

Ewart, Karen

To: DiPassio, Florence
Cc: Unger, Jason
Subject: Item 43 Town Council Electronic Extract - May 13, 2002:
COMMITTEE OF THE WHOLE - MAY 6, 2002 - ITEM 33
Corporate Services Report CS2002-21
Proposal to Establish a Ward System of Representation

File: 7.1.1 and 9.15.0
Pending Agenda File: Council Pending - Bylaw June 10

Town Council Electronic Extract - May 13, 2002:

Moved by Councillor Scott
Seconded by Councillor Kerwin

THAT Item 33 of the Committee of the Whole Minutes of May 6, 2002 regarding the proposed Ward System of Representation be referred back to staff further review to reflect the population of the wards.

MOTION LOST

Moved by Councillor Snow
Seconded by Councillor Woodhouse

THAT Item 33 of the Committee of the Whole Minutes of May 6, 2002 be adopted:

Councillor Scott requested a recorded vote.

1. COMMITTEE OF THE WHOLE - MAY 6, 2002 - ITEM 33
CORPORATE SERVICES REPORT CS2002-21
PROPOSAL TO ESTABLISH A WARD SYSTEM OF REPRESENTATION

- 1. THAT Corporate Services Report CS2002-21 dated April 18, 2002 regarding Proposal to Establish a Ward System of Representation be received.**
- 2. THAT Council adopt a seven ward system of representation for the Town of Newmarket as identified in Schedule B of the Committee of the Whole Minutes of May 6, 2002.**
- 3. THAT representation on Town Council consist of 1 representative for each ward;**
- 4. AND THAT the Mayor and Regional Councillor be elected at large;**
- 5. AND THAT the Town Clerk prepare the necessary by-law pursuant to the requirements of the *R.S.O. 1990, c.M45*.**

Files: 7.1.1 and 9.15.0

	YEA	NAY
Springstein	v	
Scott		v
Vegh	v	

Woodhouse	v	
Van Bynen	v	
Snow	v	
Kerwin	v	
Humeniuk (absent)	-	-
Taylor	v	
TOTAL	7	1

CARRIED



TOWN OF NEWMARKET

Corporate Services Department
information@town.newmarket.on.ca

April 18, 2002

CORPORATE SERVICES REPORT 2002-21

TO: Committee of the Whole Council

SUBJECT: Proposal to Establish a Ward System of Representation

ORIGIN: Director of Corporate Services
Director of Planning and Development

RECOMMENDATIONS

THAT Council provide direction to staff on the preferred alternative for the division of the municipality into wards.

BACKGROUND

At its meeting on March 25, 2002 Council adopted a recommendation to implement a ward system for the 2003 election. Council deferred a decision on a specific option for ward boundaries in order that the matter could be considered further. In addition, Council requested that Staff investigate the legality of the creation of ward Councillors and also the position of Councillor at large.

COUNCILLOR AT LARGE POSITION

The Director of Legal Services has reviewed the legal aspects of a Council composition that is a combination of Councillor(s) at Large with a Ward Councillor(s) and whether there are any municipal councils organized in that way in Ontario. She advises that section 29(6) of the Municipal Act provides that "The elected members, other than the head of council, may be elected by general vote, by ward or by a combination of the two, in accordance with a by-law passed by council." Therefore a Council comprised of a combination of at large and ward Councillor is permitted under Ontario law. We have not been able to find an example of a municipal council organized in that way in Ontario.

The Director of Corporate Services and Town Clerk has also reviewed the proposal to create Councillors at Large and Ward Councillors with respect to the election process. While there are no technical difficulties in operating an election for both Ward Councillors and Councillors at Large, there are a number of matters that should be addressed by Council before implementing such a position namely:

1. The role and responsibility of a Councillor at Large should be clearly understood by Council and the Administration.

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2. A communications program would be required to educate the public on the role of the Councillor at Large prior to the election in order that the electorate could clearly understand the roles when selecting the positions of:
- a. Mayor
 - b. Regional Councillor
 - c. Ward Councillor
 - d. Councillor at Large

WARD OPTIONS

Copies of the three ward proposals under consideration are attached to this report. Also attached, as Appendix "A" is background information regarding the ward system, the legislative requirements for implementation and comments on the ward boundary criteria as they apply to Newmarket.

