



# 2020 Ward Boundary Review

Township of Cavan Monaghan

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Discussion Paper

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# Table of Contents

	Page
<b>1. Background.....</b>	<b>1</b>
<b>2. Setting .....</b>	<b>1</b>
<b>3. Parameters for an Electoral Review.....</b>	<b>2</b>
3.1 The Composition of Council.....	3
3.2 The Method of Election for Councillors .....	5
3.3 Core Principles to Design Wards .....	5
3.4 The Consultation Process.....	7
<b>4. Township of Cavan Monaghan Population and Growth Trends.....</b>	<b>8</b>
4.1 Current Population and Structure .....	8
4.2 Forecast Population Growth, 2020 to 2030.....	9
<b>5. Preliminary Evaluation of the Status Quo .....</b>	<b>10</b>
<b>6. The Preliminary Options .....</b>	<b>14</b>



# 1. Background

The Township of Cavan Monaghan has retained Watson & Associates Economists Ltd. and Dr. Robert J. Williams, hereinafter referred to as the Consultant Team, to conduct a comprehensive and independent ward boundary review.

The primary purpose of the study is to prepare Cavan Monaghan Council to make decisions on whether to maintain the existing ward structure or to adopt an alternative. Other matters integral to a comprehensive review are:

- What guiding principles will be observed in the design of the wards?
- Is it appropriate to consider changing the composition (size) of Council as part of the same review?

This review is premised on the expectation that municipal representation in Cavan Monaghan would be effective, equitable, and an accurate reflection of the contemporary distribution of communities and people across the Township.

# 2. Setting

Cavan Monaghan has the following basic electoral arrangements:

- Municipal Council has five members consisting of:
  - a Mayor, who is elected at-large;
  - a Deputy Mayor who is also elected at-large; and
  - three local Councillors, who each represent and are elected in a ward.

Cavan Monaghan is divided into three wards – Cavan, Millbrook, and North Monaghan – each of which elects one local Councillor, who sits on Cavan Monaghan Council. The Mayor and Deputy Mayor sit on both the County and Cavan Monaghan Councils.

The number and distribution of Councillors representing local municipalities on the County Council is determined through provisions set out in the *Municipal Act, 2001*, s. 218. Peterborough County Council consists of the Mayor and Deputy Mayor from each member municipality and it is something that cannot be modified unilaterally by Cavan Monaghan Council.



There are, however, three basic and interconnected components of an electoral system that lower-tier municipalities in Ontario can address under existing provincial legislation:

- a) the size of the council of a local municipality (referred to as “the composition of council” in *Municipal Act, 2001*, s. 217 (1));
- b) the method of election for Councillors that may be “by general vote or wards or by any combination of general vote and wards” (*Municipal Act, 2001*, s. 217 (1) 4); and
- c) assuming that Council will be elected by wards, the actual ward configuration, including the number of wards, the number of Councillors to be elected in each ward, and the boundaries of the wards (as implied in *Municipal Act, 2001*, s. 222 (1)).

The wards in which Councillors are elected in Cavan Monaghan have remained unchanged since 1998. Population data from 2016 (see Figure 2) indicate that the wards are significantly unbalanced in population. The population of the Cavan Ward is almost five times the population of the North Monaghan Ward. Cavan Monaghan is projected to experience significant population growth over the next decade, making this an opportune time for a review of its existing ward boundaries.

### 3. Parameters for an Electoral Review

The intention of this review is to provide information to assist the Township Council in making determinations about whether to change some existing electoral arrangements. It is important to note that Council has the authority to decline to make changes to any or all of its electoral structure and is under no obligation to consider them – even in response to a petition submitted by electors related to wards (*Municipal Act, 2001*, s. 223 (4)).<sup>1</sup>

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<sup>1</sup> If, however, the Council does not pass a by-law in accordance with such a petition within 90 days after receiving it, any of the petitioners may apply to the Local Planning Appeal Tribunal (LPAT) “to have the municipality divided or re-divided into wards or to have the existing wards dissolved.” Note that by-laws in relation to council composition (s. 217) are not open to appeal to the LPAT.



### 3.1 The Composition of Council

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The premises and practices used for determining the overall composition of municipal councils in Ontario has never been satisfactorily or definitively addressed, either in legislation or regulation. There are no clear principles at play, no “standards,” and no formulas to apply. Furthermore, there is no established timetable to require that municipal councils review the continuing validity of the number of places at the council table.

