

January 15, 2021

Members of the Municipal Modernization Committee
District of Muskoka
70 Pine Street
Bracebridge, ON
P1L 1N3

Dear Committee Members,

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, Friends of Muskoka, and the 14 community associations who have endorsed the principles and recommendations in this letter, whose members are both permanent and seasonal waterfront residents across the District of Muskoka. Together our position is supported by approximately 62,000 (77%) 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.

To assist in our understanding and your review, we sought the views of a leading expert in municipal electoral matters, Dr. Robert Williams, who has provided the attached letter dated January 14, 2021.

Our major comments, as informed by Dr. Williams, are summarized below and described further in the body of this letter:

- 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. There is no formal direction from the Province to reduce the size of municipal councils, and a Council of 12 would seriously compromise the ability of the waterfront voice to be heard.
- The District Chair should be appointed. District Council decisions should be made by majority vote, 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. We have identified issues with the results that have not been corrected and we continue to object to the lack of inclusion of non-Canadian residents. Official information such as

the Second Home Study and MPAC are the most plausible sources of population data to establish electoral representation.

- 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.

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.

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.

For effective representation of waterfront residents, we believe the townships - whose representatives tend to speak for the waterfront community - should have as many votes on District Council as the towns. Dr. Williams agrees, stating: "*Any modifications to the system of representation in Muskoka District should ensure that the seasonal resident majority is not treated as a minority. Any proposal to assign an equal number of seats to each lower tier municipality will provide a fair and balanced council and can serve to provide the community of interest with the largest population (seasonal) a fair voice on District Council.*"

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.

Council Composition and Size

Dr. Williams confirms that "*there has been no formal direction from the Province to reduce the size of municipal councils*" and that to his knowledge "*no region has yet reduced its composition under this [Municipal Act] provision.*" He states, "*councils need to be large enough to ensure that all of the community's interests are represented on council.*"

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 is too large an adjustment from the current District Council composition. In fact, Dr. Williams states: *“In my view, a District Council of 12 seriously compromises the ability of significant communities of interest having a voice and being heard.”* 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).

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.

Although a number of Ontario’s County governments have weighted voting, as listed in the Clerk’s report to District Council on December 1st, Regional Governments similar to the District of Muskoka, with both rural and urban centres, do not. Dr. Williams confirms that *“no other regional government in Ontario uses weighted voting in reaching decisions on its Council.”* 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.

Dr. Williams warns that *“weighted voting may give excessive influence to a minority of individual councillors with “extra” votes who together may not represent the largest community of interest in the District.”* He states: *“In my view, having more voices and clear accountability (one Councillor, one vote) is preferable to reducing the actual number of representatives in the interests of making decision-making by Council more “efficient.””*

Furthermore, we believe the District Chair should be appointed by Council and not directly elected by voters, as recommended by Dr. Williams. He explains: *“a District-wide election would make it expensive and logistically challenging to provide the residents the information they need to make an informed vote. In my opinion, the District Chair should be appointed by Council as at present and not directly elected by voters.”* This is consistent with how other heads of government are selected.

In addition, we believe that District Council decisions should be made by majority vote which is widely accepted as being simple and fair. We believe it is preferable to a tie breaking vote by the District Chair since majority voting will lead to discussion and compromise to resolve issues of importance for the District.

Seasonal Resident Count - Environics

Comments provided in our Dec 3rd 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.

Dr. Williams concurs and notes: *"The District Staff report from November 4, 2020 ... includes five limitations to the Environics methodology that are, in my opinion, so transparently overwhelming that the tool has little credibility in this context and the data are highly suspect."* He concludes: *"The District already has a long-standing technique to capture supplementary demographic information (the Second Home Study) and has routinely used the data for official purposes (such as making policy decisions). If its reliability is being questioned in this review, the District should address whatever it believes those shortcomings rather than relying on the results of a questionable tool for estimating the population as a foundation for building the District's key democratic decision-making structure. In cases where an Ontario Municipal Board ruling addressed the population data used to established electoral representation, official local and external information (such as that generated by MPAC or the equivalent of the Muskoka Second Home Study) have been held to be the most plausible sources. In my opinion, tracing the location of cell phones falls a long way from those standards."*

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.

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 an equal number of seats on Council for the towns and townships and one vote for each Council member.

Respectfully submitted,



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President, Muskoka Lakes Association



Laurie Thomson
President, Friends of Muskoka



Mary Ann Peden
President, Lake of Bays Association



Frank Boddy
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Ian McClennan
President, Clear Lake Property Owners Association

Jim McKenna
Little Long Lake Association

Mark Scarrow
President, Leonard Lake Stakeholders Association

Cheryl Elliot-Fraser
President, Gloucester Pool Cottagers' Association

Ian Robinson
Director, Browning Island Cottagers' Association

Other Community Associations that support the principles and recommendations outlined in our letter:

- Gull and Silver Lake Association
- Gibson Lake Cottage Association
- Lake Rosseau North Association
- Royal Muskoka Island Association
- Whiteside Lake Cottager's Association