

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

FINAL REPORT

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Executive Summary

Since its creation in its current form in 1970, the Town of Pelham has been governed by a council comprising a mayor and six councilors elected from three wards. The ward boundaries were last changed in 2014.

Andrew Sancton Consulting (Drs. Andrew Sancton and Tim Cobban) was engaged by the Town of Pelham to conduct a Council Composition, Ward Boundary Review, and Deputy Mayor Selection Study. We did so between August 2023 and May 2024. In our Preliminary Report, we outlined the regulatory framework for the review, assessed the methods for selection of a deputy mayor, evaluated the current ward boundaries, and introduced and assessed five different options for ward boundaries. We discussed this report and the project in our interviews with members of council and senior staff, and in two public meetings, and surveyed residents on their views.

This report contains the following recommendations for the Pelham Town Council:

That Pelham's deputy mayor continue to be elected by council members for a two-year term, with the term starting immediately after the quadrennial municipal election and halfway through each four-year term, unless and until the Niagara regional council is restructured in such a way as to provide for two representatives from the Pelham municipal council;

That all councillors in the Town of Pelham continue to be elected from wards;

That Pelham Town Council maintain its current size of seven members;

That the ward boundaries contained in our Option 2 (revised three ward boundary model) be adopted as the new ward boundaries for the Town of Pelham effective for the 2026 municipal election;

That, in the event that Pelham Town Council obtains a second representative on Niagara regional council, a new council configuration be adopted, consisting of a directly elected mayor and deputy mayor (serving as the municipality's representatives to the Region), and five ward councillors, with one being elected from each of the five wards as outlined in our Option 4. Alternatively, if Pelham town council is determined to keep the three existing wards while introducing a directly elected deputy mayor, we recommend, as our second choice, that the council be reduced from seven members to five, with only one councillor elected from each ward.

1. INTRODUCTION

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

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

In July 2023, the Town of Pelham retained the consultant team of Drs. Andrew Sancton and Tim Cobban to conduct a Council Composition, Ward Boundary Review, and Deputy Mayor Selection Study. The purpose of this Final Report is to document the work undertaken for this review, report the main findings, and offer recommendations to council. There is an array of electoral options for council to consider. There are two basic electoral models—at large and ward-based systems—as well as ones that involve a mixture of the two systems. These models can also be modified in several ways—by changing the size of council, and by including, or not including, a directly elected deputy mayor. Below, we describe and assess these options, as we did in our previous Preliminary Report. In this report, however, we also incorporate the input and feedback received during our extensive consultations and we focus on the most suitable options. Importantly, we provide our final recommendations to council, for it is their responsibility, not ours, to determine the structural make-up of the municipal council of Pelham. Before we begin to discuss the options available to council, however, we provide a brief overview of this project.

2. THE PROJECT

The main purpose of this project is to assist and advise Pelham's municipal council in making a decision about council composition and ward boundaries. The Terms of Reference for this project were established in the original Request for Proposals as issued by the Municipality:

The Town of Pelham is seeking to engage a consultant to conduct a council composition, ward boundary review and deputy mayor selection process in accordance with the following parameters:

Representation by Population - Considering representation by population for every councillor representing an equal number of constituents within their respective wards. Given the geography and varying population densities, and characteristics of the Town of Pelham, a small degree of variation is acceptable.

Municipal Growth Trends and Projections - Accommodating for and balancing future increases or decreases in population growth/decline to maintain a general equilibrium in the representation by population.

Geographic and Topographic Boundaries - Utilizing geographical and topographical features to provide boundaries for wards.

Communities of Interest – Consider traditional neighbourhoods and settlement patterns, and community groupings in specific geographic locations.

Equal Representation and Voter Parity - Consider an overriding principle of effective representation.

A completely new review of governance needs for the Town for the next 20 years – with no predetermination of number of wards, councillors per ward or previous structure history creating limitations.

