



Town of
Whitchurch-Stouffville

Public Consultation Report

April 7, 2009

2009 Ward Boundary Review

Discussion Paper

April 2009

Prepared By

**Dr. Robert J. Williams
Waterloo, Ontario**



Introduction

This report is intended to take Whitchurch-Stouffville's 2009 Ward Boundary Review to its next stage. Since January, I have been assembling background information on Whitchurch-Stouffville and meeting with elected officials, City staff and members of the public. That information has been used to frame some alternative approaches to configuring the ward boundaries in Whitchurch-Stouffville that appear in the following pages.

The Discussion Paper can serve as a resource to be used by the public and by Council to participate in this Review. Public meetings will be held on April 14 and 22, 2009, where these options will be explained and where the community can evaluate the suitability of the alternatives. Individuals and community organizations are also welcome to forward comments directly to the Consultant at twswardreview@hotmail.com before May 5. At that time, all feedback will be considered in the preparation of a final report to Council due at the end of May. Council will make the final selection of a ward configuration at that time.

I welcome comments and evaluations from the entire community about these alternatives, although I would suggest that the first priority ought to be to consider the appropriate form for Whitchurch-Stouffville's ward system. Once the "big picture" is clear, attention to the location of the specific boundaries can be addressed.

For practical assistance so far in this Review, I would like to acknowledge and thank members of the Town's staff, in particular Michele Kennedy who has been generous with her time and patience.

Robert J. Williams

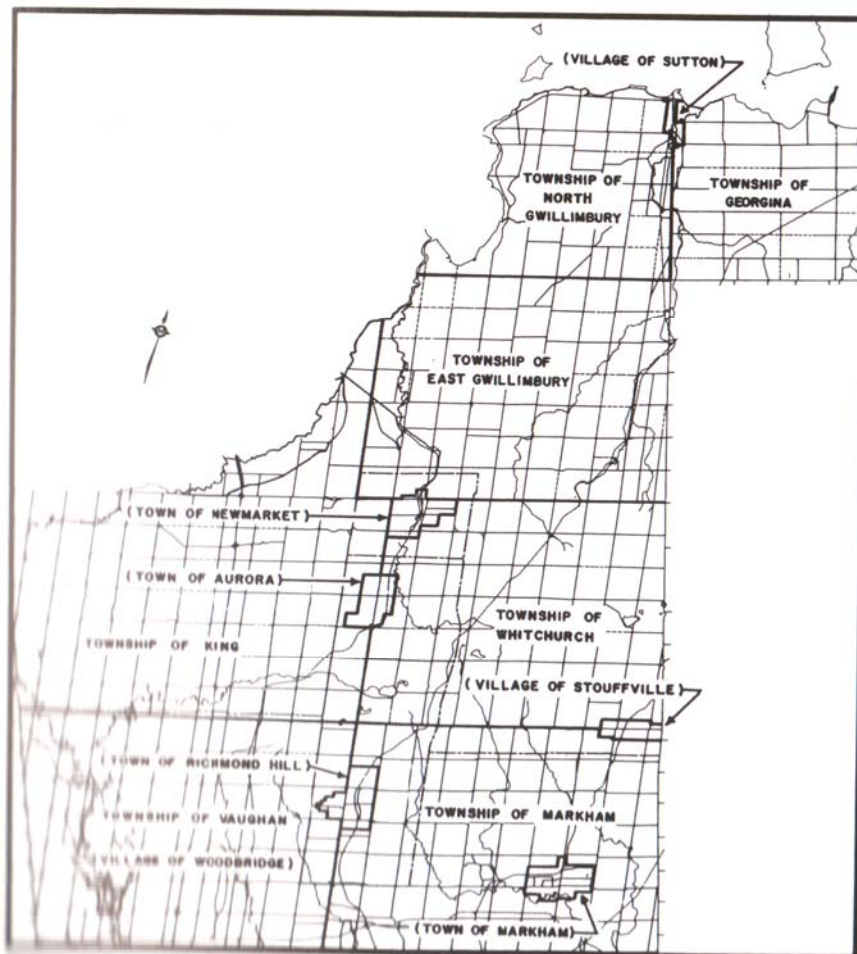
Consultant
2009 Town of Whitchurch-Stouffville Ward Boundary Review



Background

The province of Ontario created the Town of Whitchurch-Stouffville in 1970 through an amalgamation of two existing municipalities (a significant portion of the Township of Whitchurch and the Village of Stouffville) plus territory added from a third municipality (the Township of Markham). The boundary adjustments were a part of the municipal reorganization that transformed the County of York into the Regional Municipality of York, a process that prompted considerable controversy in the communities affected. The addition of a narrow strip of territory from the northern edge of Markham meant that there would be a notional buffer between the concentrated settlement at Stouffville and the new Town's southern boundary. A map of the pre-Regional Government municipalities is provided for reference.

Map 1 – The County of York (1971)





Both Whitchurch and Stouffville were long-established municipalities with rich histories and separate community identities. There were also a number of smaller settlements scattered throughout Whitchurch (such as Vandorf, Bloomington, Bethesda and Lemonville), many of which dated from the early Nineteenth Century. Most are still identified on various Town maps and their names are familiar to Town residents.

In 1970, Whitchurch and Stouffville were each governed by five member councils consisting of a Reeve, a Deputy Reeve and three councillors. Once the location of the municipal boundaries was settled, the existing councils were required to advise the Minister of Municipal Affairs on the size of the amalgamated council and on ward boundaries for the election of its members; these arrangements would be implemented through a Minister's Order. Contemporary press reports speculate on a council ranging from eight councillors plus a mayor to a five-ward arrangement; ultimately, a proposal for a six-ward plan - with the mayor elected at large - was endorsed at a joint meeting of the Whitchurch and Stouffville councils in July 1970. Those wards are still in place. See Map 2.

At amalgamation, the population of the new municipality was estimated at about 11,000 people, with approximately one thousand in the Markham portion, four thousand in the Stouffville urban area and six thousand in the Whitchurch rural area.

In the original design of the Town's wards, some key assumptions were used. One important provision was to divide the urban population of the Village of Stouffville into three wards, each of which included rural areas to the north, south and west of the old Village. The local newspaper, *The Tribune*, remarked in an editorial at the time that the proposed ward boundaries were the result of "sensible thinking.

The main desire, as we see it, was to establish wards comparable in size. This, in itself was a difficult chore since rural Whitchurch and a southerly slice of rural Markham had the area while urban Stouffville had the people.

