



Final Report
2012 - 2013 Ward Boundary Review

Prepared for
City of Markham
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Dr. Robert J. Williams
Public Affairs Consultant
specializing in municipal electoral systems
Waterloo, Ontario

Summary

The submission of this *Final Report* marks Phase 4 of the 2012 – 2013 Markham Ward Boundary Review: the report reviews five design options that resulted from the directions of General Committee in December 2012 and supports the selection of one of three Options for the 2014 municipal election.

Throughout the review, close attention has been paid to five guiding principles that were approved by council in the spring of 2012:

- consideration of representation by population
- protection of communities of interest and neighbourhoods.
- consideration of present and future population trends
- consideration of physical features as natural boundaries
- the overriding principle of "effective representation."

The *Interim Report* determined that the present ward boundaries were no longer viable and presented four Options to improve on that configuration. Council directed that one of the designs (Option D), along with other versions based on "minor modifications," should be taken to public consultation and that a final report with recommendations be submitted to general Committee.

A total of four Options (labelled D, D1, D2, D3 and D4) were prepared and evaluated in depth leading to the conclusion that two of the Options (D3 and D4) were not suitable.

Three Options (D, D1 and D2) are judged to be worthy of consideration by Council as the basis for replacing the current wards. Each Option can be defended as consistent with recognized criteria for a justifiable ward system for the City of Markham. The selection of one of these Options rests with Markham Council as authorized by provincial legislation.

Introduction

This report is intended to complete the 2012 – 2013 Ward Boundary Review in Markham. The review itself began in June 2012 and has included interviews with elected officials and City staff, several public meetings and the design of a number of alternatives for electing City Councillors.

The review has been structured around the five guiding principles included in the Clerk's Report that laid out the parameters for the review.

This *Final Report* offers an evaluation of five alternative designs that constitute variations on one Option developed in the *Interim Report*. I am confident that any one of the three options recommended in this report will serve Markham well over the next three elections, as anticipated in the terms of reference for this review.

This municipality has had considerable experience in ward boundary revisions, but to ensure that effective representation continues it inevitably will need to address changing its electoral boundaries again in the future . Since each review should serve as a learning experience for subsequent reviews, I have made some suggestions that will, I believe, improve coming reviews.

I am grateful for the interest and advice offered by so many people, as well as the practical support from City staff, in particular Robert Tadmire and Stephen Huycke.

Robert J. Williams

Consultant

2012-2013 City of Markham Ward Boundary Review

Part 1: Background

Following several months of research and discussion that included four public meetings, an *Interim Report* on ward boundaries was submitted to Markham City Council in late November 2012. The Report was presented at General Committee of Council on December 10, 2012 and was on the agenda for a Council meeting on December 18, 2012. On the latter date, a motion to receive the Report was passed, along with further directions that staff “obtain public input on the ‘Interim Report 2012 Ward Boundary Review’ and Council’s preferred option D including an examination of minor modifications, to realign the City’s ward boundaries as outlined in this report.”

The motion also directed that, following further public consultation, “a final report and recommended options to Markham’s ward boundaries be presented at a future meeting of General Committee.” A public meeting was held on January 21, 2013 when Option D and four modified designs were presented. This Report is therefore submitted in compliance with Council’s December 18, 2012 direction.

The *Final Report* assumes that readers will be familiar with the background material included in the *Interim Report*. Those who have not read the *Interim Report* are encouraged to access it through the City’s website since it provides an extensive discussion of the principles used to evaluate various alternative designs and several ward options that were ruled out of further consideration.¹

The 2012 - 2013 Ward Boundary Review will lead to the adoption of a by-law as required in the *Ontario Municipal Act*, section 222, that “redivides” Markham into eight new wards to be used in the 2014 municipal election.

¹ Information pertaining to the Ward Boundary Review may be accessed at <http://www.markham.ca/wps/portal/Markham/MunicipalGovernment/WardBoundaryReview2012/>

The *Interim Report* demonstrated conclusively that, despite only being adopted in 2006, the existing ward configuration “can no longer ensure effective representation to Markham’s residents. In simple terms, the population disparity and other flaws in the existing ward design will not correct themselves if those boundaries remain ‘as is. A change is necessary.” (*Interim Report*, pages 18 -19) The motion adopted on December 18 formally confirms this assessment of the present ward arrangement.

The idea of increasing the size of Markham’s municipal council by adding additional wards was raised and endorsed by some members of the public during consultations both before and after the submission of the *Interim Report*, primarily as a way to retain two wards in Thornhill. However, a motion on December 18 directing staff to report back to Council with additional options to realign the City of Markham’s ward boundaries including “options to increase the size of Council” was defeated. The issue of council size will be addressed separately in Part 5 of this report.

The 2012 - 2013 Ward Boundary Review is expected to give consideration to both the present population of the City and population growth over the next three elections (see both part 4 and Appendix A of the *Interim Report*). The data related to Markham’s population are drawn from a single source: the population forecasts prepared by the Region of York that support the Regional Official Plan and a variety of financial and infrastructure studies and plans prepared by the Region. The methodology used to prepare population estimates for the options presented in the *Interim Report* were replicated in the design of the additional options included in this phase of the review.

To ensure the ward boundary review does not lead to unfair or politically motivated results, criteria (or guiding principles) for the review are essential. The criteria used in Markham are based on procedures and well-established principles adopted by numerous municipalities over the last several years and

were approved by Council in the spring of 2012.

The five principles may be summarized as:

- consideration of representation by population;
- protection of communities of interest and neighbourhoods;
- consideration of present and future population trends;
- consideration of physical features as natural boundaries;
- the overriding principle of "effective representation."

The Guiding Principles are presented in Table 1 in Appendix A of this Report and are developed in greater detail in Appendix B of the *Interim Report*.

The 2012 - 2013 Ward Boundary Review was prompted primarily to address population disparities among the existing wards that had been anticipated in 2005. A ward design that perpetuates – or increases – population inequalities is not a desirable alternative. For the purpose of this Review, a simple descriptive code is used to assess the degree of variation from the optimal size (that is, the population of each ward if the municipality were divided into equal parts). See Table 2 in Appendix A of this Report for an explanation of this code.

The evaluation of the existing and proposed wards in terms of population will be based on the figures presented in Table 3 in Appendix A of this Report.

No ward system design can uniformly meet all of the guiding principles set out by this, or any other, Council. In the end, the ward design ultimately adopted by Markham Council should be the one that best fulfills the five guiding principles accepted by that same Council.

In the next part of this Report, the guiding principles affirmed at the outset of the review will be applied to evaluate some alternative ward boundary configurations for Markham as directed by Council in December. Upon further reflection, some of the language and assessments in the *Interim Report* have been revised to assist Council in reaching a decision.

Part 2: Evaluating Ward System Options

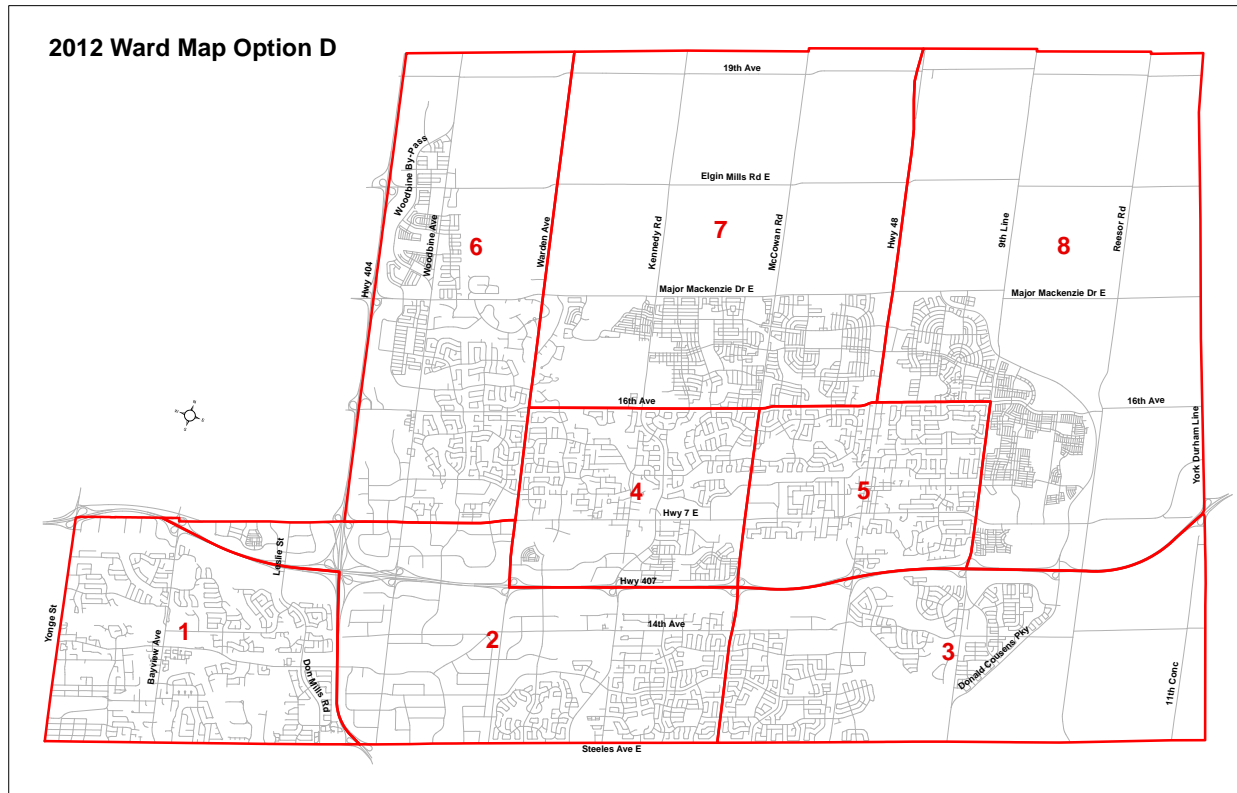
Markham Council's motion of December 18, 2012 affirmed its preference that the City's ward boundaries be aligned on the basis of what was designated as Option D in the *Interim Report* but it also directed that minor modifications be developed and taken to public consultation. More particularly, the minutes of the December 10 General Committee meeting suggest that variations to Option D be sought to "try to balance the numbers more between Wards 5, 7 and 8."²

At the public meeting held on January 21, maps showing Option D and four variations (labeled Options D1, D2, D3 and D4) were provided and described. However, a significant portion of the discussion at that meeting concentrated on two matters already settled, namely the number of wards and the proposed plan for the south west area of the City that would see most of the current Wards 1 and 2 combined into a single ward. Council has implicitly endorsed this configuration through its December motion designating Option D as the "preferred" design; none of the options presented on January 21 therefore addressed alternative boundaries in this part of the City. Other themes such as the workload of councillors and additional staff support for councillors (to help handle their workload) received far more attention from those in attendance than alternative designs for the proposed wards 5, 7 and 8.

