAT Committee confirm the number of public meetings to be held and the locations during September 2015 and that the dates of these events be publicized immediately.**

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:

At the Special Committee of the Whole meeting held on April 16, 2015 the following motion was adopted:

Deferral Motion CW-95-2015

Moved by Councillor Hull

Seconded by Councillor Fox

THAT Committee defer the decision on a best option or options to take to the public, until there has been a Council discussion on the various options.

CARRIED

Analysis/Comment:

Committee of the Whole on April 16, 2015 deferred making a decision on a preferred option for the creation of new electoral ward boundaries until such time as the public has had an opportunity to provide comments.

Currently three plans have been brought forward for consideration, and as Council will be scheduling public meetings to present a preferred option or options, regarding the size of Council and the creation of new electoral ward boundaries for public input, staff are recommending that an advertisement be placed in the local papers and a notice posted on the County's website seeking any further proposals to be received by June 4, 2015 at 4:00pm for Council's consideration. This addition to the public process will allow members of the public an opportunity to participate and provide proposals for Council's consideration at the start of the review process, and alleviate additional proposals from being brought forward after Council has selected a preferred option or options to be presented at the public meetings. This addition would also assist Council should an appeal on the process be submitted to the Ontario Municipal Board, as the process will have been consultative, transparent and impartial.

In reviewing the proposals and the lack of legislated official review criteria, OMB Decision, S.D. Rogers - Order 2902 (Town of Lakeshore - Nov. 2, 2005, attachment #4), indicates that the parties relied on:

“ . . . the following criteria in determining the ward boundary model which would deliver effective representation:

- *Does it equitably distribute the population and the electors?*
- *Does it respect identifiable communities of interest?*
- *Does it utilize natural, physical boundaries that are locally recognized?*

- *Does it serve the larger public interest of all electors of the municipality in contrast to the interest of a small group?"*

This decision goes on to state that other guiding principles are:

- *“representation by population*
- *representation of communities*
- *recognition of distinct geographic and infrastructure elements*
- *recognition of future population growth.”*

So it would appear that the top three are essentially "**population**", "**communities**" and "**natural and man-made boundaries**".

These criteria were previously enunciated by D. J. Culham in OMB Decision 1741 (Town of Blind River - Dec. 20, 2002), and used elsewhere by Culham and others (i.e. City of London).

As representation by population is the top criteria when considering the creation of electoral ward boundaries, and because the population figure provided by Stats Canada for the County of Prince Edward (25,258 as of 2011) is no longer provided by current ward, the County's GIS department has extracted population figures by current ward from current MPAC data (as of March 2015) after consulting with a representative from MPAC. These figures are the best estimate of population figures that can be utilized when assessing proposals. This estimate is provided on table below.

The table below also provides total electors per ward (attachment #1) and provides breakdown between resident and non-resident electors. Non-resident electors make up 25.5% of the electors and one of the principles addressed by the Ontario Municipal Board is equitable distribution for both population and **elector**.

Ward	Estimated Population	Resident Electors	Non-Resident Electors
1 Picton	3,622	3,397	352
2 Bloomfield	539	464	63
3 Wellington	1,982	1,763	238
4 Ameliasburgh	5,651	4,815	1,049
5 Athol	1,533	1,072	651
6 Hallowell	3,506	3,239	803
7 Hillier	1,960	1,510	757
8 North Marysburgh	1,548	1,134	780
9 South Marysburgh	1,115	784	627
10 Sophiasburgh	2,301	1,832	795
Total	23,757	20,010	6,115

To assist in the process, a proposed work flow chart and electoral ward boundaries evaluation sheet has been drafted for Committee's consideration.

The proposed work flow chart includes proposed meeting dates and times for future Special Committee of the Whole meetings. The dates recommended coincide with the regular Committee of the Whole meetings scheduled on these dates.

The public consultation process is being recommended to be held during the month of September, as the months of July and August are typically seen as vacation months.