The *Municipal Act, 2001* establishes the minimum size for the council of a local municipality in Ontario as five, “one of whom shall be the head of council” who must be elected by general vote (s. 217 (1) 1 and (1) 3). There are no references to a maximum or to an “appropriate” size associated with, for example, the population of the municipality. As a result, the composition of local councils in Ontario varies widely. Cavan Monaghan Council is composed of five members, the minimum. All the local municipalities in Peterborough County have Councils made up of the minimum number of five members and all have Deputy Mayors. See Table 1 to compare Cavan Monaghan to other municipalities in Peterborough County. While all have the same size Council, the population per Councillor varies significantly – with Cavan Monaghan having the second highest population per Councillor.

Table 1: Composition of Councils – Peterborough County

Municipality	Total Population	Number of Members on Council	Population/Councillor
Cavan Monaghan, Township of	8,829	5	1,766
Asphodel-Norwood, Township of	4,109	5	822
Douro-Dummer, Township of	6,709	5	1,342
Havelock-Belmont-Methuen, Township of	4,530	5	906
North Kawartha, Township of	2,479	5	496
Otonabee-South Monaghan, Township of	6,670	5	1,334
Selwyn, Township of	17,060	5	3,412
Trent Lakes, Municipality of	5,397	5	1,079

Source: AMO Open Source Data (AMOPEN)

The optimal size of a Council for Cavan Monaghan depends on the purpose and role Council is expected to play as a decision-making and representative body. Three

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interconnected factors could be considered: the capacity of Council to provide effective political management, effective representation, and accountability.

### **a) Effective Political Management**

A certain number of elected representatives are required to carry out the essential governmental functions of a municipality. The workload of representatives varies with each individual councillor. The size of the council has an impact on the amount of time councillors can allocate to such formal duties and to constituency casework, as well as to their personal, family, and non-political obligations.

### **b) Effective Representation**

The heart of “effective representation” (to be discussed more fully in relation to the core principles for a ward system) is the conviction that councillors must be able to maintain contact with constituents. Logically, a larger council would necessitate smaller wards and be more likely to ensure representatives can maintain close contact with constituents. Conversely, a smaller council would create larger wards and increase the challenge to deliver such representation.

Another aspect of representation relates to what will be referred to as “coherence”: wards should be designed around representing communities of interest within the municipality (discussed fully below). Ideally, wards will include a grouping of well-defined neighbourhoods and districts that are as similar as possible. A ward system built around three local councillors will of necessity include a larger and more diverse collection of neighbourhoods in each ward than a system built around a larger number of local councillors.

### **c) Accountability**

Municipal councillors are not only “political managers” of the municipal corporation but are accountable for their decisions through an election. As such, councillors are adjudicated on their overall performance by voters regularly through the electoral process, providing incentive to, wherever possible, reflect the needs and desires of their wards on council. An effective democratic electoral system should provide voters with an adequate range of opportunities to select municipal legislators. The number of representatives subject to public accountability for their actions is a key indicator of how close or remote the council is to the community.



## 3.2 The Method of Election for Councillors

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As in the previous discussion, the *Municipal Act, 2001* and its regulations offer no guidance on the question of whether a municipality elects its councillors “by general vote or wards or by any combination of general vote and wards.” In addition, there is no consistency across Ontario municipalities. A handful use a mixed ward-general vote system (most notably Thunder Bay) as permitted under the *Municipal Act, 2001*. No municipality in Ontario with a population greater than 100,000 elects its council entirely through a general vote system.

The Township of Cavan and the Village of Millbrook, previously part of Durham County, became part of Peterborough County in 1974. In 1998, they were amalgamated, along with North Monaghan, into one Township: Cavan-Millbrook-North Monaghan. In 2007, the Township was renamed Cavan Monaghan. The current three-ward system, consisting of a Mayor, a Deputy Mayor and three Local Councillors was adopted at the time of amalgamation in 1998. This system was originally adopted to accommodate the main parties to the amalgamation, hence the Cavan Ward, the Millbrook Ward, and the North Monaghan Ward.

It is primarily because of the presence of several distinct and historically important settlements and neighbourhoods in Cavan Monaghan that this review should proceed. The supposition, is that Cavan Monaghan’s Council will continue to be elected in wards as a way to ensure that the voices of the particular localities are represented around the Council table.