DECISION MAKING PROCESS

Council had previously adopted the following decision making process in Report CS 2000-57:

Step 1

Staff will complete research on the community addressing the ward boundary criteria and prepare a draft report including various boundary options. (Completed)

Step 2

The draft report will be presented to Council for information and comment. (Completed November 19, 2001, Report CS2001-84)

Step 3

Should Council decide to proceed with a ward system, Staff would then conduct a public input process involving public meetings, written submissions, consultations with business and ratepayers groups and other community organizations. (Completed March 1, 2002)

Step 4

The results of the public input process will be presented to Council along with any further recommendations regarding potential ward boundary alignments. (Completed)

Step 5

Council may make a final decision on the implementation of a ward system and the proposed boundaries. (Decision made regarding the implementation of wards however, exact model for ward system not selected)

Step 6

If the decision of Council is to proceed with a ward system, the Clerk will organize a formal public meeting as required under the Municipal Act to receive input on the proposal.

Step 7

A bylaw will be presented to Council for a final decision on the implementation of a ward system.

The Town has now completed Step 4 and part of Step 5 and is in a position to make a decision regarding design of the ward system.

PUBLIC INPUT PROCESS

The components of the public input process implemented by the Town included following:

1. A public drop in center that was held on February 4th;
2. Invitations for comments appeared on the Town Page and in the Web Page continuously during January and February;
3. Information has been posted on the web site during January and February to allow residents to obtain information on the subject;
4. A public comment form was provided on the Web Site;
5. The report was circulated to existing ratepayers groups for comments;
6. A presentation was made to the Chamber of Commerce members lunch meeting in January 2002;
7. Subsequent to the decision by Council to implement a ward system, staff have advertised the April 22, 2002 Committee of the Whole meeting.

WRITTEN COMMENTS RECEIVED

Since Council considered the report on the public consultation process, we have received correspondence from Mr. Justin Frape and Mr. Grant McLeod and Mr. Chris Emanuel on the issue. Copies of their correspondence are attached.

CONCLUSIONS

To implement the ward system, a specific ward alternative should be selected at this time and direction should be given for the Town Clerk to arrange a statutory meeting. Also a draft bylaw should be prepared for adoption after the public meeting.

BUSINESS PLAN AND STRATEGIC PLAN LINKAGES

The review of the system of representation follows up on the direction of the previous and current Council to review the size and method of election of the Council.

COMMUNITY CONSULTATION POLICY

The municipality has now consulted with the community in conformity with the consultation policy.

