

From: Paul Bigioni
Director, Corporate Services & City Solicitor

Subject: Status Update - Ward Boundary Review
- Adoption of Revised Terms of Reference
- File: A-1440

Recommendation:

1. That Report CLK 01-20 regarding a Status Update on the City of Pickering Ward Boundary Review and adoption of a Revised Terms of Reference be received;
 2. That the Revised Terms of Reference, appended as Attachment #1 to CLK 01-20, be approved; and,
 3. That the appropriate City of Pickering officials be authorized to take the necessary actions as indicated in this report
-

Executive Summary: On December 16, 2019, through Resolution #187/19, Council adopted Terms of Reference to initiate a Ward Boundary Review with public engagement set to commence in the spring of 2020 as set out in Report CLK 05-19. Due to the COVID-19 Pandemic, the declared State of Emergency by both the Province of Ontario and the City of Pickering, as well as the restrictions imposed through Provincial Orders to limit the number of people in social gatherings and the need to implement physical distancing, public open houses had to be put on hold, ultimately placing the entire project on hold.

As the Pandemic has progressed, several virtual platforms and tools have been implemented to allow business continuity in many sectors. In consultation with Watson & Associates Economists Ltd., the consultants retained to conduct the Ward Boundary Review, City staff have been advised that public engagement for the Review can be effectively accomplished through virtual engagement platforms. Proceeding with the use of virtual engagement will allow the Review to continue so that the legislated timeframes can be met to have new ward boundaries in place for the 2022 Municipal Election. To that end, the Terms of Reference previously adopted by Council have been revised to include the new structure of public engagement for this project and staff are seeking Council's approval to move forward in this regard.

Financial Implications: The funds previously budgeted for in-person open houses will be utilized to implement the virtual engagement strategy. Therefore, there are no financial implications to move forward at this time.

That said, there may be a need for additional funds should Provincial restrictions be lifted as we enter round two of public engagement (Spring 2021) and in-person sessions in addition to the virtual sessions are possible. However, this will not be determined or needed until 2021.

Discussion: At the Council meeting of November 13, 2017, Council approved proposal RFP-10-2017 to engage the consulting services of Watson & Associates Economists Ltd., in association with Dr. Robert J. Williams, to conduct the ward boundary review prior to the 2022 Municipal Election through Resolution #365/17. That work was suspended pending a decision on the Regional Government Review that was undertaken by the Province of Ontario in mid-2019. As there were no implications to the City's existing geographic boundaries from the Provincial Review, City staff began to move forward with the project and presented the Terms of Reference which were adopted by Council (through Resolution #187/19) at the Council meeting of December 16, 2019.

Due to the COVID-19 Pandemic and the State of Emergency declared by the Province of Ontario on March 17, 2020, and the City of Pickering on March 24, 2020, the project was once again suspended.

In order for the Ward Boundary Review to be completed and take effect for the 2022 Municipal Election, the By-law to amend the City's Wards must be adopted and in full force and effect by December 31, 2021. Under the *Municipal Act*, there is a 45 day appeal period once the By-law is adopted by Council. With these timeframes in mind, the Ward Boundary Review must commence this September 2020, in order to provide the necessary time to conduct the 2 phases of public engagement, as well as the compilation of population forecasts and various data to create the ward boundary options.

Staff have met with Watson & Associates Economists Ltd. and Dr. Williams to discuss options for public engagement during physical distancing and limited social gathering Emergency Orders. Watson & Associates advises they have embarked on creating a virtual platform to provide the ability for residents to partake in public engagement with the ability to see mapping, provide comments and have open dialogue with the consulting team virtually; thereby providing techniques and processes that can lead to thoughtful and fulsome public engagement. The virtual platform will be accessible through various devices such as computers, mobile phones, and tablets as well as a phone in option for those who may not have access to internet.