## 3.3 Core Principles to Design Wards

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The Township of Cavan Monaghan has established core principles and other directions for an electoral review and the reason is simple: provincial legislation is silent on the matters that could be considered by a municipality when establishing or modifying its electoral system. There are some precedents that can be gathered from cases previously heard by the Ontario Municipal Board (O.M.B.) (now known as the Local Planning Appeal Tribunal or LPAT), examples of successful electoral reviews in other Ontario municipalities, and judicial rulings on representation (in particular the “Carter” decision – see below) that may be applicable. A review of electoral arrangements in



Cavan Monaghan should be based on Cavan Monaghan's own circumstances and objectives.

Municipal ward boundary review best practices in Ontario, O.M.B./LPAT hearings, and judicial decisions suggest that an electoral system based on wards should meet the following core principles or guidelines:

### **Representation by Population**

- The central goal is population parity; every Local Councillor should generally represent an equal number of constituents, with some variation permitted for residential density across the Township.
- The range of population variance should not exceed 25% unless it can be justified to meet one of the other criteria.

### **Population and Electoral Trends**

- Ward boundaries should consider and accommodate the Township's projected growth and population shifts, to maintain a general equilibrium in representation by population over a three-election cycle (2022, 2026, 2030).

### **Representation of Communities of Interest**

- Ward boundaries should recognize neighbourhoods and community groupings (social, historical, economic, religious, and political diversities) while at the same time, not fragmenting such communities.
- Wards should be contiguous in shape and as compact as possible.

### **Geographical and Topographical Features as Boundaries**

- Ward boundaries should be straightforward and easily recognizable and, where possible, should make use of permanent "natural" features and geographic features, such as roads, railways, and utility corridors.



## Effective Representation

- The previous four principles are subject to the overarching principle of effective representation as stated by the Supreme Court of Canada in the Carter case.<sup>1</sup>
- To achieve effective representation, each resident should have comparable access to their elected representative and each Local Councillor should speak in governmental deliberations on behalf of an equal number of residents.

The principles identified above contribute to effective access between elected officials and residents, but they may occasionally conflict with one another. Accordingly, it is expected that the overriding principle of effective representation will be used to arbitrate conflicts between principles. Any deviation from the specific principles must be justified by other principles in a manner that is more supportive of effective representation.

### 3.4 The Consultation Process

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Before 2006, the *Municipal Act, 2001* required a council to hold a public meeting before adopting a by-law to modify its ward boundaries. Today that is no longer a legislated requirement, but a municipal electoral system should be subject to a public consultation process to ensure the legitimacy of the recommendations placed before Council. This expectation has been affirmed in a number of O.M.B./LPAT decisions.

Public engagement activities will be conducted under Cavan Monaghan's established protocols and policies and will be aimed at both informing residents about the review (including the key factors that are being considered) and gathering informed evaluations from residents about the existing system and alternative designs. Consultations will take place in accordance with public health guidelines aimed at reducing the potential spread of coronavirus disease (COVID-19). As such, several outlets have been designed for Cavan Monaghan residents to safely participate in the review process, including virtual consultation sessions, an information website, and a survey designed to solicit feedback on the current ward structure.

It is important to be clear that a ward boundary review is not a popularity contest and that the integrity of the review and the recommendations made to Council are not

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<sup>1</sup> Reference re: Provincial Electoral Boundaries (Saskatchewan) [1991] 2 S.C.R. This is often cited as the "Carter" decision.



inherently compromised if there is a low level of public participation in the consultations. In addition, the review will be conducted at arm's-length from staff and Council to ensure its legitimacy.

One important consequence of conducting an effective and independent review is that residents should be well-enough informed about the conduct of the entire review – and should be satisfied enough with the decision reached by Council – that there will be little incentive to appeal a by-law to the LPAT under s. 222 (4) of the *Municipal Act, 2001*.

The public consultation sessions are intended to inform the public on the ward boundary review process, the composition of council, and the core principles adopted for the project. Those who participate will also have an opportunity to provide input on a set of preliminary ward boundary options.

## 4. Township of Cavan Monaghan Population and Growth Trends

As previously discussed, one of the basic premises of representative democracy in Canada is the belief that the geographic areas used to elect a representative should be reasonably balanced with one another in terms of population. In order to evaluate the existing ward structure and subsequent alternatives in terms of representation by population in the coming year (2021), a detailed population estimate for the Township and its respective wards and communities will be prepared.

