

TO: CONSOLIDATION STEERING COMMITTEE
FROM: GLENN HORNE, COUNTY CAO
SUBJECT: ESTABLISHMENT OF DISTRICT BOUNDARIES FOR A
CONSOLIDATED MUNICIPALITY
DATE: AUGUST 25, 2022

SUMMARY

On several occasions councillors have discussed the establishment of district boundaries for a consolidated municipality and shared concerns with the process and timing of this activity, which is proposed to take place during the transition to a consolidated municipality.

This memo will share the legislative and regulatory requirements related to the creation of district boundaries. To illustrate the application of these requirements, the Council Size and Polling District Boundaries Report completed for the Regional Municipality of West Hants is attached and discussed below. The Nova Scotia Utility and Review Board (NSUARB) Municipal Boundaries User Guide is also cited.

In summary, Councils cannot get any sort of preliminary indication of Council size or district boundaries from the NSUARB prior to its decision on consolidation. The guidelines and process to establish council size and district boundaries are well defined with multiple examples to follow. Further, the recent experience of West Hants demonstrates that, if Councils decide to consolidate, the existing councils can be involved in the process to establish new district boundaries.

BACKGROUND

If consolidated into one municipal unit, the new Council would be elected by district rather than at-large. This is the model currently in place for the Municipality of the County of Antigonish, while councillors in the Town of Antigonish are elected at large. The establishment of districts and their boundaries is subject to legislative and regulatory requirements set out in the Municipal Government Act (MGA), and presumably future legislation approved to consolidate the municipalities. Using the recent consolidation of the Town of Windsor and District of West Hants as an example, the *Region of Windsor and West Hants Municipality Act* states:

- 10** (1) *The Co-ordinator shall apply to the Nova Scotia Utility and Review Board for a determination of, and the Board shall determine, the number of councillors and the boundaries of the polling districts in the Regional Municipality.*
-

The NSUARB is required by legislation to conduct reviews of the number and boundaries of municipal polling districts and the number of councillors. This process is completed by the municipal unit, which is then reviewed and approved or denied by the NSUARB.

NSUARB will only receive an application when it has the legislative authority to do so. That application is enabled by the legislation that consolidates the municipalities. Until that legislation is approved there is no legislative authority, or municipality, to apply for boundaries.

The NSUARB publishes a Municipal Boundaries User Guide that informs the approach it applies to determine the number of districts and their boundaries (available here: <https://nsuarb.novascotia.ca/mandates/municipal-boundaries/municipal-boundaries-user-guide>). It is a two-step approach that separates the determination of the number of districts and determination of district boundaries. The *User Guide* states:

Deciding the size of council involves considering the desired style of the council, the governance structure of the council, and a determination of an effective and efficient number of councillors. The style of government should not be decided until adequate public consultation has occurred. The size of council and its governance structure is a matter which can then be decided by council in an informed debate.

Once the number of councillors and polling districts is decided, the task becomes one of distributing the polling districts, balancing the number of electors, relative parity of voting power, population density, community of interest and geographic size. As with the number of polling districts, public consultation is essential to a successful boundary setting process.

Public consultation is an inherent part of the required study. The type and amount of consultation is within council's discretion, but it should give members of the public an opportunity to express their views on the size of their council, upon the location of boundaries for town wards or municipal polling districts, or whether a town should be divided into wards, should that be applicable. Giving the public an opportunity to provide its valuable input is a key part of the decision-making process leading to an application by a municipality or town.

The User Guide clearly states the importance of public consultation in this process. The importance of public consultation is further demonstrated when observing the application of these requirements in municipalities across the province and in past NSUARB decisions.

Following the example of the West Hants Regional Municipality, one of the first activities initiated by the Transition Committee after consolidation was approved was the *Council Size and Polling District Boundaries Report* and the associated application to the NSUARB to approve its recommended number of electoral districts and their associated boundaries. This report was completed by Stantec Consulting Ltd. Of specific note:

- Stantec has completed the council size and district boundary report for every municipal merger in the province since 2015.

- There was a high degree of public participation, which is common after a municipal merger.
- The NSUARB two-step process was used.
- Each step was informed by extensive public engagement, which included online and paper-based surveys and public meetings.
- Multiple scenarios were developed to provide options for representation.
- The existing Town and Municipal Councils were involved, including individual councillor interviews and opportunities to review scenarios and provide feedback.
- The existing Town and Municipal Councils received the final presentation in addition to the Transition Committee, and all groups endorsed the recommendation to the NSUARB.
- The NSUARB generally support slightly larger councils following a merger, which can later be reduced in size.

