



**The Corporation of the
City of Sault Ste. Marie**

COUNCIL REPORT

July 17, 2017

TO: Mayor Christian Provenzano and Members of City Council

AUTHOR: Malcolm White, Deputy CAO / City Clerk – Corporate Services

DEPARTMENT: Corporate Services

RE: Council Composition / Ward Boundaries

PURPOSE

The purpose of this report is to present recommended ward boundary changes.

BACKGROUND

The following resolution was passed on March 6, 2017:

Moved by: Councillor M. Shoemaker

Seconded by: Councillor S. Hollingsworth

Resolved that the report of Mayor Provenzano as Chair of the Council Review Committee dated 2017 03 06 be received and that Council approve in principle a change in Council composition from a twelve member, six ward system to a ten member, five ward system effective the 2018–2022 term of Council;

Further that appropriate staff be directed to make the necessary adjustments to the ward boundaries in accordance with the governing legislation and report back to Council on said adjustments.

ANALYSIS

The proposed boundary changes to create a five ward system have been designed bearing in mind the following guiding principles: representation by population; communities of interest and neighbourhoods; present and future population trends; and physical features as natural boundaries. All of these are subject to the overriding principle of effective representation as enunciated by the Supreme Court of Canada. At this stage the proposed boundaries are in draft form pending further community input.

The Principle of Effective Representation

The principle of effective representation was set out by the Supreme Court of Canada in *Reference Re Provincial Electoral Boundaries (Saskatchewan)*, [1991]

2 S.C.R. 158 (*Carter*), the leading authority for evaluating electoral systems in Canada.

The issue in *Carter* was whether a difference in population between provincial ridings in Saskatchewan infringed the right to vote protected by section 3 of the Canadian Charter of Rights and Freedoms.

In *Carter*, the Supreme Court held that the purpose of the right to vote enshrined in the Charter is not “equality of voting power” but the right to “effective representation.” Effective representation is the right to be “represented in government,” where “representation” entails both the right to a voice in the deliberations of government (the legislative role of elected representatives) and the right to bring your concerns to your representative (the ombudsman role of elected representatives).

Effective representation begins with voter parity, the idea that all votes should have equal weight and, as a result, the number of people living in each ward should be similar. According to the Supreme Court:

“A system which dilutes one citizen's vote unduly as compared with another citizen's 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.”

The Supreme Court held that while parity is of “prime importance” it is “not the only factor to be taken into account in ensuring effective representation:”

Notwithstanding the fact that the value of a citizen's vote should not be unduly diluted, effective representation often cannot be achieved without taking other factors into consideration in achieving a balance.

The principle of effective representation has been interpreted and applied in Ontario Municipal Board cases regarding ward boundary issues.

Representation by Population

Ideally, population in all five wards would be equal; however, a variance of up to 25% has been deemed acceptable when balanced against other principles. The proposed boundary changes result in the following population distribution:

	Population	Percentage of Total Population
Ward 1	16,886	115%
Ward 2	13,881	95%
Ward 3	14,507	99%
Ward 4	16,095	110%
Ward 5	11,999	82%
Total	73,368	
Mean	14,674	

While the proposed new Ward 5 would have a lesser population, this is offset by the significantly larger geographical area it occupies.

Proposed ward boundaries duplicate census subdivisions, giving ward councillors insights into demographics, income, housing type, ethnicity and other census data pertaining to their constituents.

Communities of Interest and Neighbourhoods

Proposed ward boundaries are respectful of historical neighbourhoods and communities of interest. There are very few examples of historical neighbourhoods being bisected by the boundaries. As well, the focal areas of current development (Downtown area – Ward 2, Great Northern Road corridor – Ward 3) are now encompassed within one ward.

Present and Future Population Trends

The proposed Wards 1, 2 and 4 are fairly densely populated, while Wards 3 and 5 (as proposed) have lower population density and potential for future development. The population levels in all proposed wards should remain within the acceptable variance ratios for the near to medium term.

Physical Features as Natural Boundaries

Using natural and man-made features that already serve as physical boundaries helps to ensure a coherent, contiguous shape that is straightforward. The proposed boundaries follow arterial routes and physical boundaries such as rail lines.

Next Steps

The Minister of Municipal Affairs or any other person or agency may appeal a ward boundary by-law to the Ontario Municipal Board within 45 days of passage. Any appeals must be finalized by December 31, 2017 in order for the boundaries to be in place for the 2018 municipal election.

It is recommended that two open houses be held at the Civic Centre in order to provide detailed information to the public and to obtain community input.

A by-law regarding Council composition and ward boundaries will appear on the August 21, 2017 Council Agenda (which may include amendments recommended as a result of public consultations).

FINANCIAL IMPLICATIONS

The redesign of ward boundaries and the required implementation activities are being accomplished in-house using existing staff. As such there is only a nominal financial impact.

STRATEGIC PLAN / POLICY IMPACT

Reducing Council composition from a twelve member – six ward system to a ten member – five ward system supports the values and vision articulated in the corporate Strategic Plan.

RECOMMENDATION

It is therefore recommended that Council take the following action:

Resolved that the report of the Deputy CAO / City Clerk, Corporate Services dated 2017 07 17 concerning Council Composition and Ward Boundaries be received and that two public open houses be held to obtain input from the community prior to the 2017 08 21 Council meeting.

Respectfully submitted,



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