- Develop a ward structure that will accommodate growth and population shifts for a minimum of three (3) Municipal elections (2026, 2030, and 2034) and beyond, if feasible.
- Conduct all research, consultations (public and otherwise, as deemed appropriate), and the provision of a final report and recommendations to the Town of Pelham

2.1 PROJECT WORK PLAN AND SCHEDULE

The Project began in August 2023 and concludes in May 2024. The project has proceeded in four stages.

2.11 Data Collection and Research

Our initial tasks involved collecting key data and information and conducting research. We gathered population and population growth information from Statistics Canada and from municipal staff.

Our independent research encompassed several areas. We reviewed relevant legislation, especially Ontario's *Municipal Act*. We surveyed relevant case law, focusing most of our efforts on how the Ontario Land Tribunal (formerly the OMB and LPAT) has responded to appeals relating to municipal electoral systems. To this end, we scrutinized OLT decisions in various relevant cases.

We studied the electoral systems found in other municipalities with populations of similar size to that of Pelham. We focused on other lower-tier municipalities within Ontario but also looked at relevant municipalities in other parts of Canada.

Finally, we reviewed relevant scholarly literature, especially recent contributions to the longstanding debate on the merits and flaws of at-large and ward-based municipal electoral systems.

2.12 Preliminary Report

The results of research efforts were presented in our Preliminary Report, which was publicly released when we presented it to Council on 7 February 2024.¹ The report provided an initial assessment of methods for selection of a deputy mayor and of the current ward boundaries and introduced and assessed possible alternatives. We concluded that the existing arrangements in Pelham met the criteria for “effective representation” but that there were ways of making improvements. After discussing the possible direct election of a deputy mayor and the option of eliminating wards by having at-large elections for all councilors, we presented five options for ward boundaries, two involving the retention of a three-ward model, and the others with four, five, and six wards.

Although some of the content of the Preliminary Report is reproduced here, most of it is not. The review of the legislative framework governing municipal electoral systems is omitted, as is the important discussion on the role of the Ontario Land Tribunal and the relevance of their articulated understanding of “effective representation.” The analysis of the longstanding debate about ward vs. at-large elections contained in the Preliminary Report is also omitted.

2.13 Consultations

A comprehensive consultation program shortly followed the release of the Preliminary Report. The objectives were to engage and inform citizens while soliciting their input and feedback, and to probe the experiential views of those most familiar with the functioning of the municipal council in Pelham—the key stakeholders. The consultation program involved three separate activities.

i. Stakeholder Interviews

On 12 and 27 February 2024 we conducted interviews in Fonthill with each of the members of Pelham’s municipal council (all but one were in person) and with the Town’s senior managers. The interviews were between 30 and 60 minutes in length, and semi-

¹<https://engagingpelham.ca/ward-boundary-review-and-deputy-mayor-selection>

structured in format. Interviewees were asked to provide any general comments in response to the Preliminary Report. Then, follow-up questions were posed that related more directly to their particular expertise or experiences. Finally, interviewees were asked to indicate their preferred outcome from the Review. We promised our 15 respondents that none of them would be quoted in this report and that no individual views would be attributed to anyone.

An overwhelming majority expressed support for the current three-ward system, with two councillors being elected from each ward. In other words, there was little appetite for any dramatic change in the make-up of the Pelham municipal council. Most also supported our revised three-ward model that proposed to move the eastern boundary of Ward 1 to Effingham Road. They recognized that Ward 1 needed to increase its population to help address voter parity both now and in the future and they believed that Effingham would serve well as a boundary, in part because it was used by the public school board as a boundary for busing purposes.