In this part of the *Final Report*, the evaluation of Option D (as found in the *Interim Report*) will be essentially restated with revisions and the four variations will be assessed in terms of the guiding principles for the Markham ward boundary review to provide a consistent means of comparison. The public consultation did not prompt any modification to the options taken to the January 21 meeting.

² <http://www2.markham.ca/markham/ccbs/DocExtract2.asp?Document=gc121210-0020.htm&vpath=/markham/ccbs/indexfile/index/general/gc121210-0020.htm>

Part 2a. Option D



Representation by population (POP)

Using 2011 total population figure for Markham from the Regional Official Plan, an “optimal” ward would be considered one with a population of 38,654 (the total population of 309,233 divided into eight wards). For Option D, the distribution is as follows:

| | | | |
|--------|--------|------|-----|
| Ward 1 | 47,123 | 1.22 | O + |
| Ward 2 | 43,439 | 1.12 | O + |
| Ward 3 | 39,683 | 1.03 | O |
| Ward 4 | 35,596 | 0.92 | O - |
| Ward 5 | 36,888 | 0.95 | O |
| Ward 6 | 32,943 | 0.85 | O - |
| Ward 7 | 40,459 | 1.05 | O |
| Ward 8 | 33,097 | 0.85 | O - |

In this scenario, none of the eight wards would have fallen outside the acceptable range of variation in 2011, although the proposed Ward 1 is nudging the upper limit. Three wards were classified as having an optimal population.

Protection of communities of interest and neighbourhoods (PCI)

The proposed wards are generally successful in meeting this criterion since the boundaries do not divide well-established residential and other communities internally and largely group together neighbourhoods with traditional affinity, including the former Village of Markham. As far as grouping distinct communities together, the overall success of the design is compromised since it places the Leitchcroft community with neighbourhoods east of Highway 404 and south of Highway 407 in the proposed Ward 2. All other groupings are sound and coherent.

Present and future population trends (PFT)

Using the York Region Official Plan population forecasts for 2016, an “optimal” ward would be considered one with a population of 42,235 (the total estimated population of 337,877 divided into eight wards).

| | | | |
|--------|--------|------|-----|
| Ward 1 | 46,550 | 1.10 | O + |
| Ward 2 | 45,246 | 1.07 | O + |
| Ward 3 | 41,601 | 0.98 | O |
| Ward 4 | 39,912 | 0.94 | O - |
| Ward 5 | 36,379 | 0.86 | O - |
| Ward 6 | 36,449 | 0.86 | O - |
| Ward 7 | 49,534 | 1.17 | O + |
| Ward 8 | 42,204 | 1.00 | O |

On the basis of these population forecasts, two of the proposed wards would have been deemed optimal with three others within 10 percentage points of optimal. Three further wards would vary by approximately 15% from the

optimal size in 2016 (Wards 5, 6 and 7); therefore all wards are within the range of tolerance.

Using the York Region Official Plan population forecasts for 2021, an “optimal” ward would be considered one with a population of 46,282 (the total estimated population of 370,255 divided into eight wards).

| | | | |
|--------|--------|------|------|
| Ward 1 | 48,149 | 1.04 | ○ |
| Ward 2 | 46,199 | 0.99 | ○ |
| Ward 3 | 42,968 | 0.93 | ○ - |
| Ward 4 | 47,153 | 1.02 | ○ |
| Ward 5 | 35,965 | 0.77 | ○ - |
| Ward 6 | 44,897 | 0.97 | ○ |
| Ward 7 | 58,226 | 1.26 | OR + |
| Ward 8 | 46,696 | 1.01 | ○ |

On the basis of these population forecasts, five of the proposed eight wards would be at the optimal size in 2021 and one other falls just short. However, the population of the proposed Ward 5 is only about 1250 people above the lower population threshold and the proposed Ward 7 exceeds the permissible variation, albeit by fewer than 400 people.

Natural boundaries (NB)

The wards proposed in Option D make exclusive use of “constructed” barriers as boundaries. Most of them successfully adhere to the principle that ward boundaries already serve as physical boundaries of communities: this includes portions of Highway 404, Warden Avenue, 16th Avenue, McCowan Road, Ninth Line, Highway 48, Highway 7 and Highway 407. The proposed Ward 2, however, crosses both Highway 404 and Highway 407.

Effective representation (ER)

In the Interim Report the concept of “effective representation” was described (Appendix B, page 56) as “a kind of summary or comprehensive

evaluation of the success of the four specific principles in meeting a series of applied tests” and was characterized as subjective or qualitative judgment of a design’s capacity to deliver intangible aspects of representation (*Interim Report*, table 1, page 11). There were three perspectives put forward in the *Interim Report* to contribute to the evaluation of “effective representation” in Markham’s wards. Each of these appraisals is woven into the first four more empirical principles but can be isolated to shed light more directly on “effective representation.”

First, do the wards constitute politically meaningful units of representation? Where the “community of interest” and “natural boundaries” criteria looked at the groupings in what might be called geographic terms, here the question is whether the proposed wards encompass groups of communities and neighbourhoods that are likely to hold reasonably coherent perspectives on municipal issues. Most of the wards proposed in Option D appear to constitute politically meaningful units of representation in that existing substantial and discrete communities (Thornhill, Unionville, Markham Village and Milliken) form the nucleus of four of the wards. The three proposed northern wards are at a different stage of development but planned residential development there will eventually dominate the communities already located in those wards and will therefore, in time, largely define those wards.

To the extent that most of the proposed wards encompass housing stock of a similar age or style, or are at a similar stage of “completeness”³, the option can be deemed to have met this principle. Obviously as growth – especially intensification – occurs on the fringes of long-standing communities (for example, in developments like Markham Centre) the cohesiveness of some of the proposed wards will inevitably be tested.

³ The concept of a “complete” community is discussed in *York Region Official Plan 2010*, part 5 (“An Urbanizing Region: Building Cities and Complete Communities”)

One exception to the success at meeting this objective that applies to all of the options under consideration in this phase of the review is the proposed Ward 2 which is less coherent than is desirable; extensive areas of employment lands and Highways 404 and 407 isolate component communities from one another. The impact of intensification in the proposed Wards 1, 4 and 5 may makes these wards less coherent over the next ten or so years.

A second facet of “effective representation” is the capacity of elected councillors to represent a ward that is home to a large population, with the associated calls, consultations and communications that go with political life. The ratio of councillors to residents serves as a simple (perhaps simplistic) indicator of the capacity of ward councillors to provide effective representation but is used here merely as an shorthand substitute for the subtle and complex relationship that exists between residents and elected officials. The issue of reflecting the interaction between councillors and residents in designing wards will be discussed again later in the report (in Part 5).

It seems reasonable to conclude that some of Markham’s ward councillors represent wards that are among the largest in population in the GTA outside the City of Toronto. The gap in the ratio of councillor to residents in the proposed Wards 5 and 7 is significant, thereby skewing the overall capacity of the design to ensure equitable representation. Only by disregarding the “outliers,” is the access of most Markham residents to their ward councillors reasonably balanced. Unfortunately, the outliers are part of the real world.

A third possible test of “effective representation” is the relationship between area and population, that is the density of population in the wards. This relationship is inherent in the interpretation of the principle of “effective representation” as articulated by the Supreme Court of Canada in the Carter decision (see *Interim Report Appendix B, part e*). The point made there (page 45) is that “factors other than equality of voting power” are part of the

justification of boundaries and that therefore it may be acceptable to create units of representation in sparsely settled areas with lower populations than those in densely populated areas. Although the Court was describing the allocation of seats in a provincial legislature, the reasoning is applicable at the municipal level.

Wards that cover large geographic areas may justifiably be home to smaller populations than wards that are smaller and more compact. The reverse is also equitable: wards that are small in area can reasonably take in higher populations. What is undesirable are wards that fail to address this “trade off” of area and population, such as situations where the smallest wards in area also have the smallest population and the largest wards in area also have the largest population.

The challenge of “trading off” area and population is not completely successful in Option D, especially in the long run. The proposed Wards 5 and 6 are home to the smallest populations but Ward 5 is also marginally the smallest ward by area (approximately 1327 ha to the proposed Ward 4’s 1357 ha – see Appendix B). More problematic is the presence of the largest population in Ward 7, the second largest ward by geographic area. The largest ward by area (the proposed Ward 8) is at the optimal size on the basis of the 2016 and 2021 population forecasts so its larger area does not pose insurmountable problems of access.

Despite including many coherent and credible wards, there are some shortcomings in the capacity of Option D to provide equitable representation because of the wide variation in the population and area of the proposed wards. Since these patterns are shaped by the diversity of residential neighbourhoods and patterns of growth in Markham, Option D remains a viable alternative for achieving “effective representation.”

