Discussion Paper C: Guiding Principles to Design Wards

Working on the sound assumption that a ward system to elect councillors should be maintained in Barrie, the Ward Boundary Review addresses the considerations that will be taken into account in designing a set of wards that provide effective representation to the City's residents.

Provincial legislation is silent on the matters that could be considered by a municipality when establishing or modifying its ward system. There are no standard practices, terms of reference, criteria, or guiding principles, either in provincial legislation or regulation, that can be used to review the municipality's ward system. There are some precedents that can be gathered from a review of best practices and successful electoral reviews in other Ontario municipalities, and cases previously heard by the Ontario Municipal Board (now known as the Ontario Land Tribunal or OLT) that may be applicable, but a review of electoral arrangements in London should be based primarily on the City's own circumstances and objectives.

A ward boundary review was last completed in 2013 in preparation for the 2014 municipal election. During that review, a set of criteria were used to evaluate the wards and guide the work of the review.

- Representation by Population, meaning that geographic areas used to elect a representative should be reasonably balanced with one another in terms of population;
- Population and Electoral Trends, meaning that wards designed through the review would accommodate anticipated changes in the size and distribution of population and electors through the 2014 and 2018 elections;
- Means of communication and accessibility, meaning that the wards were intended to be designed to reflect common interests related to representation;
- Geographic and Topographical Features, which recognizes that there are natural features that shape patterns of life within the City and that ward designs should work within these features to keep wards compact and contiguous;
- Community or Diversity of Interests, meaning that communities ought not to be divided internally and that the wards should group together communities with common interests.

The scope of work for this project utilizes principles established by the Carter decision (described more fully below), in a very similar means as the 2013 review. These principles include:

- Representation by Population and Consideration of Current and Future Population and Electoral Trends;
- Effective Representation;
- Consideration of Natural and Physical Boundaries;
- Communities of Interest.

Drawing from its experiences in conducting ward boundary reviews across Ontario and taking consideration the City's Review of Ward Boundaries Policy, the Consultant Team will use these guiding principles to evaluate the present ward system in Barrie and to formulate alternative options, albeit in a slightly different way than set out above.

Representation by Population and Consideration of Current and Future Population and Electoral Trends: Normally a primary – but not exclusive – goal of any electoral review is the achievement of population parity: that is, to the extent possible, residents should be equally represented and wards should have reasonably equal population totals. A degree of population variation, however, is acceptable in recognition of varied population densities and characteristics and the distribution of established communities of interest across the municipality. For the Barrie Ward Boundary Review, variances of between plus or minus 25 percent of what is called the "optimal" ward population are generally accepted as the maximum variance to achieve voter parity. 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.

Ward boundary reviews consider population trends in a dynamic way; that is, the review takes account of changes that can be measured since the present wards were established but also accounts for anticipated population growth in Barrie, specifically over a three-election cycle (that is, 12 years: 2022 to 2026, 2026 to 2030 and 2030 to 2034). As a result, wards should be designed to keep the population of the wards in reasonable parity over that time. 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.

Communities of Interest: Acceptable municipal electoral arrangements in Ontario typically consider communities of interest and neighbourhoods within the municipality as shaping the relationship between residents with each other and with the municipal government. In this context, the "communities of interest" principle is deemed to include residential and commercial clusters but also geographic, social, historical, economic,

and/or cultural factors. The basic premise is that existing and future communities of interest should not be fragmented or divided between multiple wards, if at all possible.

Consideration of Natural and Physical Boundaries: Ward boundaries will be drawn impartially and with consideration for natural and human-made features within the City that may already serve as effective internal boundaries. Such features should be leveraged since they may naturally divide municipal residents from one another and may facilitate the effective representation of the ward's residents. As well, where possible, the preferred boundaries should follow straight lines, have few turns, and be easily identifiable.

The specific principles listed above are all subject to the overriding principle of **"effective representation"** as enunciated by the Supreme Court of Canada.[1] The concept of effective representation was derived from the equality provision of the *Charter of Rights and Freedoms* related to the right to vote and, by extension, the right to be represented equitably in the deliberations of government. The Court noted, however, that relative parity of voting power was a prime, but not an exclusive, condition of representation since other factors – such as those summarized above – contribute to the achievement of effective representation. It may be necessary to place a higher priority on principles other than population parity (such as respecting a community of interest) to create plausible and coherent electoral districts that better contribute to "effective representation" rather than electoral areas that are drawn simply to achieve population parity.

No ward design is likely to meet all the principles in their entirety; however, the best designs maximize adherence to the principles, especially in relation to representation by population and effective representation. It is our understanding of existing case law that deviations from the specific principles can be justified by other criteria drawn from the Carter decision in a manner that is more supportive of effective representation.

In addition to the principles above, two further criteria will guide the work of the Consultant Team:

- Consideration of City Policies and Official Plan, meaning that key City of Barrie policies, such as the Official Plan, Secondary Plans and Master Plans, will be considered throughout the review process;
- Recognition of the role of Councillors, meaning that the Consultant Team will consider the role of councillors in the governance structure of the community.

[1] Reference re *Provincial Electoral Boundaries (Sask.)* [1991], known as the Carter decision.

Topical Discussion Papers A to D

Discussion Papers will be available to residents, each addressing one of the topics to be considered in this review:

- Discussion Paper A – Barrie's Electoral System
- Discussion Paper B – What is the Optimal Size for a Municipal Council?
- *Discussion Paper C – Guiding Principles to Design Wards*
- Discussion Paper D – Why a Ward Boundary Review?