



**Governance Review
Ad Hoc Committee
Meeting Agenda**

**Tuesday, May 9, 2017
10 a.m.**

**Holland Room
Aurora Town Hall**

Public Release
May 5, 2017



Town of Aurora
Governance Review Ad Hoc Committee
Meeting Agenda

Date: Tuesday, May 9, 2017

Time and Location: 10 a.m., Holland Room, Aurora Town Hall

1. Approval of the Agenda

Recommended:

That the agenda as circulated by Legislative Services be approved.

2. Declarations of Pecuniary Interest and General Nature Thereof

3. Receipt of the Minutes

Governance Review Ad Hoc Committee Meeting Minutes of April 11, 2017

Recommended:

That the Governance Review Ad Hoc Committee meeting minutes of April 11, 2017, be received for information.

4. Delegations

5. Matters for Consideration

1. Round Table Discussion Re: 2018 Municipal Election

Recommended:

1. That the Round Table Discussion regarding 2018 Municipal Election be received and the comments of the Committee be referred to staff for consideration.

2. Report from Dr. Robert J. Williams, Consultant Re: Systems of Representation

Recommended:

1. That the report regarding Systems of Representation be received and the comments of the Committee be referred to staff for consideration.

6. Informational Items

7. New Business

8. Adjournment



**Town of Aurora
Governance Review Ad Hoc Committee
Meeting Minutes**

Date: Tuesday, April 11, 2017

Time and Location: 10 a.m., Holland Room, Aurora Town Hall

Committee Members: Anita Moore (Chair), Anna Lozyk Romeo (Vice-Chair), Steve Hinder, and Terry Jones

Member(s) Absent: Bill Hogg

Other Attendees: Sandra McKenzie, Manager of Human Resources, Michael de Rond, Town Clerk, and Samantha Yew, Deputy Clerk

The Chair called the meeting to order at 10:02 a.m.

1. Approval of the Agenda

**Moved by Steve Hinder
Seconded by Terry Jones**

That the agenda as circulated by Legislative Services be approved.

Carried

2. Declarations of Pecuniary Interest and General Nature Thereof

There were no declarations of pecuniary interest under the *Municipal Conflict of Interest Act*.

3. Receipt of the Minutes

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Governance Review Ad Hoc Committee Meeting Minutes of March 28, 2017

Moved by Terry Jones

Seconded by Anna Lozyk Romeo

That the Governance Review Ad Hoc Committee meeting minutes of March 28, 2017 be received for information.

Carried

4. Delegations

None

5. Matters for Consideration

1. Round Table Discussion

Re: Ward Systems

Staff and the Committee discussed aspects of municipal ward systems, including the process to establish a ward system in a municipality, types of ward systems, the pros and cons of wards, and next steps.

Moved by Terry Jones

Seconded by Anna Lozyk Romeo

1. That the Round Table Discussion regarding Ward Systems be received and the comments of the Committee be referred to staff for consideration; and
2. That the Governance Review Ad Hoc Committee recommend to Council:
 - (a) That staff investigate and report back on the feasibility of a ward system, including the process and cost of retaining a consultant, projected budget, and timelines; and
 - (b) That the direction of the Governance Review Ad Hoc Committee with respect to the feasibility of a ward system be confirmed.

Carried

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6. Informational Items

2. Memorandum from Manager of Human Resources Re: Council Compensation Review

The Manager of Human Resources provided an overview of the memo, and noted that further information will be provided at a future meeting. The Committee discussed aspects of compensation.

**Moved by Terry Jones
Seconded by Anna Lozyk Romeo**

1. That the memorandum regarding Council Compensation Review be received for information.

7. New Business

Staff and the Committee discussed timelines for the 2018 municipal election.

8. Adjournment

**Moved by Terry Jones
Seconded by Anna Lozyk Romeo**

That the meeting be adjourned at 11:03 a.m.

Carried

Committee recommendations are not binding on the Town unless adopted by Council at a later meeting.

Report to
Town of Aurora
Governance Review Ad Hoc Committee
May 5, 2017
Prepared by
Dr. Robert J. Williams

Purpose

On April 11, 2017, the Governance Review Ad Hoc Committee voted to “recommend to Council:

- (a) That staff investigate and report back on the feasibility of a ward system, including the process and cost of retaining a consultant, projected budget, and timelines”.