Overall Assessment: Option D

| Code | Meets Criterion | Comment |
|------|-----------------|---|
| POP | yes | <ul style="list-style-type: none"> • three wards optimal; none outside range of tolerance |
| PCI | mixed | <ul style="list-style-type: none"> • all wards successfully embrace recognizable communities of interest • internal cohesion impeded in Ward 2 because of physical isolation of component communities • placement of Leitchcroft in Ward 2 potentially problematic |
| PFT | mixed | <ul style="list-style-type: none"> • five wards within ten points of optimal in 2016; six wards within ten points of optimal in 2021 • population forecast shows one ward narrowly outside the optimal range in 2021 |
| NB | mixed | <ul style="list-style-type: none"> • suitable natural boundaries used throughout; one wards crosses both Highway 404 and Highway 407 |
| ER | mixed | <ul style="list-style-type: none"> • most wards coherent and capacity to deliver effective representation generally strong • gap in ratio of councillor to residents undesirable • largest population in a ward with large area but other “trade offs” reasonable |

Option D achieves mixed success on four of the five principles set out for this Ward Boundary Review and would have been an acceptable configuration in terms of the 2011 population – as assessment not conferred on the present ward system or any of the other three Options set out in the *Interim Report*. The “mixed” designation means that the design has some success in meeting the criterion but also contains some shortcomings.

On closer inspection, the mixed verdicts on “natural boundaries” and “communities of interest” stem from one dilemma: where to place Leitchcroft. The design of Ward 2 in Option D (as well as in Options D1, D2, D3 and D4) combines communities that are isolated from one another by both Highways

404 and 407 and by extensive employment lands. These realities alone preclude assessing all of these options as completely successful in meeting the “natural boundaries” and “communities of interest” principles.

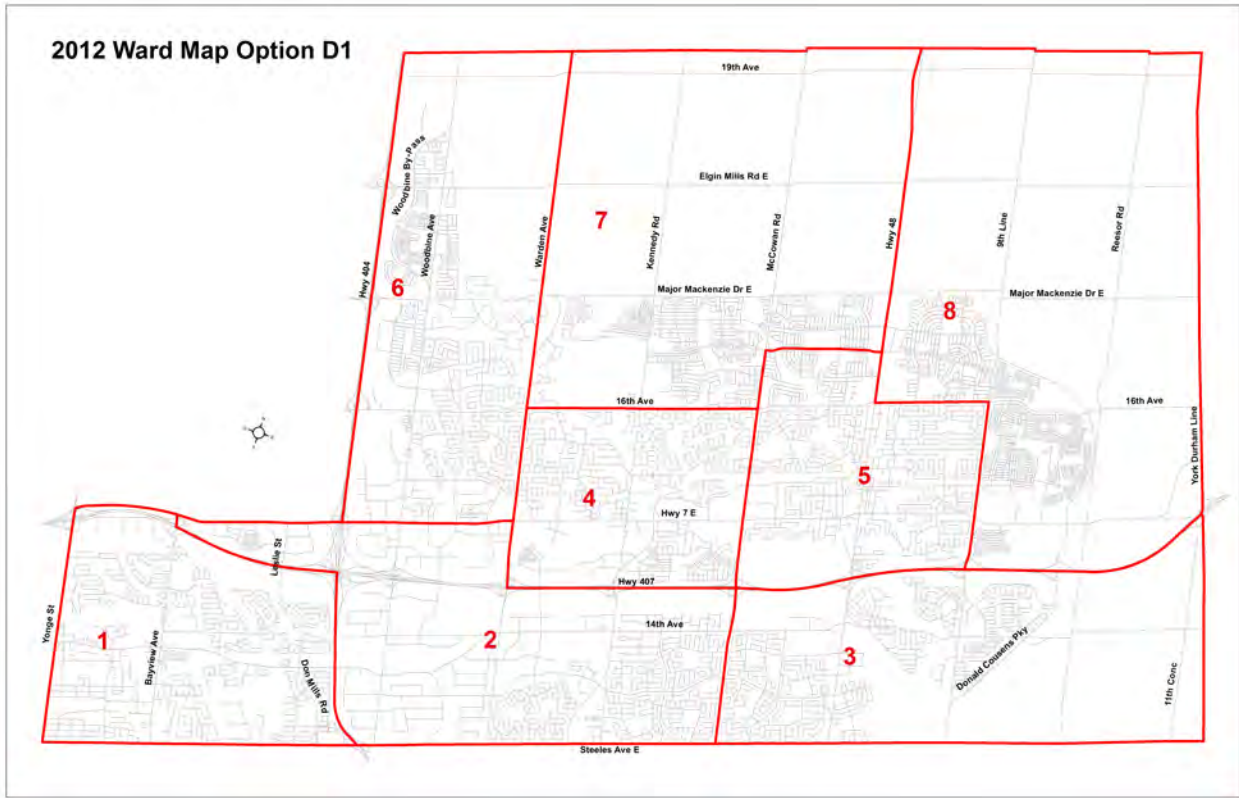
In terms of the future population issue, Option D actually only fails to meet the guiding principle in relation to the 2021 population forecast, and then by a narrow margin. In neither the 2011 population figures nor the 2016 population forecast do any wards fall outside the twenty-five percent range of tolerance adopted for this Review. In other words, if the overall assessment is made on the basis of the 2016 forecast, Option D would meet the future population principle unequivocally.

As was the case throughout the analysis presented in the *Interim Report* and in this Report, the presence of just one ward that falls outside the range of tolerance means that the option is deemed not to have met the population criterion. It should be noted, though, that the “over population” in the proposed Ward 7 of Option D is calculated to be about 400 people – about 0.001 percent of the City’s projected population in 2021. This narrow discrepancy should not disqualify this option from further consideration.

There is a conspicuously imbalanced population distribution across the northern and eastern part of the City in Option D. The population of the two proposed wards that bracket Ward 7 (the “over populated” ward) are both well within the range of tolerance; indeed the proposed Ward 8 is at or near the optimal figure in both 2016 and 2021 and the proposed Ward 6 grows very close to the optimal size between 2016 and 2021.

Option D has more strengths than weaknesses and should not be discarded as an acceptable alternative to the current ward configuration in Markham.

2b. Option D1



Representation by population (POP)

Using 2011 total population figure for Markham from the Regional Official Plan, an “optimal” ward would be considered one with a population of 38,654 (the total population of 309,233 divided into eight wards). For Option D1, the distribution is as follows:

| | | | |
|--------|--------|------|-----|
| Ward 1 | 47,123 | 1.22 | O + |
| Ward 2 | 43,439 | 1.12 | O + |
| Ward 3 | 39,683 | 1.03 | O |
| Ward 4 | 35,596 | 0.92 | O - |
| Ward 5 | 44,661 | 1.15 | O + |
| Ward 6 | 32,943 | 0.85 | O - |
| Ward 7 | 32,687 | 0.84 | O - |
| Ward 8 | 33,098 | 0.85 | O - |

In this scenario, none of the eight wards would have fallen outside the acceptable range of variation in 2011, although the proposed Ward 1 is nudging the upper limit. However, only one ward is classified as having an optimal population.

Protection of communities of interest and neighbourhoods (PCI)

The proposed wards are generally successful in meeting this criterion since, with one exception, the boundaries do not divide well-established residential and other communities internally and for the most part group together neighbourhoods with traditional affinity, including the former Village of Markham. The exception is the potential division of the Wismer community between the proposed Wards 5 and 7. As far as grouping distinct communities together, the design places Leitchcroft community with neighbourhoods east of Highway 404 and south of Highway 407 in the proposed Ward 2. All other groupings are sound and coherent.

Present and future population trends (PFT)

Using the York Region Official Plan population forecasts for 2016, an “optimal” ward would be considered one with a population of 42,235 (the total estimated population of 337,877 divided into eight wards).

| | | | |
|--------|--------|------|-----|
| Ward 1 | 46,550 | 1.10 | O + |
| Ward 2 | 45,246 | 1.07 | O + |
| Ward 3 | 41,601 | 0.98 | O |
| Ward 4 | 39,912 | 0.94 | O - |
| Ward 5 | 45,737 | 1.08 | O + |
| Ward 6 | 36,449 | 0.86 | O - |
| Ward 7 | 40,175 | 0.95 | O |
| Ward 8 | 42,205 | 1.00 | O |

On the basis of these population forecasts, three of the proposed wards in Option D1 would have been deemed optimal with four others within 10

percentage points of optimal. Only one ward would vary by approximately 15% from the optimal size in 2016 (Ward 6); therefore all wards are well within the range of tolerance.

Using the York Region Official Plan population forecasts for 2021, an “optimal” ward would be considered one with a population of 46,282 (the total estimated population of 370,255 divided into eight wards).

| | | | |
|--------|--------|------|-----|
| Ward 1 | 48,149 | 1.04 | ○ |
| Ward 2 | 46,199 | 0.99 | ○ |
| Ward 3 | 42,968 | 0.93 | ○ - |
| Ward 4 | 47,153 | 1.02 | ○ |
| Ward 5 | 46,300 | 1.00 | ○ |
| Ward 6 | 44,897 | 0.97 | ○ |
| Ward 7 | 47,891 | 1.03 | ○ |
| Ward 8 | 46,697 | 1.01 | ○ |

On the basis of these population forecasts, seven of the proposed eight wards would be at the optimal size in 2021. The only exception is the proposed Ward 3 (essential the current Ward 7) but it is less than ten percent below optimal.

Natural boundaries (NB)

The wards proposed in Option D1 make exclusive use of “constructed” barriers as boundaries. Most of them successfully adhere to the principle that ward boundaries already serve as physical boundaries of communities: this includes portions of Highway 404, Warden Avenue, 16th Avenue, McCowan Road, Ninth Line, Highway 48, Highway 7 and Highway 407. One exception is the use of Bur Oak Avenue as a boundary between the proposed wards 5 and 7. The proposed Ward 2 crosses both Highway 404 and Highway 407.

Effective representation (ER)

Three perspectives on “effective representation” were set out above in the discussion of Option D and will be applied to Option D1.

