

TOWN OF PELHAM
Council Composition, Ward Boundary Review
and Deputy Mayor Selection Study

PRELIMINARY REPORT

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Executive Summary

Municipal councils in Ontario have considerable freedom to make their own decisions about their own structures and about possible ward boundaries. However, their actions or inaction on these matters can be appealed to the Ontario Land Tribunal. Its predecessor, the Ontario Municipal Board, has made a number of decisions that shape the regulatory framework in which this review is taking place. There are four inter-related issues addressed in this report: council size; the method of electing or selecting a deputy mayor; at-large vs. ward elections; and the drawing of possible ward boundaries. Because of the need to address “voter parity”, this last issue requires data about where people live in Pelham and where they are projected to live over the next decade. Using such data, the report outlines possible boundaries for three wards, four wards, five wards, and six wards. During the consultation period following the release of this preliminary report, each of these options will be discussed and evaluated, and various boundary modifications can be proposed. After the consultation process is complete, the consultants will provide a final report to the Pelham Town Council.

1. Introduction

Since its creation in its current form in 1970, the Town of Pelham has been governed by a council comprising a mayor and six councilors elected from three wards. The ward boundaries were changed slightly in 1978 and more significantly prior to the 2014 municipal election. After three elections with the current boundaries, it is appropriate that they be reviewed again so as to ensure that everyone’s votes for council seats are roughly equal in weight.

Unlike many municipalities in Ontario, Pelham has never had a directly elected deputy mayor. In accordance with the specifications for this project issued by the Pelham Town Council, the possibility of adding a directly elected deputy mayor to the council will also be explored in this report.

2. The Regulatory Framework

Ontario municipalities have broad authority to determine their own electoral systems. Section 222 (1) of the Ontario *Municipal Act* authorizes municipalities to divide or redivide their municipality into wards or to dissolve existing wards. Similarly, Section 217 (1) authorizes municipalities to determine the composition of their own councils. There are some constraints, of which the most important is that councils must have a minimum of five members. There are additional rules for upper-tier municipalities. But municipal councils can change both their electoral system and council compositions through normal by-laws.¹

¹Municipal Act, 2001, S.O. 2001, c. 25

From a strictly legal perspective, only municipal by-laws that affect ward boundaries can be directly appealed to the Ontario Land Tribunal (OLT).² A by-law changing the number of councillors elected at-large, for example, could not be appealed, nor could one that changed the number of councillors elected in each ward. In practical terms, however, all aspects of a municipal electoral system can become the subject of a hearing at the OLT. This is because Section 223 of the *Municipal Act* outlines a procedure whereby citizens can petition their municipalities to have ward boundaries drawn, redrawn, or dissolved altogether. If the municipality does not act upon the request, the petitioners can then appeal to OLT, whose authority in such appeals is limited to the determination of ward boundaries. But, for obvious reasons, increasing or decreasing the number of wards can leave municipalities with little choice over the size of council.³

Just as there are no provincial criteria or regulations that municipalities must follow when they make changes to their electoral systems, there are none to guide OLT in hearing appeals of such decisions. In the absence any such criteria, the Board has come to rely heavily upon the 1991 decision by the Supreme Court of Canada in the Carter case.⁴ The case is important because in its decision the Court articulated a requirement for “effective representation” in the House of Commons and provincial legislatures. The Court recognized the importance of “relative parity of voting power,” but it also ruled that other considerations, including “community history, community interests and minority representation” are factors which “may need” to be weighed to ensure that elected bodies are effectively representative.

Even though the Supreme Court decision does not apply to Canadian municipalities, the OLT has adopted “effective representation” as its guiding principle with respect to electoral systems. It would be misleading, however, to claim that the OLT has developed a clear or coherent definition of “effective representation,” as it applies to municipalities. The OLT is a quasi-judicial body, and is not bound by the precedents set in previous cases, as Ontario municipalities know all too well. Board members are free to develop and apply their own criteria on a case-by-case basis. It should not be surprising, then, to find that there is considerable variation among Board members in the firmness with which they have embraced the doctrine of effective representation.

For some members, there is no ambiguity: “The issue before the [Ontario Municipal] Board is whether the By-law provides for effective representation within the context of Tay Township as prescribed in The Supreme Court of Canada in Reference re: Provincial Boundaries.”⁵In *McPherson v. Prince Edward* (2005), a case involving a petition to reduce the number of wards, the Board instructed the appellant to “present evidence on

² OLT is the successor to the Ontario Municipal Board (OMB) and the Local Planning Appeals Tribunal (LPAT). The term “OLT” or “Board” will be used in this document in referring to cases that might actually have been determined by the OMB or by the LPAT.

³ For example, see *Wagar v. London (City)* (2005) O.M.B.D. No. 1329.

⁴ Supreme Court of Canada, Reference Re. Prov. Electoral Boundaries (Sask), [1991] 2 S.C.R. 158.

⁵ *Pearson v. Tay (Township)* (2012) MM120006.

how their proposal would achieve effective representation and in doing so, specifically address the criteria enunciated by the Supreme Court of Canada.”⁶ On this view, the Carter decision described above and “effective representation” are to be straightforwardly applied, as most forcefully expressed by the Board in *Teno v. Lakeshore* (2005):

The Board agrees that this Board does prefer local solutions. However, the Board must assume that there is a reason the legislation provides for an application to this Board when a petition to redivide electoral boundaries is not acted on by the municipality. The legislation anticipates that the various positions of the interested parties can be presented to the Board and that the Board can make a decision that ensures that any decision on electoral boundaries that is made, is made in accordance with the principles set down by the Supreme Court, in interpreting the Charter of Rights. Anything else would be a derogation of the Board's duties in this regard.⁷

In other cases, however, Board members have articulated a more nuanced position, recognizing that the principle of effective representation must be adapted to apply to the case of municipal electoral systems. In *Savage, Murphy, and Ross v. Niagara Falls* (2002), the Board heard the appeal of a by-law replacing an electoral system based on ten wards with one comprising eight members elected at-large. In denying the appeal, the Board sought to explain the relevance of the Carter decision to local choices about municipal electoral systems:

Adopting the Court’s reasoning, in the context of this appeal, the Board must be satisfied that the decisions of council to deviate from the ward system will not deprive the citizens of Niagara Falls of fair and effective representation and will not dilute the current form of governance they already have.⁸

In *Lauer v. Oshawa* (2005), the Board presented what is perhaps the clearest statement about the applicability of the Carter decision and the doctrine of “effective representation” to municipalities in Ontario:

It is important to understand that the Saskatchewan [Carter] decision is based upon provincial electoral districts, provincial legislation in Saskatchewan and Section 3 of the Charter – “Every citizen of Canada has the right to vote in an election of members of the House of Commons or of a legislative assembly and to be qualified for membership therein” – does not speak directly to municipal councils. Nonetheless the case is relevant in the absence of a regulation permitted under Section 222 (2b) of the Ontario *Municipal Act* to prescribe standards.”⁹

In a 2021 decision, the OLT stated: “The guiding principle is the *Charter*-protected right to vote and, thus, providing “effective representation” is the goal of ward boundary reviews. This principle is meant to apply flexibly to ensure that local government is

⁶ *McPherson v. Prince Edward (County)* (2009) O.M.B.D. No. 989.