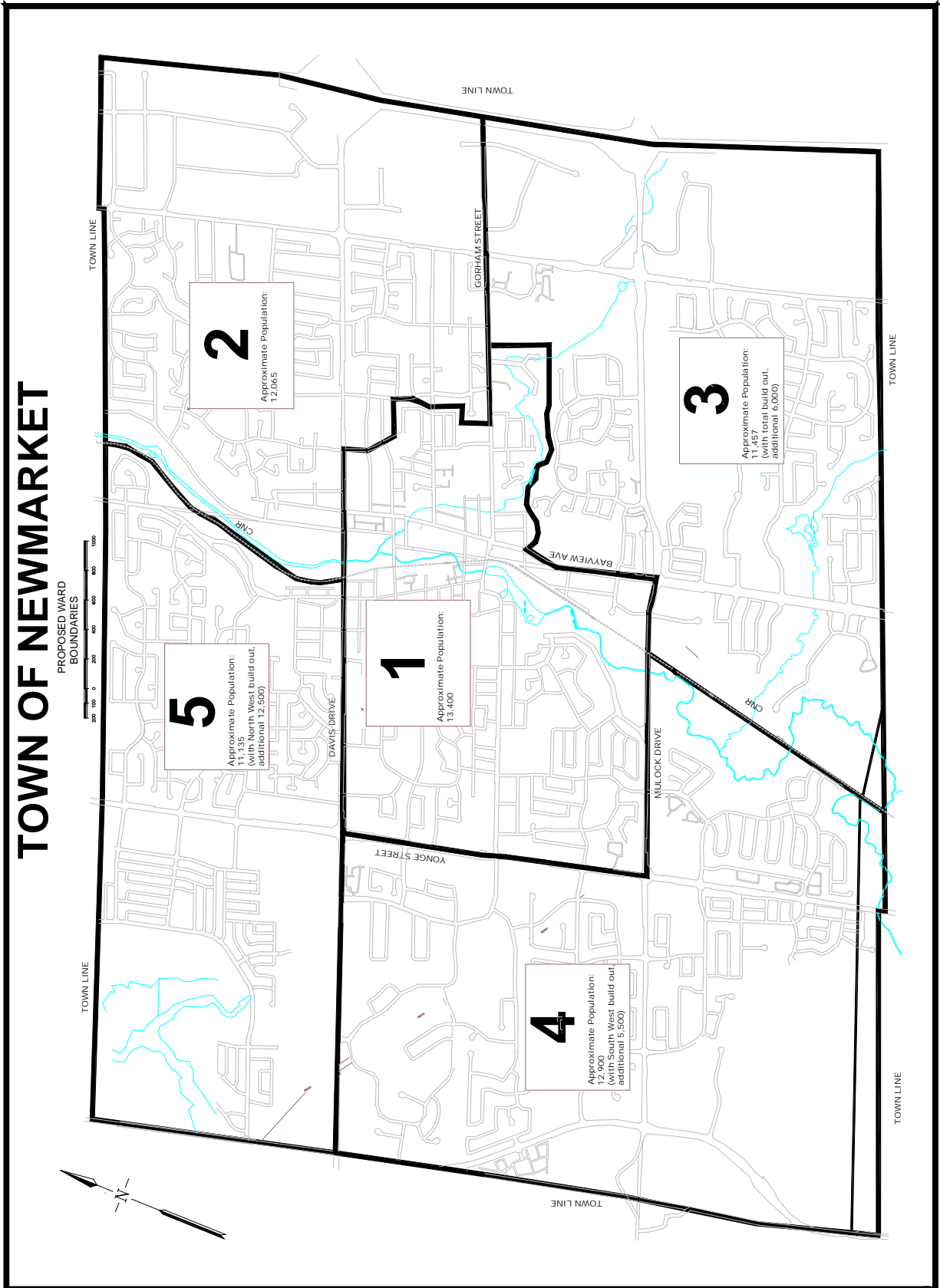
BUDGET IMPACT (CURRENT AND FUTURE)