Most of the wards proposed in Option D1 appear to constitute politically meaningful units of representation in that substantial and discrete communities (Thornhill, Unionville, Markham Village and Milliken) form the nucleus of four of the wards. The exception is the impact of the potential division of the Wismer community between the proposed Wards 5 and 7.

The ratio of councillor to residents in the proposed Ward 6 is noteworthy in 2016 because it is much lower than in all other wards, but the gap has disappeared by 2021. As a result, the access of Markham residents to their ward councillors quite successfully balanced.

Finally, the challenge of “trading off” area and population is not completely successful, especially in the long run. The proposed Ward 7 is home to the second largest population and is the second largest by area. The three smallest wards by area (the proposed Wards 1, 4 and 5) are projected to be above optimal in population in 2016 but all are expected to be very close to the optimal population in 2021. There is no clear pattern to these relationships but only one evident flaw in the picture.

Option D1 can provide “effective representation.”

Overall Assessment: Option D1

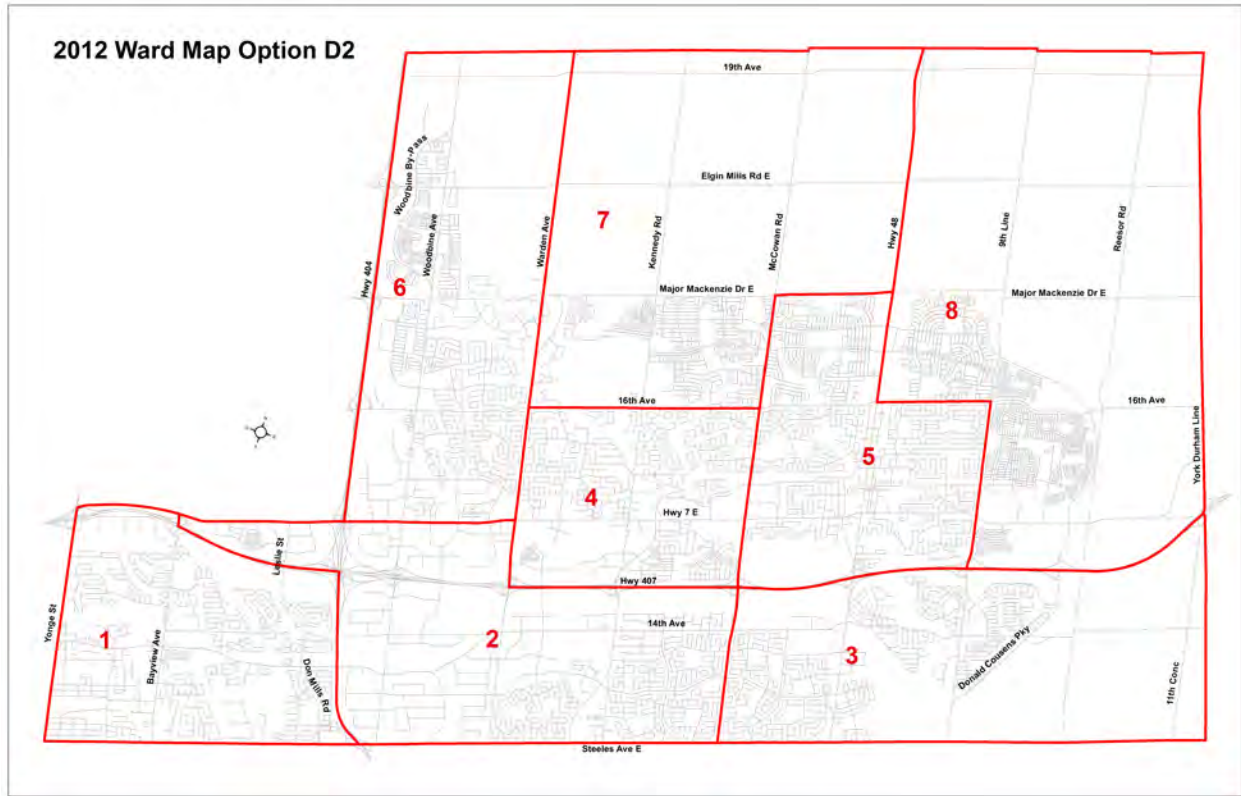
| Code | Meets Criterion | Comment |
|------|-----------------|--|
| POP | yes | <ul style="list-style-type: none"> • only one ward optimal but none outside range of tolerance |
| PCI | mixed | <ul style="list-style-type: none"> • generally successful but proposed Ward 5 – Ward 7 boundary splits Wismer community • placement of Leitchcroft in Ward 2 potentially problematic |
| PFT | yes | <ul style="list-style-type: none"> • population forecast shows only two wards at or beyond ten points of optimal in 2016 • seven wards optimal in 2021, eighth less than ten points below |
| NB | mixed | <ul style="list-style-type: none"> • most boundaries adhere to suitable natural boundaries but one ward crosses Highway 404 and Highway 407 • using Bur Oak Avenue as a boundary splits Wismer community |
| ER | mixed | <ul style="list-style-type: none"> • most wards coherent and capacity to deliver effective representation generally strong (one exception) • ratio of councillor to residents balanced by 2021 • large population in a ward with large area but other “trade offs” reasonable |

Option D1 achieves mixed success on three of the five principles set out for this Ward Boundary Review and is completely successful in meeting the population principles. On closer inspection, the mixed verdicts on “natural boundaries” and “communities of interest” stem again from one dilemma: where to place Leitchcroft. The design of Ward 2 in Option D1 combines communities that are isolated by both Highways 404 and 407 and by extensive employment lands. In addition, the extension of the proposed Ward 5 north to Bur Oak Avenue between McCowan Road and Highway 48 partitions the Wismer community. These features preclude assessing Option D1 as completely

successful in meeting the “natural boundaries” and “communities of interest” principles.

In terms of the future population issue, Option D1 achieves a remarkably balanced ward configuration. This is a somewhat unusual scenario in that, over time, an acceptable population distribution from 2011 actually improves. The drawback, of course, is that the design requires drawing a line through an identified community. Option D1 is a viable alternative for the existing wards in Markham if the general strengths of the design are judged to outweigh this specific shortcoming.

2c. Option D2



Representation by population (POP)

Using 2011 total population figure for Markham from the Regional Official Plan, an “optimal” ward would be considered one with a population of 38,654 (the total population of 309,233 divided into eight wards). For Option D2, the distribution is as follows:

| | | | |
|--------|--------|------|------|
| Ward 1 | 47,123 | 1.22 | O + |
| Ward 2 | 43,439 | 1.12 | O + |
| Ward 3 | 39,683 | 1.03 | O |
| Ward 4 | 35,596 | 0.92 | O - |
| Ward 5 | 54,660 | 1.53 | OR+ |
| Ward 6 | 32,943 | 0.85 | O - |
| Ward 7 | 22,688 | 0.59 | OR - |
| Ward 8 | 33,098 | 0.85 | O - |

In this scenario, two of the eight wards would have fallen outside the

acceptable range of variation in 2011, and a third is nudging the upper limit. Only one ward would have been classified as having an optimal population.

Protection of communities of interest and neighbourhoods (PCI)

The proposed wards are generally successful in meeting this criterion since the boundaries do not divide well-established residential and other communities internally and for the most part group together neighbourhoods with traditional affinity, including the former Village of Markham. As far as grouping distinct communities together, the design places Leitchcroft community with neighbourhoods east of Highway 404 and south of Highway 407 in the proposed Ward 2. All other groupings are sound and coherent.

Present and future population trends (PFT)

Using the York Region Official Plan population forecasts for 2016, an “optimal” ward would be considered one with a population of 42,235 (the total estimated population of 337,877 divided into eight wards).

| | | | |
|--------|--------|------|-----|
| Ward 1 | 46,550 | 1.10 | O + |
| Ward 2 | 45,246 | 1.07 | O + |
| Ward 3 | 41,601 | 0.98 | O |
| Ward 4 | 39,912 | 0.94 | O - |
| Ward 5 | 56,332 | 1.33 | OR+ |
| Ward 6 | 36,449 | 0.86 | O - |
| Ward 7 | 29,590 | 0.70 | OR- |
| Ward 8 | 42,205 | 1.00 | O |

On the basis of these population forecasts, two of the proposed wards would have been deemed optimal with three others within 10 percentage points of optimal and another ward would vary by approximately 15% from the optimal size in 2016. Two wards (the proposed Wards 5 and 7) are outside the range of tolerance.

Using the York Region Official Plan population forecasts for 2021, an

“optimal” ward would be considered one with a population of 46,282 (the total estimated population of 370,255 divided into eight wards).

| | | | |
|--------|--------|------|-----|
| Ward 1 | 48,149 | 1.04 | ○ |
| Ward 2 | 46,199 | 0.99 | ○ |
| Ward 3 | 42,968 | 0.93 | ○ - |
| Ward 4 | 47,153 | 1.02 | ○ |
| Ward 5 | 57,219 | 1.24 | ○ + |
| Ward 6 | 44,897 | 0.97 | ○ |
| Ward 7 | 36,973 | 0.80 | ○ - |
| Ward 8 | 46,697 | 1.01 | ○ |

On the basis of these population forecasts, five of the proposed eight wards would be in the optimal range in 2021 and two others are within the range of tolerance. However, the proposed Ward 5 is only about 600 people below the upper population threshold and the proposed Ward 7 has only a small gap between its anticipated population and the permissible variation (fewer than 2300 people).

Natural boundaries (NB)

The wards proposed in Option D2 make exclusive use of “constructed” barriers as boundaries. Most of them successfully adhere to the principle that ward boundaries already serve as physical boundaries of communities: this includes portions of Highway 404, Warden Avenue, 16th Avenue, McCowan Road, Ninth Line, Highway 48, Highway 7 and Highway 407. The proposed Ward 2, however, crosses both Highway 404 and Highway 407.