⁷ *Teno v. Lakeshore (Town)* [2005], O.M.B.D. No. 1245

⁸ *Savage, Murphy, and Ross v. Niagara Falls (City)* (2002) O.M.B.D. No. 1698.

⁹ *Lauer v. Oshawa (City)* (2005) O.M.B.D. No. 3253.

reflective of the population it serves.”¹⁰ Finally, some Board decisions about municipal electoral systems contain no reference to the Carter decision or to the principle of effective representation. In *Diemart and Letteau v. South Bruce* (2009), a case involving the appeal of a by-law replacing wards with an at-large system, the Board similarly noted the absence of any guiding criteria or standards of review. In allowing the appeal, the Board preferred its own standard: “I am not satisfied that the proposed By-law is in the interest of the Municipality, moves it forward or is an improvement to the existing system.”¹¹

In cases where the Board has relied on effective representation as its guiding principle, it has been invoked to justify changes to nearly every conceivable electoral arrangement. In *Dingwall v. Kearney* (2005), the Board granted a petition to dissolve existing wards in favour of an at-large system, because the wards—still wedded to old municipal boundaries—unjustifiably violated voter parity.¹² In *Osgoode v. Ottawa* (2003), the Board granted the appeal of a city by-law redrawing ward boundaries on the grounds that the redrawn boundaries placed too much emphasis on voter parity, and therefore deprived rural residents of effective representation.¹³ However, in 2017, it appeared that the Board’s position on rural representation was evolving. Faced with a council decision that maintained rural wards with low population in the amalgamated city of Hamilton, the OMB overturned the council’s choice by stating that in the past there had been

... an over-arching emphasis on the protection of an exclusively rural ward as a means of protecting a rural voice on council. While such protections may have been appropriate in the unique circumstances of Ottawa in 2003, it is open to review and reconsideration years after amalgamation. Similarly, the maintenance of a founding compromise that favoured rural representation on council in order to make amalgamation acceptable to those opposing it at the time, should not be considered a permanent solution, especially in the face of ongoing changes in population numbers and the character of the population.¹⁴

In the same OLT 2021 case cited previously, the Tribunal overturned the Municipality of Nation’s decision to preserve a perceived community of interest because the overriding principle of voter parity was violated. In its ruling, the OLT stated that one of two options provided by the consultants and the one adopted by council

...has a deviation from voter parity of 42% in 2020, and in 2030 this deviation is estimated to increase to 56%. This goes well beyond the “acceptable range” set out in the [consultant’s] Report and goes beyond any range ordinarily deemed tolerable by the Tribunal. In circumstances where the other Carter Principles, such as maintaining a community of interest, are significantly advanced by permitting excessive voter dilution such excesses may be permissible. The Tribunal finds no

¹⁰ *Mushing v. Nation (Municipality)* (2021) MM210002, p.11.

¹¹ *Diemart and Letteau v. South Bruce (Municipality)* (2009)MM090003.

¹² *Dingwall and Sainsbury v. Parry Sound/Kearney (Municipality)* 2009 MM080065.

¹³ *Osgoode Rural Community Association, the Rideau Rural Community Association Inc., and the West Carleton Association Inc. v. Ottawa (City)* 2003 O.M.B.D. 0605.

¹⁴ *Dobrucki and Richardson v. Hamilton (City)* 2017 Case # MM170025,p. 378.

such special circumstance in this case.¹⁵

In *Tiverton v. Kincardine* (2005), the Board granted the appeal of a by-law dissolving a three-ward, seven-councillor electoral system in favour of an at-large council—but only in part. Although the Board conceded that “the council exercised its prerogative and made the choice it thought best” it nevertheless concluded “that the nuclear industry [via Bruce Power] exerts a powerful influence on governments at all levels” and “that without a guaranteed Ward 3 representative on Council there might be no spokesperson for other interests or dissent against the nuclear industry.” The solution, as ordered by the Board, was “to expand the current at-large representation on council and balance the representation by population and still retain the ward system to guarantee area representation.”¹⁶

For the purposes of this electoral review, there are three important conclusions to draw from this brief review of the regulatory framework governing municipal electoral systems in Ontario. First, there can be no disputing that Pelham, like all Ontario municipalities, has the authority to determine its own electoral system. Second, any decision to change the current electoral system—and, by extension, any decision *not* to change it—can be appealed in one way or another to OLT. Third, in hearing such appeals, OLT members have largely adopted “effective representation” as the guiding principle, although to varying degrees and sometimes to seemingly contradictory ends. This principle has been applied most directly to the issue of ward boundaries, where it has the clearest relevance. In some cases, however, it has also been applied to questions concerning which system should be used to elect members of council (wards or at-large), where it has questionable relevance at best. Generally, though, OLT has deferred to the decisions of municipal councils on such matters.

3. Approaching the Issues

We are charged with reviewing both council composition and ward boundaries. In theory, it would be reasonable to expect the process to proceed sequentially with three distinct determinations:

1. Council size
2. Options and methodology for selecting a deputy mayor
3. Whether elections for other council members will be at-large, by wards, or some combination of both
4. The number of councillors to be elected from each ward
5. If there are to be wards, drawing their boundaries.

In this report, we will proceed in accordance with this logic. However, we are open to the

¹⁵ *Mushing v. Nation (Municipality)* (2021) MM210002, p.13.

¹⁶ *Tiverton and District Ratepayers Association, Dean Ribey, Karen L. Smith et al. v. Kincardine (Municipality)* (2005) O.M.B.D. No. 3326.

following possibilities with respect to Step 4 in the process:

1. We might determine that, once we start exploring ward boundaries, there are a number of natural communities of interest with roughly equal populations that would cause us to revisit the issue of the optimal council size, at least for Pelham;
OR
2. We might determine that all the possible configurations of ward boundaries are so defective that we should revisit the possibility of the at-large election of council members.

All of this is another way of saying that every issue we are required to consider is closely connected to every other issue. Nevertheless, the discussion that follows is structured by the five issues outlined above.

1. Council size

We have already noted that the Ontario Municipal Act requires that all municipalities have a minimum of five members. Pelham currently has seven. Table 1 below shows that this is a common number for Ontario lower-tier municipalities with similar populations. Any reduction in council size is likely to have only a minimal effect on total municipal expenditures because total council costs are relatively small compared to other municipal costs. In Pelham's 2022 operating budget only \$281,440 was allocated for "Members of Council" while the total operating budget was \$20,374,879. A smaller council might lead to shorter meetings and less demand on staff time attending meetings. But remaining councillors might expect higher remuneration and more staff support. There is no empirical evidence that a council of five is more efficient or more effective than a council of seven; nor can there be because there can be no agreement about what constitutes desirable "outputs" from a municipal council. We are assuming that no one in Pelham will be proposing a council larger than seven.