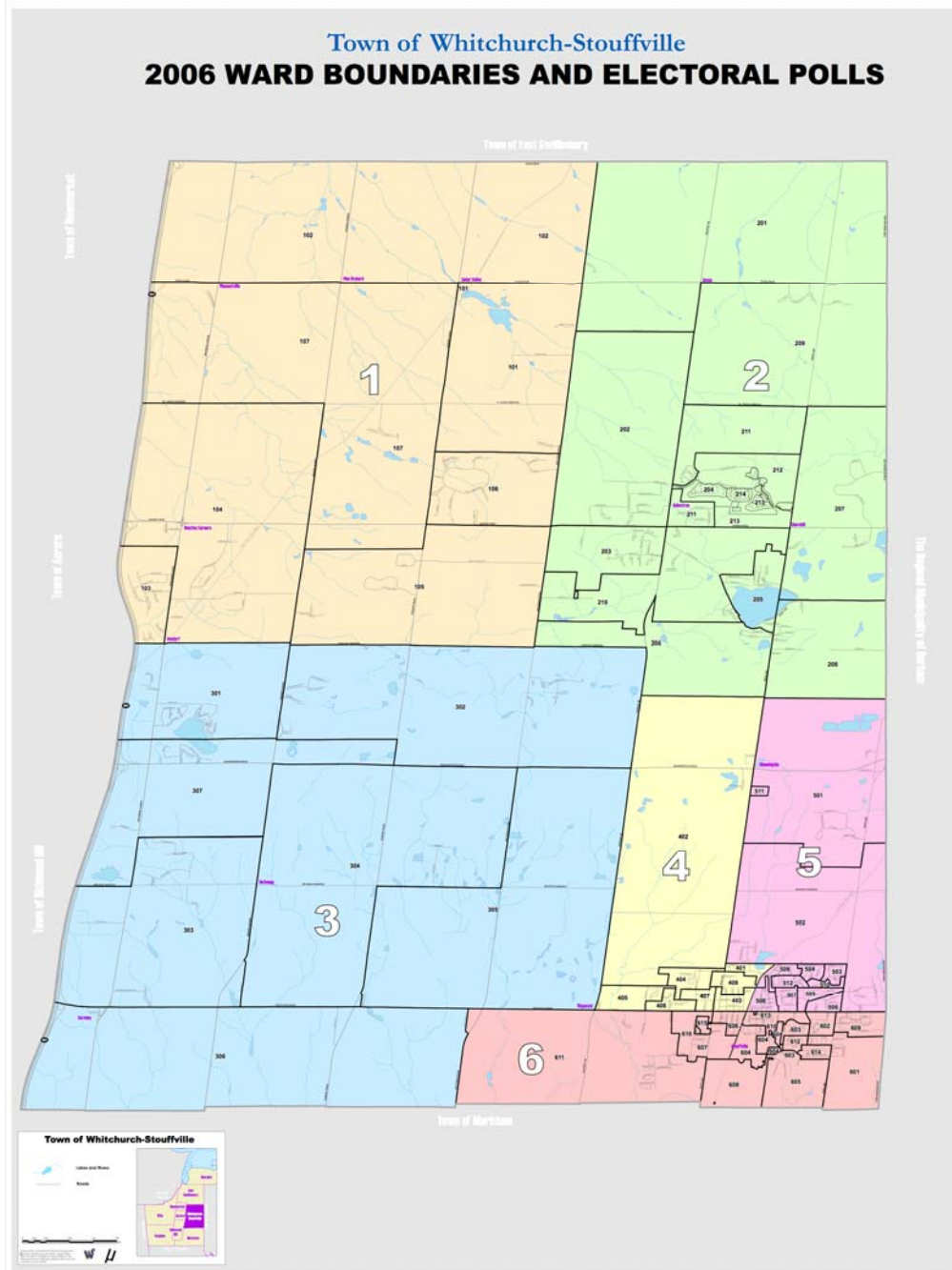
The only answer, then, was to split Stouffville up and share sections of urban buildup with sections of rural farm land. . . .

Such an arrangement will automatically halt any urban-rural tug of war that could easily have developed had Stouffville, as a village block, remained intact."¹

¹ "Ward division excellent," *The Tribune* (Stouffville-Markham-Uxbridge), July 16, 1970. My thanks to Michele Kennedy for tracking down press coverage from early 1970 that discusses the creation of the Region of York (and Whitchurch-Stouffville) as well as the determination of ward boundaries for the new Town.



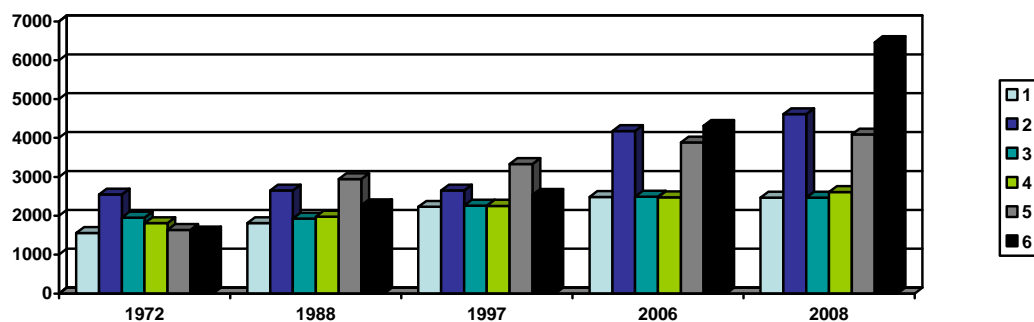
Map 2 - Town of Whitchurch-Stouffville Ward Boundaries





The following graph (Figure 1) was presented to Council by the Clerk in November 2008; it suggests that perhaps *The Tribune's* editorial writer was premature – or optimistic – in assessing the wards as “comparable in size” since there appears to be a range of about 1000 people between the largest and smallest wards. Nevertheless, the arrangement was deemed to be politically acceptable to its local designers and to the Minister of Municipal Affairs and has been in place ever since.

Figure 1 – Variations in Ward Populations 1972 – 2008²



Implicit in the original ward design was also a distinction between wards that include Stouffville and those that did not; there were, at the outset, three of each. That is, Whitchurch-Stouffville’s electoral configuration has historically been understood to consist of three rural wards (1, 2 and 3) and three urban wards (4, 5 and 6), although the latter (as characterized by *The Tribune*) should more correctly be understood as “mixed” wards in which councillors would represent residents from both the rural and urban communities.

That decision was part of *The Tribune's* positive assessment of the Town’s ward arrangement since it meant that the former Village of Stouffville would not form a single “block” on Town Council. The converse is that for more than thirty-five years the most urbanized area of Whitchurch-Stouffville has been divided up into three somewhat arbitrary parts. The continuing validity of the original design must be addressed in this Review.

² Clerk’s Report November 18, 2008, page 2.



Why a Ward Review Now?

It is important to recognize that in Ontario the decision to undertake a ward boundary review is entirely at the discretion of each municipal council. Ontario legislation does not provide for a regular review of municipal ward boundaries nor does it spell out the process through which such a review might occur. In the case of Whitchurch-Stouffville, Council considered the possibility of amending the Town's 1970 ward boundaries both in May 2002 and in March 2005. As the Clerk pointed out in her report in November 2008, "On both occasions Council decided that a review was premature and chose to wait until the growth within the urban boundaries was underway."