Effective representation (ER)

Three perspectives on “effective representation” were set out above in the discussion of Option D and will be applied to Option D2.

Most of the wards proposed in Option D2 appear to constitute politically meaningful units of representation in that substantial and discrete communities

(Thornhill, Unionville, Markham Village and Milliken) form the nucleus of four of the wards. The three proposed northern wards are at a different stage of development but planned residential development there will eventually dominate the communities already located in those wards and will therefore, in time, largely define those wards.

The gap in the ratio of councillor to residents in the proposed Wards 5 and 7 in 2016 is significant, thereby skewing the overall capacity of the design to ensure equitable representation. It is only marginally better in 2021 but is not balanced enough to be equitable.

Finally, the challenge of “trading off” area and population is successfully achieved. The proposed Ward 5 is home to the largest population and is the second smallest by area and the proposed Ward 7 is projected to have the smallest population and the second largest area. There is no clear pattern to the remaining relationships but there are no glaring mismatches.

Option D2 can provide “effective representation” in two of the three perspectives developed for this assessment.

Overall Assessment: Option D2

| Code | Meets Criterion | Comment |
|------|-----------------|--|
| POP | no | <ul style="list-style-type: none"> two wards outside range of tolerance, one close to upper limit, only one in optimal range |
| PCI | mixed | <ul style="list-style-type: none"> all wards successfully embrace recognizable communities of interest placement of Leitchcroft in Ward 2 potentially problematic |
| PFT | no | <ul style="list-style-type: none"> five wards at or within ten points of optimal in 2016; six wards within ten points of optimal in 2021 population forecast shows two wards outside range of tolerance in 2016 and none in 2021 (although one is within a whisker of the upper limit) |
| NB | mixed | <ul style="list-style-type: none"> most boundaries adhere to suitable natural boundaries; one wards crosses Highway 404 and Highway 407 |
| ER | mixed | <ul style="list-style-type: none"> most wards coherent and capacity to deliver effective representation generally strong ratio of councillor to residents significantly imbalanced in 2016, not solved by 2021 population and area "trade offs" reasonable |

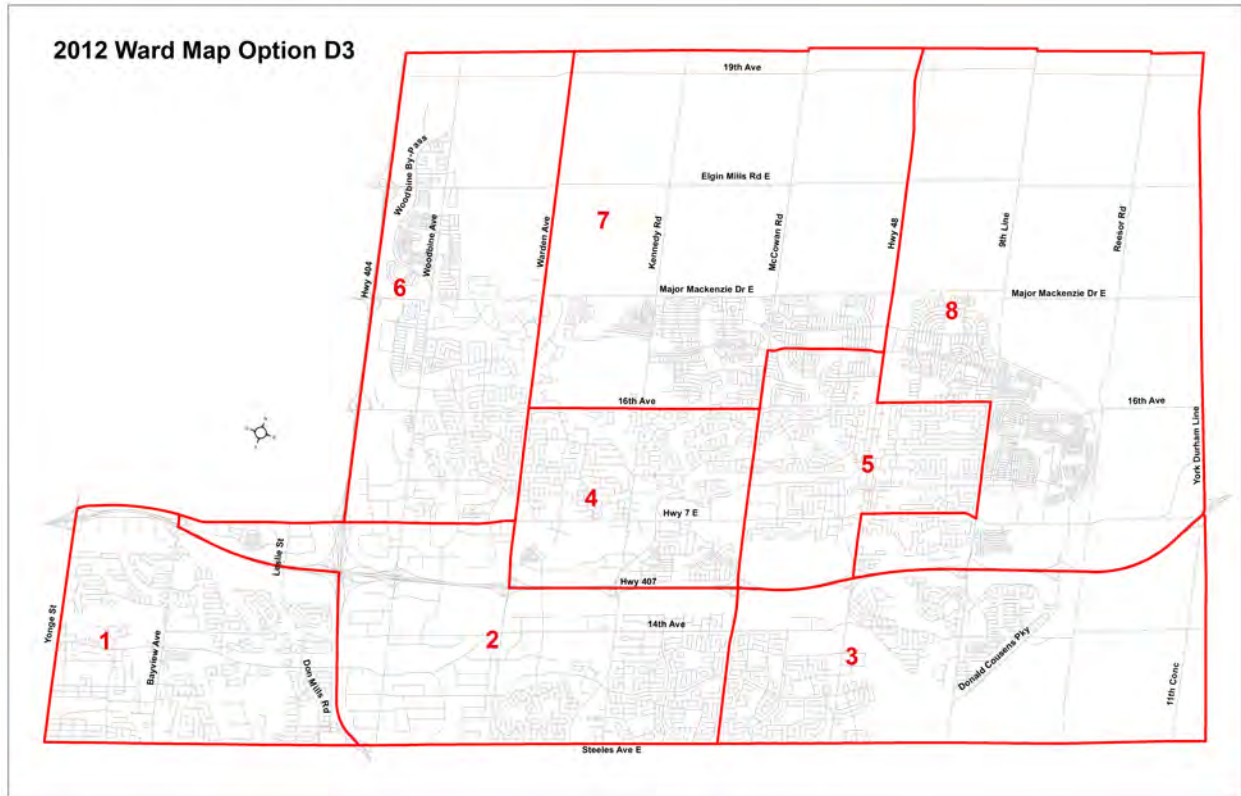
Option D2 achieves mixed success on three of the five principles set out for this Ward Boundary Review but falls short of the measures used to assess appropriate population distributions. On closer inspection, the mixed verdicts on "natural boundaries" and "communities of interest" stem again from one dilemma: where to place Leitchcroft. The design of Ward 2 in Option D2 combines communities that are isolated by both Highways 404 and 407 and by extensive employment lands. These realities alone preclude assessing Option D2 as completely successful in meeting the "natural boundaries" and "communities of interest" principles.

In terms of the future population issue, Option D2 becomes only narrowly workable in relation to the 2021 population forecast as projected rapid

population growth in the proposed Ward 7 brings it up across the lower population threshold while the modest population growth in the proposed ward 5 places it narrowly within the range of tolerance.

Option D2 is possibly not as viable an alternative for the existing wards in Markham as Option D and Option D1 since the population distribution in the proposed wards 5 and 7 negates the positive features of the design.

2d. Option D3



Representation by population (POP)

Using 2011 total population figure for Markham from the Regional Official Plan, an “optimal” ward would be considered one with a population of 38,654 (the total population of 309,233 divided into eight wards). For Option D3, the distribution is as follows:

| | | | |
|--------|--------|------|-----|
| Ward 1 | 47,123 | 1.22 | O + |
| Ward 2 | 43,439 | 1.12 | O + |
| Ward 3 | 39,683 | 1.03 | O |
| Ward 4 | 35,596 | 0.92 | O - |
| Ward 5 | 39,343 | 1.02 | O |
| Ward 6 | 32,943 | 0.85 | O - |
| Ward 7 | 32,687 | 0.84 | O - |
| Ward 8 | 38,416 | 0.99 | O |

In this scenario, none of the eight wards would have fallen outside the acceptable range of variation in 2011, although the proposed Ward 1 is nudging the upper limit. Three wards were classified as having an optimal population.

Protection of communities of interest and neighbourhoods (PCI)

The proposed wards are generally successful in meeting this criterion since, with one exception, the boundaries do not divide well-established residential and other communities internally and for the most part group together neighbourhoods with traditional affinity, including the former Village of Markham. The exception is the potential division of the Wismer community between the proposed Wards 5 and 7. As far as grouping distinct communities together, the design places Leitchcroft community with neighbourhoods east of Highway 404 and south of Highway 407 in the proposed Ward 2. All other groupings are sound and coherent.

Present and future population trends (PFT)

Using the York Region Official Plan population forecasts for 2016, an “optimal” ward would be considered one with a population of 42,235 (the total estimated population of 337,877 divided into eight wards).

| | | | |
|--------|--------|------|-----|
| Ward 1 | 46,550 | 1.10 | O + |
| Ward 2 | 45,246 | 1.07 | O + |
| Ward 3 | 41,601 | 0.98 | O |
| Ward 4 | 39,912 | 0.94 | O - |
| Ward 5 | 40,943 | 0.97 | O |
| Ward 6 | 36,449 | 0.86 | O - |
| Ward 7 | 40,175 | 0.95 | O |
| Ward 8 | 47,449 | 1.12 | O + |

On the basis of these population forecasts, three of the proposed wards in Option D3 have been deemed optimal with three others within 10 percentage

points of optimal. Two further wards would vary by approximately 15% from the optimal size in 2016 (Wards 6 and 8); therefore all wards are within the range of tolerance.

Using the York Region Official Plan population forecasts for 2021, an “optimal” ward would be considered one with a population of 46,282 (the total estimated population of 370,255 divided into eight wards).

| | | | |
|--------|--------|------|-----|
| Ward 1 | 48,149 | 1.04 | O |
| Ward 2 | 46,199 | 0.99 | O |
| Ward 3 | 42,968 | 0.93 | O - |
| Ward 4 | 47,153 | 1.02 | O |
| Ward 5 | 41,123 | 0.89 | O - |
| Ward 6 | 44,897 | 0.97 | O |
| Ward 7 | 47,891 | 1.03 | O |
| Ward 8 | 51,874 | 1.12 | O + |

On the basis of these population forecasts, five of the proposed eight wards would be at the optimal size in 2021 and only two would fall more than ten points outside the optimal grouping. None are outside the range of tolerance.

Natural boundaries (NB)

The wards proposed in Option D3 make exclusive use of “constructed” barriers as boundaries. Most of them successfully adhere to the principle that ward boundaries already serve as physical boundaries of communities: this includes portions of Highway 404, Warden Avenue, 16th Avenue, McCowan Road, Ninth Line, Highway 48, Highway 7 and Highway 407. One exception is the use of Bur Oak Avenue as a boundary between the proposed wards 5 and 7. The proposed Ward 2 crosses both Highway 404 and Highway 407.