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. MPAC Elector Counts Extract – March 10, 2015
2. Proposed Work flow chart
3. Proposed Size of Council and Ward Electoral Boundary Evaluation Sheet
4. OMB Decision 2902 Town of Lakeshore
5. Law and Government – London City Council

Prepared by: Kim White, Clerk April 29, 2015

Commissioner Approval: 
M. Susan Turnbull, BSc, CPA, CGA May 1, 2015
Commissioner of Corporate
Services and Finance

Acting CAO Approval: 
James Hepburn May 1, 2015
Acting Chief Administrative Officer

Produce Elector Counts Extracts

Region	County Mun	Ward	Poll	Poll Suffix	Totals		
					Units	Residents	Non-Residents
06	1350	01	001	0	3,522	3,397	352
06	1350	Total for Ward 01			3,522	3,397	352
06	1350	02	001	0	500	464	63
06	1350	Total for Ward 02			500	464	63
06	1350	03	001	0	1,817	1,763	238
06	1350	Total for Ward 03			1,817	1,763	238
06	1350	04	001	0	1,526	1,789	304
06	1350	04	002	0	1,342	1,260	288
06	1350	04	003	0	1,822	1,766	457
06	1350	Total for Ward 04			4,690	4,815	1,049
06	1350	05	001	0	1,715	1,072	651
06	1350	Total for Ward 05			1,715	1,072	651
06	1350	06	001	0	1,715	1,626	220
06	1350	06	002	0	2,139	1,613	583
06	1350	Total for Ward 06			3,854	3,239	803
06	1350	07	001	0	2,189	1,510	757
06	1350	Total for Ward 07			2,189	1,510	757
06	1350	08	001	0	1,796	1,134	780
06	1350	Total for Ward 08			1,796	1,134	780
06	1350	09	001	0	1,393	784	627
06	1350	Total for Ward 09			1,393	784	627
06	1350	10	001	0	2,549	1,832	795
06	1350	Total for Ward 10			2,549	1,832	795
06	Total for County Mun 1350				24,025	20,010	6,115

Review of Council and Ward Boundary Proposal Workflow Chart

Task	Apr-15	May-15	Jun-15	Jul-15	Aug-15	Sep-15	Oct-15	Nov-15	Dec-15	Jan-16	Feb-16	Mar-16
Council, through Committee of the Whole, initiate the discussion "Review the Size of Council"												
Council to adopt a Motion to Reduce the Size of Council												
Place an ad seeking any other proposals from the public to be submitted by June 4, 2015 for consideration		04-June-15										
Council to Review the Following Proposals: 1 - Mayor Quaiff - 2 New Electoral Districts 2 - Gary Mooney - N.E.W. Plan 3 - John Thompson - Plan 13 4 - Other Proposals may be brought forward for consideration		Special Committee meeting Thursday June 25, 2015 at 9:00 a.m. and also for Thursday July 16, 2015 at 1:00 p.m.										
Council to select the proposals that are to be included for public consultation - Locations and dates for public meetings to be determined												
Public Meetings to take place as established												
Staff to consolidate the comments from the public meetings and provide a report to Committee												
Committee to recommend the preferred proposal for Council's adoption at a Special Council Meeting												
Council passes a By-law to change Council composition									15-Dec-15			
Council passes a By-law to change and create new electoral ward boundaries and the 45 day appeal period would commence									15-Dec-15			

Comparison of New Electoral Ward Proposals

	North and South Electoral Wards	Meets criteria	N.E.W. Plan – Gary Mooney	Meets criteria	Plan 13-John Thompson	Meets criteria	Plan Name			
Number of Electoral Wards	2		3		9					
Plan provides for an odd number of Council Members (to solve tie vote issue)	Yes		Yes – depending on number of Councillors per electoral ward		No					
Does the proposal allow all electors to cast the same number of votes? (voter parity)	Yes		Yes		No					
Number of Councillors Proposed (Note all proposals can be amended as to the Councillor representation)	10 – proposal 5 Councillors per Electoral Ward		No definite number set for proposal As few as 2 Councillor with a maximum of 5 Councillors per Electoral Ward		13 Ameliasburgh -3 Councillors Picton -2 Councillors Bloomfield/Hallowell 2 Councillors Balance of Wards to have 1 Councillor					
Configuration of new electoral wards (using current ward reference)	<u>North Electoral Ward</u> comprised of Ward 3-Wellington, Ward 4- Ameliasburgh, Ward 7-Hillier and Ward 10-Sophiasbsurgh <u>South Electoral Ward</u> Comprised of Ward 1-Picton, Ward 2-Bloomfield, Ward 5-Athol, Ward 6-Hallowell,		<u>North Electoral Ward</u> Ward 4 Ameliasbsurgh and Ward 10 Sophiasburgh <u>East Electoral Ward</u> Ward 1-Picton, Ward 8-North Marysburgh, Ward 9 – South Marsyburgh and Ward 5-Athol		Ameliasburgh Picton Wellington Hiller North Marysburgh South Marysburgh Athol Bloomfield/Hallowell Sophiasburgh					