This report is provided to the Governance Review Ad Hoc Committee in response to its direction to staff.

Systems of Representation in Ontario Municipalities

Municipalities in Ontario are governed by elected Councils that are subject to legislative provisions found in the *Municipal Elections Act, 1996* and the *Municipal Act, 2001*. While elections themselves are subject to numerous standard practices related, for example, to elector and candidate eligibility, nominations, financial accountability and other institutional arrangements that are set out in detail, the system of representation is described in minimal terms.

The *Municipal Act, 2001* at s. 217 (1) (4) provides that “other than the head of council, members shall be elected by general vote or wards or by any combination of general vote and wards” and at s. 222 (1) it authorizes a municipality “to divide or redivide the municipality into wards or to dissolve the existing wards” through a by-law. Beyond those brief references, there are no conditions or constraints imposed by the Province to help formulate a local decision to adopt one electoral system or another.

The distinction between the two systems is primarily based on the way the municipality is organized to elect the members of the Council. In one system, referred to as a “general vote” system in the *Municipal Act, 2001* (or as an “at-large” system in popular terminology), the municipality is a

single electoral district in which all seats on the municipal Council are contested. In other words, the entire municipality can be considered a “multi-member” electoral district. In the other system (a ward system), the municipality is divided into a number of electoral districts that elect representatives in separate contests. Within this arrangement, the “district magnitude” (that is the number of seats to be elected in each district) may vary from one (a “single-member” ward) to some larger number (a “multi-member” ward).

As noted above, s. 217 of the *Municipal Act, 2001*, makes it possible to include both general vote and ward systems in a single municipality’s electoral system. In some cases, as well, the system of representation includes a combination of single-member and multi-member wards.

Aurora has always used a general vote system, despite attempts from time to time to change to a ward system. Once again, there is no direction from the Province either through legislation or regulation about the conditions to be met or considered for changing from one system to the other. While there are clearly differences in the impact of each system, there are no “standard” circumstances that favour one method over the other. Nor is one system or the other mandatory for particular types of municipalities.

For many people, a general vote system is the most appropriate election method in municipalities where the population is small. Aurora has traditionally been considered “small.” Today the population is approximately 55,000 and arguably that label should no longer apply.¹ However, as noted already, there is no conventional benchmark to apply to indicate whether a change is appropriate.

Exercising the authority set out in s 217 of the *Municipal Act, 2001* to adopt one system rather than the other is therefore at Council’s discretion.

Comparing the Alternatives

The Governance Review Ad Hoc Committee is interesting in exploring a ward system for Aurora in 2017 through a Ward Boundary Review. Given the long history of at-large elections in the Town, it is prudent to provide

¹ The 2016 Census shows a population of 55,445 in Aurora, up from 53,203 in the 2011 Census (an increase of 4.2%).

members of Council and residents a summary of some of the implications of the two systems as background.²

Implications of an At-Large System of Representation

Advantages	Disadvantages
<ul style="list-style-type: none"> • Electors have greater choice and flexibility in elections (each voter has the opportunity to consider every candidate in the Council election). • Electors are able to select the candidates they think will do the best job, rather than having to make a choice among candidates who happen to run in their ward. • Residents will have a larger number of Councillors to approach with their concerns. • The system promotes the concept of a Town-wide focus, with Councillors being elected by, and concerned for, the Town as a whole, rather than placing a priority on more parochial interests. • The likelihood of acclamations is reduced. 	<ul style="list-style-type: none"> • There would be no designated voices for particular neighbourhoods. • At-large elections can lead to significant communities of interest and points of view being unrepresented (or under-represented). • The system can lead to Councillors being relatively inaccessible for residents of some parts of the Town (each Councillor has 55,000+ constituents). • Candidates who appeal to areas where voter turnout is highest tend to be elected disproportionately. • Large numbers of candidates on the ballot (18 in 2010, 28 in 2014) can be confusing for voters. • Candidates must campaign across the entire municipality; this may make the cost of a campaign prohibitive (especially for newcomers). • The format can lead to confusion of responsibilities and duplication of effort on the part of Councillors (everybody on Council represents everybody in the municipality).