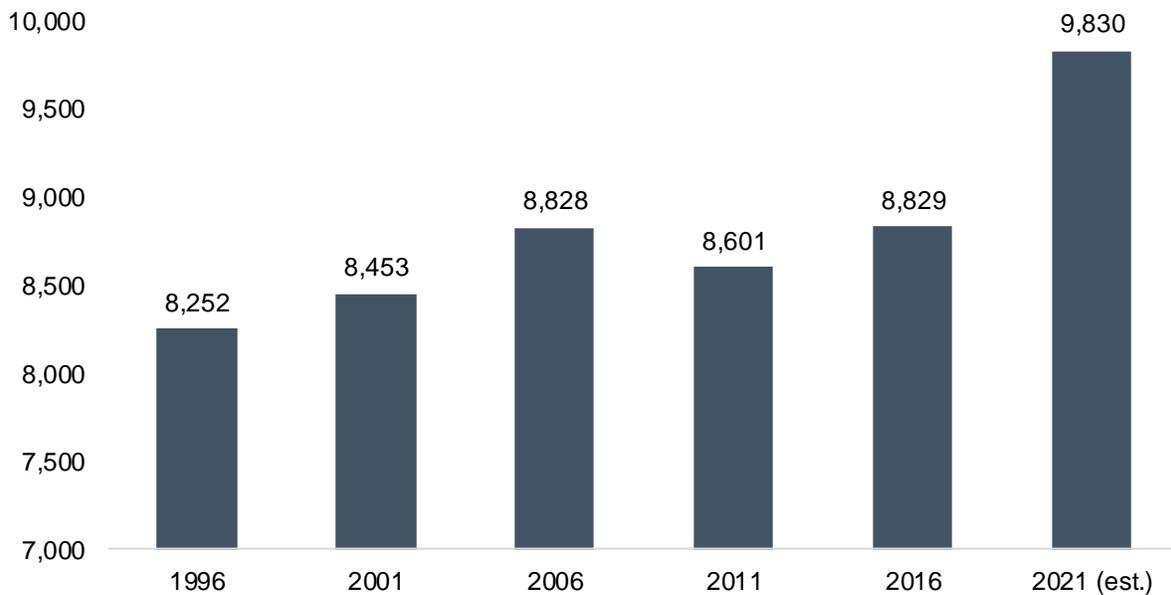
### 4.1 Current Population and Structure

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Cavan Monaghan's wards were developed in 1998, when the population of the Township was approximately 8,300 (8,252 in the 1996 Census). Population growth over the following 20 years was modest, increasing by about 7% to 8,829 in 2016. The population at the beginning of 2021, however, is now estimated to be over 9,800 – a growth of nearly 1,600 inhabitants since 1996, almost a 20% increase. This accelerating growth trend is expected to continue, and by 2031 the Township of Cavan Monaghan is estimated to reach a population of approximately 12,890, an increase of almost 40% from 2021 and over 55% from the 1996 Census population.



Figure 1: Population Trend



Note: Populations from 1996 - 2016 are from Statistics Canada Census of Population; early 2021 population derived using 2016 Census figures combined with building permit data.

All population figures exclude Census undercount

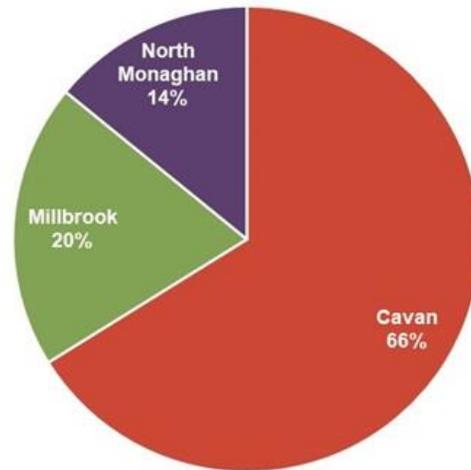
Currently, the Cavan Ward has a disproportionately large population share, accounting for 66% of the Township's population, leaving Millbrook with 20%, and North Monaghan with 14% (Figure 2).

## 4.2 Forecast Population Growth, 2020 to 2030

With the Township of Cavan Monaghan forecast to experience significant population growth over the next decade, it is important that this study assess the representation by population for both existing and future year populations. In accordance with the study terms of reference, the analysis will consider representation of population not only for the present year, but over the next three municipal elections through 2030. As such, a population and housing forecast for the Township of Cavan Monaghan and its communities for the 2020 to 2030 period will be prepared.