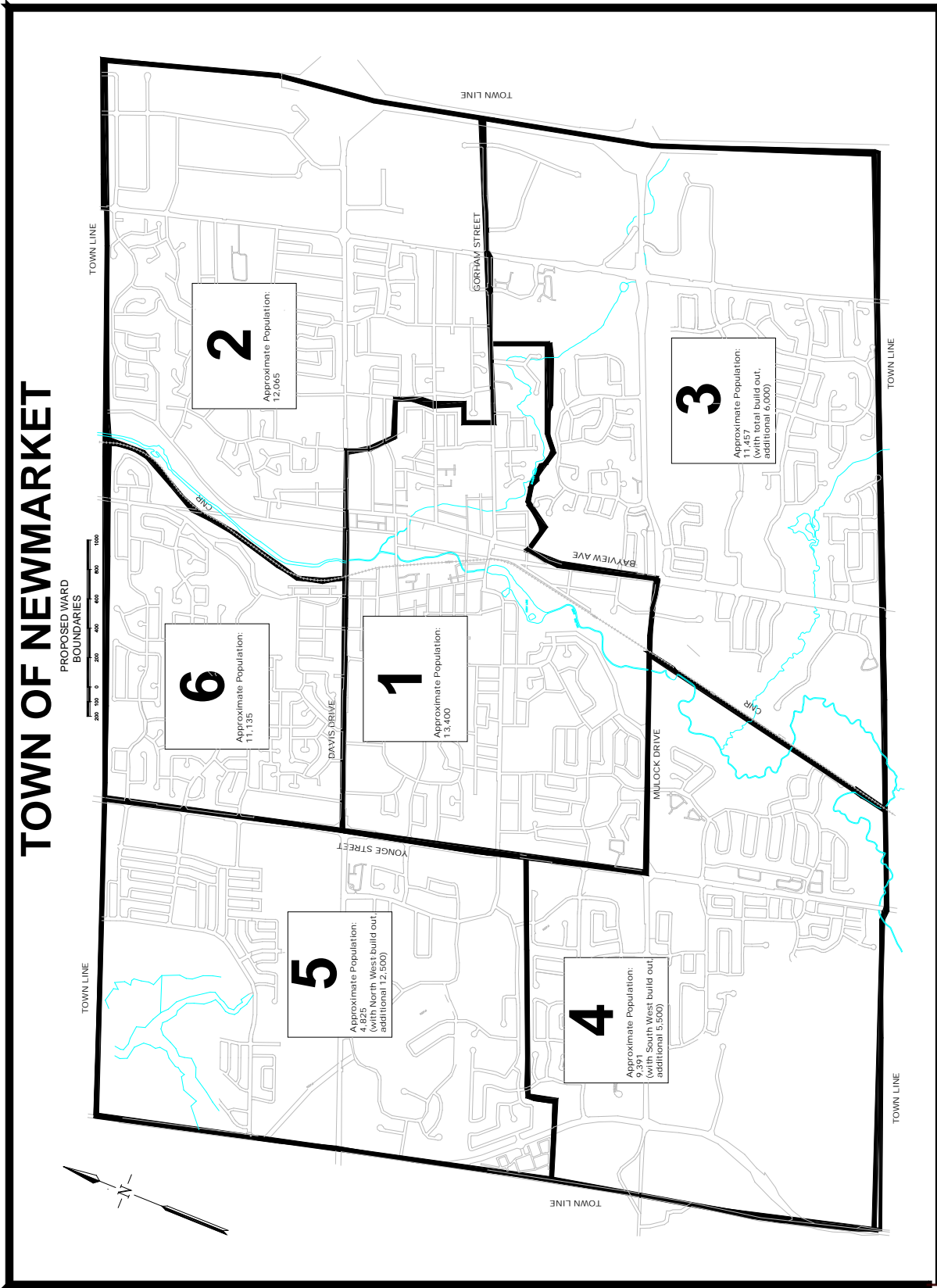
The implementation of the ward system will not create any significant operational expenses or savings. There is a possibility that the proposal could be challenged by objectors and the Town may have to defend its ward boundary proposal at the OMB.