By 2008, several factors led to a decision to direct staff to conduct "a comprehensive review of the municipal ward boundaries within the Town of Whitchurch-Stouffville." Among the considerations that influenced Council's decision were:

- Residential growth has taken the Town's population to more than 25,000³ yet the electoral arrangements were designed for a Town of approximately 11,000 people.
- Residential growth primarily occurred in Wards Two, Five and Six, meaning that the three councillors elected in those wards in the 2006 municipal election (half of the councillors) represented nearly 60% of the Town's eligible electors.
- Population projections indicate that Whitchurch-Stouffville will be home to nearly 40,000 people by 2013 (that is, between the next two municipal elections).
- While the three councillors elected in the wards that include Stouffville also represent some rural areas, the residents of those rural areas form a permanent – and shrinking - electoral minority within those wards.
- An increasingly significant proportion of the population in one of the original rural wards (Ward Two) resides in an adult lifestyle community or in estate housing. The population of Ward Two who could be considered rural residents (in the sense that was intended in 1970) also forms a permanent electoral minority.
- The Oak Ridges Moraine covers approximately 75% of Whitchurch-Stouffville; provincial restrictions on development relating to the Moraine, but also those associated with the Greenbelt and Places to Grow legislation (as well as the inability to deliver access to water and sewage services to most rural areas in Whitchurch-Stouffville) mean that future growth is unlikely to occur outside the Town's designated expansion area (that is, Stouffville). The 2008 imbalance in political representation under the present ward boundaries will inevitably escalate.

³ Population figures for the Town vary; Planning documents suggest that the 2008 population was actually over 32,000. See the note later in report for information on the figures to be used in this report.



Having determined that a ward boundary review should occur in 2009, Council also had to agree to a process that will guide the review and that will lead to choices for Whitchurch-Stouffville's future electoral arrangements. The only significant process requirement set out in Ontario legislation, however, are that ward boundaries be incorporated in a by-law (a power that can only be exercised by a municipal council) and that within fifteen days after such a by-law is passed, the municipality "shall give notice of the passing of the by-law to the public."

Moreover, despite the implication in the *Municipal Act* that the Minister has prescribed "criteria for establishing ward boundaries" (presumably related to the way a ward boundary review is to be conducted and/or to assist in determining an appropriate ward system for the municipality), none actually exist.⁴ It is therefore up to each municipal council to set the terms of reference for its own ward boundary review, including the process to be followed, and, ideally, to establish criteria or guiding principles for the municipality's future electoral system. Without such provisions in place there is a risk that the review may lead to unfair or politically motivated results.⁵

The 2009 Ward Boundary Review in Whitchurch-Stouffville

In agreeing to establish the 2009 Ward Boundary Review (WBR) in response to the Clerk's Report, Whitchurch-Stouffville Council directed that a number of factors be observed in this process.⁶

The general directive is that the WBR must be mindful of "the overriding principle of 'effective representation', as set out in the Carter decision." The Carter case involved an examination of legislation passed in the Province of Saskatchewan that established principles to be used in determining boundaries for electing members of the provincial legislature.⁷ The majority of the Court understood that Canadian electoral law has never been driven by the need to achieve full parity in the population of electoral divisions and therefore asserted that the first condition for designing constituencies is "relative parity of voting power." In practical terms, the Court said, the determination of the appropriateness of any proposed electoral configurations must be considered in terms of achieving "effective representation" which means having a voice in the

⁴ Section 222(2) of the *Municipal Act* states that before passing a by-law, the municipality shall "(b) have regard to criteria for establishing ward boundaries prescribed by the Minister."

⁵ See Robert J. Williams, "Democratic Renewal: Time to start taking municipal elections seriously," *Municipal World* volume 115, no. 3 (March 2005), 31 – 33, 44.

⁶ The full text of the terms of reference is found in Appendix 1.

⁷ Reference re Prov. Electoral Boundaries (Sask.), [1991] 2 S.C.R. 158.



deliberations of government; it also presumes “the right to bring one's grievances and concerns to the attention of one's government representative.” The Court ruled that to achieve “effective representation”, some degree of “deviation from absolute voter parity” (the phrase used by the Court) would be acceptable since factors like “geography, community history, community interests and minority representation may need to be taken into account to ensure that our legislative assemblies effectively represent the diversity of our social mosaic.” In the municipal context, therefore, the principle of parity will not be the single – or necessarily even the most important – priority in the design of wards.

In addition, the *Carter* decision can also be understood as placing emphasis on the process of representation (something that happens between elections) rather than the act of voting itself that takes place on one day, now every four years in Ontario. Representation, then, is a concept that potentially embraces all residents of the ward but the act of voting only involves eligible electors. Issues and problems dealt with by elected officials on a routine basis do not only arise from electors but from non-citizens, children and youth or newcomers to the municipality, none of who would have had a vote in the previous election (and many of whom pay taxes in the municipality). The WBR will implicitly take account of the potential responsibilities to these residents by those who serve on Council. The number of electors in proposed wards will therefore be considered only as a secondary criterion to the overall population in those wards.

More specifically, Whitchurch-Stouffville Council determined that attention to four guiding principles is required:

Principle a: Consideration of communities of interest and neighbourhoods.

In the context of Whitchurch-Stouffville, this principle embodies two key components:

- Ward boundaries should not fragment traditional neighbourhoods and communities of interest within the Town. This means that proposed wards should aim to keep existing communities together and to create wards that share common concerns.
- Rural interests represent one of the communities of interest within the Town and must be given proper consideration. Given that “rural interests” have had their own wards since 1970, this practice should continue.



Principle b: Consideration of present and future population trends

An appropriate ward system for Whitchurch-Stouffville will include wards that are

- able to absorb increases in population without undermining the equilibrium in ward populations over the next two or more elections.

Given that ward boundaries in Whitchurch-Stouffville have not been examined for 38 years and that growth is expected to continue over the next decade, the WBR is also expected to include a recommended timetable for a regular review of the viability of the proposed wards.

Principle c: Consideration of physical features as natural boundaries

Since the present ward boundaries in Whitchurch-Stouffville have been in place for so long, it will take some time for residents to learn to recognize any new ones that may be recommended. To assist in that process, wards will

- use boundaries that are straightforward and easily recognizable for all residents. This means using physical features such as watercourses, railway corridors and major roadways as often as possible.
- be coherent and contiguous in shape.

Principle d: Consideration of representation by population

The ward configuration in Whitchurch-Stouffville will attempt to rectify the present population imbalance in the wards by seeking electoral divisions that are

- reasonably balanced in population in 2009.
- sensitive to the geography of the Town and varying population densities across the Town (that is, it will weigh the tradeoffs between the already sizeable geographic area of the present rural wards and the need to address population imbalances between the wards). The lessons of the *Carter* decision are particularly important here. For the Whitchurch-Stouffville WBR, wards where the population falls within a range of up to 25% above or below an optimum figure will be judged to provide “effective representation.” This degree of variation has been part of Canadian federal election law for many years.