There was considerable discussion in our interviews about the possibility of the provincial government taking steps to restructure the council of the Regional Municipality of Niagara in such a way that Pelham's representation on regional council might be changed. A few of our interviewees thought it might be advantageous to have a directly elected deputy mayor who could serve, in addition to the mayor, as one of Pelham's representatives on the regional council. Those holding such a view generally supported our five-ward option because that would produce a Pelham council with an odd number of members; no one believed it was desirable to have a council with an even number of members.

ii. Public consultation

We held two evening public consultation meetings: one in Fenwick on 12 February and another in Fonthill on 27 February. There were approximately a dozen people at each session, some of them being council members. There were lively discussions at both sessions, with most participants warning us against recommending any major changes. There was virtually no support for a directly elected deputy mayor, for a council elected at-large, or for any dramatic change to the structure of the ward system. Moving the eastern boundary of Ward 1 to Effingham Road was generally seen as the only desirable change.

iii. The survey

A short survey was designed and administered during February and March, 2024. An electronic link to the survey was posted to the project's page of the Municipality's website. Paper copies were available at the public meetings.

The survey asked citizens to identify the community in which they resided, and answer

various questions relating to the electoral options available for Pelham. We received 54 responses, a relatively small number, perhaps reflecting a relative lack of controversy relating to the whole process. Some questions were open-ended, allowing respondents to supply or expand on their answers. Responses came from all parts of the Town and provide interesting insights into the community's views on Pelham's electoral system. Responses generally echoed what we heard during our interviews and public consultations. Not surprisingly perhaps, there was less support for making any changes to the ward boundaries and about a quarter of respondents favoured reducing the size of Pelham's council rather than maintaining it at seven.

2.14 Final Report

The final stage in this Electoral Review involves the preparation and submission of this document, our Final Report. It is an extension of our previous Preliminary Report. Included are summaries of the available electoral options, the results and findings of our consultations, and the reporting of our final analysis and recommendations. The submission of this report to council represents the completion of the project.

3. ANALYSIS

In our Preliminary Report, we presented five options. Before examining these options, we shall return to three of the general structural issues which are crucial to understand before looking again at each of the five options. The three issues are:

1. Whether to have a directly-elected deputy mayor;
2. Whether to have at-large elections to Pelham's municipal council; and
3. The appropriate number of members of the council.

3.1 Deputy Mayor

We found virtually no support for having a directly elected deputy mayor. Subject to our final recommendation at the end of this Report, we have found no reason to recommend direct election. In our interviews there was very limited support for regular rotation of the position among council members. However, most interviewees support the current system whereby council elects one of its own members as deputy mayor every two years.

Unless and until the Niagara regional council is restructured in such a way as to provide for two representatives from the Pelham municipal council, we recommend that Pelham's deputy mayor continue to be elected by council members for a two-year term, with the term starting immediately after the quadrennial municipal election and halfway through each four-year term.

3.2 At-large elections to municipal Council

As we outlined in our Preliminary Report, one option for electing councillors is to elect

them at-large, meaning that, like the mayor and deputy mayor, each council candidate runs throughout the entire municipality. If there were five councillors, each voter could choose up to five candidates. The top five vote-getters would be declared elected. While such a system is prevalent in British Columbia and in many small, homogeneous municipalities elsewhere, including Ontario, we do not believe it is appropriate for a territorially large and diverse municipality such as Pelham. Our survey results suggest that respondents agree: only 15 percent favoured an at-large system.

We agree with the obvious consensus on in Pelham on this issue. **We recommend that all councillors in the Town of Pelham continue to be elected from wards.**

3.3 Council size

In our Preliminary Report we pointed out that, seven-member councils are common in Canada and for municipalities in Ontario having similar sized populations as Pelham. There was almost unanimous support for a seven-member council among our interviewees. Given that many citizens instinctively want to reduce the number of elected politicians, it is somewhat surprising that only 26 percent of our survey respondents favoured reducing the size of Pelham's municipal council. Only 13 percent favoured increasing it.

We consider the current size of the Pelham municipal council to be quite appropriate and recommend that it remain at seven members.