Watson & Associates has also advised that several other area municipalities are moving forward with virtual engagement for upcoming Ward Boundary Reviews including but not limited to Brock, Caledon, Clarington, Guelph, Trent Hills, and Whitchurch-Stouffville. Some of these municipalities have already begun virtual engagement while others are set to commence this Fall. This provides Pickering with an advantageous position to learn from other municipalities and apply their best practices to our engagement sessions which are proposed to commence in September 2020.

It is difficult to estimate the number of people that would have attended an in-person open house, however, the access to virtual sessions will be set up so that they are easily accessed by residents and may serve to capture an expanded audience who would not normally attend an in-person open house. For those who do not have access to technology to participate virtually,

Subject: Status Update - Ward Boundary Review
Adoption of Revised Terms of Reference

Page 3

traditional methods of advertisements, surveys and the compilation of public input will still be available through the City's website and at City facilities. As the outcome of the COVID-19 pandemic is still uncertain and we do not know what social gatherings will look like in the future, provision of virtual engagement will additionally serve those in the community who may be vulnerable and unable to attend an in-person open house due to health concerns. As noted in Report CLK 05-19, and the adoption of the original Terms of Reference, consultation, community engagement and communication will be a crucial part of the project and there will be a comprehensive engagement strategy that will include a dedicated webpage, public surveys, creative mapping and visuals as well as the use of the City's social media channels and digital advertising options. These will all be in addition to the new virtual tools that are being proposed.

As the City of Pickering's existing wards have been in place for the past 40 years, with the exception of a minor change in 2005, and the significant growth that has occurred since that time as well as the projected future population forecasts, it is important that the Ward Boundary Review continue to move forward. If the City does not move forward with virtual engagement starting in September 2020, there will be insufficient time to complete the project in advance of the 2022 Municipal Election. Should this be the case, the next opportunity to conduct a Ward Boundary Review would be 2023/2024 and by that time, the current population disparity between the existing 3 wards will be exacerbated.

With a number of other municipalities embarking on virtual engagement for Ward Boundary Reviews and a process set out with confidence by the Project Consultants, City staff feel confident that we can engage the community effectively on this very important matter. Therefore, City staff are recommending to resume the Ward Boundary Review using virtual engagement tools and requesting that Council approve the revised Terms of Reference as set out in Attachment #1. Changes to the original Terms of Reference focus mainly on the use of virtual community engagement and updated project timelines, all of which are highlighted in yellow for ease of reference.

Attachments:

1. Revised Terms of Reference

Prepared By:

Susan Cassel
City Clerk

Approved/Endorsed By:

Paul Bigioni
Director, Corporate Services & City Solicitor

Subject: Status Update - Ward Boundary Review
Adoption of Revised Terms of Reference

Recommended for the consideration
of Pickering City Council



Marisa Carpino, M.A.
Interim Chief Administrative Officer



Ward Boundary Review

Revised Terms of Reference

Revised July 27, 2020

Background

Pickering City Council is currently comprised of seven (7) Members, being the Mayor (elected at large by all voters in the City), three (3) Regional Councillors, each representing one of the three (3) existing wards (elected by the voters in each of those respective wards), and three (3) City Councillors, each representing one of the three (3) existing wards (also elected by the voters in each of those respective wards). The Mayor and Regional Councillors also sit on the Council for the Regional Municipality of Durham.

Undertaking a review of the City's current ward boundaries has been a topic of discussion for quite some time, however, due to various factors, including the anticipated growth in the north part of the City, it was decided that the ward boundary review be postponed to provide for a ward structure that could be in place for multiple, future elections. The current ward structure has been in place for 40 years with the exception of a minor change to the City's ward boundaries in 2005.

With the continued, ongoing development in the City, and forecasted occupancy of a high number of new residents on the horizon, in 2017, City Council approved the retention of Watson & Associates Economists Ltd., in association with Dr. Robert J. Williams, Public Affairs Consultant, to proceed with a comprehensive review of the City's existing ward structure and anticipated future growth. The Review will provide the consultants with the necessary information to provide recommendations for changes to existing ward boundaries while striving for effective and fair representation for all constituents in the community.