Implications of a Ward System of Representation

Advantages	Disadvantages
<ul style="list-style-type: none"> • Councillors are more likely to be truly local representatives, easily accessible to residents and aware of local issues. 	<ul style="list-style-type: none"> • Councillors may be elected on minor or parochial issues and may lack a perspective of what is to the benefit of the Town as a whole.

² This is a summary extracted by the author from reports he has previously prepared. Many of these points were also included in *Wards for Aurora: A Discussion Paper* prepared in 2010 by Aurora’s Customer & Legislative Services Department.

Advantages	Disadvantages
<ul style="list-style-type: none">• Significant communities of interest are more likely to be represented.• It is less likely that one particular point of view or sectional interest will dominate the Council.• Provides more cost-efficient government, primarily by eliminating duplication of administrative work communicating the same information to and from two or more Councillors.• Simplifies the election process for electors.	<ul style="list-style-type: none">• Voters may have a restricted choice of candidates in elections for individual wards.• There is a greater likelihood of acclamations.• There may be problems if a Councillor is not performing effectively or is clashing with some electors, as electors in a single-member ward have no alternative (knowledgeable) Councillor to approach.• Ward boundaries may be susceptible to frequent change caused by demographic shifts.• Population changes can lead to unequal workloads for Councillors until ward boundaries are reviewed.• If a Councillor resigns or dies, it may be necessary to hold a by-election to select a replacement.• May discourage new candidates if an incumbent is generally popular or if an incumbent who is popular with a dominant community of interest is running.

Briefly, the at-large system places an emphasis on Councillors having a Town-wide mandate and outlook and electors having greater choices at election time. The reality, however, is that all eight Councillors are faced with the potential of having to deal with questions and issues from all 55,000 plus residents and electors have been required to sort through 18 candidates in 2010 and 28 candidates in 2014 to mark up to eight names on their ballot.

The ward system places greater emphasis on direct accountability and the expectation that distinctive neighbourhood voices will be heard around the Council table. The reality, however, may be that in some wards choices will be limited and the ward boundaries will need to be reviewed periodically to stay in step with population changes.

What is a Ward Boundary Review?

A Ward Boundary Review (W.B.R.) is basically a task designed to assist Council in reaching a determination on an electoral arrangement that provides effective representation through a structure sensitive to the geographic distribution of the inhabitants of the municipality.

In Ontario there is no prescribed process for a municipality to follow to review its system of representation and no mandatory principles to apply in the design of an electoral system. It is therefore up to each municipal council to set the terms of reference for a review, including the process to be followed, and, ideally, to establish criteria or guiding principles that can be used to evaluate the municipality's electoral system.

Given the primary importance of the electoral structure to those presently holding public office in the Town, a review that would be considered acceptable by the community (and by the O.M.B. in the event of an appeal) must be conducted for the municipality by someone who is not a member of Council or a municipal employee, ideally an experienced independent consultant.

Furthermore, a successful W.B.R. requires expertise on municipal electoral systems, reliable data on present and future population trends across the municipality, expertise to develop and map alternative designs and a public engagement strategy. Without access to such capacities, there is a risk that an electoral review may lead to unfair, ill-conceived or politically motivated results.

An effective W.B.R. process would require Council to agree at the outset on a set of guiding principles (that is, "what would wards and a ward system 'look like' in Aurora?") and a process consistent with Town practices in relation to public consultation. In this instance, it would also be important for Council to confirm what the *Municipal Act, 2001* calls "the composition of Council." That is, will the Council remain at nine members (a Mayor and eight Town Councillors)?

In conducting a comprehensive W.B.R., a consultant would start by developing a clear understanding of the present electoral system, including its origins and operations as a system of representation. The next step would be to evaluate the strengths and weaknesses of the present system on the basis of the identified principles with the aim of identifying plausible

modifications to the present electoral structure. Without wards in place, some of the evidence would possibly have to be anecdotal (for example voter turnout or residential addresses of successful candidates). Put another way, what are the “problems” with representation that could be solved by changing from an at-large system to a ward system?