3.4 Determining ward boundaries

Options 1 and 2

As explained in our Preliminary Report, we believe that maintaining the current model with the same ward boundaries—our Option 1—would be defensible in any hearing conducted by Ontario's Land Tribunal. Maintaining this model in the absence of a directly elected deputy mayor, means that there must be two councillors from each ward, because the Ontario Municipal Act requires that each council have at least five members, including the mayor. We heard virtually no complaints from anyone about having two councillors from each of three wards, and we see no reason to recommend otherwise.

However, our population projections show that the existing boundaries for the three-ward model would be much less defensible by 2034 because the population of Ward 1 (Rural/Fenwick) would likely be more than 25 percent below the average for the three wards. Even in 2023, Ward 1 was by far the least populous, 11 percent below the average. That is why we proposed in our Option 2 that the boundary of Ward 1 be moved to the west to Effingham Road so that Ward 1 would gain population. Almost all the people we consulted on this possible change believed that Effingham Road would be an appropriate boundary.

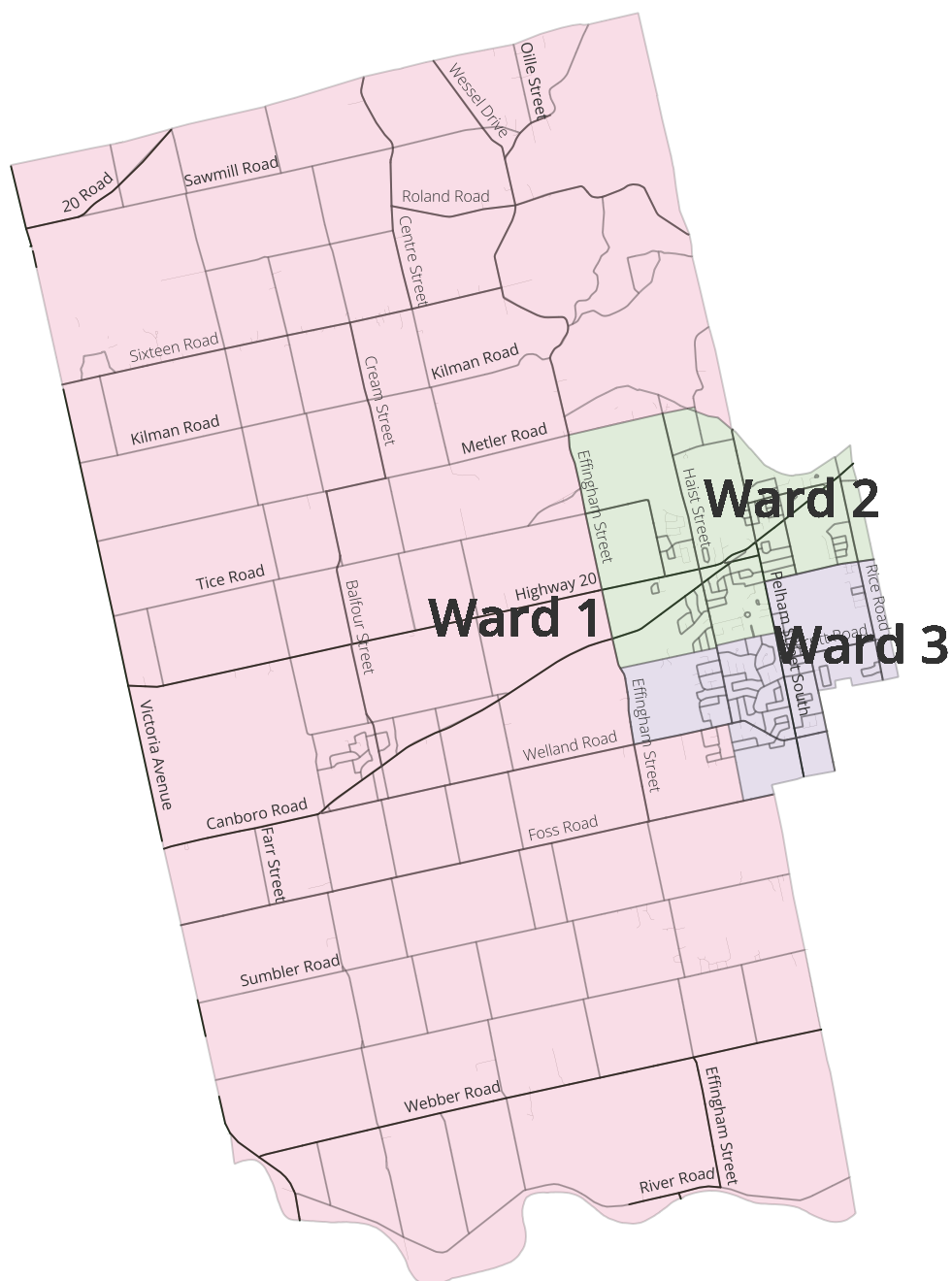
Options 3-5

Support for any of these options was extremely limited. Some people were concerned about possibly splitting “old Fonthill”. Others liked the possibility that these new ward configurations might facilitate more representation on the Pelham council from residents of newer developments in Fonthill. Some of these and related arguments were highly speculative and did not garner much support anyway. Furthermore, as our tables presenting population projections for these options demonstrate, the more additional wards that are created, the less likely it will be that their shares of total municipal population will remain stable over time. This is because, given wards with small populations, even a relatively minor new residential development in a hypothetical ward with an average population will dramatically increase the percentage by which the population of the ward surpasses the average. This effect is demonstrated especially vividly in our Tables showing population figures for our five- and six-ward models (Options 4 and 5).

Because of all these considerations, **we recommend that the ward boundaries contained in our Option 2 be adopted as the new ward boundaries for the Town of Pelham effective for the 2026 municipal election.**

