

THE CORPORATION OF THE CITY OF WINDSOR
Council Services Department

**MISSION STATEMENT:**

“The City of Windsor, with the involvement of its citizens, will deliver effective and responsive municipal services, and will mobilize innovative community partnerships”

LiveLink REPORT #: 13855	Report Date: November 27, 2008
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TO: Mayor and Members of City Council

SUBJECT: Ward Boundary Review

1. **RECOMMENDATION:** City Wide: Ward(s): _____

THAT the report from the City Clerk dated November 27, 2008, **BE RECEIVED** for information and further;

THAT Council **PROVIDE FURTHER DIRECTION** to the City Clerk regarding the issue of changes to the electoral system. Options for such direction include:

- a) Direct that the status quo be maintained and that no change be made to the City of Windsor’s current five-ward structure for the 2010 municipal election; or
- b) Direct that a full comprehensive Ward Boundary Review be undertaken which could result either in the creation of new ward boundaries or the dissolution of the existing ward boundaries for the 2010 election, and a possible change in the representation of council members. Such a review would be undertaken with the assistance of a Consultant and the project would have an allocated budget of \$50,000.00 to be funded from the unallocated 2009 balance as a pre-commitment to the 2009 Budget. In this option, the City Clerk would be directed to engage a Consultant pursuant to the provisions of the Purchasing By-law, and, the Chief Administrative Officer and General Manager would be directed to execute a contract for such consulting services satisfactory in technical content to the City Clerk, in financial content to the City Treasurer and in legal form to the City Solicitor; or
- c) Direct that a focused Ward Boundary Review be conducted using the existing ward boundary configuration concentrating on reducing the population in wards of high growth rates, in particular wards 1 and 5 and increasing the population in the remaining three wards thus allowing for a more equitable distribution of population between the five wards. Such a review would be undertaken using internal staff resources and the project

would have an allocated budget of \$30,000.00 to be funded from the unallocated 2009 balance as a pre-commitment to the 2009 Budget.

EXECUTIVE SUMMARY:

N/A

2. BACKGROUND:

Windsor’s existing ward pattern has evolved over time from a five-ward structure in 1935 moving to eight wards in 1965, and returning to five wards in 1978. Some of the wards in Windsor reflect older municipalities from before Amalgamation in 1935, such as the Border Cities of East Windsor, Walkerville, Sandwich and Windsor that were amalgamated to form the enlarged City of Windsor, and Annexation in 1965 when the City of Windsor annexed the Towns of Riverside, Ojibway, and portions of the Township of Sandwich East, Sandwich West and Sandwich South. Today, a look at the current ward structure will reveal older communities that have been fused into or become part of a new ward. For example, the former Town of Riverside has become part of ward five and parts of the former Township of Sandwich West and former Town of Ojibway have become part of ward one.

Historically, the election of Councilors in the City of Windsor has been either by general vote or wards or by a combination of both. The composition of Council has also changed over the years and at times it has paralleled the City’s ward structure.

Figure 1 shows the history of Windsor’s ward structure and corresponding composition of Council to the present day.

Figure 1

YEAR	Election By General Vote	Election By Ward Vote
1892		City of Windsor Act, chapter 92 (6 wards) 3 Aldermen per ward
1904	By-law 1107 1 Alderman per 1000 population	
1910		B/L 1335 (4 wards) 3 Aldermen per ward
1928	City of Windsor Act, chapter 93 6 Aldermen	
1935		City of Windsor Amalgamation Act (5 wards) 2 Aldermen per ward
1960	City of Windsor Act, Bill PR37	
1965	Ontario Municipal Board Order 5 Aldermen for wards 1 to 5	Ontario Municipal Board Order 1 Alderman for each of wards 6 to 8
1971	By-law 4155 (8 wards) 8 Aldermen	
1978 to present day		City of Windsor Act s.1 1977 (5 wards) 2 Aldermen per ward

More recent changes in Windsor’s ward boundaries occurred in 1965, when an Ontario Municipal Board Order re: Annexation, August 5, 1965 allowed for three additional wards corresponding to the annexed lands being added to the existing five wards. This made a total of eight wards with five Aldermen elected at large from wards 1 to 5, and one elected from each of wards 6, 7, and 8.

This structure was further modified in 1971 when the *City of Windsor Act* s.1 was amended to provide for eight Aldermen elected by general vote.

The most recent change occurred in 1978, where an amendment to the *City of Windsor Act* s.1 provided for the reduction in the number of wards from eight to five with two Aldermen elected from each of the five wards. This is our current City ward structure and composition of City Council as it stands today. **This system has elected 11 city councils between 1978 and 2006.** Please note the annexation of land from the Town of Tecumseh occurred January 1, 2003 that geographically changed ward four but the number of wards in the City of Windsor remained the same.