Two Notes

1. For the purposes of designing alternative wards for Whitchurch-Stouffville, this paper will use a report prepared in December 2008 by MPAC (the Municipal Property Assessment Corporation, the agency responsible for providing the list of electors to the municipality) that provides a breakdown of the resident population of Whitchurch-Stouffville by ward and poll. The numbers will vary from those used in the Clerk's Report to Council in November 2008 which was based on the 2006 list of electors provided by MPAC and from those presented in a variety of other documents published over the last number of years dealing with the Town's existing and projected residential population, including the Census of Canada. The point is that there will always be discrepancies when numbers are compiled at different dates or by different agencies. For the sake of consistency, this report has used one source and readily accepts that others may believe that their numbers are more valid.
2. From time to time, there are calls heard to simply eliminate wards altogether and to elect councillors at large across the entire municipality. This practice is used in a couple of neighbouring municipalities (Aurora and East Gwillimbury and, until recently, Newmarket) and has some appeal to those who believe that councillors should take a "global" view of the municipality. Given the guiding principles set out for this WBR (in particular the reference to rural interests in *Principle a*), no consideration will be given to this alternative for the simple reason that erasing electoral boundary lines within the Town would ensure that the electoral preferences of Whitchurch-Stouffville's urban population would likely determine the composition of the entire Town Council. A ward system will ensure that representatives with the endorsement of rural residents are heard at the Council table.



Alternatives

The following Options are organized around some key assumptions beyond the four guiding principles set out earlier.

1. While there are many who still endorse the value of the rural-urban “mix” in the three Stouffville area wards, two factors weaken the wisdom of continuing this practice. The placement of population from the northern parts of the present Wards 4 and 5 or the western portion of Ward 6 in the three “urban” wards leaves the population of the remaining rural area too small to sustain two rural wards. In other words, the greater the population attached to Stouffville by stretching wards out as far as Bloomington Road or beyond, the weaker the “rural” voice becomes in the context of the full Council.

In addition, there are now formal and informal “urban boundaries” surrounding Stouffville that are less expansive than the present Ward 4 and 5 boundaries and that demarcate real differences in the lives of residents in those areas. A tighter definition of “urban Whitchurch-Stouffville” will therefore be used as the basis for all of the options developed here.

The risk is that these designs may be seen as recreating the pre-amalgamation “village block” so feared by *The Tribune* back in 1970.

2. As noted earlier, Stouffville was divided for electoral purposes in 1970 so that its population could be “shared” among three “mixed” wards. As just noted, the continuation of “mixed” wards is no longer viewed as a viable option. The question for the WBR is whether the Stouffville urban area is well served by maintaining three different wards or whether the reality today is that it is “one place” that should be represented as a coherent single entity that elects three councillors. During consultations earlier in 2009, two views were heard: “Main Street is not a serious division and citizens are not well served by a multi-member ward” and “Splitting up Stouffville means you are not dealing with it comprehensively.”

The third Option that follows spells out possible ways to continue the three-ward arrangement for Stouffville; a change to a single ward would mean simply using the urban boundary (as discussed in the previous point) that appears in Options 1, 1a, 2 and 2a to elect three councillors.



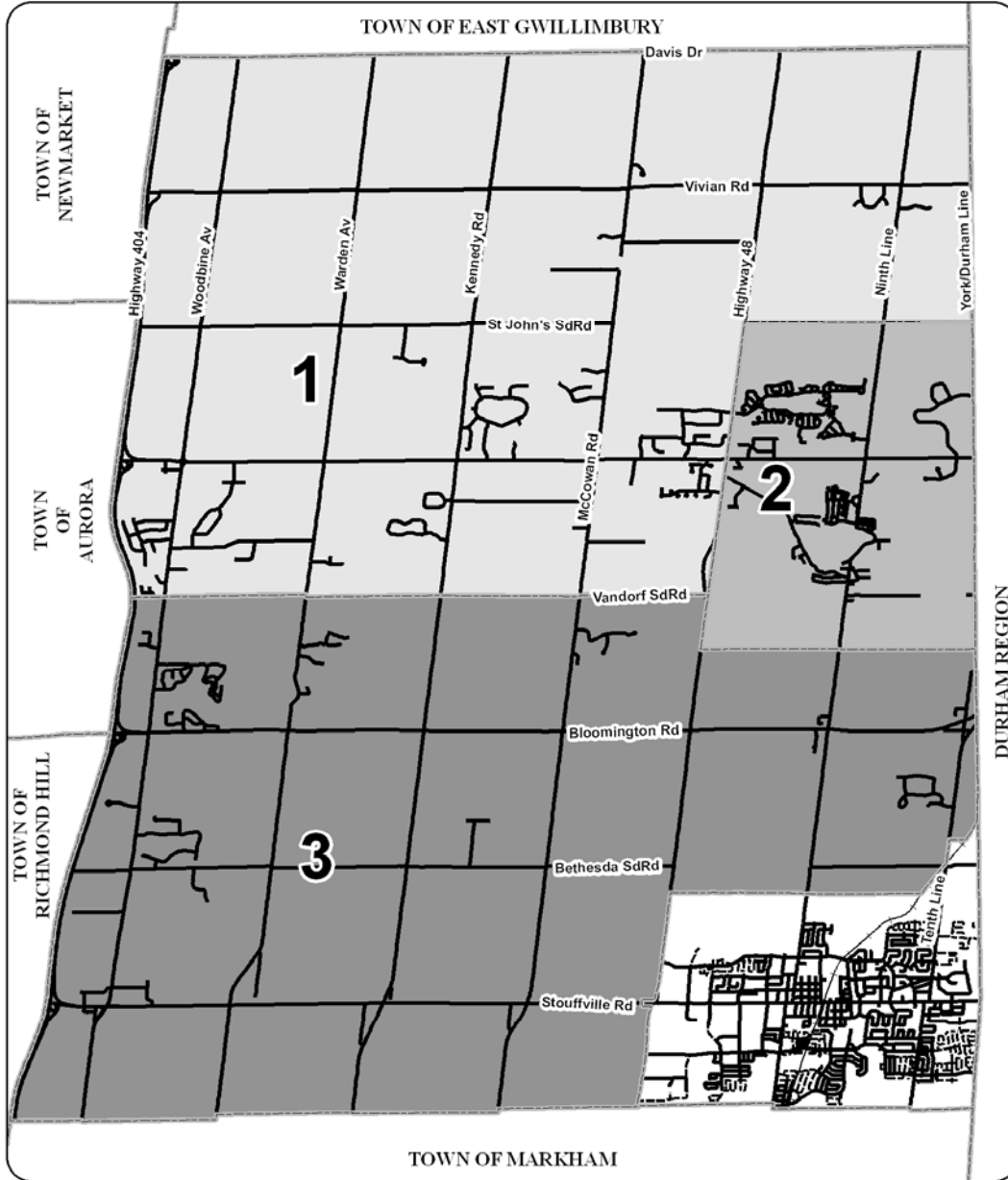
3. The second major growth area in Whitchurch-Stouffville is in the present Ward 2, primarily centred on the Ballantrae Golf and Country Club but also at Musselman's Lake and a couple of other areas. These communities are beginning to dominate the electoral dynamics of Ward 2 and, by extension, the entire political landscape of Whitchurch-Stouffville north of Vandorf Sideroad and east of McCowan Road. It is fair to say that the way these communities are represented is critical to the design of the entire non-urban segment of the Whitchurch-Stouffville ward system. As a result, the first two Options are largely built around one key choice: should Ballantrae Golf and Country Club and Musselman's Lake be grouped into one ward or assigned to two separate wards?
4. To understand the extent to which the proposed ward boundaries "deviate from absolute voter parity", it is helpful to evaluate the wards by adopting a simple descriptive scale to assess this degree of variation from the optimal size. The optimal size can be understood as a mid-point on a scale where "optimal" means 5% on either side of the calculated optimal size, "below/above optimal" means between 6% and 15% on either side of the optimal size, "well below/above optimal" means between 16% and 25% on either side of the optimal size and "outside the range" means greater than 25% on either side of the optimal size.