ISSUE DATE:

Nov. 2, 2005

DECISION/ORDER NO:

2902



Ontario

Ontario Municipal Board

Commission des affaires municipales de l'Ontario

PL050678

Richard Teno has applied to the Ontario Municipal Board under section 223 of the *Municipal Act*, S.O. 2001 c. 25, resulting from a petition to redivide the Corporation of the Town of Lakeshore to change the composition of each ward to have nearly the same number of eligible voters
O.M.B. File No. M050092

APPEARANCES:

Parties

Town of Lakeshore

Counsel*/Agent

J. Renick *

R. Teno

DECISION DELIVERED BY S.D. ROGERS AND ORDER OF THE BOARD

The Nature of the Hearing

This is a hearing pursuant to an application under Section 223 of the *Municipal Act*, S.O. 2001, c 25. That section provides that the electors of a municipality representing 1 per cent of the electors in the municipality or 500 electors, whichever is less, 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.

Should the Council of the municipality not pass a by-law in accordance with the petition within 30 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.

History

This is the second such petition and subsequent Board hearing in the past 3 years in this municipality. In the summer of 2002 a petition was submitted to council asking for a dissolution of the existing ward boundaries, an election of Councillors at

large and a reduction in the number of Council members. An application was subsequently made to the Ontario Municipal Board to dissolve the wards. That application was denied. (Decision 1770/2002, December 19,2002).

The history of the current petition is as follows. In July 2004, Mr. R. Teno submitted a petition to Council for the Township of Lakeshore requesting that the ward boundaries be redivided to more fairly and equally represent the Township's population. At the meeting at which the petition was presented, Mr. Teno suggested that there be approximately 4,000 voters per elected official, thereby creating six wards with one representative each and a Mayor to be elected at large. The Deputy Mayor would be appointed from within the newly elected Council. This system, Mr Teno asserts, would provide for a more democratic and representative Council.

The present ward boundary system generally reflects the boundaries of the 5 townships which were amalgamated in 1999; the Township of Rochester, the Town of Belle River, the Township of Maidstone, and the Townships of North Tilbury and West Tilbury. The number of electors as of 2002 was as follows:

Ward 1 (Maidstone)	10,198	3 Councillors
Ward 2 (Belle River)	3,668	1 Councillor
Ward 3 (Rochester)	3,791	1 Councillor
Ward 4 (Tilbury North)	3,206	1 Councillor
Ward 5 (Tilbury West)	1,478	1 Councillor

Mayor and Deputy Mayor elected at large.

However, since 2002, the population of the northwest portion of the Town has increased substantially with a great deal of residential development east and west of Belle River along the shoreline. The evidence was that presently, Ward 1 has some 13,000 electors based on developments that are approved and have been built. Ward 5, on the other hand has experienced no population growth. More residential and

industrial development is expected in the coming years in Ward 1, with an expectation that in 2010 there will be somewhere in the vicinity of 16,000 electors.

The petition by Mr. Teno was certified by the Town Clerk and on November 9, 2004, Council directed staff to prepare a report to redivide the municipality into wards including a recommendation on the appropriate size of Council in the redivided scenario.

In May of 2005, after 6 months of study, which included a review of literature and reports on different municipal electoral models and a survey of 148 municipalities across Ontario having approximately the same population as the Town of Lakeshore, staff presented a report to the Council recommending a 6 ward system, with one Councillor being elected from each of the six wards, and the Mayor elected at large. The report further recommended that the Deputy Mayor be appointed by the Council from among the members of Council.

After some discussion, Council directed staff to host two public meetings on June 27 and June 28, 2005 to present three models for ward boundary adjustments consisting of 5 ward representatives, and the Mayor and Deputy Mayor elected at large. Thus there was a direction that the staff bring to the public a 7 member Council model. Mr. Phipps advised the Board that staff viewed the council direction as a rejection of the 6 ward model.

Staff therefore prepared 3 options for presentation to the public which would reduce the number of Council members to 7, with the Mayor and Deputy Mayor elected at large. Option 1 provided for 3 wards with 2 wards being represented by 2 Councillors. Option 2 provided for 5 wards, with 1 Councillor per ward. Option 3 provided for 2 wards, with one having 3 Councillors and one ward having 2 Councillors. The public meetings were duly publicized and held. The Town received submissions at those meetings and via petition, mail and email. There were other suggested ward boundary divisions by members of the public.