Considerable growth and change has occurred in the City of Windsor over the years, notably in wards one and five where housing developments have been the strongest. Figure 2 shows population disparities by ward that have built up over time, as presented by Municipal Property Assessment Corporation (MPAC) for the 2006 municipal election.

Figure 2

Ward No.	Eligible Electors	Actual Population
1	42,225	55,171
2	22,837	32,984
3	25,875	35,850
4	26,695	34,608
5	35,136	46,730

Source: Municipal Property Assessment Corporation, 2006

Figure 3

Population Growth in Windsor-City, 1986-2006

Year	Population	% Change
1986	193,122	
1991	191,435	-0.9%
1996	197,694	3.3%
2001	208,402	5.4%
2001 Adj.	209,218	
2006	216,473	3.5%

Source: Statistics Canada

Figure 4 and Figure 6 (corresponding map) show the City of Windsor planning districts and the change in population from 2001 to 2006

Figure 4

Planning District	2006	2001	Change	% Change
Ojibway	173	90	83	92%
Sandwich	11868	13263	-1395	-11%
Malden	2010	1677	333	20%
University	12680	13670	-990	-7%
South Cameron	8276	5940	2336	39%
South Windsor	17460	16315	1145	7%
Roseland	17326	12605	4721	37%
City Centre	10430	10676	-246	-2%
South Central	9420	9982	-562	-6%
Remington Park	5684	5610	74	1%
South Walkerville	6550	6401	149	2%
Walkerville	19797	21895	-2098	-10%
Devonshire	8688	7642	1046	14%
East Windsor	21516	22428	-912	-4%
Fontainbleu	12329	12591	-262	-2%
Walker Farm	249	373	-124	-33%
Forest Glade	18392	19220	-828	-4%
South Sandwich	900	862	38	4%
Riverside	22234	22781	-547	-2%
East Riverside	10491	5224	5267	101%
Total	216473	209245		

Note: 2001 figures include South Sandwich which was part of the Town of Tecumseh
 Source: City of Windsor and Statistics Canada

Windsor's population is projected to grow from 216,473 in 2006 to 220,037 in 2011, 230,985 in 2016 and to 256,034 in 2026 (see Figure 5).

Figure 5

Year	Population	5-Year Change	5-Year % Change	Annual Growth Rate
2006	216,473			
2011	220,037	3,564	1.6%	0.33%
2016	230,985	10,948	5.0%	0.98%
2021	243,055	12,070	5.2%	1.02%
2026	256,034	12,979	5.3%	1.05%

Source: Lapointe Consulting Inc. Windsor-Essex and City of Windsor Population and Housing Projections, 2006-2031.