In Ontario most councils have an odd number of members. This is because mayors are entitled to vote in the same way as other council members and do not have a tie-breaking vote. If there is a tie vote in a municipal council, the item on which the vote has taken place is deemed to have been defeated. Having an odd number of council members is no guarantee that there will be no tie votes because one or more members are sometimes absent or unable to vote on particular matters due to a conflict of interest.

In order to address the issue of council size, and some other concerns that are within our mandate, we believe it is desirable for everybody to know about council composition in other comparable municipalities. To this end we have examined the twenty other lower-tier municipalities in Ontario that are within the same population range. By "lower-tier", we mean municipalities that are also governed at the municipal level by counties or regional municipalities. Pelham, for example, is part of the Regional Municipality of Niagara. For population data, we rely on the latest Census of Canada, from 2021; the next census will be in 2026. In 2021, Pelham had a population of 18,192, ranking 95th in Ontario. In the Table below we look at the other Ontario municipalities ranking between

85th (Essex) and 107th (Clearview). We did not include Kenora (106th) because it is single-tier and therefore has more municipal functional responsibilities than Pelham.

Table 1: Council composition in municipalities comparable to Pelham

| Municipality | 2021 population | Council size[1] | Elected deputy mayor?[2] | No. of at-large councillors | # of wards | Result of post-1990 amalgamation? |
|---------------------|-----------------|-----------------|--------------------------|-----------------------------|------------|-----------------------------------|
| Essex | 21216 | 8 | Yes | 0 | 4 | Yes |
| Huntsville | 21147 | 9 | No | 3 | 4 | No |
| Cobourg | 20519 | 7 | Yes | 5 | 0 | No |
| South Frontenac | 20188 | 9 | No | 0 | 4 | Yes |
| Port Colborne | 20033 | 9 | No | 0 | 4 | No |
| Russell | 19598 | 5 | No | 4 | 0 | No |
| Niagara-on-the-Lake | 19088 | 9 | No | 8 | 0 | No |
| Middlesex Centre | 18928 | 7 | Yes | 0 | 5 | Yes |
| Selwyn | 18653 | 5 | Yes | 0 | 3 | Yes |
| Tillsonburg | 18615 | 7 | No | 6 | 0 | No |
| PELHAM | 18192 | 7 | No | 0 | 3 | No |
| Petawawa | 18160 | 7 | No | 6 | 0 | Yes |
| North Grenville | 17964 | 5 | No | 5 | 0 | Yes |
| Loyalist | 17943 | 7 | Yes | 0 | 3 | Yes |
| Midland | 17817 | 9 | Yes | 7 | 0 | No |
| Bracebridge | 17305 | 9 | No | 3 | 5 | No |
| Port Hope | 17294 | 7 | No | 0 | 2 | Yes |
| Greater Napanee | 16879 | 7 | Yes | 0 | 5 | Yes |
| Saugeen Shores | 15908 | 9 | Yes[3] | 0 | 3 | Yes |
| North Perth | 15538 | 10 | Yes | 0 | 3 | Yes |
| West Lincoln | 15454 | 7 | No | 0 | 3 | No |

Source: 2021 Census of Canada and websites of listed municipalities

[1]Includes mayor and deputy mayor.

[2]Answer is Yes only if there is a specific at-large election for this position only.

[3]Also a vice-deputy mayor elected at large.

We also examined the council composition of the twenty municipalities in Canada outside Ontario that were closest in population to Pelham according to the 2021 Census of Canada. Fourteen of them were in British Columbia and Quebec, where each province legislates a council size of seven for municipalities in this population range. In BC, the mayor and councillors are elected at-large; in Quebec they are elected from wards (except for the mayor). In both British Columbia and Quebec, all municipalities are included in upper-tier municipal entities (regional districts and municipal regional counties respectively), but they are not nearly as functionally important as regional governments in Ontario. Two of the municipalities (Camrose and Stony Plain) we looked at were in Alberta: one council has seven members: the other nine. Both have at-large elections.. One municipality (Steinbach) in our survey was in Manitoba, where there are seven members of council, all elected at-large. Two were from New Brunswick (Quispamsis and Miramichi) and one from Newfoundland (Corner Brook): two had nine council members; one had eight. In all three cases, councillors were elected at-large, the

candidate with the most votes being declared deputy mayor. In none of the other cases we looked at was there an elected deputy mayor.

Our conclusion is that the size of the Pelham council is quite typical for municipalities having similar population levels. It is unlikely that there will be any pressing reason to significantly change this number.

2. Options and methodology for selecting a deputy mayor

Ontario legislation makes no reference to the position of deputy mayor. Many municipalities provide for one in their by-laws. In Pelham's case, council elects a deputy mayor from among its members to serve a two-year term after each municipal election and at the mid-point of the four-year term. Another common mechanism is for the position to be rotated among all council members for a period of a few months.

In some municipalities the deputy mayor is directly elected in the same way as the mayor. We understand that we are expected in our final report to make recommendations as to the desirability of this method compared to others. Because the possible direct election of a deputy mayor would be the most drastic possible change, we believe it deserves more detailed analysis.

There are three possible reasons for the direct election of a deputy mayor:

1. In municipalities in which councillors are elected by wards, a directly elected deputy mayor adds another position (in addition to the mayor) whose general perspective and electoral future is dependent on the entire municipality rather than that of a single ward.
2. In cases where a mayor is overwhelmed by official duties or is unable to perform all of his or her usual tasks, a directly elected deputy mayor has more democratic legitimacy than a deputy mayor chosen by any other method. (The disadvantage, however, is that, if a mayor and directly elected deputy mayor are in conflict with each other, the conflict might be exacerbated by the fact that both can claim similar democratic legitimacy.)
3. In two-tier municipal systems (most counties and regional governments in Ontario), directly elected deputy mayors often join the mayor as the municipality's representative on the upper-tier council. In theory at least, this means that conscientious voters can consider upper-tier issues when making their choice among deputy-mayor candidates.

This third consideration is not relevant within the regional municipalities of Niagara and Waterloo. This is because in these two regional governments constituent municipalities are represented only by their respective mayors and by one or more directly elected regional councillor who serves only at the regional level. This fact might explain why, among the nine municipalities in Niagara and the seven in Waterloo, none has a directly elected deputy mayor.

Not all directly elected deputy mayors in municipalities within two-tier systems sit on the upper-tier council. Consequently, there is no obvious reason why Pelham could not adopt direct election as a means of selecting a deputy mayor. In other words, Reasons 1 and 2 listed above could provide sufficient justification for Pelham adopting this method.

3. At-large elections, wards, or a combination

Prior to our public consultations, we do not know if there is any appetite for at-large elections in Pelham. However, given the prevalence of such elections in other Ontario municipalities with the same population level (and even among amalgamated municipalities), we believe that this option should at least be considered.