There is no prescribed process set out in legislation pertaining to a ward boundary review and municipal councils have the ability under section 222 of the *Municipal Act* to divide or redivide the municipality into wards or to dissolve the existing wards. Under section 217, Council also has the ability 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.

The following provides an overview of the objectives, guiding principles and timelines for the various phases that will be covered during the Review.

Objective

The objective of a ward boundary review is to establish ward boundaries that provide for an effective system of fair representation on Pickering Council for all residents of the City of Pickering. Any changes to the existing ward boundaries would be in effect for the 2022 Municipal Election and beyond until the population ranges become too wide and such a review needs to be undertaken again. As a means to ensure population ranges keep to reasonable thresholds in future, consideration may be given to adopting a City Policy which would clearly lay out when a ward boundary review should be triggered when population variations among the wards become too large.

Depending on the results of this Ward Boundary Review, and the potential for the number of wards in the City to increase, the composition of City Council may also be impacted which could result in a larger number of City Councillors and/or the election of Regional Councillors at large. All options will be explored and communicated to all relevant stakeholders and the public to obtain their feedback as part of the process.

Guiding Principles

The overarching focus of a ward boundary review is to achieve fair and effective representation for all constituents. The following provides a list of the guiding principles which will help formulate the draft options presented to stakeholders and City Council:

1. **Representation by Population** – Subject to the overriding principle of effective representation, it is desirable that voters should be equally represented and wards should have reasonably equal populations. That said, a degree of population variation is acceptable in recognition of varied geography, population densities and characteristics, and established communities of interest. The principle is intended to ensure that residents have comparable access to their elected representative and that the workload of these representatives is relatively balanced.

Representation by population will be calculated using the total population within each ward, rather than by the number of eligible electors, recognizing that non-voters are also participants within the community.

2. **Protection of Communities of Interest** – It is desirable to avoid fragmenting existing communities of interest and neighbourhoods. Communities of interest shall be deemed to include geographic, social, historic, economic, and/or cultural interests and where possible, existing and future communities of interest should not be divided between multiple wards.
3. **Current and Future Population Trends** – The Review shall consider anticipated population trends to ensure the ward structure provides effective representation for the 2022 Municipal Election and beyond. Where possible, reliable and accurate data will be used to generate current and future population projections, including but not limited to census data, approved building permits, approved development

proposals, and estimated population growth. Population and housing forecasts for Pickering and its neighbourhoods will be based on a “household formation” growth forecast model using available data from both the City and the Region of Durham.

4. **Physical Features as Natural Boundaries** – The Review shall take into consideration natural and manmade features within the City that may serve as effective boundaries within the community.
 - Where possible, natural and artificial features should be used to define ward boundaries, including but not limited to arterial roads, highways, creeks, railway lines, and hydro corridors; and,
 - Where possible, the preferred boundaries should follow straight lines, have few turns, and be easily identifiable.
5. **Effective Representation** – In reference to the decision regarding Provincial Electoral Boundaries (Sask.) [1991] S.C.J. No. 46 (the “Carter decision”), the Supreme Court of Canada concluded that the “purpose of the right to vote enshrined in s.3 of the *Charter* is not equality of voting power *per se* but the right to ‘effective representation’. While voter parity is of utmost importance, exact voter parity is not likely obtainable. Rather, since a vote is intended to provide meaningful on-going representation after the election, it may be necessary to place a higher priority on other principles (such as protecting a community of interest) to create plausible and coherent electoral areas that better contribute to ‘effective representation’ than electoral areas that are equal in population.

The Terms of Reference recognize that the principles identified above may occasionally conflict with one another. Accordingly, it is expected that the overriding principle of effective representation will be used to arbitrate conflicts between principles. Any deviation from the specific principles must be justified by other Carter decision criteria in a manner that is more supportive of effective representation.