All calculations for the following Options assume a total population for Whitchurch-Stouffville of 26,050. The optimal size for a ward in 2009 is therefore 4342.

The third column in the tables that accompany each Option shows the relationship between each ward population and that optimal value. The categories just described are applied in the fourth column.



Option 1





Key features:

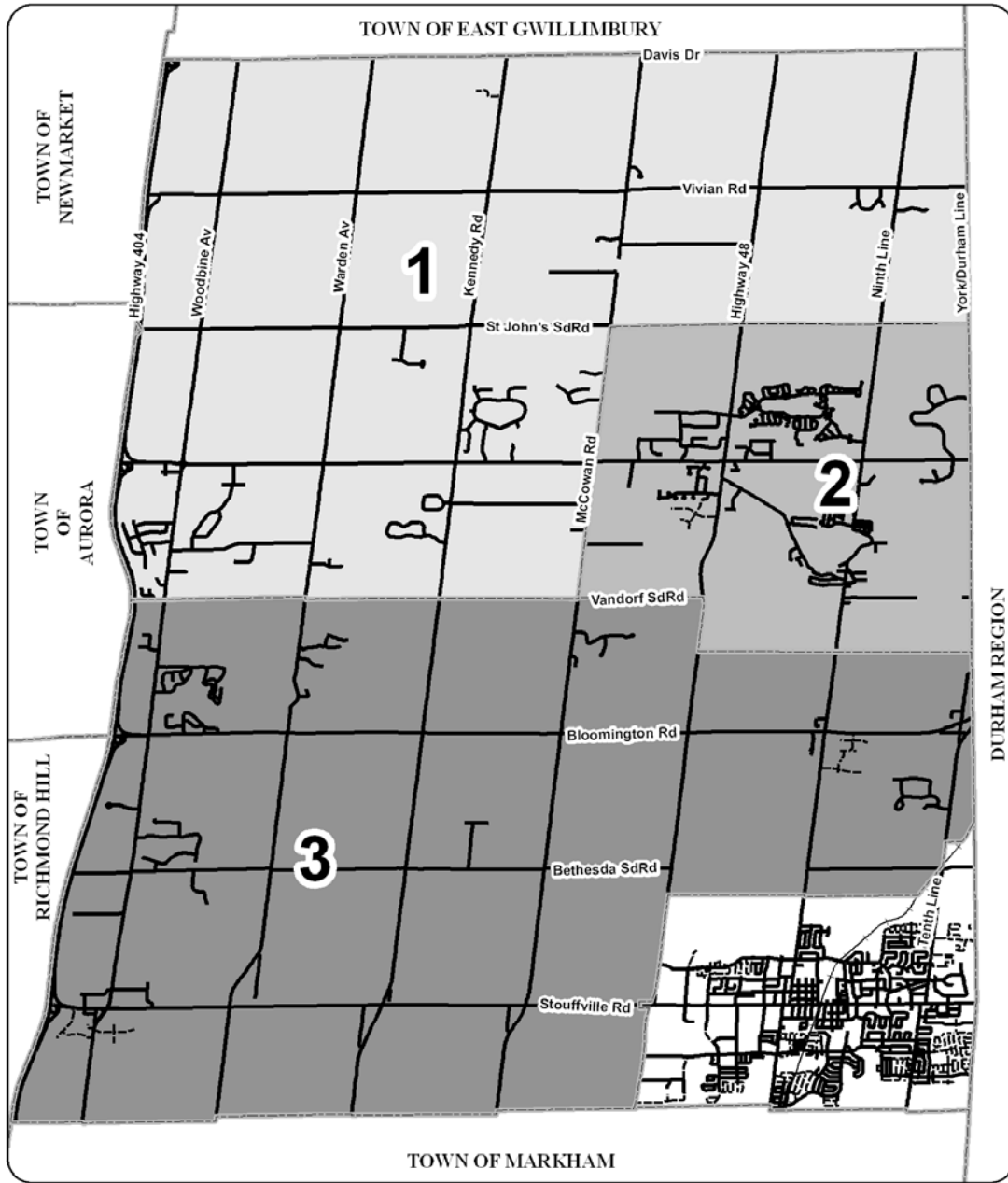
- Ballantrae G&CC and Musselman's Lake are located in the same ward.
- population:

Ward One	4457	1.03	optimal
Ward Two	3212	.74	outside the range
Ward Three	3773	.87	below optimal

- The proposed Ward Two was designed to group Ballantrae G&CC and Musselman's Lake in a single "non-urban" ward but to leave a significant portion of the northern rural area in a "dedicated" rural ward. The present population of the proposed Ward Two is below an acceptable level but will rise into the acceptable range when the major residential developments have been built out.
- The population of the two rural wards is not balanced; Ward Three is well below the optimal population level.