The date for the OMB hearing of the application on this matter was settled on September 23, 2005. On October 12, 2005, Council received a report which reviewed the comments and other proposals received during the time allowed for public

comment. The staff recommended that Council adopt Option 2 providing for 5 wards. Generally, the report concluded that each of the models suggested by members of the public resulted in a substantial inequality in electoral representation for at least one of the wards. Council deferred the consideration of ward boundary adjustment until Thursday October 20, 2005, a date five days before the commencement date of this hearing.

At the meeting of October 20, 2005, a motion for a redivided 6 ward system was defeated, as was a motion for a redivided 5 ward system as proposed in staff's Option 2. As well a motion to reduce the number of Council members from 9 members to 7 members was defeated. A motion to retain the current system of representation with the same number of Councillors and wards was passed.

The Hearing

At the commencement of the hearing, the Board was advised that both sides of the issue, the Town and Mr. Teno representing the petitioning electors, would rely on one witness, Mr. M Phipps, the Chief Administrative Officer for the Town and the author of the reports and studies that were presented to Council on this issue. The reports prepared by Mr. Phipps had recommended, in the first instance, a 6 ward model, and in the second instance, a 5 ward model.

The Board was also advised that Mr. Teno supported the 6 ward boundary model originally proposed by staff in May of 2005. Counsel for the City advised that it was, in accordance with the decision of Council on October 20, 2005, supporting the status quo, *but that it would be presenting no evidence in support of that position*. The Board expressed some concern about the lack of evidence to be presented by the Town.

Counsel for the Town also advised the Board that it was the Town's position that the Board had no authority to direct a change in the composition of Council, but only had authority to re-divide the wards or dissolve the wards. A reading of the *Municipal Act* confirmed this. The Board advised Mr. Teno, the petitioner, that it had no jurisdiction to make a decision with respect to the number of Councillors or the composition of Council. Thus it would appear that if the Board was to be persuaded that a redivision of the wards was merited, it is Council who must then determine how

the 9 individuals it has determined should be on Council, would represent those wards. Therefore the Board must be sensitive to the fact that it will be a 9 member council, and ensure that any ward redivision can work, in light of the number of council members.

There was only one professional witness before the Board; Mr. M. Phipps, Chief Administrative Officer for the Town of Lakeshore. He has had some 40 years of experience in municipal administration – with 24 years as CAO of the Township of Hardwick and 39 years as the General Manager of Strategic Planning and Development in Chatham-Kent. In his previous positions, he was involved with issues related to ward boundaries and has participated in research on ward boundary matters in these positions. He is knowledgeable and well-qualified in the area of municipal administration and in the area of electoral boundary adjustment.

Mr. Phipps gave evidence as to the history of the matter which has been recited by the Board previously in this decision. A review of each of his reports on this matter, indicate that the reports were well-researched, thoroughly considered, and well reasoned. He demonstrated an exceptional grasp of the principles of electoral representation and how they should and could be applied in this municipality.

Under questioning by the Board, he gave his opinion on the preferred models of governance, given the decision by Council to keep a 9 member council. He supported each of his preferred options with reference to considerations of equality of population, of future anticipated and confirmed population growth, and with reference to the nuances of representing communities of interest. The Board will rely heavily on Mr. Phipp's evidence in its decision.

The Board also heard from Mr. Bob Miner who supported the existing ward boundaries, but with Ward 1, the larger of the wards, being subdivided into three wards. It was his position that the historic communities should be preserved at all costs, and expressed his fear that a redivision of ward boundaries as proposed by Mr. Phipps would operate to eliminate the historic communities.

The Board heard from Ms. Joanne Rhoads who indicated that she felt there should be more public education and consideration than there had been, and submitted a concern that there may be some communities of interest who would not be

represented. The Board heard from Mr. Robert Seguin, who gave his opinion that the current system was not representative and should be changed to more fairly represent the larger population of the more urban lakeshore communities.

After consideration of the Board's concerns at the commencement of the hearing, counsel for the Town elected to re-call Mr. Phipps to give his opinion on the existing ward boundary system. He also called the Mayor of the Town who gave evidence as to his view of the lack of public support for a redivision of ward boundaries. The Mayor also testified that, in his view the Council functions well, and that the electors are well-represented, and that the decision of the Council not to make any changes to the electoral boundaries was the right one.