Deliverables

The consultant will be responsible for the conduct of all aspects of the project including research, public consultation (including consultation with Members of Council and other stakeholders), formulation of options, and preparation and presentation of interim and final reports and recommendations which will be provided to and considered by the Executive Committee and Council.

A comprehensive communication plan will be developed by City Staff with input from the Consultant to ensure the content and approach is effective and reaches as many residents as possible. The use of graphics, social media, on-line and paper surveys, rack cards, and a dedicated webpage will be utilized to provide as much information as possible throughout the process.

The Consultant will develop, in consultation with the City Clerk, a comprehensive work plan and project schedule based on the following general parameters:

Phase 1:

Leading an initial public consultation process which will include:

- Interviews with Members of Council;
- Virtual community engagement sessions, coordinated and implemented by the Consultants, using a variety of mediums and virtual tools to accomplish effective dialogue and fulsome public engagement. The engagement session will provide residents with an overview of the Review, the City's existing structure, and the ability for residents to ask and receive answers to questions. (A minimum of 2 virtual engagement sessions to be held);
- Launch of an on-line survey to obtain feedback from the public on the existing ward structure and what, if any changes should be considered;
- The on-line survey will be available throughout the period of time in which the community engagement sessions are being conducted to allow ample time for public comment. Paper copies of the survey will also be available at Customer Care, City Facilities, the Library, and the Clerk's Office for anyone who does not have access to a computer;
- The Consultant will review all feedback submissions from the virtual engagement sessions, written comments and completed surveys and develop draft options of revised ward boundaries and council composition for consideration and comment from stakeholders and the public.

Phase 2:

Leading a second public consultation process which will include:

- Secondary virtual community engagement sessions (and possible in-person engagement depending on the state of the COVID-19 Pandemic) where the Consultant will provide ward boundary options and obtain feedback. (A minimum of 2 community engagement sessions to be held for Phase 2);
- Launching of a second on-line survey which will provide visual maps and graphics to allow residents to choose which draft option is preferred;
- The consultant will review all feedback submissions and develop a final report and recommendation for presentation to the Executive Committee to seek approval from Council on the preferred option.

Phase 3:

- In conjunction with the City Clerk, the Consultant will prepare the necessary materials for presentation to the Executive Committee with a recommendation for Council's preferred option and the passing of a by-law to change the ward boundaries and potentially the composition of Pickering City Council.

- Consultant to attend the Executive Committee meeting (and Council meeting if needed) to answer any questions raised by members of the public or Council.

Notes:

Under the direction of the City Clerk, designated staff in Legislative Services will be responsible for overseeing the project and will ensure that all necessary staff from other departments in the City are involved as needed and that public consultation is conducted in coordination with Corporate Communications.

The City Clerk will be the main contact between the Consultant and the municipality, and will ensure that resources are available to ensure the public is informed of the process, GIS mapping and other data is available, as well as printing and other services that may be required to complete the project.

Revised Time Table

December 2019 (Complete)	Interviews with Members of Council and initial kick-off meeting with City Staff
September 2020	Phase 1 – first round of public engagement to solicit feedback regarding existing and future ward boundaries and council composition using a variety of virtual, on-line and traditional tools to facilitate effective dialogue and feedback from the community.
December 2020	Development of draft ward boundary and council composition options and interim report to Executive Committee and Council.
February – March 2021	Phase 2 – second round of public consultation to present ward boundary options and solicit the public’s preferred option using a variety of virtual, on-line and traditional tools to receive feedback. Note: Should COVID-19 restrictions be lifted, in-person public consultation may also be utilized in conjunction with on-line and virtual tools.
May 2021	Presentation of ward boundary options to Executive Committee and Council for approval.
June 2021	Adoption of By-law to change ward boundaries and possibly council composition.
August/September 2021	Appeal period for By-law concludes and By-law in force and effect for the 2022 Municipal Election.