Windsor Ontario: Population Change 2001 to 2006

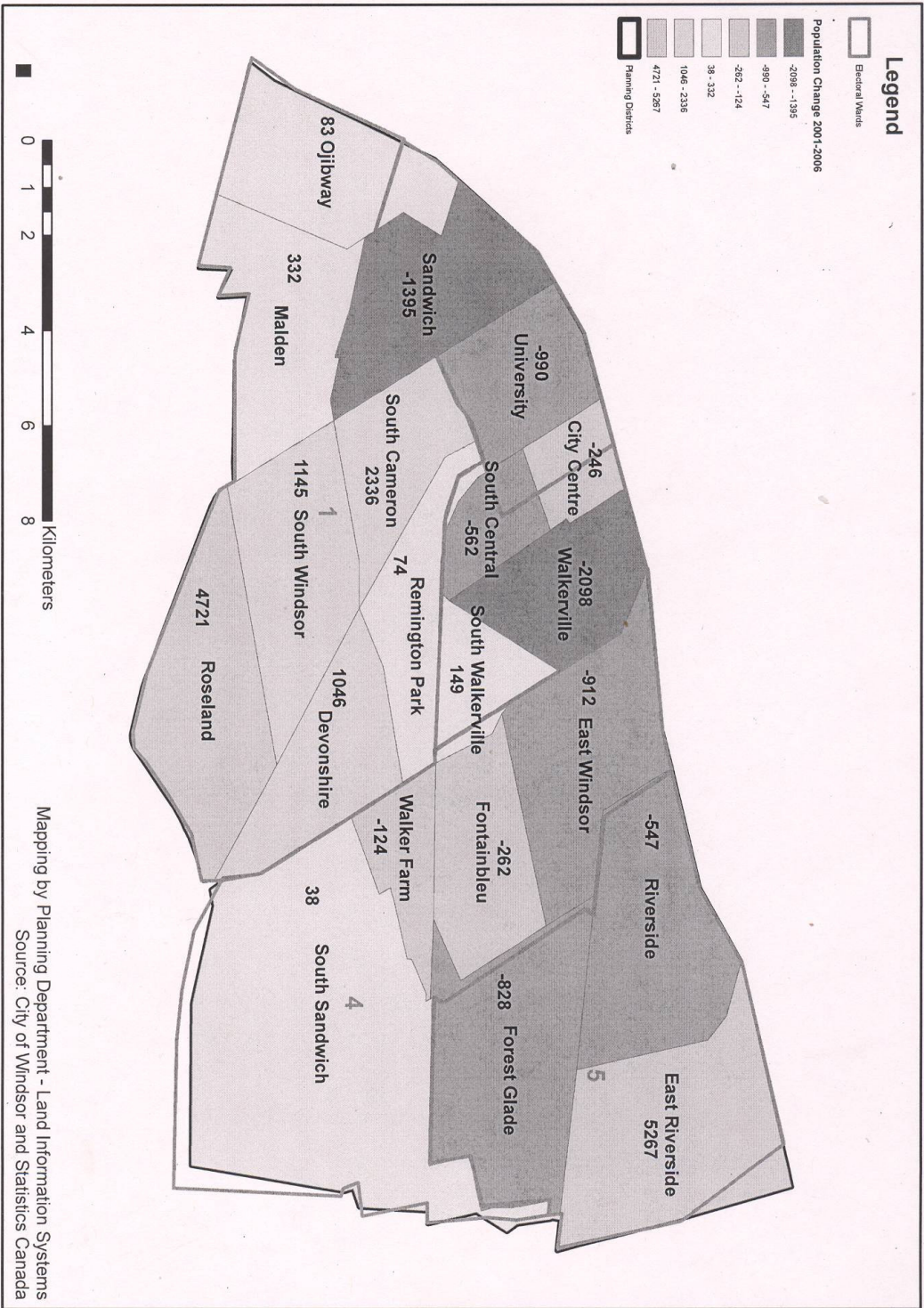


Figure 6

3. **DISCUSSION:**

The purpose of this report is to present Council with relevant facts and issues for consideration regarding the manner in which the City elects its' Council and our current ward boundary situation, and to advise Council of the legislated process and timelines for making changes to the current system should Council so direct.

I. ***Statutory Requirements***

The number of members on Council and the boundaries of the wards are governed by the *Municipal Act, 2001* sections 217, 221, 222, 223 respectively. See **Appendix "A"**, attached.

The election of the Mayor must be by general vote and the election of members of council can be either by general vote, or wards, or by any combination of general vote and wards. Therefore, the representation of a council member may be either at large or restricted to a ward. Both systems are available to municipalities in Ontario for electoral representation and both have good reasons for existence.

Council should be aware that the only restriction on the size and composition of Council is that it must be comprised of at least five members, including the head of council.

If Council wishes to change the existing ward boundary structure, it should be aware that the legislation specifies time restrictions, provides for appropriate public notification and a corresponding appeal process directed to the Ontario Municipal Board.

Two processes exist to allow Council to pass a by-law dividing or re-dividing the municipality into wards or dissolving the existing wards:

- a) Council may initiate a ward boundary change through the passing of a by-law; or
- b) Electors in the municipality representing one percent of the electors in Windsor or 500 electors, whichever is less, may submit a petition to Council asking Council to pass a by-law to change or dissolve the existing ward boundaries.

In either process, an elector may appeal to the Ontario Municipal Board, within a legislated time frame, setting out their objections to any proposed changes. The Board will then hear the appeal and may either make an order affirming, amending or repealing the by-law or make an order dividing, re-dividing, or dissolving the existing wards, as the case may be.

The Ontario Municipal Board has no authority to direct a change in the composition of Council but has only the authority to re-divide the wards or dissolve the wards. If the O.M.B. is persuaded, and a re-division/dissolving is merited, it is Council who must then determine how many councillors will be on council and how they would represent those wards.

S. Rodgers stated in Town of Lakeshore vs. J Renick [2005] O.M.B.D. No. 2902 that there must be clear and compelling reasons for the Board [O.M.B.] to interfere in a municipal council's decision on ward boundary changes "*and that it has to be demonstrated that a municipal council has acted unfairly or unreasonably in making a decision on these issues. However, if the evidence demonstrates that the decision of the municipality operates to diverge from the overriding principle of voter equity and effective representation, then the Board can only conclude that the Council has acted unreasonably. Where however, the issues are not so clear-cut, then it may be that the Board may accord deference to the decision of the municipal council*".

In any event, the by-law to change the ward boundaries must be passed **no later than December 31, 2009** in order to be effective for the 2010 election. The passage of the by-law after this date would cause the by-law to take effect in 2014.

The *Municipal Elections Act, 1996* prescribes the City Clerk specific duties in the conduct of a municipal election, namely, preparing for an election in the Office of Mayor, Ward Councilor, and School Board Trustee (four area School Boards) for a term of four years.

