

January 8, 2021

Dear Mayor Harding and Councillors,

**Re: District Council's Modernization Review**

As input for District Council's ongoing review of Municipal Modernization (MM), this letter provides comments on behalf of the members of the Muskoka Lakes Association and Friends of Muskoka whose members are both permanent and seasonal waterfront residents. The signatories to this letter represent a significant share of the District's estimated 81,000 seasonal community which makes up 57% of the District's population. We have been following the MM process closely, and we trust that you will find the positions articulated herein both helpful and informative.

Our major comments are summarized below and described further in the body of the letter:

- At issue in the MM review has been the effective representation of the seasonal residents, who largely reside on the waterfront versus those that permanently reside, largely in the towns, in Muskoka. To this end we welcome District Council's support for weighting all seasonal residents at 100% for the purpose of determining representation on District Council.
- Towns and townships should have equal votes on District Council, to ensure effective representation of both permanent and seasonal, and waterfront and urban residents.
- We support the reduction of seats on District Council from 22 to 18, plus the Chair, with 9 seats for the towns and 9 seats for the townships to ensure *equal* and *effective* representation. A Council of 12 leaves less opportunity to include the waterfront voice.
- District Council decisions should be made by majority vote or, if there is a specified matter of particular importance, 2/3 super-majority vote, but not by weighted votes.
- In the event of a tie, discussion and compromise is preferable to a tie breaking vote by the District Chair.
- The Environics study should not be used to count the number of seasonal residents until it has been further validated. We continue to object to the lack of inclusion of non-Canadian residents.
- Councillor compensation should be reviewed as part of the MM process, to ensure that they are properly compensated for the added work of a reduced Council.

**1. Effective Representation of Significant Communities of Interest**

Our fundamental position is that there are two significant communities of interest in Muskoka: town residents and seasonal/permanent waterfront residents. While they share many interests such as protecting Muskoka's natural environment, its traditions, and its heritage, they also have unique issues that pertain specifically to each group. In the interests of good governance, both groups need *effective representation* on District Council, representation that will allow the voices of both groups to be heard equally, regardless of population size within their municipal boundary.

Given an estimated population of 81,000 seasonal residents and 60,000 permanent residents, consideration should be given to introducing the notion of “*effective representation*” in combination with the current ‘rep by pop’ model. Effective representation is an OMB/LPAT and Supreme Court of Canada tested legal principle that requires significant communities of interest within the electorate to be effectively represented and not fragmented by electoral boundary lines. At 57% of total population, we would submit that seasonal/waterfront residents are a significant community of interest within the District.

There are many regions in Ontario, such as Waterloo, Peel, York and Durham, that use the criterion of effective representation of key communities of interest in addition to rep by pop when determining upper-tier Council composition.

## **2. Council Composition and Size**

Drawing on our belief in fair, equal and effective representation, we support a balanced District Council with an equal number of seats from the towns (9) and the townships (9), for a total of 18 seats plus the District Chair. That would allow for ample representation, including the Mayor and 2 Councillors from each of the six lower tiers. The reason for this is illustrated by the Township of Georgian Bay (TGB), where having only two District Councillors would silence the voice of the coastal residents that they finally gained during their 2013 ward boundary review. Having three TGB District Councillors is essential to effective representation of this community.

Moving to 12 councillors may be too large an adjustment from the current District Council composition. A District Council size of 18 would meet the District’s desire for a smaller Council while still providing a sufficient number of Councillors to effectively conduct Council business, including chairing and participating on its four standing committees and any ad hoc committees formed from time to time (such as the Municipal Modernization Committee).

## **3. Weighted Voting**

We are fundamentally opposed to rep by pop weighted voting being introduced in District Council. We do not believe that any one Councillor should have greater voting rights than another. That will only serve to create an unbalanced dynamic on Council and risks devaluing and discouraging Councillors whose votes carry less weight.

If Council is committed to equal representation across the lower tier municipalities then it follows that voting should be equally distributed. To introduce weighted voting is incongruous with the reasons for changing the council composition. Should Council continue to support weighted voting, then it should be applied to a very limited scope of decisions that District Council is called to make (i.e., budget).

Although a number of Ontario's County governments have weighted voting, as listed in the Clerk's report to District Council on December 1<sup>st</sup>, Regional Governments similar to the District of Muskoka, with both rural and urban centres, do not. Even though Councillors in Regions such as Waterloo, York and Peel have vastly different numbers of constituents per Councillor, they have adopted the one Councillor, one vote model.

Furthermore, we believe District Council decisions should be made by majority vote and, where there is an issue of particular importance, a 2/3 super-majority vote. Majority and super-majority voting is widely accepted as being simple and fair, and we believe it is preferable to a tie breaking vote by the District Chair since the former will lead to discussion and compromise to resolve issues of importance for the District.

#### **4. Seasonal Resident Count - Environics**

Comments provided in our Dec 3<sup>rd</sup> letter to the MM committee on the Environics cell phone study undertaken to estimate the number of seasonal residents were reviewed and responded to by Environics. They acknowledged our concern that American and other international property owners were excluded from the count and that some short-term rental tenants may have been included as seasonal residents. However, their response did not address the significant discrepancy between their results and those of previous studies: Environics estimates the seasonal populations of the towns to be 45% higher than in previous studies, and that of the townships to be 13% lower than in previous studies, despite growth in the number of seasonal residences. Such a result seems sufficiently improbable that it merits further investigation before relying on Environics' numbers. It seems quite possible that significant double counting of permanent residents in those municipalities may have occurred (i.e. counting individuals as both permanent and seasonal residents).

While we acknowledge that the data we need to rely upon will not be perfect, it needs to be sufficiently robust that we can be confident in its reliability. We cannot accept results that do not include all seasonal residents, regardless of their country of origin. As such we believe the Environics study should not be adopted or endorsed until it has been further validated.

#### **5. Councillor Compensation**

We fully support a review of District Councillor compensation as part of the MM initiative. The work Councillors do is extremely important, and they should be properly compensated for their time.

#### **6. Weighting All Residents at 100% for Council Representation**

From the inception of this review, we have been asking for fair and equal representation for Muskoka residents. Therefore, we fully support District Council's important first step in weighting all residents equally, at 100%, for the purpose of District Council representation. We appreciate that statement of support for our community.

## Summary

We believe the future of Muskoka is best served by fair, equal and effective representation of both seasonal/permanent waterfront and town residents. We are partners and mutually reliant on one another in this incredible region. It is our collective view that any District sponsored initiative that suggests otherwise should not be endorsed by your Council. There will always be issues that divide Council or benefit one area over another but if District Council is to achieve their mission of *“Working together through sound governance to manage the legacy of a healthy Muskoka by protecting the natural environment, driving a vibrant economy and enhancing the inclusiveness of our caring community”*, this can only be achieved by equal representation and voting rights.

Respectfully submitted,



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