Arguments about wards vs. at-large municipal elections have reverberated in North America for more than a hundred years. In the late Nineteenth Century “progressive” urban reformers wanted to get rid of ward elections because often-corrupt “ward-healers” were concerned only with delivering benefits to their local electors rather than paying attention to the overall well-being of their respective municipalities. Small councils elected at-large were supposed to be the solution. But, in places where such systems were implemented, they in turn frequently became the subject of criticism because territorially concentrated minority groups often ended up with no representatives. In the United States, the Supreme Court has struck down at-large systems in racially divided cities precisely on these grounds.¹⁷ Recent research, however, shows that the representation of racial and ethnic minorities improves only slightly in ward-based elections, and that the representation of women actually declines.¹⁸

In recent decades in Ontario, there has been a general trend towards ward-based elections, especially in rural municipalities that amalgamated in the 1990s. Nevertheless, the choice between at-large and ward-based systems remains a local one. The OLT has not expressed a preference in any of its rulings on electoral systems. As the Board stated in a 2002 hearing, “There are very good reasons for both systems of representation. That is why both systems are available to municipalities in Ontario.”¹⁹ Among more populous Ontario municipalities many have maintained at-large systems, with Oshawa, Sarnia, Owen Sound, and Aurora being prime examples. Others have a mix of the two systems. For example, in Thunder Bay the mayor and five councillors are elected at-large and seven more are elected from each of seven wards.

¹⁷ Bernard Grofman, *Voting Rights, Voting Wrongs: The Legacy of Baker v. Carr* (New York: Priority Press, 1990), p.5

¹⁸ Jessica Trounstein and Melody E. Valdini, “The Context Matters: The Effects of Single-Member versus At-Large Districts on City Council Diversity,” *American Journal of Political Science* 52, no. 3 (2008): 554-69.

¹⁹ *Englishman, Mancell and Gushter v. Brockton (Municipality)* (2002) O.M.B.D. No. 1767.

There can be no empirical evidence that one system is superior to the other. The choice is likely to be dependent on local circumstances and on political preferences and objectives. Wards will be favoured by people who want to promote the representation of territorially concentrated minority groups, build closer ties between local communities and individual councillors, and reduce campaign costs for council candidates. Those wanting to discourage territorial divisions and avoid the inevitable difficulties of creating wards with equal populations will favour at-large systems.

It is doubtful that discussions in Pelham about choices between at-large and ward-based electoral systems will unearth any new arguments. It is significant, of course, that Pelham contains distinct concentrations of population in Fonthill, Fenwick, and North Pelham as well as important rural areas. Some will no doubt claim that such a configuration makes wards a necessity. The problem with this line of argument, however, is that the distinct settlements are of varying population size, meaning that the principle of voter parity (rep-by-pop) will be grossly violated if each settlement automatically gets its own ward. The existence of distinct settlements within the same municipality will cause others to argue that the only way to avoid having councillors focus only on their own wards is to have all of them elected at-large.

4. The number of councillors to be elected from each ward

By looking at the “Council size” and “No. of councillors” columns in Table 1, it becomes obvious that many municipalities that have wards elect two councillors per ward while some (Saugeen Shores and North Perth) elect different numbers of councillors from different wards. In Pelham, two councillors are elected from each of three wards. We anticipate that some will argue that there should be more wards in Pelham, with only one councillor being elected from each ward.

The arguments for and against these different alternatives are quite obvious. With only one councillor per ward, each ward’s position can be made clear by one person who can be held accountable for his or her actions. With one councillor instead of two in each ward, councils can be half the size. However, because the minimum council size in Ontario is five, there would have to be a minimum of four wards if there were only to be one councillor per ward. Some will argue that, other things being equal, citizens’ votes are more powerful the smaller the population of each ward.

With two councillors per ward, a citizen who might find one councillor unresponsive to his or her complaints can always turn to the other councillor for assistance. The opposite of such an argument is that, with two councillors per ward, the councillors could compete with each other in unhealthy ways, possibly by suggesting that the other is claiming too much credit for perceived actions beneficial to the ward or not accepting sufficient blame when things go wrong.

Most of the cases in Ontario in which there are different numbers of councillors elected from different wards are found in municipalities that were amalgamated in the 1990s or

2000s. In such cases a previously independent town could continue to elect a number of councillors from a ward comprising the entire town while rural areas or villages would elect fewer councillors from each of their wards. Given that Pelham has existed with its current boundaries since 1970, we do not anticipate that such a model will be popular here, but we are open to suggestions.

People desiring that all the councillors be elected at-large do not need to worry about ward boundaries. We assume, however, that most will at least be open to the continuation of a ward-based system. As we consider the alternatives, we shall have to bear in mind with each alternative configuration, that we shall have to consider the overall size of the council, the number of wards, how many councillors should be elected from each ward, and whether the mayor and the ward councillors should also be joined by a directly elected deputy mayor. Balancing these different alternatives will not be easy.

5. Options for ward boundaries

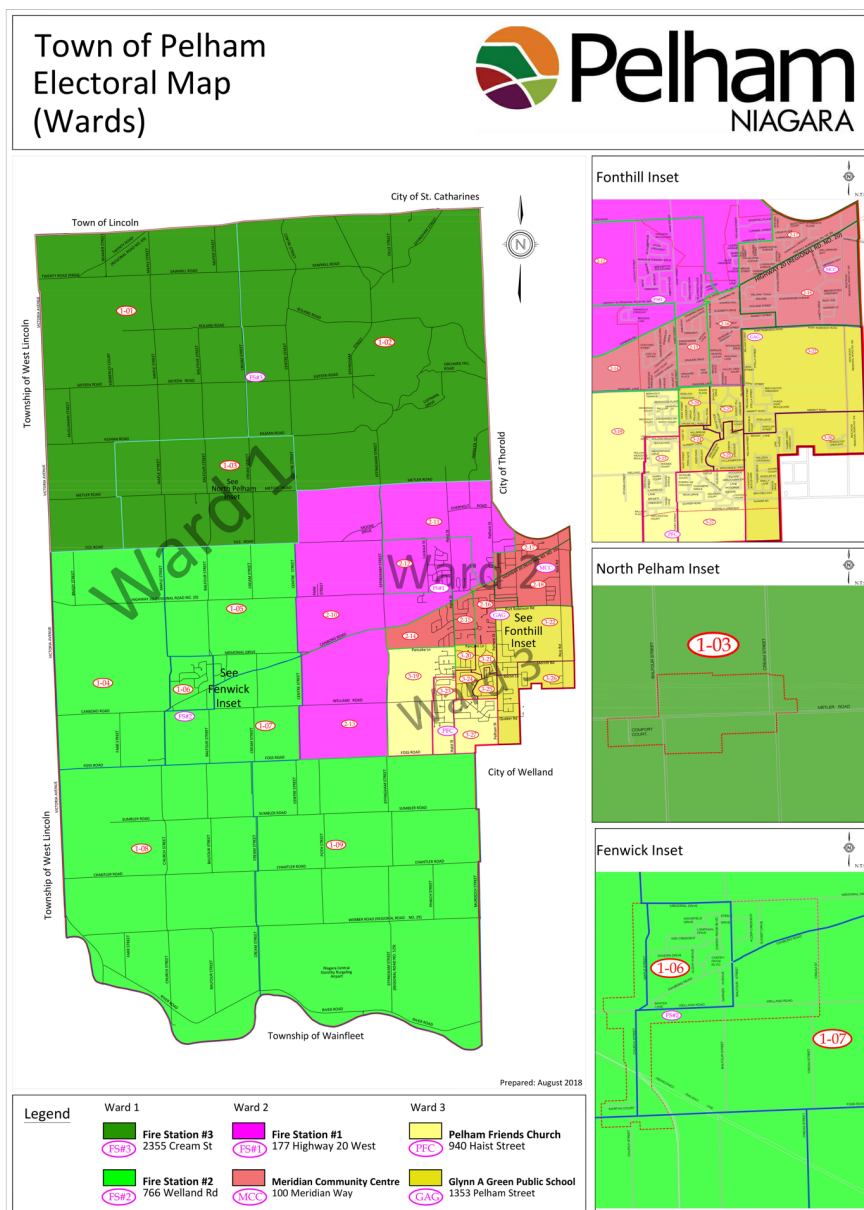
As indicated earlier, during the consultation process we shall be open to any and all suggestions that we believe would be defensible in any hearing held by OLT. We present the following options primarily to focus discussion and debate, and possibly to provide the basis for different options that might combine elements of those that are presented here. After the consultation process is complete, we shall prepare our final report complete with our own recommendation about how the Pelham Council should proceed.