As part of the Clerk's preparation for a municipal election, Council must be aware that if ward boundaries are to be changed, then the new boundaries must be established well ahead of the next municipal election in 2010 to allow for the following:

- Under the *Municipal Elections Act*, candidates may submit their nomination paper to the City Clerk beginning **January 4, 2010**, and as such, must be given the opportunity to decide the office they wish to run for before submitting a nomination paper;
- Under the *Education Act*, the four area school boards must determine their trustee distribution, based on population figures in established municipal wards, by the **end of March, 2010 (See Appendix "B")**. A change in Windsor's ward boundaries may directly affect the trustee distribution in the four area school boards; and
- Under the *Assessment Act* Municipal Property Assessment Corporation requires municipalities to submit their changes to their ward boundaries and voting subdivision boundaries by **April 1, 2010**. This gives MPAC time to amend their database for the production of the municipal voters' list on July 31, 2010 (*Municipal Elections Act*).

Having set out the statutory requirements with respect to electoral system changes, it is also important for Council to be aware of the factors that are commonly considered in determining:

- a) if changes are in fact warranted; and
- b) how change should be effected to ensure a fair and equitable system.

II. *Changes to an Electoral System - Factors for Consideration*

When considering the need for changes to an electoral system, and also how to best effect changes, the following five noteworthy factors, which have evolved from the jurisprudence on this matter, should be considered and utilized during the review process.

a) *Effective Representation*

The concept of "effective representation" brought forward by the Supreme Court of Canada has been adopted by municipalities and by the Ontario Municipal Board in various ways in considering the question of an appropriate electoral model for ward boundaries.

In 1991, in the seminal case on effective electoral representation, *The Attorney General for Saskatchewan v. Roger Carter et.al* [1991] 2 S.C.R.158, the Supreme Court of Canada addressed various constitutional issues surrounding proposed changes to provincial electoral boundaries in Saskatchewan and in particular the principle referred to as "effective representation".

The Ontario Municipal Board, Town of Lakeshore vs. J Renick [2005] O.M.B.D. No. 2902 refers to this Supreme Court case as follows:

“In that case, Madam Justice McLaughlin determined that Section 3 of the Charter of Rights, which establishes that every citizen has the right to vote in an election of federal or provincial members of parliament establishes the right to “effective representation”. Effective 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”.

The Court held that the first condition of effective representation is relative parity of voting power. The Court states at page 183:

“...A system which dilutes one citizen’s vote unduly as compared with another citizens’ vote runs the risk of providing inadequate representation to the citizen whose vote is diluted. The legislative power of the citizen whose vote is diluted will be reduced, as may be access to, and assistance from, his or her representative. The result will be uneven and unfair representation...

Notwithstanding the fact that the value of a citizen’s vote should not be unduly diluted, it is a practical fact that effective representation often cannot be achieved without taking into account countervailing factors.

First absolute parity is impossible. It is impossible to draw boundary lines which guarantee exactly the same number of voters in each district. Voters die, voters move. Even with the aid of frequent censuses voter parity is impossible.

Secondly, such relative parity as may be possible of achievement may prove undesirable because it has the effect of detracting from the primary goal of effective representation. Factors like geography, community history, community interests and minority representation may need to be taken into account to ensure that our legislative assemblies effectively represent the diversity of our social mosaic. These are but examples of considerations which may justify departure from absolute voter parity in the pursuit of more effective representations; the list is not closed.

It emerges therefore that deviations from absolute voter parity may be justified on the grounds of practical impossibility or the provision of more effective representation. Beyond this, dilution of one citizen’s vote as compared with another’s should not be countenanced.” (Emphasis added)

Thus, any ward boundary review must not over emphasize the principle of “representation by population” but rather ensure “effective representation” when arriving at a recommendation to City Council.

b) Communities of Interest

Most wards, or parts of wards in Windsor, can trace their origin to either the Amalgamation in 1935 of the Border Cities, East Windsor, Walkerville, Sandwich and Windsor which became the enlarged City of Windsor, or to Annexation in 1965 where the City of Windsor annexed the Towns of Riverside, Ojibway, and portions of the Township of Sandwich East, Sandwich West

and Sandwich South. These historic communities from the past represented communities of interest with common goals and common interests.

Various communities of interest continue to exist within the City and need to be identified since they are directly related to “effective representation”. This is a vital consideration in a representative political system like municipal government. The term “community of interest” is complex but basically speaking it is defined as large communities of interest such as urban/rural areas or neighbourhoods, and in Windsor’s case, former towns. Within these urban communities there can also be suburban and/or inner city communities

c) Population and Growth Issues

Population growth occurs as the result of natural increase (births minus deaths) and net migration – the number of persons moving in minus those moving out. In addition to existing population numbers, future growth must also be considered. The goal for a boundary review should be to achieve effective representation over a ten year period and perhaps longer taking a look at eligible electors, growth patterns and the location of the growth in the wards.

