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# HALDIMAND COUNTY

## Report CLE-10-2023 Ward Boundary Review Project – Scope and Budget For Consideration by Council in Committee on August 29, 2023

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### OBJECTIVE:

To outline the scope of the Ward Boundary Review and to approve the budget for the project.

### RECOMMENDATIONS:

1. THAT Report CLE-10-2023 Ward Boundary Review Project – Scope and Budget be received;
2. AND THAT the scope of the Ward Boundary Review project, as outlined in Report CLE-10-2023 be approved;
3. AND THAT the revised budget as outlined in Report CLE-10-2023 be approved.

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**Approved:** Cathy Case, Interim Chief Administrative Officer

### EXECUTIVE SUMMARY:

A Ward Boundary Review has been identified as a priority for the current term of Council. While any ward boundary changes should be enacted through a by-law by December 31, 2025, with any appeals having been decided or withdrawn at that time, moving forward with the project at this time will allow for any unanticipated issues to be addressed, and for administrative adjustments to be in place well in advance of the 2026 municipal election. It is recommended that a consultant be retained to carry out the review and to report to Council on ward boundary adjustments and/or Council composition, taking into account the guiding principles and scope of the review as outlined in this report, with an estimated budget of \$60,000. As Haldimand County is a geographically large municipality with diverse urban and rural communities, it will be important to take into consideration multiple factors for ensuring effective representation for current and future residents.

### BACKGROUND:

When Haldimand County was created in 2001 through the *Town of Haldimand Act, 1999*, six wards were established with one council representative to be elected from each ward and a Mayor elected at large. At the time, the population mix was dispersed fairly proportionally throughout the six wards. There have been minor adjustments made to the wards related to urban boundary changes, but on the whole, the current ward boundaries are similar to what was established in 2001.

Section 222 of the *Municipal Act, 2001 (Act)* allows for a municipality to divide or redivide into wards, or to dissolve existing wards. The Act requires that a by-law related to ward boundaries must be in place before January 1 in the year of a general election, with no notices of appeal filed, or if notices of appeal are filed, they shall be withdrawn before January 1 or an order be issued by the Ontario Land Tribunal (OLT) with respect to the affirmed or amended by-law before January 1. Thus, it is

recommended that a by-law adjusting ward boundaries be in place in the first half of the year prior to a regular election, to ensure that any appeals are concluded before year-end.

Previous Councils have recognized the need for a Ward Boundary Review to be undertaken in view of inequities and inconsistencies that have developed over time with population shifts. In 2016, Council recognized the need for a ward boundary review and also recognized that the review would be best served by being informed by the County's Growth Strategy, and so the review was delayed until after 2018 and was intended to be in place for the 2022 election.

A revised Growth Strategy Plan was adopted by Council in June 2021 and subsequently approved by the Ministry of Municipal Affairs and Housing in November 2021 as part of the County's Official Plan Update – Phase 1. This timeframe did not allow for a ward boundary review to take place by the legislated timelines for ward boundaries to be established in time for the 2022 municipal election.

In view of the continued recognition of the need to review ward boundaries, Council included a Ward Boundary Review as one of its priorities for the 2022 – 2026 term of Council.

As reference, the number of electors in the 2022 municipal election were distributed amongst the six wards as noted below. It is important to note that effective representation would take population into account, not just eligible electors, however, as there are no accurate population figures per ward available, eligible electors are being used as a guide to illustrate the current variance amongst wards.

Ward	Eligible Electors	Variance from the average number of eligible electors
1	6,375	-6.4%
2	6,085	-10.66%
3	10,075	+47.92%
4	7,154	+5.06%
5	5,417	-20.47%
6	5,762	-15.4%
	40,868	

## **ANALYSIS:**

Although the Act does not prescribe any criteria or parameters for the ward boundary review process, through previous decisions, the courts and the OLT (previously Ontario Municipal Board – OMB) have provided some framework for rulings on ward boundaries.

### **Guiding Principles**

The Supreme Court of Canada has stated that “effective representation” is the standard for determining electoral boundaries in Canada, and not just representation by population on its own. There are five guiding principles generally used in Ontario municipalities when determining ward boundaries, which are based on the Carter Case – a 1991 case heard by the Supreme Court of Canada. The five principles are:

1. Representation by Population – based on the premise that each person should get one vote and all votes count equally. Thus, each elected official should generally represent the same number of constituents.

2. Protection of Communities of Interest – defined as settlement patterns, traditional neighbourhoods and community groupings (social, historical, economic, religious and political diversities). The application of this principle means that communities of interest should not be divided by a ward.
3. Consideration of Present and Future Population Trends – ward structure should accommodate anticipated changes in size and location of population.
4. Consideration of Natural and Physical Boundaries – attributes such as rivers, valleys, highways, etc. should be taken into account when designing ward boundaries to reflect communities of interest.
5. Effective Representation – includes the basic premise of voter parity, but balances it with all the other criteria.

Some variations of plus or minus 25% population distribution above or below the optimal ward size are considered acceptable, as long as they are supportive of the effective representation principles outlined above.