We are mandated by Pelham Council to propose a representation system that could be defensible through a number of elections, ideally through the 2026 and 2030 municipal elections and possibly as far in the future as 2034. Population numbers in Pelham, like much of Niagara Region, are expected to continue to grow steadily over the next decade. In the ward models presented below, we develop population projections using the latest Census population and dwelling data (2021) at the finest geographic level (dissemination block) available, and incorporate information we have received from Pelham's planning department about housing developments in various stages of the approval process. For each of the models, we present forecasted ward populations for the municipal election years 2026, 2030, and 2034, and discuss the implications for voter parity. For at least some of the models, projected population growth indicates that ward boundaries would likely need to be reviewed and redrawn prior to the 2034 municipal election. Of course, if population growth patterns differ sharply from those anticipated here, ward boundaries may need to be reviewed and adjusted even sooner.

Finally, in developing our ward models, we have strived to respect existing communities of interest, particularly the importance of the distinction between urban and rural areas, and the urban settlements of Fenwick, Fonthill, and North Pelham. As outsiders, we are aware that, in drawing boundaries for proposed new wards, we may inadvertently have split important communities of interest that, under alternative boundary arrangements, could be kept together while still maintaining voter parity. Another important purpose of our consultation process is to learn about such communities of interest.

5.1 Option 1. Maintaining the status quo: 3 wards (current boundaries), two councillors per ward, no at-large deputy mayor.

For those that think the current council structures are functioning well, the most obvious and compelling option is to do nothing and leave the current ward boundaries and council structures in place. The current ward boundaries were drawn in 2013, and combined most of the rural area and Fenwick into one ward (Ward 1), and divided the growing urban area of Fonthill into two separate wards (Wards 2 and 3).



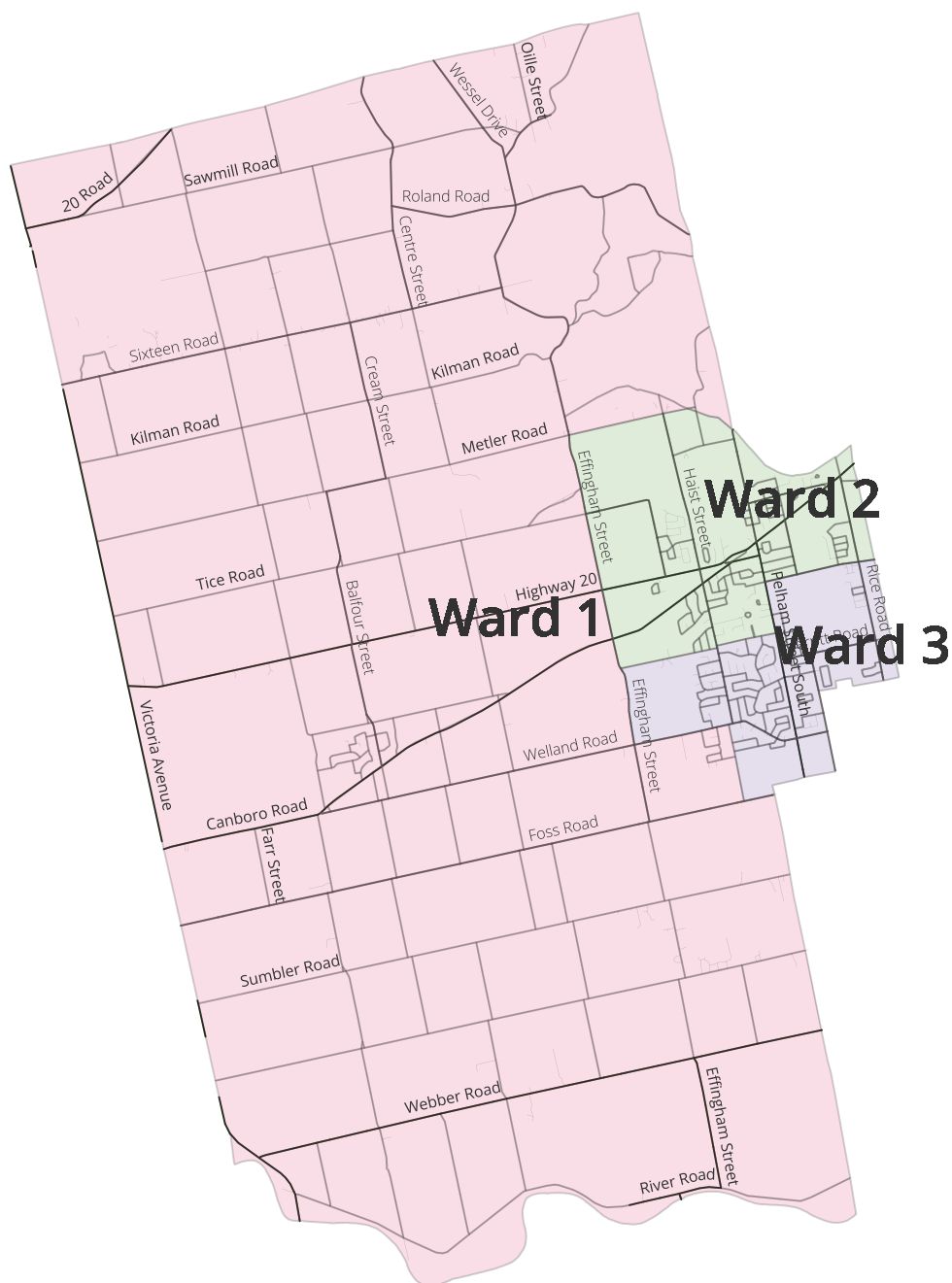
The difficulty with maintaining the status quo is that the urban settlement area of Fonthill has grown significantly in population, while the rural area and Fenwick have not. Information from the Pelham planning department indicates that will continue to be case for the foreseeable future. In the population projections reported below in Figure 1, the result in an increasing inequality in the populations of the urban Wards 2 and 3 on the one hand, and the largely rural Ward 3 on the other. For sake of clarity, projected ward populations that deviate from the optimal (or average) ward population by greater than 15 percent are highlighted in orange. Although not ideal from the perspective of representation-by-population, such cases can be (and have been) justified if the boundaries also reflect other important components of effective representation, particularly communities of interest. Projected ward populations that deviate from average ward size by greater than 25% are highlighted in red. In our view, such cases are generally indefensible. Thus, although maintaining the status quo may not be ideal, it is a defensible option through the 2026 and likely the 2030 municipal elections.