Option 2. Revised 3 Ward Model

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



3.5 Possible implications of restructuring of the Niagara Regional Council

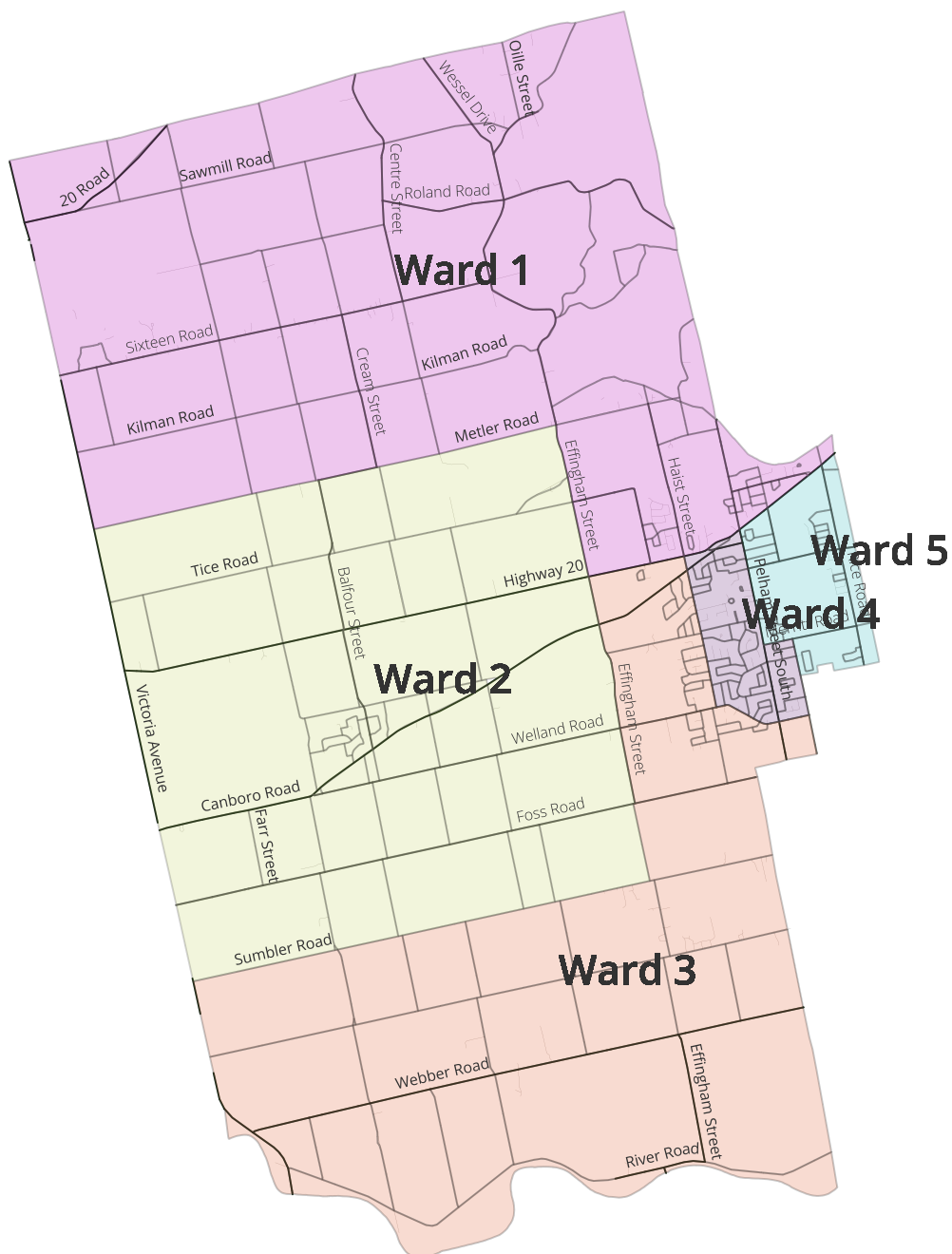
As we noted earlier in this report, some of the considerations about the desirability of having a directly elected deputy mayor could change as a result of a possible restructuring of the Niagara regional council by the Ontario government. There are many possibilities, all but one of which need not be discussed here. It is conceivable that the Ontario government could decide to eliminate the direct election of Niagara regional

councillors who serve only at the regional level. At the same time it could decide that Pelham should continue to have two regional representatives, the mayor and somebody else. The government might even specify how the second representative is to be chosen. Nevertheless, we believe that Pelham should be ready with a potential procedure of its own. We believe that, if the circumstances described above ever become reality, Pelham should be prepared to state that its second regional representative will be a directly elected deputy mayor. As we have indicated previously, it would not be wise simply to add a directly elected deputy mayor to the existing council membership, because that would produce a council with an even number of eight members, a hypothetical situation which is not desirable due to the occasional likelihood of tie votes. To maintain a council of seven members, it would be necessary to have only five ward councillors.

We therefore recommend that, even if the Pelham municipal council decides to maintain the existing three wards (with or without our recommended boundary change), it should be prepared, in the event that council obtains a second representative on Niagara regional council, to approve a new council configuration consisting of a directly elected mayor and deputy mayor (serving as the municipality's representatives to the Region), and five ward councillors, with one being elected from each of the five wards described in our Option 4.

Option 4. Five Ward Model

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



There is an alternative. The size of the population in the Township of Selwyn (which includes Lakefield) in Peterborough county is very similar to Pelham's. It has a directly elected mayor and deputy mayor and three councillors, one from each of its three wards. The deputy mayor joins with the mayor in representing Selwyn on the Peterborough county council.

There was some support among our survey respondents for reducing the size of Pelham's

council, but virtually none among the people we interviewed or among those who attended our public meetings. Nevertheless, we make the following alternative recommendation:

If the Pelham municipal council is determined to keep the three existing wards while introducing a directly elected deputy mayor, we recommend, as our second choice, that the council be reduced from seven members to five, with only one councillor elected from each ward.