Operative Principles

The Board has reviewed the OMB cases on ward boundaries referred to it by counsel for the Town, as well as the case by the Supreme Court of Canada which outlines the principles of electoral boundary creation. From this review, the Board will outline the principles on which it will rely in making its decision.

In the seminal case on effective electoral representation, The Attorney General for Saskatchewan v. Roger Carter et.al [1991] 2 S.C.R.158, the Supreme Court of Canada ruled on whether variances can be tolerated in the size of voter populations among constituencies and the distribution of those constituencies among urban, rural and northern areas for provincial electoral districts.

In that case, Mrs. Justice McLaughlin determined that Section 3 of the *Charter of Rights*, which establishes that every citizen has the right to vote in an election of federal or provincial members of parliament establishes the right to "effective representation". Effective representation "*comprehends the idea of having a voice in the deliberations of government as well as the idea of the right to bring one's grievances and concerns to the attention of one's government representative*".

The Court held that the first condition of effective representation is relative parity of voting power. The Court states at page 183:

"...A system which dilutes one citizen's vote unduly as compared with another citizens' 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...."

Notwithstanding the fact that the value of a citizen's vote should not be unduly diluted, it is a practical fact that effective representation often cannot be achieved without taking into account countervailing factors.

First absolute parity is impossible. It is impossible to draw boundary lines which guarantee exactly the same number of voters in each district. Voters die, voters move. Even with the aid of frequent censuses voter parity is impossible.

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

It emerges therefore 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." (Emphasis added)

The concept of effective representation has been adopted by municipalities and by this Board in various ways in considering the question of an appropriate electoral model for ward boundaries. In the hearing before the Board, the parties relied on the following criteria in determining the ward boundary model which would deliver effective representation :

1. Does it equitably distribute the population and the electors?
2. Does it respect identifiable communities of interest?

3. Does it utilize natural, physical boundaries that are locally recognized?
4. Does it serve the larger public interest of all electors of the municipality in contrast to the interest of a small group?
5. Does it have a broad public support?

Other communities have suggested that the guiding principles be 1) representation by population; 2) representation of communities; 3) recognition of distinct geographic and infrastructure elements; 4) recognition of future population growth.

As well from the cases, the Board notes that there are various views on the tolerance factor for a deviation in the principle of equality of vote (meaning electoral boundaries which divide the population evenly). In the cases presented to the Board, a factor of 25% to 33% has been suggested as tolerable, if supportive of more effective representation.

The Board finds that in assessing whether ward boundaries should be redivided, the overriding principle is voter parity as cited by the Supreme Court of Canada. Any deviations from voter parity must be justified based on the other factors referred to by the Supreme Court and by this Board, in a manner which supports the notion that in the absence of this deviation, there would be a loss of effective representation. Thus any deviation factor whether it be 1% or 33% must be supportive of a more effective representation of the electors and their interests.

The Board also finds that the criteria of "broad public support" is not a relevant criteria for the Board in assessing whether there should be a redivision of ward boundaries. While this may have been a consideration in some previous Board decisions on these matters, the idea originated from decisions made prior to the recent amendments to the *Municipal Act*, and prior to the decision of the Supreme Court determining how electoral boundaries must conform with the provisions of the *Charter of Rights*.

The Board has few means for assessing whether there exists broad public support for any position coming before it. Petitions, and testimony from politicians and citizens are not reliable ways of determining whether there is broad public support for an

electoral boundary change. Referendum results, depending on the wording of the question might be of more assistance to the Board but even those results must be tempered by the overriding principle of effective representation.

Most importantly, the concept of broad public support cannot be considered a reason to deviate from the primary principle of voter parity. An amorphous "public opinion", as filtered and interpreted by a few interested individuals is not helpful in assessing whether there exists effective representation as defined by the Supreme Court of Canada. "Public opinion" should never override effective representation.

Counsel for the Town, in supporting the Town's decision not to amend the ward boundaries, relied entirely on the fact that the currently elected representatives of the people had determined, from their assessment of the public mood, that there should be no change. He relied on cases which indicate that the Board prefers local solutions to the issue of electoral boundary reform, rather than a solution imposed by this Board. He therefore asserted that Council's decision should, on its own, be sufficient for the Board not to interfere in this matter. He further submitted that Council is the best judge of the public mood, and that without a strong public initiative for change, there should be none.