Figure 1. Current 3 Ward Model

| Ward No. | 2023 | | 2026 | | 2030 | | 2034 | |
|-----------------------|------------|------------------|------------|------------------|------------|------------------|------------|------------------|
| | Population | % above or below | Population | % above or below | Population | % above or below | Population | % above or below |
| 1. Rural/Fenwick | 5650 | -10.8% | 5785 | -16.9% | 5918 | -21.6% | 6031 | -25.1% |
| 2. Northwest Fonthill | 6769 | 6.9% | 7570 | 8.7% | 8275 | 9.6% | 8930 | 10.9% |
| 3. Southeast Fonthill | 6586 | 4.0% | 7542 | 8.3% | 8455 | 12.0% | 9201 | 14.2% |
| <i>Total</i> | 19005 | | 20897 | | 22648 | | 24162 | |
| <i>Average</i> | 6335 | | 6966 | | 7549 | | 8054 | |

5.2 *Option 2: 3 wards (revised boundaries), two councillors per ward, no at-large deputy mayor*

One fairly straightforward solution to the growing inequality in the population of the existing three wards to enlarge the territory of Ward 1, extending its eastern boundary from Centre Street to Effingham Street, while maintaining the existing boundary between Wards 2 and 3.



As Figure 2 demonstrates below, this improves voter parity considerably among the three wards through to 2034, while respecting the important distinction between rural and urban communities. This option should be appealing to those who think the current wards and council structure are functioning well, but are understandably concerned about voter parity.

Figure 2. Revised 3 Ward Model

| Ward No. | 2023 | | 2026 | | 2030 | | 2034 | |
|-----------------------|------------|------------------|------------|------------------|------------|------------------|------------|------------------|
| | Population | % above or below | Population | % above or below | Population | % above or below | Population | % above or below |
| 1. Rural | 6817 | 7.6% | 6952 | -0.2% | 7085 | -6.2% | 7198 | -10.6% |
| 2. Northwest Fonthill | 6166 | -2.7% | 6967 | 0.0% | 7672 | 1.6% | 8327 | 3.4% |
| 3. Southeast Fonthill | 6022 | -4.9% | 6978 | 0.2% | 7891 | 4.5% | 8637 | 7.2% |
| <i>Total</i> | 19005 | | 20897 | | 22648 | | 24162 | |
| <i>Average</i> | 6335 | | 6966 | | 7549 | | 8054 | |

5.3 Option 3:4 wards, one councillor per ward, no at-large deputy mayor

There are likely some who prefer a system whereby only one councillor is elected per ward, rather than two. They may also prefer that the size of council be kept as small as possible, and see no particular reason to directly elect a deputy mayor. For such people, their preferred option would be a system of four wards, each electing one councillor, with only the mayor elected at-large. In the proposed four ward model below, there are two largely rural wards, mainly divided by Highway 20. Each rural ward does contain some urban areas in order to better balance ward populations and to include some areas targeted for future residential development: the northern rural ward (labelled here as Ward 1), contains some neighbourhoods north of Highway 20; the southern rural ward (Ward 2), contains Fenwick and some neighbourhoods in southwest Fonthill. The division between the two urban wards (Wards 3 and 4) follows the current boundary between the existing Wards 2 and 3 in part—Port Robinson Road west to Pelham Street south to Pancake Lane west—but thereafter deviates by following Haist Street south. Although uneven residential development among the four wards will create some population imbalances among the wards (see Figure 3), this model is likely defensible through to the 2034 election.