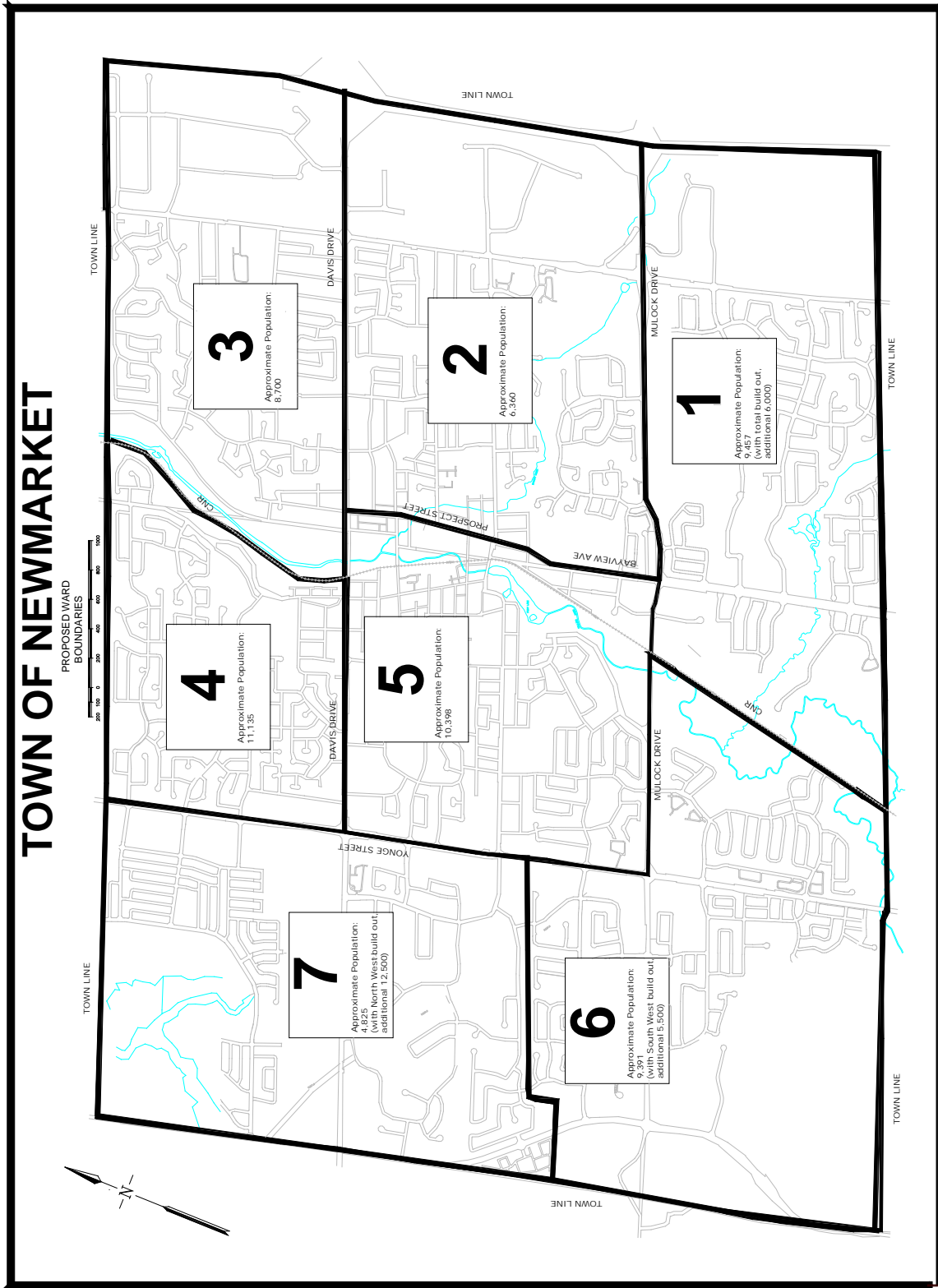


Director of Corporate Services

Director of Planning







APPENDIX "A"

BACKGROUND INFORMATION

During December of the year 2000, Council considered a report regarding the results of the vote on the ward question during the 2000 municipal elections. At that time Council gave the following direction to staff:

"THAT the Director of Corporate Services/Town Clerk and the Acting Director of Planning research available information regarding identifiable communities within the municipality and the geographic distribution of the municipality's population in order to present various options for the division of the municipality into wards that would address the following criteria:

- 1. Equitable distribution of population to provide for representation by population as nearly as possible:*
- 2. Preservation of community integrity and function and recognition of settlement patterns and community groupings*
- 3. Community or diversity of interests*
- 4. Means of communication and accessibility*
- 5. Topographical features*
- 6. Distinct geographical boundaries, which provide for a compact and contiguous area and recognize special considerations including the scarcity, density or relative growth or loss of population.*

1. AND THAT the Director of Corporate Services/Town Clerk and the Acting Director of Planning be directed to conduct public meetings and invite public comments with respect to the various ward boundary options;

2. AND THAT following the public input process, staff be directed to present a report on the public input provided and draft proposals for ward boundaries for consideration of Council."

Municipal Election Question Results

During the 2000 Municipal Elections, a question was placed before the electors respecting the division of the municipality into wards. The following was the result of the referendum:

“Are you in favour of the implementation of a ward system of representation for the Municipal Council of the Town of Newmarket?”

YES	8685	63.41%
NO	5012	36.59%

(Population at that time 67,653)

The question was placed on the ballot under the authority of the Local Democracy through Direct Referendum Act, which was introduced by the province in the year 2000. This legislation provides that the results of a referendum vote would be binding on the municipality if at least 50% of the eligible electors voted in the election. Since the voter turnout in the election was 35.97%, the result of the vote is not binding. It is therefore left to Council to make a decision on whether to implement a ward system.

The ward question has previously been placed on the ballot in the Town of Newmarket on the following occasions:

1982	Yes	3,231
	No	5,834

(Population at that time 30,953)

1985	Yes	5,125
	No	5,518

(Population at that time 33,186)

1992 Municipal Board Hearing on Ward Petition

During 1991 the Town received a petition requesting the Town to implement the ward system. The Town did not act on the request and the petitioners forwarded their request to the Ontario Municipal Board. The Board Hearing was conducted on March 2, 1992. The Board ruled that the evidence did not demonstrate a need for a ward system at that time.