Figure 2: Population Share by Ward, 2016



The housing development forecast will prove especially vital for this ward boundary review as it will give an indication of the spatial distribution of anticipated population growth. This will involve a detailed assessment of development applications to give a solid indication of where population growth is likely to occur. An initial evaluation suggests that much of the growth over the coming decade will be centered in Millbrook – it is one of four serviced areas in the County of Peterborough that can still accommodate further residential development, and there are active large subdivision developments in the approvals process. Moreover, Millbrook has already been facing development pressure in recent years as the 407 extension to Highway 115 has made it an attractive relocation option for commuters into the Greater Toronto Area (G.T.A.), and, therefore, it is likely that housing demand in Millbrook will continue to rise for the foreseeable future.

## 5. Preliminary Evaluation of the Status Quo

This section reviews the existing ward structure in Cavan Monaghan in terms of the identified core principles. The existing ward structure is presented in Figure 3 for reference purposes.

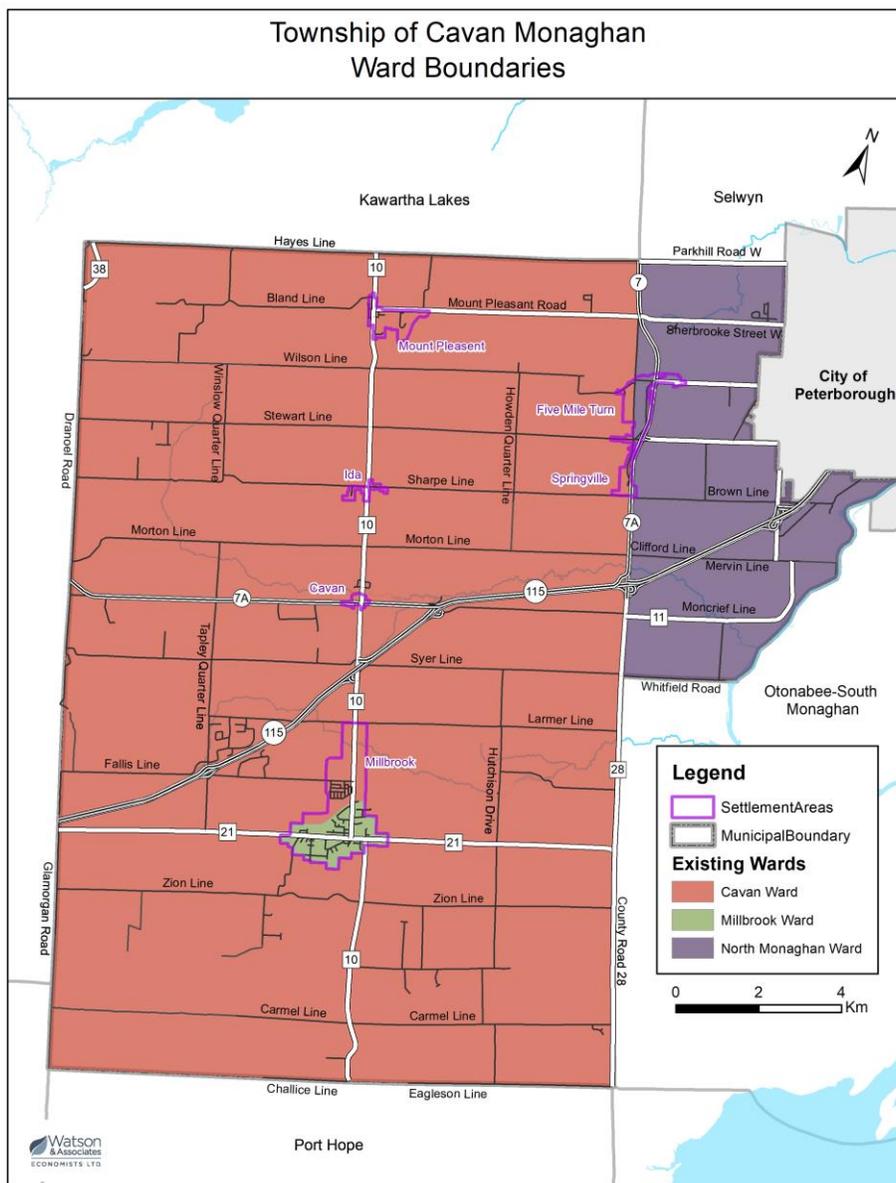
### Representation by Population

The objective of population parity (every Councillor generally representing an equal number of constituents within his or her respective ward) is the primary goal of an



electoral redistribution, with some degree of variation acceptable in light of population densities and demographic factors across the Township. The indicator of success in a ward design is the extent to which all the individual wards approach an “optimal” size. Based on the Township’s 2016 population (8,829, excluding undercount), the optimal population size for a ward in a three-ward system would be 2,943. By early 2021, the estimated population will be approximately 9,830 (excluding undercount) with an optimal ward population of approximately 3,280.