Map 2. Proposed Four Ward Model

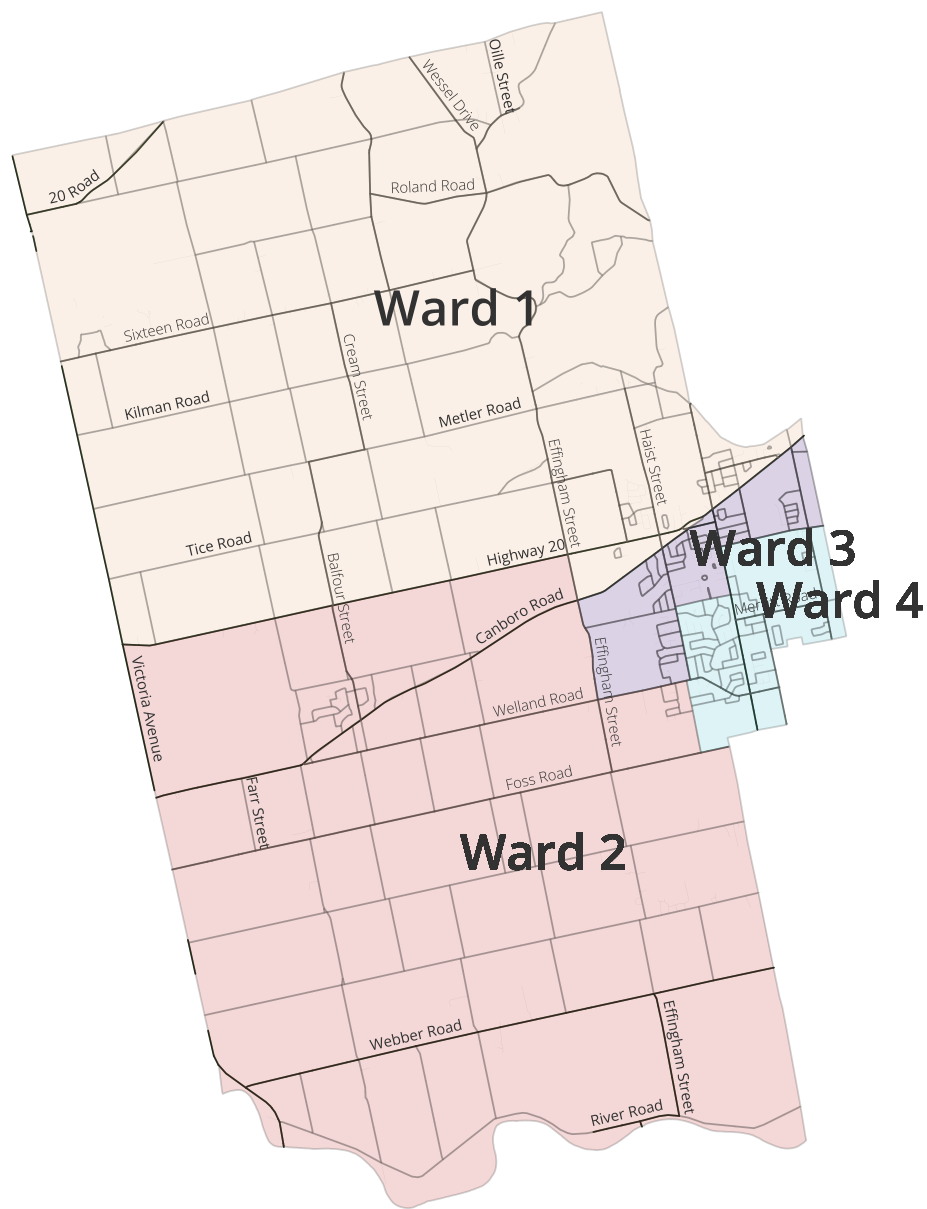
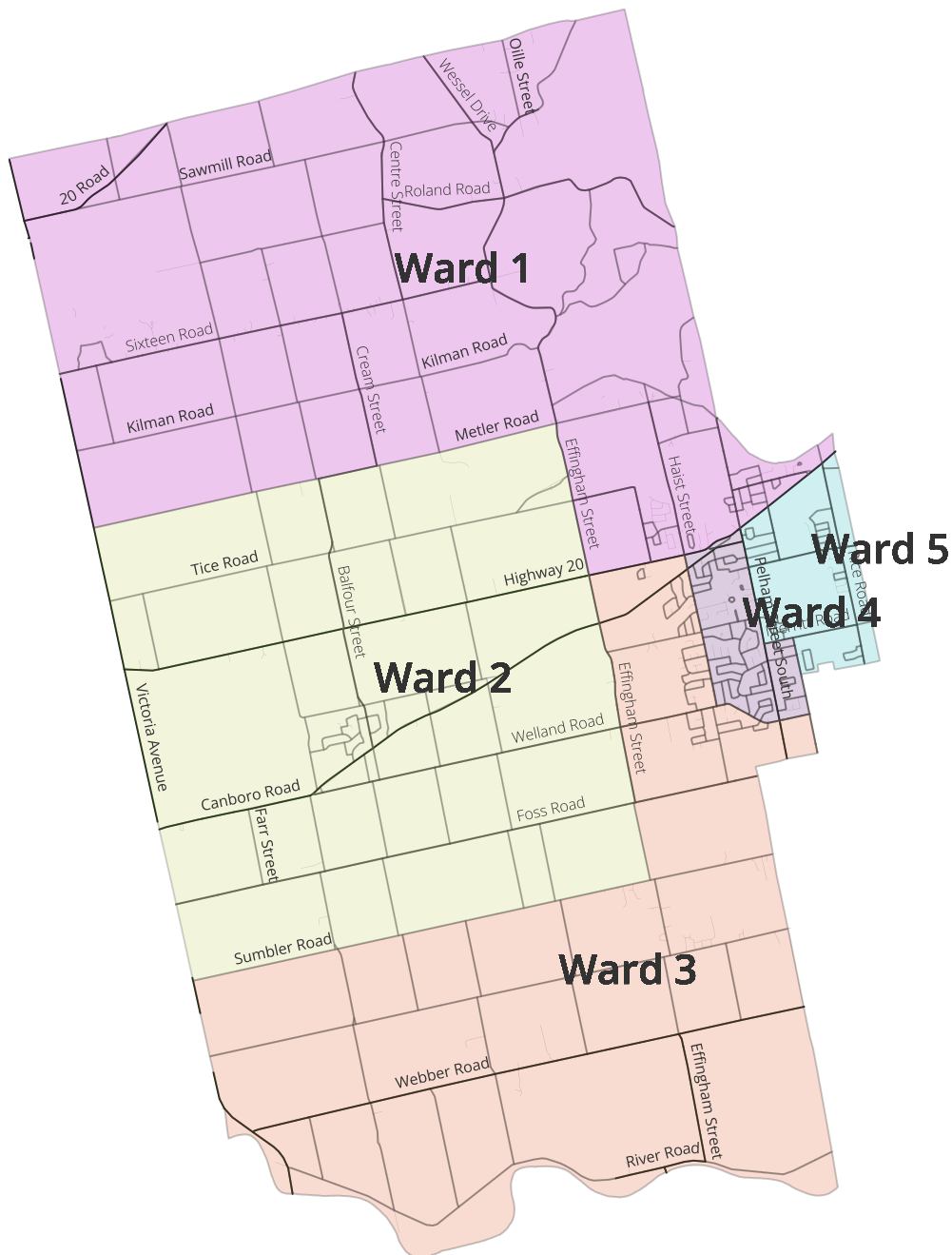


Figure 3. Four Ward Model

| Ward No. | 2023 | | 2026 | | 2030 | | 2034 | |
|----------------------|------------|------------------|------------|------------------|------------|------------------|------------|------------------|
| | Population | % above or below | Population | % above or below | Population | % above or below | Population | % above or below |
| 1. North | 5104 | 7.4% | 5144 | -1.5% | 5167 | -8.7% | 5183 | -14.2% |
| 2. South | 4838 | 1.8% | 4973 | -4.8% | 5106 | -9.8% | 5219 | -13.6% |
| 3. Northwest Fonhill | 4008 | -15.6% | 4833 | -7.5% | 5554 | -1.9% | 6219 | 3.0% |
| 4. Southeast Fonhill | 5055 | 6.4% | 5947 | 13.8% | 6821 | 20.5% | 7541 | 24.8% |
| <i>Total</i> | 19005 | | 20897 | | 22648 | | 24162 | |
| <i>Average</i> | 4751 | | 5224 | | 5662 | | 6041 | |

5.4 Option 4:5 wards, one councillor per ward, deputy mayor elected at large

Those satisfied with the current size of council but favouring the direct election of deputy mayor, will likely be interested in having five wards, with each ward electing one councillor. In this proposed five ward model, Fenwick, along with the surrounding rural area, is given its own ward (Ward 2). The remaining rural area is divided into two wards (Wards 1 and 3), with each of those wards containing some urban areas around Fonthill to better balance current and future populations. The remaining urban areas in Fonthill are divided into Wards 4 and 5, separated mostly by Pelham Street. Such a model is appealing because it does potentially allow for ward boundaries to more closely correspond with existing communities of interest—namely, Fenwick, the rural areas, and Fonthill.



As Figure 4 shows, however, balancing current and future populations among the five wards is challenging because most of the new residential construction is planned to occur in Fonthill, east of Pelham Street. Thus, although the estimated population of Ward 5 (East Fonthill) is currently too low, we do expect the ward populations to be more balanced in time for the 2026 municipal election, and likely remain so through 2030.