Option 1a





Key features:

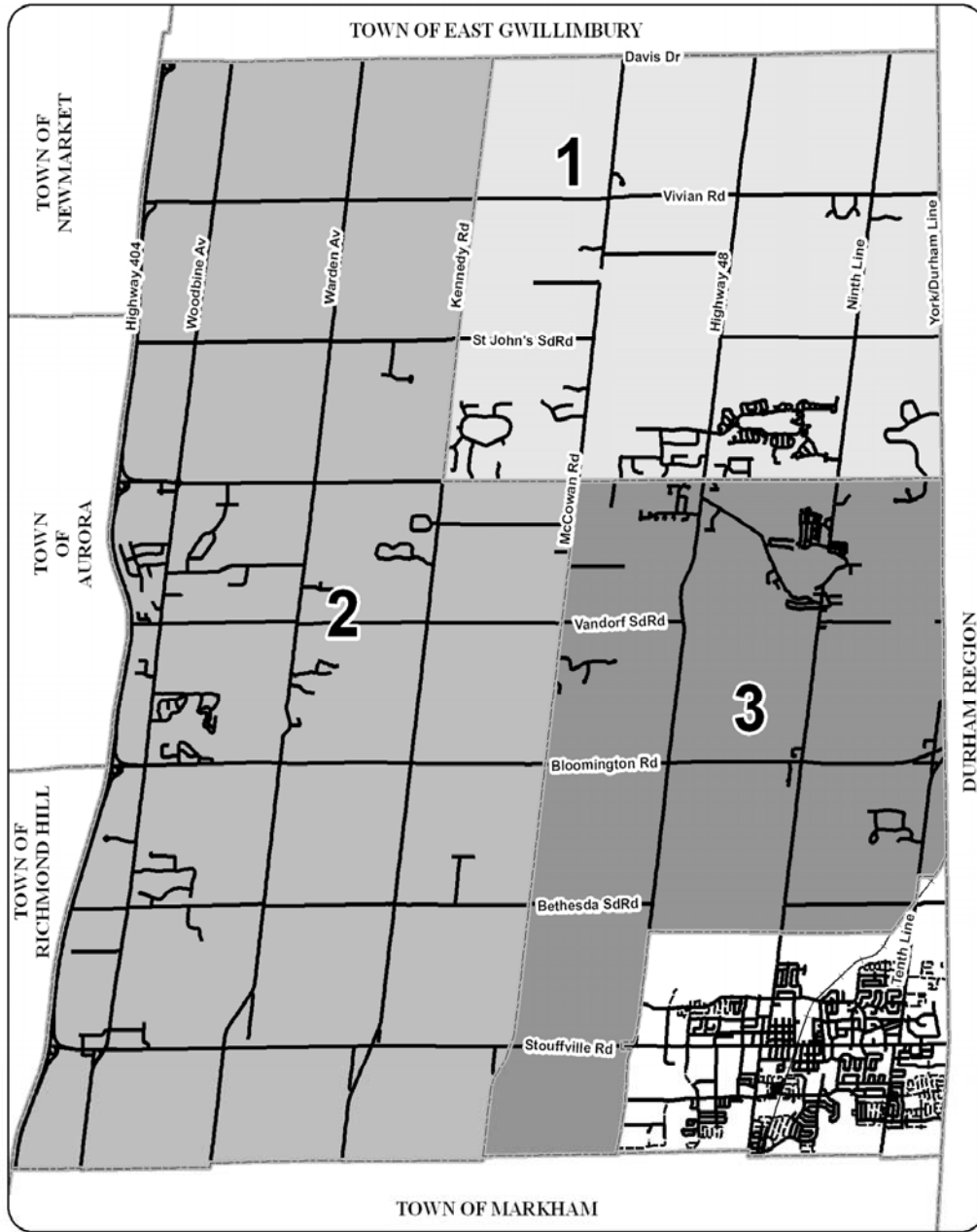
- Ballantrae G&CC and Musselman's Lake are located in the same ward.
- population:

Ward One	3557	.82	well below optimal
Ward Two	4112	.95	optimal
Ward Three	3773	.87	below optimal

- The proposed Ward Two was designed to group Ballantrae G&CC, Musselman's Lake and other major residential development in the central-east part of the Town in a single "non-urban" ward. It reduces the geographic area covered by the northern rural ward. The present population of the proposed Ward Two is at an acceptable level in 2009 but will grow toward the optimal size when the major residential developments have been built out.
- The population of the two rural wards is balanced but both are below the optimal size.



Option 2





Key features:

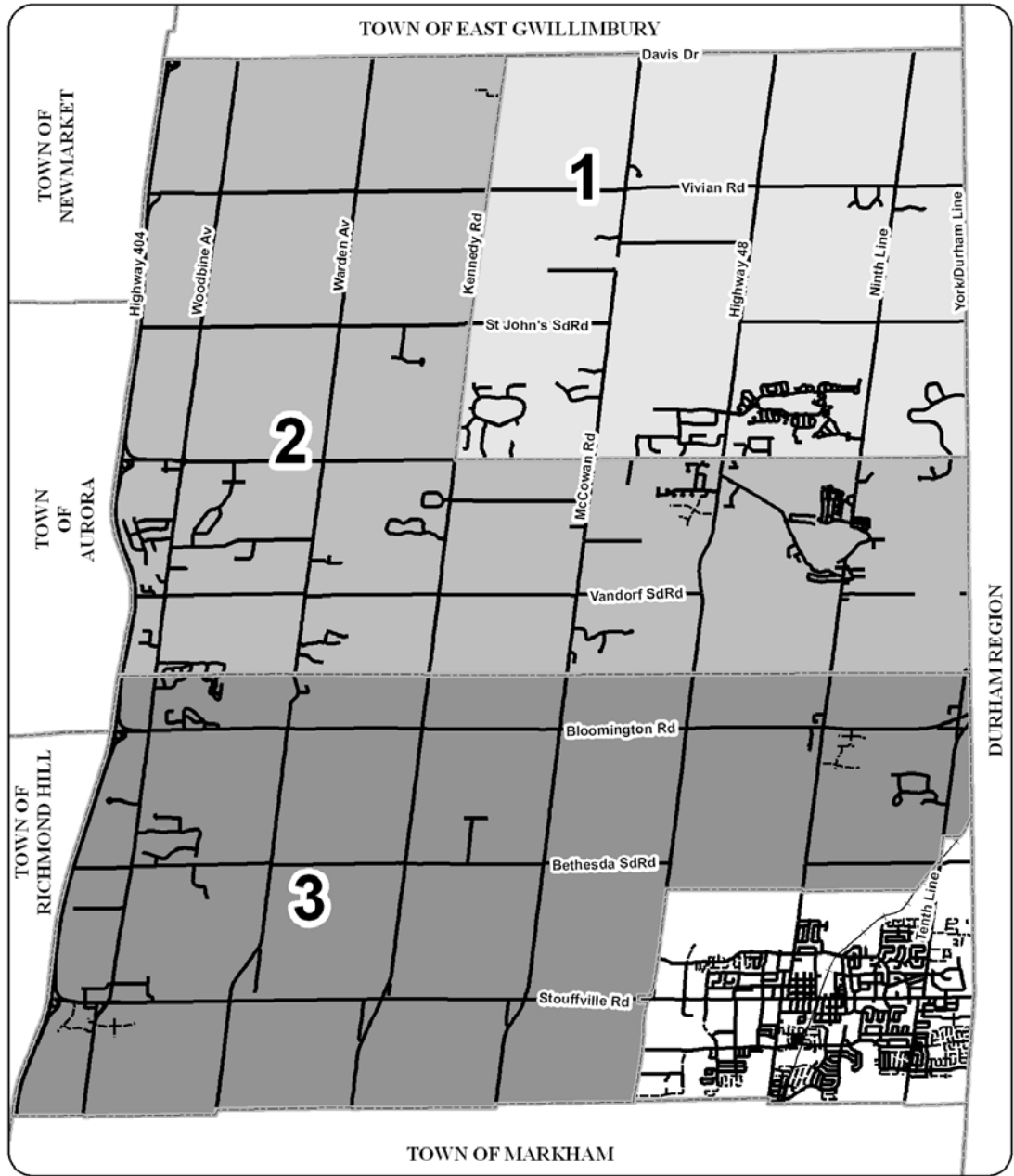
- Ballantrae G&CC and Musselman's Lake are located in separate wards.
- population:

Ward One	3971	.91	below optimal
Ward Two	4207	.97	optimal
Ward Three	3264	.75	well below optimal

- The Option creates two north-south "rural" wards, although the Musselman's Lake development means Ward Three contains a significant non-urban component.
- Ward One is below the optimal population level but the population will continue to increase as the Ballantrae development is completed. Growth is also likely in Ward Three but it will take some time before it reaches the upper range of variation.



Option 2a





Key features:

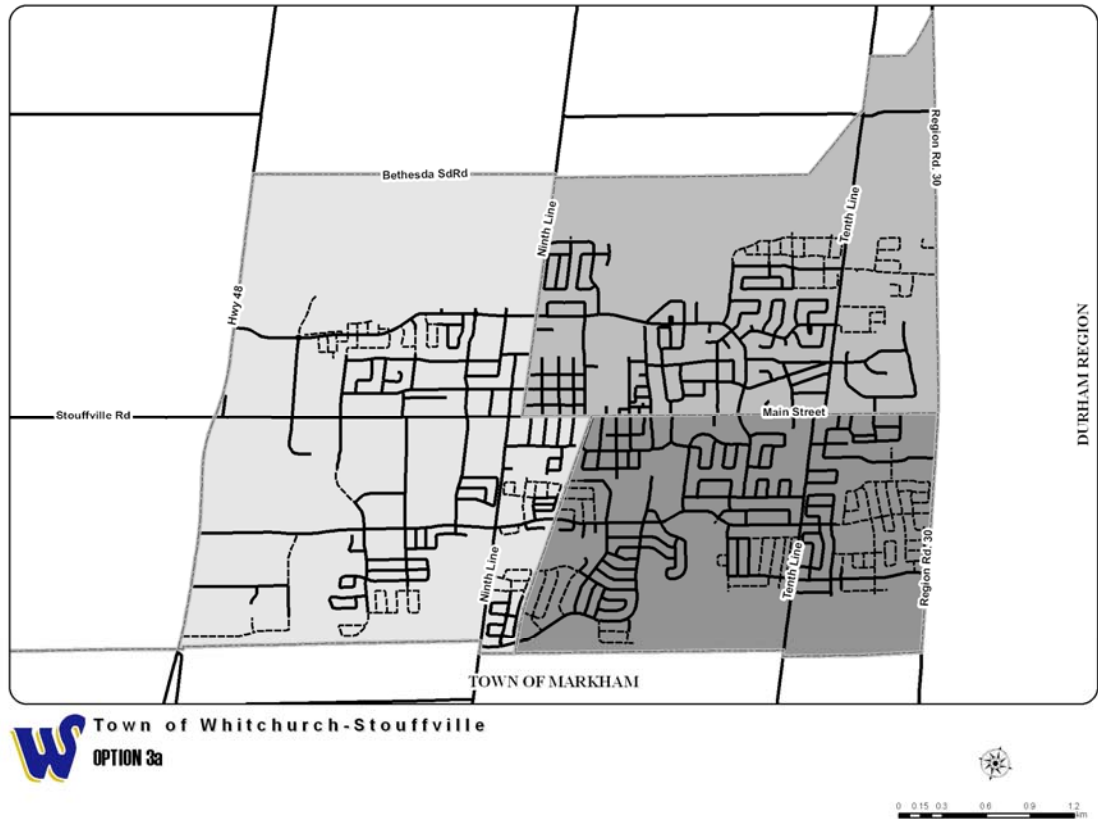
- Ballantrae G&CC and Musselman's Lake are located in separate wards.
- population:

Ward One	3971	.91	below optimal
Ward Two	4057	.93	below optimal
Ward Three	3414	.79	well below optimal

- The Option essentially creates two east-west "rural" wards, although the Musselman's Lake development means Ward Two contains a significant non-urban component.
- Ward One is below the optimal population level but the population will continue to increase as the Ballantrae development is completed. Growth is also likely in Ward Two; it will take some time before Ward Three reaches the upper range of variation.



Option 3a



Key features:

- The Option maintains Ninth Line and Main Street as boundaries but uses CNR line as the north-south boundary south of Main Street (as opposed to north of Main Street at the present time).
- population:

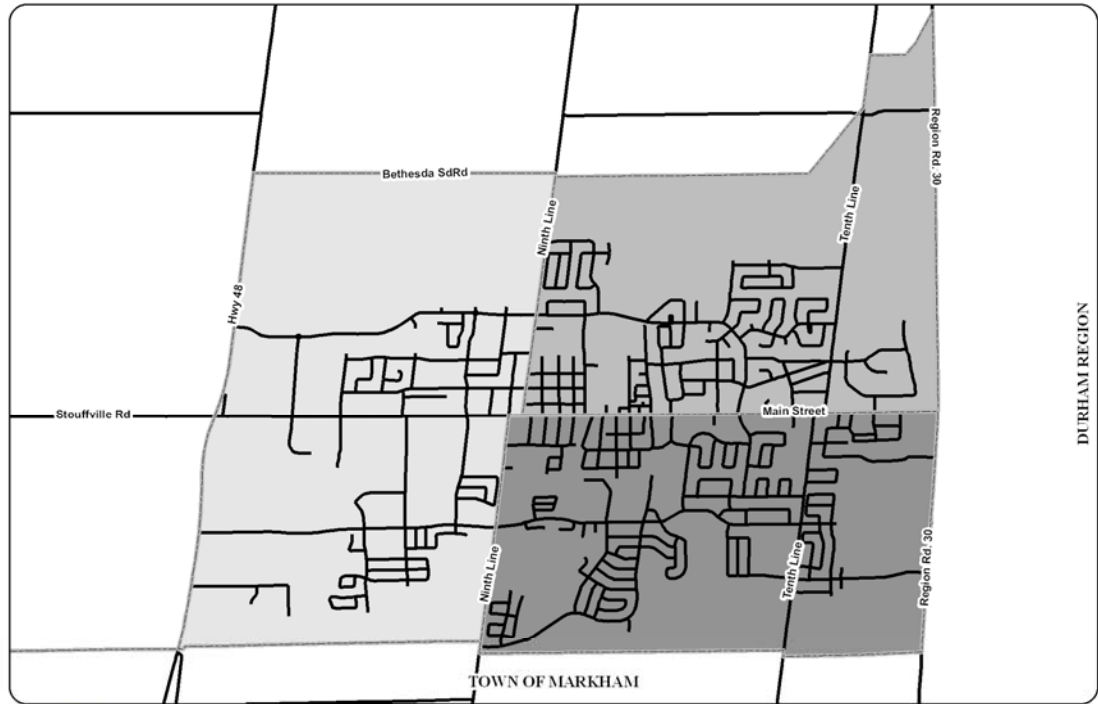
West Ward	5198	1.20	well above optimal
North Ward	4512	1.04	optimal
East Ward	4898	1.13	above optimal

- The boundaries are easy to understand and similar to the present arrangement.
- The proposed East Ward is the largest ward by population in 2009 and will continue to grow in the short term.