Figure 3: Existing Ward Structure





Optimal size can be understood as a mid-point on a scale where the term “optimal” (O) describes a ward with a population within 5% on either side of the calculated optimal size. The classification “below/above optimal” (O + or O -) is applied to a ward with a population between 6% and 25% on either side of the optimal size. A ward that is labelled “outside the range” (OR + or OR -) indicates that its population is greater than 25% above or below the optimal ward size. The adoption of a 25% maximum variation is based on federal redistribution legislation.

Preliminary Assessment:

- Population data suggests all three wards are outside the acceptable range of variance, and therefore none can be considered to fall within the acceptable range of “parity.”
- The Cavan Ward contains two-thirds of the population of Cavan Monaghan, and its large population causes all three wards to be out of range.
- Based upon this information, the present wards fail to adhere to the representation by population principle.

Table 2: Population by Existing Ward, 2016 Census

Existing Wards				
Ward	2016 Census Population (Excluding Census Undercount)	Share	Variance	
Millbrook Ward	1,745	20%	0.59	OR-
Cavan Ward	5,839	66%	1.98	OR+
North Monaghan Ward	1,245	14%	0.42	OR-
Total	8,829	100%		
Average	2,943			

**Population and Electoral Trends**

Cavan Monaghan’s wards should adequately accommodate future growth and population shifts. The Township’s population was stable for many years; however, growth has recently been accelerating and this is expected to continue over the next decade. The ward boundary review process needs to not only account for the



population of Cavan Monaghan as it currently stands, but also how it is projected in the future.

#### Preliminary Assessment:

- Millbrook is the Township's population centre and major urban area, and much of the Township's future growth is projected to occur in that vicinity.
- The Township as a whole has an aging population and will likely see an increase of the senior population moving into the urban centre, seeking ground-based housing in proximity to urban amenities and services.
- The Millbrook urban settlement area is currently split into two wards, with a portion already in the most populous ward: the Cavan Ward.
- Under the existing ward configuration, future growth could further exacerbate population inequities.

#### **Representation of Communities of Interest**

A ward should have a “natural” feel to those who live within them, meaning that they should be related to social, historical, or economic connections within the Township. This is done to avoid creating wards that combine communities with disparate interests and patterns of interaction, and to ensure communities of interest remain intact during the design of ward boundaries.

In Cavan Monaghan, the wards perpetuate the boundaries of the pre-amalgamation municipalities that have historical meaning but do not necessarily correspond to contemporary communities of interest within the Township.

#### Preliminary Assessment:

- It is difficult to argue that the current ward system ensures equitable representation for the communities of interest within Cavan Monaghan.

#### **Geographical and Topographical Features as Boundaries**

Ward boundaries should be recognizable and take advantage of natural and built geographic features.

There are essentially only two boundaries in Cavan Monaghan, both historical. One divides the Cavan Ward from the North Monaghan Ward along Highway 7 and Preston



Road through the settlement area at North Monaghan. The other encircles the former Village of Millbrook. Neither line is a plausible boundary today since the former artificially divides the North Monaghan settlement and the latter is an irregular line that does not follow identifiable features.

Preliminary Assessment:

- Existing ward boundaries are not easy to comprehend.

### **Effective Representation**

As stated above, the four principles are subject to the overarching principle of effective representation, meaning that each resident should have comparable access to their elected representative and each Local Councillor should speak on behalf of an equal number of residents.

Preliminary Assessment:

- The current population and geographic disparities between wards are too great to achieve effective representation. The population disparity will grow in the future.

## **6. The Preliminary Options**

In the coming weeks, the Consultant Team will engage the community and will produce a series of preliminary options for the public and Council to consider. Through consultation on these preliminary options, the Consultant Team will provide a final report and a recommended ward boundary structure for Council, who will ultimately make the final decision on how best to design Cavan Monaghan's ward boundaries. The principles discussed above will guide the decision making of the Consultant Team. The consultation process will help guide the thinking around which principles – population parity or communities of interest, for instance – should take precedence, given Cavan Monaghan's history, culture, economy, settlement patterns, and population forecasts.