Effective representation (ER)

Three perspectives on “effective representation” were set out above in the discussion of Option D and will be applied to Option D3.

Most of the wards proposed in Option D3 appear to constitute politically meaningful units of representation in that substantial and discrete communities (Thornhill, Unionville, Markham Village and Milliken) form the nucleus of four of the wards. The exception is the impact of the potential division of the Wismer community between the proposed Wards 5 and 7.

The range of variation in the ratio of councillor to residents in Option D3 differs by about 11,000 in both 2016 and 2021 (between the proposed Wards 8 and 6 in the former and the proposed Wards 8 and 5 in the latter). This is a significant imbalance that weakens the achievement of equitable representation.

Finally, the challenge of “trading off” area and population is not entirely successful. The proposed Ward 8 is home to the second largest population in both 2016 and 2021 and is also the largest by area. The proposed Ward 5 is projected to have the smallest population in 2021 and is also the smallest by area in this design.

Overall Assessment: Option D3

| Code | Meets Criterion | Comment |
|------|-----------------|---|
| POP | yes | <ul style="list-style-type: none"> • three wards optimal, one close to upper limit, none outside range of tolerance |
| PCI | mixed | <ul style="list-style-type: none"> • generally successful but proposed Ward 5 – Ward 7 boundary splits Wismer community • placement of Leitchcroft in Ward 2 potentially problematic |
| PFT | yes | <ul style="list-style-type: none"> • six wards at or within ten points of optimal in 2016; six wards within ten points of optimal in 2021 |
| NB | mixed | <ul style="list-style-type: none"> • most boundaries adhere to suitable natural boundaries; one ward crosses Highway 404 and Highway 407 • using Bur Oak Avenue as a boundary splits Wismer community |
| ER | no | <ul style="list-style-type: none"> • most wards coherent and capacity to deliver effective representation generally strong (one exception) • ratio of councillor to residents continues to be imbalanced • population and area “trade offs” poor |

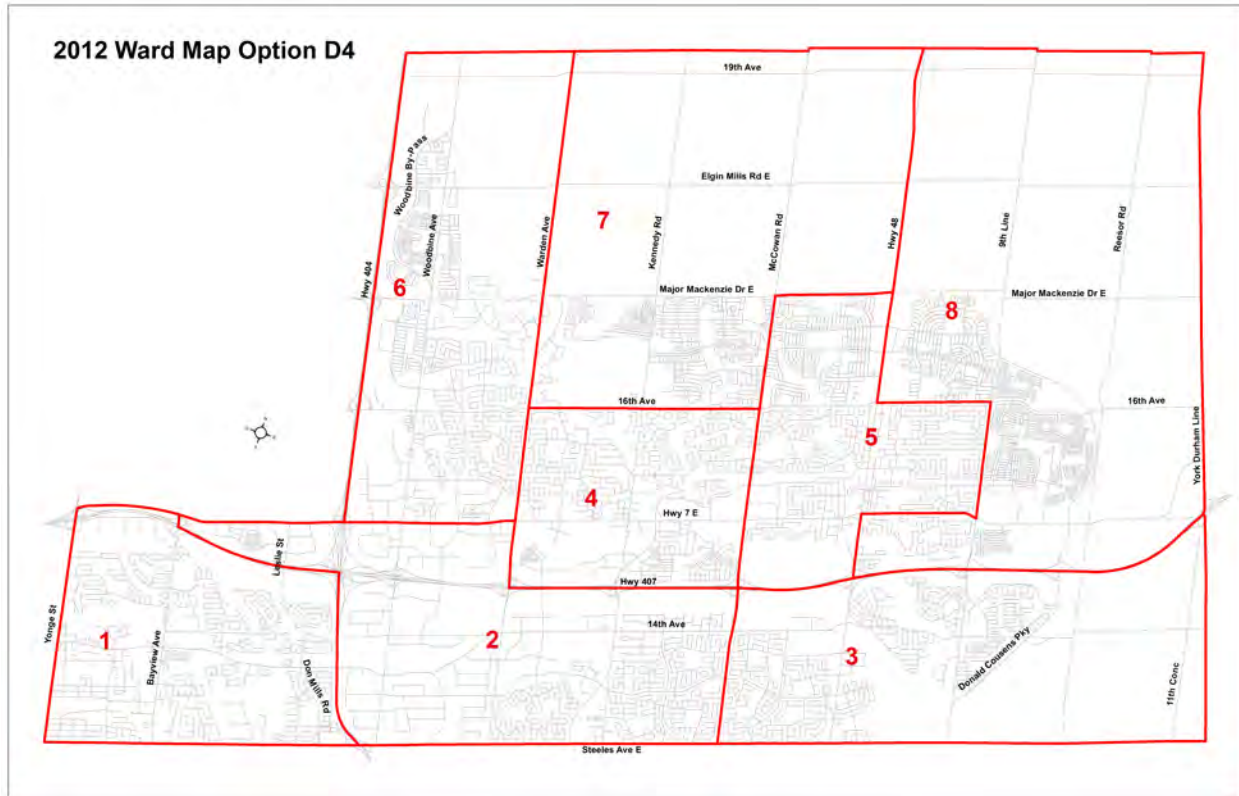
Option D3 achieves mixed success on two of the five principles set out for this Ward Boundary Review and is completely successful in meeting the population principles. However, it falls short on the three components used in this report to evaluate “effective representation.”

On closer inspection, the mixed verdicts on “natural boundaries” and “communities of interest” stem again from one dilemma: where to place Leitchcroft. The design of Ward 2 in Option D3 combines communities that are isolated by both Highways 404 and 407 and by extensive employment lands. In addition, the extension of the proposed Ward 5 north to Bur Oak Avenue between McCowan Road and Highway 48 partitions the Wismer community.

These features preclude assessing Option D3 as completely successful in meeting the “natural boundaries” and “communities of interest” principles.

In terms of the future population issue, Option D3 achieves a largely balanced ward configuration. The two exceptions in 2016 and the one in 2021 are not at an unacceptable level and, as in Option D1, over time the population distribution actually improves. The drawback, of course, is that the design requires drawing a line through an identified community. Option D3 is probably not a viable alternative for the existing wards in Markham since this specific shortcoming is compounded by flaws in the realization of “effective representation.”

2e. Option D4



Representation by population (POP)

Using 2011 total population figure for Markham from the Regional Official Plan, an “optimal” ward would be considered one with a population of 38,654 (the total population of 309,233 divided into eight wards). For Option D4, the distribution is as follows:

| | | | |
|--------|--------|------|-----|
| Ward 1 | 47,123 | 1.22 | O + |
| Ward 2 | 43,439 | 1.12 | O + |
| Ward 3 | 39,683 | 1.03 | O |
| Ward 4 | 35,596 | 0.92 | O - |
| Ward 5 | 49,341 | 1.28 | OR+ |
| Ward 6 | 32,943 | 0.85 | O - |
| Ward 7 | 22,688 | 0.59 | OR- |
| Ward 8 | 38,416 | 0.99 | O |

In this scenario, two of the eight wards would have fallen outside the

acceptable range of variation in 2011, with the proposed Ward 1 nudging the upper limit. Two wards were classified as having an optimal population.

Protection of communities of interest and neighbourhoods (PCI)

The proposed wards are generally successful in meeting this criterion since the boundaries do not divide well-established residential and other communities internally and for the most part group together neighbourhoods with traditional affinity, including the former Village of Markham. As far as grouping distinct communities together, the design places Leitchcroft community with neighbourhoods east of Highway 404 and south of Highway 407 in the proposed Ward 2. All other groupings are sound and coherent, although the proposed ward 5 is a somewhat artificial shape.

Present and future population trends (PFT)

Using the York Region Official Plan population forecasts for 2016, an “optimal” ward would be considered one with a population of 42,235 (the total estimated population of 337,877 divided into eight wards).

| | | | |
|--------|--------|------|-----|
| Ward 1 | 46,550 | 1.10 | O + |
| Ward 2 | 45,246 | 1.07 | O + |
| Ward 3 | 41,601 | 0.98 | O |
| Ward 4 | 39,912 | 0.94 | O - |
| Ward 5 | 51,078 | 1.21 | O+ |
| Ward 6 | 36,449 | 0.86 | O - |
| Ward 7 | 29,590 | 0.70 | OR- |
| Ward 8 | 47,449 | 1.12 | O + |

On the basis of these population forecasts, only two of the proposed wards are classified as optimal but four others within 15 percentage points of optimal. The population of the proposed Ward 5 is somewhat higher than optimal but within the range of tolerance. The proposed Ward 7 falls short of the lower population threshold by about 5000 people.

Using the York Region Official Plan population forecasts for 2021, an “optimal” ward would be considered one with a population of 46,282 (the total estimated population of 370,255 divided into eight wards).

| | | | |
|--------|--------|------|-----|
| Ward 1 | 48,149 | 1.04 | ○ |
| Ward 2 | 46,199 | 0.99 | ○ |
| Ward 3 | 42,968 | 0.93 | ○ - |
| Ward 4 | 47,153 | 1.02 | ○ |
| Ward 5 | 52,041 | 1.12 | ○ + |
| Ward 6 | 44,897 | 0.97 | ○ |
| Ward 7 | 36,973 | 0.80 | ○ - |
| Ward 8 | 51,874 | 1.12 | ○ + |

On the basis of these population forecasts, four of the proposed eight wards would be classified as optimal in 2021 with three others just outside that category. The proposed Ward 7 exceeds the permissible variation by only about 2000 people.

Natural boundaries (NB)

The wards proposed in Option D4 make exclusive use of “constructed” barriers as boundaries. Most of them successfully adhere to the principle that ward boundaries already serve as physical boundaries of communities: this includes portions of Highway 404, Warden Avenue, 16th Avenue, McCowan Road, Ninth Line, Highway 48, Highway 7 and Highway 407. The proposed Ward 2, however, crosses both Highway 404 and Highway 407.