The City of Windsor Planning Department projects City growth of 0.33% during the period 2006-2011. This figure is based on figures prepared by Lapointe Consulting as part of the Official Plan 5-Year Review. Intra-Windsor population growth (growth by area) has not been calculated as this was beyond Ministry of Municipal Affairs and Housing’s requirements for the Official Plan Review population projections. The current staffing levels in Planning do not permit such detailed projections to be prepared in-house. If they are required, due to an Ontario Municipal Board hearing, the Planning Department would have to contract the work out.

d) Physical Boundaries

Windsor’s physical boundaries, both man-made and natural, play an important role in defining wards and in defining resident’s perception of their wards. Examples of these boundaries are the E.C. Row Expressway, the Canadian Pacific Railway, and Huron Line. However, these physical boundaries may not always be appropriate as a ward boundary. The E.C. Row Expressway boundary in ward 1 effectively cuts ward 1 in half. By the same token, Huron Line separates two areas of ward 1 and two areas of ward 2. In the past, many of these boundaries were on the outskirts of small towns and formed the outer edges of these communities. This is not the case today as the population has increased around these barriers disconnecting some communities of interest.

e) Other Municipal Models

In considering the concept of changes to the electoral system and/or ward boundaries, the following information with respect to other municipal models may be of interest. As a reference point, the following chart provides the top ten municipalities in Ontario ranked by population and their respective composition of council and corresponding number of wards as of 2006.

CITY	AVERAGE NUMBER OF RESIDENTS PER ELECTED OFFICIAL	POPULATION	NUMBER OF WARDS	REPRESENTATION NUMBER OF COUNCIL MEMBERS
<i>Toronto</i>	56,893	2,503,281	44	44 (1 per Ward)
<i>Ottawa</i>	35,310	812,129	23	23 (1 per Ward)
<i>Mississauga</i>	60,777	668,549	11	11 (1 per Ward)
<i>Hamilton</i>	33,637	504,559	15	15 (1 per Ward)
<i>Brampton</i>	43,381	433,806	10	10 (1 per Ward) (includes regional)
<i>London</i>	25,171	352,395	14	14 (1 per Ward)
<i>Markham</i>	32,697	261,573	8	8 (1 per Ward)
<i>Vaughan</i>	47,773	238,866	5	5 (1 per Ward)
<i>Windsor</i>	21,647	216,473	5	10 (2 per Ward)
<i>Kitchener</i>	34,113	204,668	6	6 (1 per Ward)

Source: Statistics Canada, 2006 Census, Municipal websites, and Municipal Clerk's Offices

In addition, the following municipalities have recently undergone a ward boundary review and corresponding appeal to the Ontario Municipal Board:

- Niagara Falls – 2002
- London – 2005
- Oshawa – 2005
- Ottawa – 2005
- Lakeshore – 2005
- Kitchener - 2008
- Milton - currently underway

In conducting ward boundary reviews, some municipalities choose to use the services of a consultant to coordinate and conduct the project and some reviews are effected by the Office of the City Clerk. In cases where a consultant is used, the cost is typically in the range of \$20,000-\$30,000.00 for the services of the consultant.

III. *Moving Forward - Issues for Consideration & Options:*

In order to gain a sense of the issues which might be of concern to Council with respect to the current electoral system and ward boundaries, the Office of the City Clerk conducted a confidential survey of all members of Council in November, 2008 and received five (5) responses. The questions contained in the survey and the answers received provide some direction with respect to the issues which Council may wish to consider should it wish to undergo a review of the current system and ward boundaries. These issues are:

- a) Should Council be elected by Wards or At Large or a Combination?

With respect to this issue, the majority of Councillors responding to the survey indicated that the ward system should remain.

- b) Is there a need to review the current size of Council?

Again, the majority of Councillors responding to the survey indicated that they were in favour of retaining the current size of Council, however the comments provided indicated a willingness to review this question should ward boundaries be changed in a significant way.

- c) Is there a need to review the current Ward Boundaries?

A majority of the survey responses indicated that the dynamics of the wards (ie. population, neighbourhoods of common interest) have changed since the last ward boundary review and a majority also indicated that they would like to see a change in ward boundaries for the 2010 election.

- d) Is there a need to have full time versus part time Councillors?

Of the responses received, the majority indicated that they were of the opinion that the office of Councillor should be a full time position.