NOTE: Options 3b and 3c essentially test whether an altered West Ward-East Ward boundary improves the prospects for coping with population growth in the Stouffville urban area.



Option 3b



 Town of Whitchurch-Stouffville
OPTION 3b



Key features:

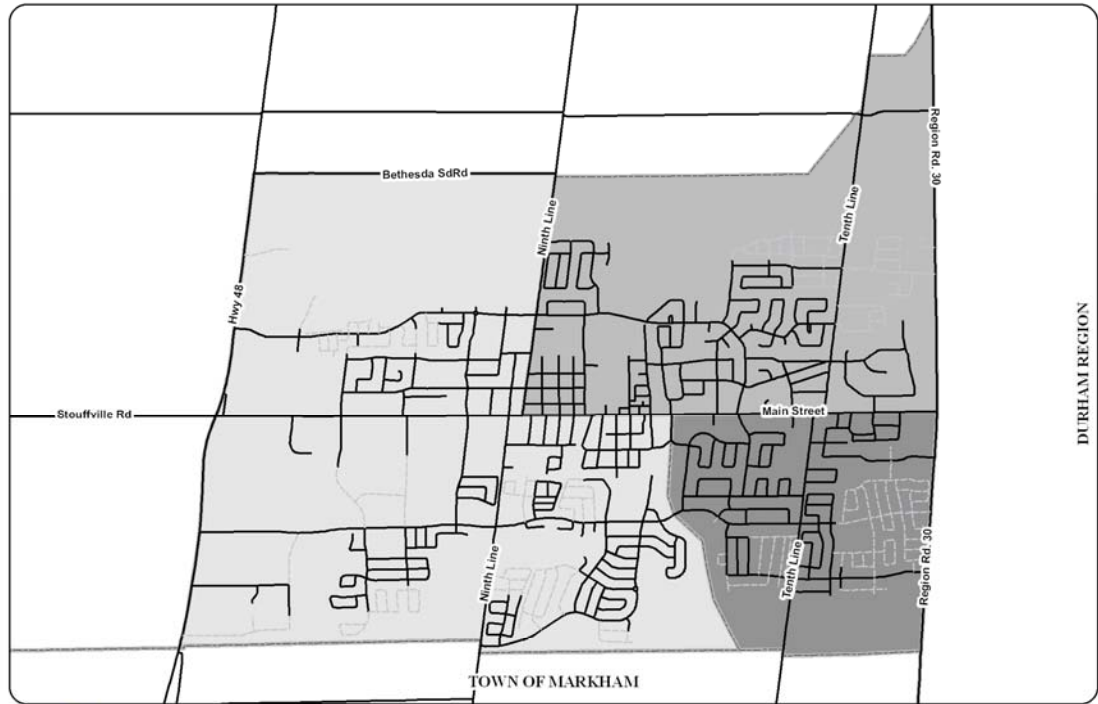
- The Option proposes using only Ninth Line and Main Street as boundaries.
- population:

West Ward	3686	.85	well below optimal
North Ward	5198	1.20	well above optimal
East Ward	5724	1.32	outside range

- The boundaries are very simple and easy to understand.
- The proposed East Ward is too large: it is outside optimal population range and will continue to grow in the short term.



Option 3c



 Town of Whitchurch-Stouffville
OPTION 3c



Key features:

- The Option uses Ninth Line and Main Street as boundaries, but follows Stouffville Creek, being part of the Duffins Creek Watershed, in the established green space from Main Street to the Town boundary.
- population:

West Ward	6688	1.54	outside range
North Ward	5198	1.20	well above optimal
East Ward	2722	.62	outside range

- The Ninth Line and Main Street boundaries are very simple and easy to understand; the boundary between the proposed East and West Wards is not as clear-cut.
- Two of the proposed wards are outside the optimal population range in 2009. It is not clear that there is likely to be enough development in the proposed East Ward to bring the three wards into a better balance.



Conclusion

There is no single “right answer” in the selection of ward boundaries for the Town of Whitchurch-Stouffville. Several possibilities have been proposed here. Council will select one of the Options set out in this report or some variation on one or more of the Options that might be developed through the second round of public consultations. That selection will be framed initially by Council’s (and presumably the public’s) views about certain key matters such as

- should Stouffville be divided or not?
- how many wards should be “rural”?
- where will growth occur in Stouffville in the short term?

At that point, the guiding principles approved by Council itself in November 2008 should be the major influence on the selection of a particular Option. There is a straightforward checklist: which one most successfully provides

- consideration of communities of interest and neighbourhoods?
and
- consideration of present and future population trends?
and
- consideration of physical features as natural boundaries?
and
- consideration of representation by population?

No ward system design can successfully meet all of the guiding principles set out by this, or any other, Council. The challenge is to minimize the divergence from the ideals. In the end, the ward design ultimately adopted by Whitchurch-Stouffville Council should be the one that best fulfills the guiding principles accepted by that same Council.



Appendix 1

TERMS OF REFERENCE
WARD BOUNDARY REVIEW

Objective:

To conduct a comprehensive review of the municipal ward boundaries within the Town of Whitchurch-Stouffville.

Guiding Principles:

Subject to the overriding principle of “effective representation”, as set out in the Carter decision, the following criteria will be referred to for guidance in the conduct of the review.

- Consideration of communities of Interest and neighbourhoods including the unique rural/urban nature of the municipality: It is desirable to avoid fragmenting the traditional neighbourhoods and communities of interest within the Town. The rural interests represent one of the communities of interest within the Town and must be given proper consideration.
- Consideration of present and future population trends: The impact of the present population trends need to be offset by the anticipated growth included in the future population trends in order to strike a balance. A date should be established as to when the next ward boundary review should take place.
- Consideration of physical features as natural boundaries: The ward boundaries should be coherent and contiguous in shape. The natural features used for boundary delineation should be straightforward and easily recognizable.
- Consideration of representation by population: To the extent possible, given the geography and varying population densities, consideration should be given to representation by population.

Approved by Council November 18, 2008