Effective representation (ER)

Three perspectives on “effective representation” were set out above in the discussion of Option D and will be applied to Option D4.

Most of the wards proposed in Option D4 appear to constitute politically meaningful units of representation in that substantial and discrete communities (Thornhill, Unionville, Markham Village and Milliken) form the nucleus of four of

the wards. The proposed northern wards are at a different stage of development but planned residential development will eventually dominate the communities already located in those wards and will therefore, in time, largely define those wards.

The range of variation in the ratio of councillor to residents in Option D4 is excessive: it differs by over 20,000 in 2016 and by about 15,000 in 2021 (between the proposed Wards 7 and 5 in both cases). This is a significant imbalance that weakens the achievement of equitable representation.

Finally, the challenge of “trading off” area and population is not successful. The proposed Ward 8 is home to the largest population in both 2016 and 2021 and is also the largest by area. There is no clear pattern to the remaining relationships but there are no glaring mismatches.

Option D2 can provide “effective representation” in only one of the three perspectives developed for this assessment.

Overall Assessment: Option D4

| Code | Meets Criterion | Comment |
|------|-----------------|--|
| POP | no | <ul style="list-style-type: none"> two wards optimal, one close to upper limit, two outside range of tolerance |
| PCI | mixed | <ul style="list-style-type: none"> all wards successfully embrace recognizable communities of interest placement of Leitchcroft in Ward 2 potentially problematic proposed Ward 5 somewhat artificial shape |
| PFT | mixed | <ul style="list-style-type: none"> population forecast shows six wards at or within fifteen points of optimal in 2016 but one falling well below population threshold seven wards at or near optimal in 2021, all within range of tolerance |
| NB | mixed | <ul style="list-style-type: none"> most boundaries adhere to suitable natural boundaries; one ward crosses Highway 404 and Highway 407 |
| ER | mixed | <ul style="list-style-type: none"> most wards coherent and capacity to deliver effective representation generally strong ratio of councillor to residents continues to be imbalanced large population in a ward with large area but other "trade offs" reasonable |

Option D4 achieves mixed success on four of the five principles set out for this Ward Boundary Review but would not have been an acceptable configuration in terms of the 2011 population because of the excessive imbalance between the proposed wards 5 and 7.

On closer inspection, the mixed verdicts on "natural boundaries" and "communities of interest" stem again from one dilemma: where to place Leitchcroft. The design of Ward 2 in Option D4 combines communities that are isolated by both Highways 404 and 407 and by extensive employment lands. These realities alone preclude assessing Option D4 as completely successful in meeting the "natural boundaries" and "communities of interest" principles.

In terms of the future population issue, Option D4 becomes workable in relation to the 2021 population forecast as projected rapid population growth in the proposed Ward 7 brings it up across the lower population threshold while the modest population growth in the proposed ward 5 places it comfortably within the range of tolerance rather than at the higher end.

Option D4 may not be a viable alternative for the existing wards in Markham if the flaws identified in the realization of “effective representation” are deemed to outweigh the positive features of the design.

Part 3: Ranking the Options

The five Options assessed in this report are each plausible alternatives in some respects but, as the previous part has demonstrated, they are not without limitations. The flaws in some of the Options should rule them out of the mix since others are, on balance, more desirable choices.

Since the group of Options examined here constitute a kind of “theme and variations,” it is possible to summarize some common attributes based on the guiding principles for the review.

| All Options | |
|-------------|---|
| Strengths | <ul style="list-style-type: none"> • majority of wards meet the population principles • majority of wards designed with suitable natural boundaries |
| Weaknesses | <ul style="list-style-type: none"> • placement of Leitchcroft in proposed Ward 2 potentially problematic • internal cohesion impeded in proposed Ward 2 because of physical isolation of component communities • proposed Ward 2 crosses Highway 404 and Highway 407 |

It is probably fair to suggest that if the Leitchcroft neighbourhood had been placed in another Ward, the analysis would have revealed other – or some of the same – flaws of this kind. In the ranking that follows the strengths and weaknesses just noted will apply for each Option.

The evaluation in Part 2 leads to the conclusion that two of the Options would be less suitable than the others: Options D3 and D4. The former includes a boundary that divides an existing community as well as falling short of ensuring effective representation while inequitable representation appears to be intrinsic to the latter.

| Option D3 | |
|------------|---|
| Strengths | <ul style="list-style-type: none"> • six wards at or within ten points of optimal in 2016; six wards within ten points of optimal in 2021 |
| Weaknesses | <ul style="list-style-type: none"> • proposed Ward 5 – Ward 7 boundary splits Wismer community at Bur Oak Avenue • poor population and area “trade offs” |
| Option D4 | |
| Strengths | <ul style="list-style-type: none"> • all wards successfully embrace recognizable communities of interest • six wards at or within fifteen points of optimal in 2016; seven wards at or near optimal in 2021 |
| Weaknesses | <ul style="list-style-type: none"> • significant councillor to resident ratio imbalance • proposed Ward 5 somewhat artificial shape • proposed Ward 7 well below population threshold in 2016 (but falls within range by 2021) |

The remaining three Options each fall short of a perfect solution but in the real world that is the City of Markham today perfection is not possible. As suggested in the *Interim Report*, the selection of one Option for the 2014 municipal election necessitates affirming which principles are the most pertinent (and which less feasible) and which Option comes closest to delivering on those principles in 2013.

Selecting Option D would mean placing a high premium on the community of interest and future population criteria while downplaying the area and population “trade off” and overlooking a single case where a ward population exceeded the optimal range.

| Option D | |
|------------|--|
| Strengths | <ul style="list-style-type: none"> • all wards successfully embrace recognizable communities of interest • five wards within ten points of optimal in 2016; six wards within ten points of optimal in 2021 |
| Weaknesses | <ul style="list-style-type: none"> • population forecast shows one ward narrowly outside the optimal range in 2021 • largest population in a ward with large area |

Selecting Option D1 affirms the paramount importance of a population balance across the wards while explicitly setting aside the community of interest criterion in one circumstance.

| Option D1 | |
|------------|---|
| Strengths | <ul style="list-style-type: none"> • population forecast shows only two wards at or beyond ten points of optimal in 2016 • seven wards optimal in 2021, eighth less than ten points below |
| Weaknesses | <ul style="list-style-type: none"> • proposed Ward 5 – Ward 7 boundary splits Wismer community at Bur Oak Avenue |

Selecting Option D2 would deliberately set aside the future population criterion for the next election in the expectation that anticipated population growth will bring most but not all) ward populations into better balance by 2021.

| Option D2 | |
|------------|--|
| Strengths | <ul style="list-style-type: none"> • all wards successfully embrace recognizable communities of interest • five wards at or within ten points of optimal in 2016; six wards within ten points of optimal in 2021 |
| Weaknesses | <ul style="list-style-type: none"> • population forecast shows two wards outside range of tolerance in 2016 and none in 2021 (although one is very close to the upper limit) |

Each of these choices can be defended since each design has many more strengths than weaknesses and since the implications of selecting one of these Options are well understood in terms of the guiding principles for this review. With this in mind, the City would be on strong ground in the event of an appeal of its by-law to the Ontario Municipal Board.

Part 4: Further Observations

The public consultations that have taken place though the fall of 2012 and in early 2013 have been enlightening and revealing. For some people, the sparse attendance (given the population of Markham) is disappointing, to the point that the legitimacy of the ward boundary review exercise is occasionally questioned. This situation is compounded by the manifestly skewed participation by residents of a single community at all five of the public meetings held in various locations in Markham who advocated vociferously for a system of representation that would retain the level of representation that their community enjoys in the current design.

Several comments are pertinent. First, this participation demonstrates a degree of political engagement by residents and groups in that particular community that is, regrettable, not typical across Markham – nor, indeed, across much of Ontario. For most people, the design of ward boundaries is not a process they choose to participate in and (regrettably) not one that they see as fundamental to their own or their community's interest.

Public meetings are now, however, a routine - and in some respects mandatory - part of municipal decision-making and can be critical in reaching an acceptable determination in many areas of public policy. Certainly a ward boundary review of this kind cannot be considered successful without including opportunities to share information and evaluations. Nonetheless, the crusade carried out at public meetings – however fervently or frequently it is expounded - does not trump the application of the guiding principles set out for the review.

Secondly, the objective of the 2012 – 2013 Markham ward boundary review was to identify an electoral framework for electing eight City Councillors that met five guiding principles. Without doubt, a ward boundary review is an inherently “political” process: the application of those principles will likely result in

the redistribution of some or all communities within the municipality into new electoral districts. That arrangement, in turn, will have a bearing on who the community might choose to entrust with the responsibilities of representation after the next election. The ward configuration itself will not be the predominant influence on who is successful but it is an influence in that political process nevertheless.

Nowhere in the guiding principles was there a requirement for universal popular endorsement for the new design or an undertaking that the preference of a single community of interest be placed ahead of that of any other community - unless that preference can be clearly squared with the guiding principles for the review. The framing of the review around guiding principles was intended to prevent the selection of a new ward design in response to the most vocal citizens as much as it was to deny enhanced electoral prospects to sitting councillors. In any new design, especially when attempting to reflect significant population growth, a new political reality will result. Some communities that were underrepresented will be assigned additional representation; inevitably, some communities that were overrepresented will be assigned less. This calculus is not a matter of “downgrading” one community in favour of another; it is about seeking equitable representation for all.

Despite repeating the sincerely held viewpoint that the revised ward boundaries would reduce representation from that one community (a point that no one would deny), the case for setting aside the principles to concede this wish was never made. Rather, assorted Options were dismissed throughout the review by a manifest sense of entitlement (at one point even expressed as we “deserve over-representation”); persuasive evidence or a reasoned argument framed on the guiding principles was not offered.

The five Options addressed in this report have been assessed as consistently as possible through the review’s guiding principles and Markham

council has been provided with solid grounds on which to make its selection from among them.