Having reviewed the governing legislation and factors for consideration with respect to changes to the electoral system, Administration is now seeking Council's direction with regard to next steps, if any, in this matter. Options for Council to consider are:

Option 1 – Status Quo

Council could direct that the status quo be maintained and could note and file this report. The City of Windsor's current five-ward structure would remain intact for the 2010 municipal election and there would be no change in the ward boundary structure, subject to an application for change being made by a group of electors.

Option 2 - Full Comprehensive Ward Boundaries Review

Council could direct Administration, with or without the assistance of a Consultant, to conduct a full comprehensive Ward Boundary Review with the intention to either create new ward boundaries or dissolve the existing ward boundaries for the 2010 election which could result in a possible change in the representation of council members.

This approach to a boundary review could effect either a new ward system and perhaps a change in the number of wards and council members representing these wards or a dissolving of the ward system where council would be elected at large similar to the Office of Mayor.

If Council were to direct that this option be undertaken, it is the recommendation of Administration that a Consultant be engaged to lead the process, with assistance as required from the Office of the City Clerk. This recommendation is made having regard not only for the significant amount of time and resources that would be required but also recognizes that it may be preferable to restrict the role of Administration in the review in order to avoid any perception of bias in the process.

Option 3 - Focused Ward Boundary Review

Council could direct Administration, with or without the assistance of a Consultant, to conduct a focused Ward Boundary Review using the existing ward boundary configuration concentrating on reducing the population in wards of high growth rates, in particular wards 1 and 5 and increasing the population in the remaining three wards thus allowing for a more equitable distribution of population between the five wards.

This type of approach assumes effective representation exists within the City of Windsor's current five-ward model and would concentrate on reducing the population in wards of high growth rates, in particular wards 1 and 5 and increase the population in the remaining three wards. This would allow for a more equitable distribution of population between the wards.

Should Council wish to direct that this option be undertaken, the services of a Consultant would not be required as the time and resources involved would not be as considerable as would be the case in Option 2.

IV. Process for Ward Boundary Review:

Within the process of a ward boundary review, involvement of the public and community groups would be encouraged to allow for participation from all sectors of the city where insights and concerns can be shared with administration. This would be accomplished through a series of public meetings held to present options, and exchange ideas. The details of these concerns will then be gathered and considered in a ward boundary review.

Proposed Timetable of Events

It is estimated to take approximately 12 months from the start of the project to the adoption of a by-law. Council must also keep in mind that if an appeal is launched, the process could take longer as shown in the table below.

Stage in Process	Month	Year
Report to Council giving direction to City Clerk	December	2008
Conduct review and receive recommendations by Administration	January 2008 – March 2009	2008/2009
Conduct public meetings and deadline for written submissions	April	2009
Council Approval of final report and adoption of by-law	May	2009
End of Appeal Period	July - August	2009
Deadline for forwarding Appeal Record to the O.M.B.*	August	2009
Hearing*	September -October	2009
Decision*	November	2009
Final passing of By-law*	November - December	2009

* Optional depending on whether an appeal is filed with the Ontario Municipal Board

4. FINANCIAL MATTERS:

As stated, if Council wishes to proceed with a ward boundary review, either focused or comprehensive, funds will be required to complete the project.

With respect to a comprehensive review, it is the recommendation of Administration that a Consultant be retained to lead the project. The cost of consulting services will be approximately \$20,000-\$30,000. In addition, funds will be required to cover administrative and staff costs, the holding of public meetings, production costs for maps and drawings, and advertising costs. In total, it is estimated that \$50,000.00 will be required.

In the case of a focused ward boundary review, the services of a consultant will not be required and therefore the budget is estimated at \$20,000.00-\$30,000.00.

If Council wishes to approve the requested capital funds for this initiative this matter should be viewed as a high corporate priority, since it will have been approved outside the budget process and its inherent competition for scarce financial resources.

The projected budget required for this initiative is recommended to be funded from the unallocated 2009 balance which is essentially a pre-commitment to the 2009 Budget.

5. COMMUNITY STRATEGIC PLAN

“Our City is built on relationships-between citizens and their government, businesses and public institutions, city and region-all interconnected, mutually supportive, and focused on the brightest future we can create together”. (Windsor’s Mission)

“Windsor is a quality city full of history and potential, with a diverse culture, a durable economy, and a healthy environment where citizens share a strong sense of belonging and a collective pride of place”. (Windsor’s Vision)

6. CONSULTATIONS:

Public consultation will be an important element in a ward boundary review with a view to holding public sessions so citizens can have an opportunity to examine the options and give their input.

It will also be as important to gain the opinions of council members since it is the council members who are familiar with representation and workload capacity.