Legislative Authority for Creation of Ward System

The Municipal Act provides in Section 13 (4) that a Council of a local municipality may pass a bylaw dividing the municipality into wards. Prior to passing the bylaw, the Council shall give notice of its intention to pass the bylaw and hold at least one public meeting to consider the matter. The Council must give consideration to any prescribed

criteria for establishing wards as may be established by the Minister. It has been determined that no such criteria has been established by the Minister.

In order to come into effect for the 2003 Municipal Elections, a ward boundary bylaw must be passed before January 1, 2003. Within 15 days of the passing of the bylaw, the Clerk must give notice to the electors that they may appeal the passing of the bylaw to the Ontario Municipal Board. The appeal to the Board must set out the objection to the bylaw and the reasons for the objection. If there is an objection, the Ontario Municipal Board shall hold a hearing and may dismiss the appeal or allow the appeal in whole or in part. If the Board allows the appeal it may make an order repealing all or part of the bylaw, or amending the bylaw or doing both, or the Board may make an order directing the Council to repeal all or part of the bylaw to amend the bylaw or to do both.

Ward Boundary Criteria

In establishing ward boundaries, a municipality should have regard to several criteria including the following:

1. Equitable distribution of population to provide for representation by population as nearly as possible:
2. Preservation of community integrity and function and recognition of settlement patterns and community groupings
3. Community or diversity of interests
4. Means of communication and accessibility
5. Topographical features
6. Distinct geographical boundaries that provide for a compact and contiguous area and recognize special considerations including the scarcity, density or relative growth or loss of population.

In order to establish boundary options that address the criteria, it is necessary for Council to consider available information on population distribution, identifiable communities and geographic boundaries. In addition it would be prudent to have regard for growth trends in the short and long term to establish boundaries that will recognize current developments.

Composition of Council

During the last term of Council, a proposal was brought forward to reduce the number of Local Councillors from seven to five. Since the matter was discussed after January 1, 2000, the Municipal Act would not allow an amendment to take place in time for the

November 2000 Municipal Elections. The previous Council provided the following direction to staff:

“WHEREAS the Province of Ontario has encouraged municipalities to implement measures to streamline and reduce government and to increase efficiency;

AND WHEREAS the Council of the Town of Newmarket is comprised of a Mayor, Regional Councillor and seven Councillors all of which are elected at large by voters throughout the municipality;

AND WHEREAS Section 29 (3) of the Municipal Act permits a Municipal Council to enact bylaws to change the number of elected members;

AND WHEREAS it is deemed appropriate to reduce the size of the Council of the Town of Newmarket by reducing the number of Local Councillors from seven to five;

AND WHEREAS Section 29 (11) of the Municipal Act provides that a bylaw passed after January 1 in the year of a regular municipal election does not come into force until after the next regular election;

THEREFORE BE IT RESOLVED by the Municipal Council of the Town of Newmarket as follows:

THAT staff initiate procedures to implement the reduction of the members of Council from seven to five effective after the next regular election.

When report CS2000-57 was considered by Council last March it was determined that the examination of potential ward boundaries would be undertaken in order to enable a review of the size of Council in the context of the representation of various segments of the community.

Examination of Ward Boundary Criteria

In order to present preliminary proposals for potential ward divisions, the Planning Department and the Corporate Services Department examined various information sources including, distribution of electors, demographic information, identifiable communities of interest, barriers to accessibility and communication, topographical features, geographic boundaries and future growth areas. The following observations are offered for consideration:

Equitable distribution of population

One of the criteria for the creation of wards is to distribute the population equitably in order to ensure as equal representation as possible. It should be understood that it is not necessary to create wards that are exactly equal in population at the expense of other factors such as topographic interests or communities of interest. It may be that the population in each ward could vary as much as 25% or 30% without seriously impacting the representative role or the equity in representation. This could also depend on the size of the ward and the inclusion of communities of interest. For instance, in municipalities that have an urban/rural split it is very common for the rural wards to be split from urban wards. This is based upon the concern that by including both urban and rural areas in one ward it may overshadow the interests of one segment of the ward. It is also common to have a significantly smaller population in the rural ward in order to prevent the ward from becoming unwieldy in its geographic area.