Part 5: Planning for Further Reviews in Markham

Markham probably has had as much experience in revising its ward boundaries as any municipality on Ontario and it is not finished yet. Growth in Markham's population will continue for some time into the future and with it will inevitably bring the need to revisit the way its councillors are elected.

The 2012 – 2013 ward boundary review has been conducted differently than earlier reviews but, as explained in the *Interim Report*, it is Council's prerogative under the current provisions of the *Municipal Act* to authorize a ward boundary review and the form it takes. There are lessons to be taken away from the 2012 - 2013 review experience that deserve to be captured in future ward boundary reviews.

1. The Composition of Council Question

As pointed out in the *Interim Report*, the *Ontario Municipal Act* assigns municipal councils the authority to change the size of their own council through section 217, where it is referred to as "the composition of council." This provision is distinct from that associated with dividing, re-dividing or dissolving existing wards (section 222 of the Act).

As noted earlier in this report, the idea of enlarging the number of wards in Markham (and, by extension, the number of ward councillors) was raised as a way to address what many perceived as undesirable consequences resulting from the application of the guiding principles for designing a new ward system.

To quote the *Interim Report* (page 45), "It may very well be that a strong case can be made for a change in the composition of Markham council (either an increase or a reduction)" but a ward boundary review is not designed to

provide that evidence nor to undertake that analysis.

As such, the decision to change the number of ward councillors is a matter that Markham would be well advised to undertake a separate review that establishes the number of positions to fill before next initiating a ward boundary review. Such reviews are not without precedent in Ontario and would help focus future ward boundary reviews on section 222 and not section 217.

2. Councillor Workload

One of the critical elements of “effective representation” is the nature of the relationship between elected officials and those she or he represents on Council. In the 1992 *Carter* decision, Madam Justice McLachlin stated

Ours is a representative democracy. Each citizen is entitled to be represented in government. Representation comprehends the idea of having a voice in the deliberations of government as well as the idea of the right to bring one's grievances and concerns to the attention of one's government representative; as noted in *Dixon v. B.C. (A.G.)*, [1989] 4 W.W.R. 393, at p. 413, elected representatives function in two roles -- legislative and what has been termed the "ombudsman role". (p. 32)

The second role she alludes to is the on-going interaction between councillors and residents that manifests itself in calls, consultations and communications of various kinds. Today in Markham, that relationship is continuous and appears to be escalating in volume.

In this review, the ratio of councillors to residents served as a substitute for empirical insight into this subtle and complex relationship because independent verifiable evidence on councillor workloads is not available, either in Markham or in other Ontario municipalities to my knowledge. Interviews with Markham councillors early in the review provided anecdotal perspectives on their individual workloads (including their personal choice about the how to handle the demands made on their time). Such discussions were not directed at

generating a formula that could be incorporated into the design of wards for the simple reason that each elected official will choose how to function in this “ombudsman” role. The ratio of councillors to residents simply indicates how much potential demand might arise in a given ward from the people who live there.

Markham has addressed this issue, in part, by providing staff support to councillors at a level that reflects the scale of the population of the City and its wards and the expectation that ward councillors are part-time officials. This response is linked to the earlier question of the composition of council since adding staff is seen by many as a more financially sound decision than adding councillors or compensating them as full-time officials – even though most would claim that they are, to all intents and purposes, full-time.

It is not clear that there can ever be a reliable and reasonable profile of councillor workload, let alone a formula that can be used for ward boundary reviews. Nor is a ward boundary review itself the vehicle to address councillor compensation and support. As in the matter of the composition of council, Markham would be well advised to initiate a separate review (using appropriate expertise) to settle these matters ahead of the task of setting future ward boundaries.

3. Principles

The 2012 – 2013 ward boundary review happened because during the 2005 ward boundary review Markham Council directed that the boundaries be reviewed prior to the 2014 municipal election. Despite the intention to design ward boundaries that will serve Markham for the next three elections, the City’s population growth has a tendency to keep to its own pace regardless of the timeline established for ward boundary reviews.

Markham would be well advised to formalize the scheduling of future ward boundary reviews as it did in 2005, either in conjunction with the municipal election cycle, the federal census or some other unambiguous marker (such as a population threshold). A municipal ward boundary review policy containing as many elements of the process as possible (including a schedule for reviews) would make the exercise more routine and less “political.”

The guiding principles used in this review were consistent with criteria used in many other ward boundary reviews across Ontario but it would also be beneficial to assess the continuing suitability of some of the specific principles before Markham’s next ward boundary review. For example, this review has made extensive use of the concept of an “optimal” ward population combined with an acceptable range of variation of up to 25% above or below that point. The 25% range was not included specifically in Council’s guiding principles but was adopted to be consistent with legislated federal redistribution provisions. Given the complete absence of provincial criteria, it is in reality purely a convention in Markham and, indeed in the Ontario municipal context. Using this range means that, in a municipality of close to 340,000 (Markham in 2016), a ward of approximately 32,000 and another of approximately 52,000 would both be acceptable in principle. Implementing a criterion that stipulates that the range of population variation is narrower (10%, for example) would be worth considering to help achieve more equitable representation in Markham.

Similarly, the attempt to design wards on the basis of population projections is a routine part of ward boundary reviews in Ontario, largely because there is no requirement for regular reviews. If Markham adopts a policy that schedules reviews on a regular basis, the whole exercise can be changed from adopting wards based on estimates of future population trends to wards based on what is known (based on verifiable data drawn, say, from the census). The need to adhere closely to future population trends disappears from the list

of principles since it is far preferable to “catch up” than to design wards that rest to some degree on speculation.⁴

Part 6: What’s Next

During Phase 3 of the 2012 – 2013 Markham Ward Boundary Review, five Options for a new ward system were taken to public consultation as directed by General Committee of Council. Those Options were then reviewed thoroughly in terms of the guiding principles set out for this Review and that evaluation forms the bulk of this Report.

Three Options (D, D1 and D2) are judged to be worthy of consideration by Council as the basis for replacing the current wards. Each Option can be defended as consistent with recognized criteria for a justifiable ward system. The selection of one of these Options rests with Markham Council as authorized by provincial legislation.

⁴ Robert J. Williams, “The Problem of ‘Future Population Trends’ in Designing Ward Systems in Ontario,” *Municipal Monitor* (Association of Municipal Managers, Clerks and Treasurers of Ontario), Fall 2012, pp. 16 – 19.

Appendix A

| Table 1 – Interpreting the Guiding Principles | | |
|---|--|---|
| Code | Criterion | Operational Interpretation |
| POP | Representation by Population | A simple descriptive code (see Table 2) is used to assess the degree of variation from the optimal size (that is, the population of each ward if the City were divided into equal electoral districts). |
| PCI | Protection of Communities of Interest and Neighbourhoods | Two perspectives: what is divided and what is joined together. Communities are not to be divided internally; lines are drawn around communities, not through them. Wards should group together communities with common interests; for example, the age, assessed value and configuration of housing, the life-stage and demographics of the residents and municipal service provision and amenities. |
| PFT | Present and Future Population Trends | The Region’s population forecasts for 2016 and 2021 are used to anticipate overall and individual community change. The code described in Table 2 is used to evaluate the distribution of population across the wards. |
| NB | Physical Features as Natural Boundaries | “Natural boundaries” includes both the natural topography and “constructed” barriers. These features are considered suitable boundaries because they separate residents from one another who happen to live on opposite sides of the boundary. |
| ER | Effective Representation | Paramount principle – used as final test of the overall ward design option. A summary of the comprehensive evaluation of the success of the more explicit principles in meeting a series of applied tests. Subjective or qualitative element serving to capture intangible aspect of representation (a two-way relationship between residents and elected officials). e.g. Do wards constitute a plausible and reasonably coherent electoral unit? Is it possible for residents to identify with their ward as a politically meaningful unit? Are the resulting wards of a size, scale and shape that a representative can serve successfully? |

| Code | Label | Description |
|------|---------------------------|---|
| OR+ | Outside the Range - above | greater than 25% above the optimal size |
| O + | Above Optimal | 6% to 25% above the optimal size |
| O | Optimal | within 5% above or below the optimal size |
| O - | Below Optimal | 6% to 25% below the optimal size |
| OR - | Outside the Range - below | greater than 25% below the optimal size |

| Year | Total Population (estimated) | Optimal Ward Size* | Lower Population Limit** | Upper Population Limit *** |
|--|------------------------------|--------------------|--------------------------|----------------------------|
| 2011 | 309,233 | 38,654 | 28,990 | 48,318 |
| 2016 | 337,877 | 42,235 | 31,676 | 52,794 |
| 2021 | 370,255 | 46,282 | 34,711 | 57,853 |
| * City population divided by the number of wards | | | | |
| ** 75% of the optimal ward size | | | | |
| *** 125% of the optimal ward size | | | | |

Appendix B
Area of Proposed Wards
(in hectares)

| | Option D | Option D1 | Option D2 | Option D3 | Option D4 |
|--------|----------|-----------|-----------|-----------|-----------|
| Ward 1 | 1907.9 | 1907.9 | 1907.9 | 1907.9 | 1907.9 |
| Ward 2 | 2555.7 | 2555.7 | 2555.7 | 2555.7 | 2555.7 |
| Ward 3 | 2707.3 | 2707.3 | 2707.3 | 2707.3 | 2707.3 |
| Ward 4 | 1357.6 | 1357.6 | 1357.6 | 1357.6 | 1357.6 |
| Ward 5 | 1327.3 | 1545.7 | 1757.1 | 1325.5 | 1536.9 |
| Ward 6 | 2623.2 | 2623.2 | 2623.2 | 2623.2 | 2623.2 |
| Ward 7 | 4107.5 | 3889.1 | 3677.8 | 3889.2 | 3677.8 |
| Ward 8 | 4655.1 | 4655.1 | 4655.1 | 4875.2 | 4875.2 |