The Ontario Municipal Board, in Town of Lakeshore vs. J Renick [2005] O.M.B.D. No. 2902, cautioned as follows:

[In themselves] “Petitions, and testimony from politicians and citizens are not reliable ways of determining whether there is a broad public support for an electoral boundary change. Referendum results, depending on the wording of the question might be of more assistance but even those results must be tempered by the overriding principle of effective representation. Most importantly, the concept of broad public support cannot be considered a reason to deviate from the primary principle of voter parity. An amorphous “public opinion”, as filtered and interpreted by a few interested individuals is not helpful in assessing whether there exists effective representation as defined by the Supreme Court of Canada. “Public opinion” should never override effective representation”.

Other consultations related to this report:

Ministry of Municipal Affairs and Housing

7. CONCLUSION:

Effective representation and good government call for factors such as physical and geographic boundaries, community interests, and population growth patterns to be taken into account in setting electoral boundaries. Considering these factors with electoral boundary changes will ensure that City Council effectively represents the diversity of our social structure giving fair and equitable representation to all citizens in Windsor.

Valerie Critchley
City Clerk

Helga Reidel
General Manager, Corporate Services

Onorio Colucci
CFO & City Treasurer

APPENDICES: “A”, “B”**DEPARTMENTS/OTHERS CONSULTED:****Name:****Phone #: 519 ext.****NOTIFICATION :**

Name	Address	Email Address	Telephone	FAX
Greater Essex County District School Board	451 Park St. W. Windsor, ON N9A 6K1		519-255-3200	
Windsor Catholic District School Board	1325 California Windsor, ON N9B 3Y^		519-253-2481	519-253-8397
Conseil Scolaire de District des Ecoles Catholiques du Sud-Ouest	7515 Forest Glade Dr. Windsor, ON N8T 3P5		519-948-9227	519-948-1091
Conseil Scolaire de District du Centre-Sud-Ouest	116 Cornelius Pkwy. Toronto, ON M6L 2K5		416-614-5906	416-397-2047

APPENDIX “A”

Municipal Act

CHANGES TO COUNCIL

Composition of council of local municipality

217. (1) Without limiting sections 9, 10 and 11, those sections authorize a local municipality to change the composition of its council subject to the following rules:

1. There shall be a minimum of five members, one of whom shall be the head of council.
2. The members of council shall be elected in accordance with the Municipal Elections Act, 1996.
3. The head of council shall be elected by general vote.
4. The members, other than the head of council, shall be elected by general vote or wards or by any combination of general vote and wards.
5. The representation of a local municipality on the council of an upper-tier municipality shall not be affected by the by-law of the local municipality under this section. 2001, c. 25, s. 217 (1); 2006, c. 32, Sched. A, s. 92 (1).

(2) Repealed: 2006, c. 32, Sched. A, s. 92 (2).

Coming into force

(3) A by-law described in this section does not come into force until the day the new council is organized,

- (a) after the first regular election following the passing of the by-law; or
- (b) if the by-law is passed in the year of a regular election before voting day, after the second regular election following the passing of the by-law. 2001, c. 25, s. 217 (3); 2006, c. 32, Sched. A, s. 92 (3).

Election

(4) The regular election held immediately before the coming into force of a by-law described in this section shall be conducted as if the by-law was already in force. 2001, c. 25, s. 217 (4); 2006, c. 32, Sched. A, s. 92 (4).

Term unaffected

(5) Nothing in this section authorizes a change in the term of office of a member of council. 2001, c. 25, s. 217 (5).

Establishment of wards

222. (1) Without limiting sections 9, 10 and 11, those sections authorize a municipality to divide or redivide the municipality into wards or to dissolve the existing wards. 2006, c. 32, Sched. A, s. 96 (1).

Conflict

(2) In the event of a conflict between a by-law described in subsection (1) and any provision of this Act, other than this section or section 223, any provision of any other Act or a regulation made under any other Act, the by-law prevails. 2006, c. 32, Sched. A, s. 96 (1).

Notice

(3) Within 15 days after a by-law described in subsection (1) is passed, the municipality shall give notice of the passing of the by-law to the public specifying the last date for filing a notice of appeal under subsection (4). 2006, c. 32, Sched. A, s. 96 (1).

Appeal

(4) Within 45 days after a by-law described in subsection (1) is passed, the Minister or any other person or agency may appeal to the Ontario **Municipal** Board by filing a notice of appeal with the municipality setting out the objections to the by-law and the reasons in support of the objections. 2006, c. 32, Sched. A, s. 96 (1).

Notices forwarded to Board

(5) Within 15 days after the last day for filing a notice of appeal under subsection (4), the municipality shall forward any notices of appeal to the Ontario **Municipal** Board. 2001, c. 25, s. 222 (5).

Other material

(6) The municipality shall provide any other information or material that the Board requires in connection with the appeal. 2001, c. 25, s. 222 (6).

Board decision

(7) The Board shall hear the appeal and may, despite any Act, make an order affirming, amending or repealing the by-law. 2001, c. 25, s. 222 (7).