Within the options presented to Council, there are differences in the population; however it is not believed that they would be significant enough to impact on the principle of equity in representation. The models also include wards that contain areas for future development. While the populations in these wards are not as large as the wards in the developed areas of the community, development in these new areas will bring their populations into line with the other wards within the 5 to 10 year period.

Preservation of Existing Communities

The second criteria for the development of wards is the preservation of community integrity and function and the recognition of settlement patterns and community groupings. The historic downtown area of Newmarket is the most distinctly recognizable community in the municipality. Some other small historic settlements such as Bogartown or Bogartown do exist; however, these other historic settlements did not develop as a nucleus for a distinct community. They have tended to be overshadowed by the development that has occurred from the core of the historic Main Street area to the extent that they are no longer recognized as a settlement.

Outside of the historic downtown Main Street business district, the only recognizable characteristics in settlement are residential subdivisions. These have been developed over the last 50 years and seem to almost form concentric rings around the downtown. These subdivision areas are distinguishable by the age and style of their housing and also by their orientation to neighbourhood parks and school districts. They do not in themselves form settlement communities that are large enough to be considered as separate political units. These subdivisions are sometimes closely tied with adjacent subdivisions depending upon the stage of their development, road networks, school districts, access to open space and recreational facilities and shopping districts. On their own these delineations may not form firm political separations; however, may be used to define ward boundaries where it is necessary in order to maintain some equitable distribution of population within the wards in the absence of other means of delineation.

Community or Diversity of Interests

Staff have reviewed Census Data to identify social, economic, ethnic or cultural differences within the community. The data demonstrates that there are no significant communities of interest on this basis. While there exists some diversity in the population, there is no concentration of an identifiable homogeneous population that would warrant consideration for political representation. Newmarket's population is becoming more diverse; however, this diversity is made up of residents from a large variety of backgrounds and they are distributed throughout the community and not concentrated in specific neighborhoods.

Means of Communication and Accessibility

The Town of Newmarket is served by one dominant community newspaper, the Era-Banner, which also serves the Town of Aurora and the communities of Sharon and Holland Landing. Other smaller community newspapers have also served the municipality and have appeared and disappeared over time. One cable television provider serves the entire municipality. The community is therefore not divided by different means of public communication.

Within the community there do not appear to be any significant physical barriers to accessibility to the municipal government or municipal services.

Topographical Features

The topography of the Town of Newmarket is dominated by the Holland River, which runs north and south through the length of the municipality. Adjacent to the Holland River is the original Grand Trunk Railway that now serves primarily as a GO transit line. On either side of the Holland River the topography rises noticeably to peak at the eastern and western boundaries of the municipality.

The impact of this topography is not significant within the historic downtown where there are a number of vehicular and pedestrian connections. In addition, the orientation of the neighborhoods surrounding the downtown core towards the commercial district and its shopping and public amenities overcome the topographic barrier of the river.

Outside the historic downtown, the Holland River does create a significant topographic barrier. Within the areas north of Davis Drive and South of Water Street there are few pedestrian and vehicular linkages. In addition, in some areas, there are significant wetland areas and parkland that provide a natural barrier between neighborhoods.

Distinct Boundaries with Compact and Contiguous Areas

A final criteria for wards is the requirement for distinct geographical boundaries that provide for a compact and contiguous area and recognize special considerations including the scarcity, density or relative growth or loss of population. The only distinct boundaries within the Town of Newmarket are the major road corridors of Davis Drive, Mulock Drive, Leslie Street, Bayview Avenue, Eagle/Water/Gorham Streets and Yonge Street and the Holland River in the north and south of the municipality. The Town of Newmarket is approximately 14 square miles in area and is approximately 70% urbanized. Any ward system would therefore contain compact areas. All areas in the municipality are relatively contiguous with the exception were the residential areas in the north and south are divided by the river valley.

With respect to anticipated changes in the population, it will be necessary to recognize the significant growth that will occur in the northwest and southwest quadrants of the municipality in any ward design. Political divisions within those areas could contain smaller populations at this time in recognition of the growth in population anticipated in the next 5 to 10 years. Alternatively, wards could be created of a size equal to those in the developed areas provided that they are structured to permit their division to add an additional ward as the population grows.