### **Options to be Considered**

As part of the ward boundary review, multiple options will be considered to respond to shifting population and a desire for effective representation. Some of these options are described below and form part of the overall review process to provide a recommendation for Council's consideration:

- Dissolve the current ward system and establish an “at-large” system where the size of council can be determined with a specific number of councillors (i.e. six councillors), and election results would find that the six candidates with the most number of votes throughout the County would become members of Council, each of them equally representing residents throughout the County. In view of historical local representation, and of the distinct communities located within Haldimand County, this is likely not an optimal solution.
- Retain the current structure of six wards with one councillor each and adjust ward boundaries to more effectively reflect population shifts.
- Add one or more additional wards to reflect population shifts and increase the number of councillors. While there has been much focus on the increased and future population growth in Caledonia, there have also been shifts in other areas of the County which should be addressed as well. At the same time, it's important to take into account recent changes within Ontario that support more efficient municipal representation (i.e. reduction in the number of wards in the City of Toronto, the dissolution of Peel Region, etc.). Additionally, although it was many years ago, it is important to note that the establishment of Haldimand County, as it is known today, was due to Bill 25, The Fewer Municipal Politicians Act, 1999. Therefore adding members of Council may be contrary to the original intent when the County was previously established in 2001 as a result of this Bill.
- Adopt a hybrid model with a set number of wards having dedicated councillors, and one or more council members elected at large to represent the rural areas of Haldimand County. While there have been significant areas of growth in the urban centres, a large portion of the County remains rural, with unique concerns, and while they may have been well-represented by councillors in the past, perhaps a more focused representation would be more effective than the current system.

Due to the complexity of reviewing current ward attributes (population, geography, communities of interest, etc.) and recommending changes that will take into consideration future growth while respecting the guiding principles for determining electoral boundaries, external consulting services would be required to complete the review. Staff do not have the experience or resources to effectively

complete the review. Once a consultant is chosen, timelines would be established to ensure public consultation is incorporated into the process.

In order to inform the procurement process for hiring a consultant for the ward boundary review, the following project scope is recommended.

**Scope of Ward Boundary Review**

- Conduct a comprehensive review of the existing municipal ward boundaries in Haldimand County in order to provide options for a fair and equitable system of representation for local residents, taking into consideration experience gained through other municipal ward boundary reviews, the outcome of OLT hearings (previously OMB) and court decisions including appeals and best practices.
- Provide options for re-alignment of the existing wards, if deemed appropriate, through the application of the following principles (as detailed above):
  - Representation by population
  - Protection of communities of interest
  - Consideration of present and future population trends
  - Consideration of natural and physical boundaries
  - Effective representation
- If warranted, provide options for changes to Council composition and options for how Council representatives are elected, i.e. consider additional councillors per ward or possible hybrid approach of wards and at-large representation of rural areas.
- Conduct all research, consultations (public, council members and applicable staff). Public consultation shall consist of one or more in-person information/consultation meetings, one or more virtual information/consultation meetings, and an online survey seeking public input.
- The report and recommendations shall be presented by the consultant at a Council in Committee meeting.

**FINANCIAL/LEGAL IMPLICATIONS:**

An estimate of potential costs for consulting services to review the current ward boundaries, undertake public consultation, review best practices and report on findings and recommendations is \$50,000 - \$55,000. Although the work would be done primarily by the consultant, in planning for potential ancillary costs, it is recommended that \$60,000 be budgeted for the Ward Boundary Review.

The 2023 Tax Supported Capital Budget did not include a project related to the Ward Boundary Review. For the above noted reasons, staff propose a revision to the budget as follows:

	<b>Current Approved Budget</b>	<b>Proposed Revised Budget</b>
<b>Expenditures:</b>		
Consulting Fees	\$0	\$60,000
<b>Total Expenditures:</b>	<b>\$0</b>	<b>\$60,000</b>
<b>Financing:</b>		
Capital Replacement Reserve – General (CRR-General)	\$0	\$60,000
<b>Total Financing:</b>	<b>\$0</b>	<b>\$60,000</b>

As presented during the 2023 Tax Supported Capital Budget deliberations, there are financing concerns over the 10 year forecast with respect to CRR-General. Financing strategies for future

projects will require a thorough review to keep reserve balances funded appropriately to meet ongoing infrastructure needs.

Future costs associated with ward boundary changes will be dependent on the degree of changes approved by Council.

A Request for Proposal (RFP) will be issued to seek submissions from qualified consultants to conduct the review.

## **STAKEHOLDER IMPACTS:**

Changes to ward boundaries could have wide-ranging impacts. While some impacts would be administrative, the majority would relate to political representation within the County – whether that be a readjustment in geographic area represented, or a change in the number of representatives or type of representation – therefore, public consultation will be a key part of this exercise. It will be important to provide as many avenues as possible to have public input in the process – in-person and virtual information meetings and an online survey.

## **REPORT IMPACTS:**

Agreement: No

By-law: No

Budget Amendment: Yes

Policy: No

## **REFERENCES:**

1. [Municipal Act, 2001](#)

## **ATTACHMENTS:**

1. Map of Haldimand County illustrating existing wards.