Coming into force of by-law

(8) A by-law of a municipality described in this section comes into force on the day the new council of the municipality is organized following,

- (a) the first regular election after the by-law is passed if the by-law is passed before January 1 in the year of the regular election and,
 - (i) no notices of appeal are filed,
 - (ii) notices of appeal are filed and are all withdrawn before January 1 in the year of the election, or
 - (iii) notices of appeal are filed and the Board issues an order to affirm or amend the by-law before January 1 in the year of the election; or

- (b) the second regular election after the by-law is passed, in all other cases except where the by-law is repealed by the Board. 2001, c. 25, s. 222 (8); 2006, c. 32, Sched. A, s. 96 (2).

Election

(9) Despite subsection (8), where a by-law comes into force on the day the new council of a municipality is organized following a regular election, that election shall be conducted as if the by-law was already in force. 2001, c. 25, s. 222 (9).

Regulations

(10) The Minister may prescribe criteria for the purpose of subsection (2). 2001, c. 25, s. 222 (10).

Petition re: wards

223. (1) Electors in a municipality may present a petition to the council asking the council to pass a by-law dividing or redividing the municipality into wards or dissolving the existing wards. 2001, c. 25, s. 223 (1); 2006, c. 32, Sched. A, s. 97 (1).

Number of electors required

(2) The petition requires the signatures of 1 per cent of the electors in the municipality or 500 of the electors in the municipality, whichever is less, but, in any event, a minimum of 50 signatures of the electors in the municipality is required. 2001, c. 25, s. 223 (2).

Definition

(3) In this section,

"elector" means a person whose name appears on the voters' list, as amended up until the close of voting on voting day, for the last regular election preceding a petition being presented to council under subsection (1). 2001, c. 25, s. 223 (3).

Failure to act

(4) If the council does not pass a by-law in accordance with the petition within 90 days after receiving the petition, any of the electors who signed the petition may apply to the Ontario **Municipal** Board to have the municipality divided or redivided into wards or to have the existing wards dissolved. 2001, c. 25, s. 223 (4); 2006, c. 32, Sched. A, s. 97 (2).

Order

(5) The Board shall hear the application and may, despite any Act, make an order dividing or redividing the municipality into wards or dissolving the existing wards and subsection 222 (6) applies with necessary modifications in respect to the hearing. 2001, c. 25, s. 223 (5).

Coming into force

(6) An order of the Board under this section comes into force on the day the new council of the municipality is organized following,

- (a) the first regular election after the order is made, if the order is made before January 1 in the year of the regular election; or

(b) the second regular election after the order is made, if the order is made on or after January 1 in the year of a regular election but before voting day. 2001, c. 25, s. 223 (6).

Election

(7) Despite subsection (6), if an order comes into force on the day the new council of a municipality is organized following a regular election, that election shall be conducted as if the order was already in force. 2001, c. 25, s. 223 (7).

Deemed by-law

(8) Once an order of the Board is in force, the order shall be deemed to be a by-law of the municipality and may be amended or repealed by the municipality by by-law described in section 222. 2001, c. 25, s. 223 (8); 2006, c. 32, Sched. A, s. 97 (3).

2006 TRUSTEE DISTRIBUTION AFFECTING CITY OF WINDSOR
APPENDIX "B"

TRUSTEE, GREATER ESSEX COUNTY DISTRICT SCHOOL BOARD English Public)
(CONFIRMED APRIL 7, 2006)

Ward 1, 2, 3 combined	(elect 4 trustees)
Wards 4, 5 combined	(elect 2 trustees)

TRUSTEE, WINDSOR ESSEX CATHOLIC DISTRICT SCHOOL BOARD (English Separate)
(CONFIRMED MARCH 24, 2006)

Ward 1	(elect 1 trustee)
Ward 2	(elect 1 trustee)
Ward 3	(elect 1 trustee)
Ward 4	(elect 1 trustee)
Ward 5	(elect 1 trustee)

TRUSTEE, CONSEIL SCOLAIRE DE DISTRICT DES ECOLES CATHOLIQUES DU SUD-OUEST (French Separate)
(CONFIRMED APRIL 3, 2006)

City of Windsor Ward 1, LaSalle combined	(elect 1 trustee)
City of Windsor Wards 2, 3, 4 combined	(elect 1 trustee)
City of Windsor Ward 5, Tecumseh Wd. 1 combined	(elect 1 trustee)

TRUSTEE, CONSEIL SCOLAIRE DE DISTRICT DU CENTRE-SUD-OUEST (French Public)
(CONFIRMED APRIL 28, 2006)

County of Essex	(elect 1 trustee)
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(Includes Pelee, Leamington, Kingsville, Amherstburg, Lasalle, Windsor, Tecumseh, Lakeshore, Essex (town)).