Figure 4. Five Ward Model

| Ward No. | 2023 | | 2026 | | 2030 | | 2034 | |
|--------------------|------------|------------------|------------|------------------|------------|------------------|------------|------------------|
| | Population | % above or below | Population | % above or below | Population | % above or below | Population | % above or below |
| 1. North | 4029 | 6.0% | 4069 | -2.6% | 4092 | -9.7% | 4108 | -15.0% |
| 2. Fenwick | 3895 | 2.5% | 4030 | -3.6% | 4163 | -8.1% | 4276 | -11.5% |
| 3. South | 4214 | 10.9% | 4315 | 3.2% | 4376 | -3.4% | 4414 | -8.7% |
| 4. Centre Fonthill | 4198 | 10.4% | 4364 | 4.4% | 4523 | -0.1% | 4658 | -3.6% |
| 5. East Fonthill | 2669 | -29.8% | 4119 | -1.4% | 5494 | 21.3% | 6705 | 38.8% |
| <i>Total</i> | 19005 | | 20897 | | 22648 | | 24161 | |
| <i>Average</i> | 3801 | | 4179 | | 4530 | | 4832 | |

5.5 Option 5:6 wards, one councillor per ward, no directly elected deputy mayor

Our final proposed model involves six wards, each electing its own councillor, with no directly-elected deputy mayor. Fenwick once again forms its own ward, along with the immediately surrounding rural area. Most of the remaining rural area is combined into one contiguous ward. Fonthill and the surrounding area are divided into four wards. Although balancing ward populations in a six ward model is challenging, we expect this configuration to be defensible likely through the 2030 municipal election.

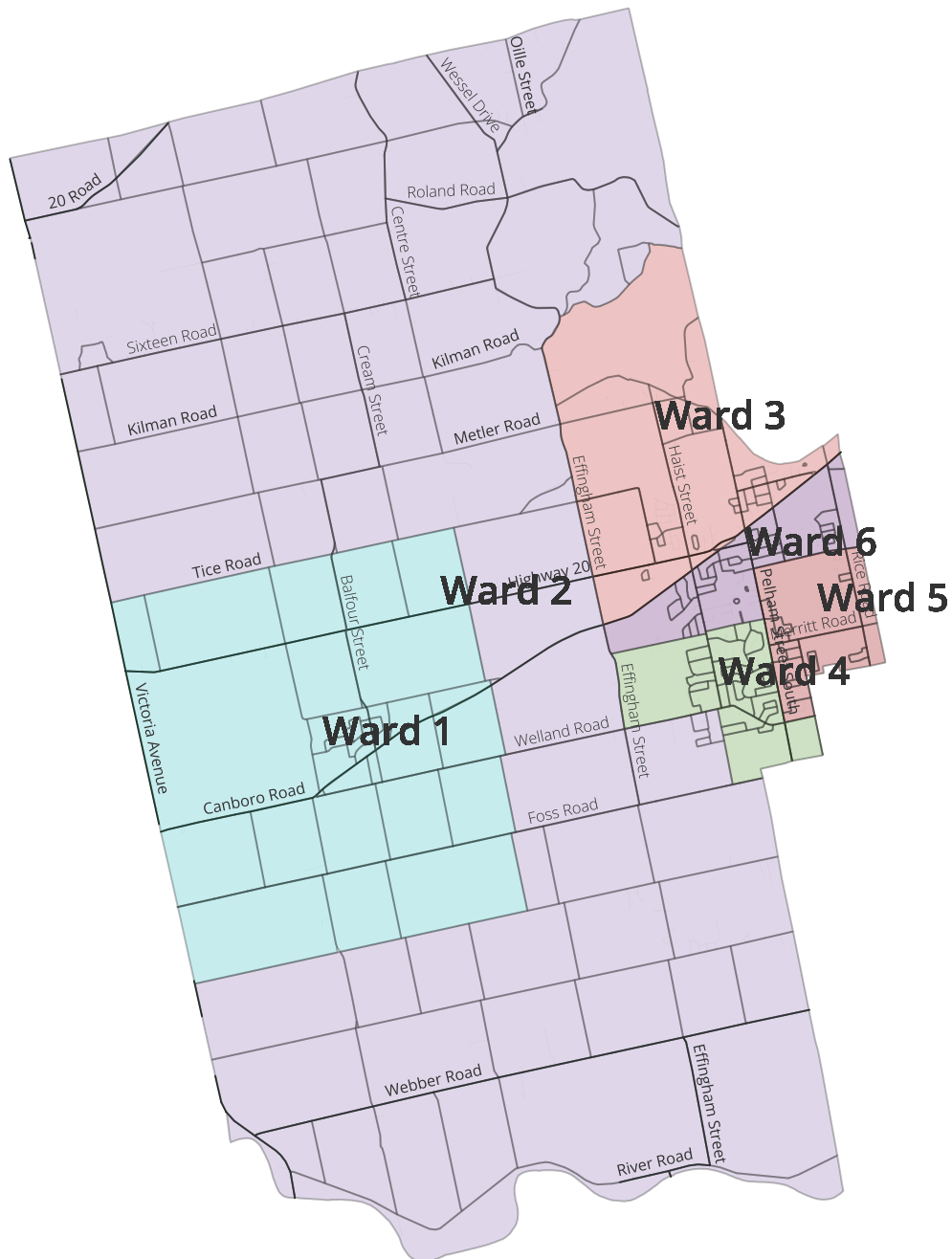


Figure 5. Six Ward Model

| Ward No. | 2023 | | 2026 | | 2030 | | 2034 | |
|-----------------------|------------|------------------|------------|------------------|------------|------------------|------------|------------------|
| | Population | % above or below | Population | % above or below | Population | % above or below | Population | % above or below |
| 1. Fenwick | 3025 | -4.5% | 3160 | -9.3% | 3293 | -12.8% | 3406 | -15.4% |
| 2. Rural | 3698 | 16.7% | 3698 | 6.2% | 3698 | -2.0% | 3698 | -8.2% |
| 3. North Fonthill | 3219 | 1.6% | 3259 | -6.4% | 3282 | -13.1% | 3298 | -18.1% |
| 4. West Fonthill | 3629 | 14.6% | 3831 | 10.0% | 3951 | 4.7% | 4030 | 0.1% |
| 5. Southeast Fonthill | 2393 | -24.5% | 3147 | -9.6% | 3940 | 4.4% | 4607 | 14.4% |
| 6. Centre Fonthill | 3042 | -4.0% | 3802 | 9.2% | 4484 | 18.8% | 5123 | 27.2% |
| <i>Total</i> | 19006 | | 20897 | | 22648 | | 24162 | |
| <i>Average</i> | 3168 | | 3483 | | 3775 | | 4027 | |

6. NEXT STEPS

As soon as possible after the presentation of this interim report the consultants will conduct informal interviews with council members and the municipality's senior management team. The object of these interviews will be to obtain their reactions to the options we have presented.

This stage will be followed by two public meetings. The first will be held on February 12th at 6:00 - 8:00 pm at Pelham Fire Station #2 (Fenwick); the second will be February 27th 6:00 – 8:00 pm at the Meridian Community Centre (Fonthill). For more information about these meetings and about this project, residents can consult the project page at engagingpelham.ca, the Town of Pelham's online engagement tool.

We will present our Final Report to Council in March/April 2024. This report will contain a recommendation for a particular course of action. Readers are reminded again that we will be pleased to consider proposals that offer variations on one or more of any of the options we have presented. The purpose of these options is to help launch a discussion, not to limit it. The final decision, subject any appeals to OLT, rests with the Council.