The Board agrees that this Board does prefer local solutions. However, the Board must assume that there is a reason the legislation provides for an application to this Board when a petition to redivide electoral boundaries is not acted on by the municipality. The legislation anticipates that the various positions of the interested parties can be presented to the Board and that the Board can make a decision that ensures that any decision on electoral boundaries that is made, is made in accordance with the principles set down by the Supreme Court, in interpreting the *Charter of Rights*. Anything else would be a derogation of the Board's duties in this regard.

As Mr. Yao stated in Electors of Niagara v. Niagara Falls [1996] O.M.B.D. No. 1852, when he allowed a petition to redraw ward boundaries:

"...The government has put in place a tribunal whereby outside persons may arbitrate disputes that are difficult to settle at the local level. This is not because the tribunal has superior wisdom, but because local interests are at an impasse.

Thus, this Board accepts that there must be clear and compelling reasons for the Board to interfere in a municipal council's decision on these matters, and that it may have to be demonstrated that a municipal council has acted unfairly or unreasonably in making a decision on these issues. However, if the evidence demonstrates that the decision of the municipality operates to diverge from the overriding principle of voter equity and effective representation, then the Board can only conclude that the Council has acted unreasonably. Where however, the issues are not so clear cut, then it may be that the Board may accord deference to the decision of the municipal council.

As Mr. Beccarea and Mr. Drury stated in Re: Niagara Falls By-law No. 2002-097 [2002]O.M.B.D. No. 1074:

"This Board should not lightly interfere with that decision unless there are very clear and compelling reasons to do so. The Board should be satisfied that city council acted fairly and reasonably. If the Board is so satisfied, deference should be accorded tocouncil, who are in a better position than the Board to determine what is the appropriate electoral system to provide fair and effective representation to its constituents...."

The Board must be satisfied that a change to the current system will not run the risk of providing inadequate representation to different interest, localities and communities within the city. It is important that the electoral system imposed not dilute unduly a citizen's right to vote...."

Decision and Reasons

In making its decision, the Board is relying on the very cogent evidence of Mr. Phipps, the only witness who has concrete experience in these matters and who has researched this particular matter extensively.

Mr. Phipps voiced his concern that the new citizens of this municipality, who are locating in Ward 1 in the northwest of the Town, are currently seriously under-represented on Council. He also expressed the concern that the situation would grow increasingly dire with the population growth he anticipates, after reviewing newly approved and proposed development applications.

Mr. Phipps reviewed a proposed new six ward, and five ward model, as well as the existing ward model. With respect to the two proposed systems, he indicated that the systems met all of the criteria on which he relied, although he was unsure about the issue of broad public support.

The Board has found that broad public support is not a relevant factor in these matters. However, the Board finds that there is clearly some support for a redivision of the ward boundaries by virtue of the petition that was filed and brought to this Board, and by virtue of the comments made at the public meetings held in respect to this matter.

Counsel for the Town asked Mr. Phipps to comment about the existing ward boundary system in terms of the four criteria. Mr. Phipps indicated that he did not feel that the existing system equitably represents the population, nor does it serve the larger public interest of all electors in the municipality. It was his view that newer citizens to the community were not being as equitably represented as the longer -term residents of the community. In that sense the present system was not serving the larger public interest, nor was it achieving the principle of voter parity.

In respect to the issue of communities of interest, Mr. Phipps indicated that the municipality could be divided in a myriad of ways into small areas representing communities of interest. It was his view that the more wards, the more communities of interest that could be represented. He explained to the Board how the five ward and six ward systems represented various communities of interest, including historic communities, the residential sector, the burgeoning industrial sector, and the rural/agricultural sector.

Mr Phipps indicated that his preference for an electoral model was a mixed model where there is one councillor representing each ward, with the Mayor and some other councillors elected at large. It was his view that this model achieved a good balance between representing the broader interest of the community as a whole and the specific interests of the communities within the municipality. Thus, either a five or six ward system would work with a 9 member council, with one Councillor per ward and the Mayor and two or three other councillors elected at large.

Based on the evidence of Mr. Phipps, and based on an analysis of the disparities in voter representation that now exist and which will continue to worsen, particularly between Ward 1 and Ward 5, the Board finds that it is untenable, and contrary to the principles set by the Supreme Court of Canada to allow the current system to continue. While it may please the long term residents of the municipality to maintain the existing ward boundaries, which reflect the historic townships which have been amalgamated, it is clearly doing a disservice to the new residents of this community, and is unfairly diluting the rights of these new citizens to voter parity.