Since an at-large system implicitly treats the municipality as a single community of interest, some evidence about the delivery of services, transportation patterns, residential configurations, retail and commercial clusters and other data will shed light on whether Aurora can be considered a compact community built around a single population node – a community where an at-large system might still be appropriate. If this is not the case, the Review would seek to develop options that capture the diversity of the Town in the election of its Councillors. In order to design wards that will provide effective representation over at least two elections, detailed population data (including growth forecasts) for the Town will also be a priority.

A successful W.B.R. will include an appropriate consultation process to ensure community support for the review and its outcome. In this phase, various alternative arrangements will be subject to public discussion and comment both at public meetings and through on-line tools. Finally, Council will receive a report that will set out recommended alternative ward boundaries to ensure effective and equitable electoral arrangements for the Town of Aurora, based on the principles identified.

Are Wards “Feasible” in Aurora?

The Governance Review Ad Hoc Committee asks about the “feasibility” of wards in Aurora. This is a legitimate concern since the *Municipal Act, 2001* stipulates that municipal elections be conducted under provisions in place on January 1 of an election year. Since 2018 is the next municipal election year in Ontario, any changes to the Town’s electoral system must be agreed upon in time to allow for an Ontario Municipal Board hearing, should any decision to divide the municipality into wards be appealed.

The full process includes two segments: getting to a Council decision and the legislated appeal period. The latter (*Municipal Act, 2001* section 222) basically includes a 15 day notification period after Council passes a by-law to establish wards, a 45 day appeal period during which the by-law could be appealed to the O.M.B. and the time needed by the Board to schedule,

conduct and rule on an appeal. Unless a by-law passed after the middle of October has significant community support and is unlikely to be appealed, the implementation of a change to a ward system late this year is risky. It can be done but above all requires Council to select a plausible and defensible ward configuration.

The process of getting a recommendation to Council can take several months, depending on the time required to collect and analyze data, to undertake background research and consultation, to conduct public consultation and finalize suitable options for Council to consider. However, several of these steps can be compressed without compromising the integrity of the process.

Ideally, to meet the timelines just noted, Council should endorse a W.B.R. as soon as possible, including a set of guiding principles and other terms of reference. As well, an independent consultant should be identified and engaged by the end of June 2017.

Stage in Process	Month
Conduct research on present electoral system Collect data on present and future population Conduct interviews with elected officials and senior Town staff	July 2017
Conduct public open house to consider alternative ward configurations and seek public feedback	September 2017
Prepare report to Council with alternative ward configurations and recommendation	early October 2017
Council approval of final report and adoption of by-law	mid-October 2017 at the latest
Possible O.M.B. appeal process (includes time for appeals, notifications, and hearings by the Board)	October-December 2017

Budget Requirements

Comparable Ward Boundary Reviews with appropriate public consultation have been conducted by experienced consultants on a budget of \$35,000 - \$40,000 (including disbursements but excluding HST). Municipal staff's role would be limited to providing background data to support technical work, to

oversee provision of communications, correspondence and to make logistical arrangements for the public consultation component.

The consultants would handle the bulk of the project at arm's length, including research, data collection, mapping, running public consultation sessions and preparing and presenting reports.

This report was prepared by Dr. Robert J. Williams, an independent consultant specializing in municipal electoral systems. Since 2008 he has personally undertaken reviews for Kitchener, Markham, Milton, New Tecumseth, Oakville, Whitchurch-Stouffville, Windsor and West Lincoln.

He has also worked in conjunction with Watson and Associates on reviews for Pelham, Barrie, Bradford West Gwillimbury, Clearview, Gravenhurst, Hamilton, Milton, Georgina and Severn. They are currently collaborating on ward boundary reviews in Oshawa, Scugog, Orillia and Essex.

Dr. Williams has also been an advisor to Municipal Clerks or citizens on ward boundary matters in Wilmot, Brantford, East Gwillimbury, Georgian Bay, Kearney, Killarney and Kawartha Lakes. He has served as an expert witness before the OMB hearings on ten occasions.

In 2010 he was engaged by the Nova Scotia Utilities and Review Board to prepare reports in relation to the appropriate size of councils in Halifax and Cape Breton Regional Municipalities.

Dr. Williams is a Professor Emeritus of Political Science, University of Waterloo.