Thus the Board finds that there is clear and compelling evidence to support a redivision of the ward boundaries, and that the municipality, while always acting fairly and in a way which they viewed as representing the public interest, acted unreasonably in deciding to maintain the current electoral boundary system, in the face of the information and recommendations made to them by their staff.

Given the evidence of Mr. Phipps with respect to how the ward boundaries reflect communities of interest, the Board finds that the six ward system originally recommended by Mr. Phipps in his report of May 3, 2005 best represents the communities of interest, both existing, and anticipated in the near future. This is the system favoured by the petitioner, Mr. Teno.

The Board finds that the six ward system accords with the overriding principle of effective representation. It provides a more fair and equitable representation to all citizens of the municipality; best reflects sectoral and historic communities of interest; anticipates future population growth; uses identifiable physical and geographic boundaries; and is sensitive to the size of ward that a particular councillor would be required to cover in his duties.

The Board therefore orders that the ward boundaries for the Town of Lakeshore be redivided in accordance with the recommended six ward boundary map contained in the report to Council for the Town of Lakeshore of the Town's Chief Administrative Officer, dated May 3, 2005 and shown in Tab 16 of Exhibit 1, at page 73.

This is the order of the Board.

"Susan D. Rogers"

SUSAN D. ROGERS
MEMBER

LAW AND GOVERNMENT

Main article: London City Council

London's municipal government is divided among fourteen councillors (one representing each of London's fourteen wards) and a Board of Control, consisting of four controllers and the mayor. London's current mayor is Anne Marie DeCicco-Best, re-elected in 2006.

Historically, the Board of Control was introduced during a period of expansion so the ward councillors could deal with ward issues while the board dealt with problems affecting the entire city. Although London has many ties to Middlesex County, it is now "separated" and the two have no jurisdictional overlap. Exception here is granted to the Middlesex County courthouse and former jail as the judiciary is administered directly by the province.

The composition of the city council was challenged by two ballot questions during the civic election of 2003 on whether city council should be reduced in size and whether the Board of Control should be eliminated. Councillor Fred Tranquilli, Ward 3, was responsible for these ballot initiatives. He presented a re-designed form of local government entitled 'A Better Way', which was a refinement and modification of a similar proposal

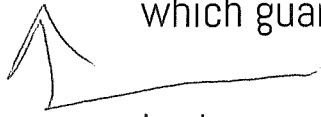
presented by the Urban League of London after the City's last annexation in 1996. Both would have seen the council reduced to ten wards and Board of Control eliminated. The council could not come to a determination and as a result decided to put two questions on the ballot for the fall 2003 election.

↓ While the "yes" votes prevailed in both instances, the voter turnout failed to exceed 50 per cent and was therefore insufficient to make the decisions binding under the *Municipal Act*. When the council voted to retain the status quo Imagine London, a citizens group, petitioned the Ontario Municipal Board (OMB) to change the ward composition of the city from seven wards in a roughly radial pattern from the downtown core to 14 wards defined by communities of interest in the city which includes a separate ward for the core.

The OMB ruled for the petitioners in December, 2005 and while the city sought leave to appeal the OMB decision via the courts, leave was denied on February 28, 2006 in a decision of Superior Court's Justice McDermid.

In response, the city conceded to the governance change, but asked for special legislation from the province to ensure that there will only be one councillor in each of the 14 new wards,

not two. On June 1, 2006 the Ontario bill received royal assent which guarantees that London will have one councillor per ward.



In the provincial government, London is represented by:

- Christopher Bentley (Liberal, London West)
- Deb Matthews (Liberal, London North Centre)
- Steve Peters (Liberal, Elgin-Middlesex-London)
- Khalil Ramal (Liberal, London-Fanshawe)

In the federal government, London is represented by:

- Sue Barnes (Liberal, London West)
- Glen Pearson (Liberal, London North Centre)
- Joe Preston (Conservative, Elgin-Middlesex-London)
- Irene Mathyssen (NDP, London Fanshawe)

See also: List of mayors of London, Ontario, Roman Catholic Bishops of London, Ontario

CRIME

Historically, crime in London has been low for a city of its size, [5] And the city recently experienced a 9% decrease in the overall crime rate. Like most cities of its size, a chapter of the Hells Angels have set here and the city formerly housed a chapter of the Outlaws Motorcycle Club. In 2005, however,