Materials associated with the West Hants Regional Municipality are available on the NSUARB website.

CONSIDERATIONS

Guiding Principles

Municipal and Town Councils have already provided direction concerning district boundaries in the form of the Guiding Principles associated with the exploration of consolidation. The Guiding Principles reflect what is important to our community and councils and are intended to provide guidance on key decisions as we move forward. Specifically, guiding principle #6 states:

“Ensure fair representation for urban and rural residents: District boundaries should ensure every voter has the same electoral power as every other voter, balance rural and urban interests, and recognize local communities of interest.”

Based on this guiding principle, staff have provided the following information based on census data, residential addresses, and municipal service accounts:

- The combined population of Antigonish Town and County is 20,129 (Town population is 4,656; County Population is 15,473).
- “Urban” areas are defined as those areas receiving both municipal water and sewer services in either the Town or County. The combination of these services typically results in denser residential development and a concentration of residents and businesses in a single geographic area. These areas include the Town, fringe communities, Lower South River and St. Andrews.
- All areas in Antigonish County not defined as “urban” are defined as “rural”.
- Based on that definition, approximately 48% of residents live in urban areas and 52% of residents live in rural areas.

- As such, it is reasonable to assume that whatever the number of electoral districts approximately half will represent a primarily urban area and half a primarily rural area.

Complementary to a balance of rural and urban areas, Councils have also expressed interest in seeing options using a “hub & spoke” model, similar to electoral districts in the Region of Queens, where existing Town and County district boundaries are ignored in favour of proposed electoral districts that combine Town and County areas in the same district(s).

In establishing these Guiding Principles Councils also acknowledged that they will remain in draft form until a final decision on consolidation is made. Therefore, Councils may wish to refine this principle, giving further guidance to the Transition Committee and any officials undertaking this work, if consolidation goes ahead.

Discussion with Stantec Consulting Ltd Official.

Stantec Consulting Ltd I has extensive experience working with municipalities and the NSUARB in the establishment of district boundaries and has worked with most municipalities in Nova Scotia. In discussing their experience generally, in West Hants and as it relates to our own process, officials shared the following perspectives of note:

- The public process described in the NSUARBs guidelines and used in Stantec’s two-step process for developing recommendations is of critical importance.
- Generally, there is more public interest in the formation of district boundaries with a municipal merger than the legislated 8-year review.
- In Mr. Heseltine’s view, public participation may be more important with a merger than a legislated periodic review.
- In his experience, the NSUARB wants to see balance and is sympathetic to the historical level of representation when dealing with a merger.
- The Board wants to see public consultation and sited examples where municipal applications that did not solicit or sidestepped public consultation were rejected.
- In Windsor / West Hants the existing councils and transition committee were involved in every step of the process. All sitting councillors had an opportunity to be interviewed as part of the process, the existing councils reviewed feedback and scenarios that were developed, and all endorsed the final application to the NSUARB.

I also shared with officials the general parameters for district boundaries the councils have discussed to date, reflected in the Guiding Principles, as well as the preference for the Queens example, combining former Town and former “fringe” communities into the same district, rather than the West Hants model, where the former Town was divided into two districts within its traditional boundaries. It was agreed that this approach makes sense and is generally supported by the public, but also reiterated that public consultation is imperative to arrive at that end.

Discussion with Nova Scotia Utility and Review Board Official

On Thursday, July 21, 2022, I spoke with the Chief Clerk, NSUARB. I shared background on our process to explore consolidation as well as the questions that have come forward from councillors related to the establishment of district boundaries. It was confirmed that the NSUARB only engages in matters before it where it has legislative authority to do so and does not speculate or advise, particularly on matters of open political debate. As such, the notion of asking the NSUARB for preliminary direction on district boundaries outside its established process and without application within its legislative authority would not be received.

CONCLUSION & NEXT STEPS

As outlined in this memo, Councils cannot get any sort of preliminary indication of Council size or district boundaries from the NSUARB prior to its decision on consolidation. The guidelines and process to establish council size and district boundaries is well defined with multiple examples to follow. Further, the recent experience of West Hants demonstrates that, if Councils decide to consolidate, the existing councils can be involved in the process to establish new district boundaries.

Councils are invited to discuss and provide feedback on this information and the idea of developing guidelines to inform the establishment of district boundaries if consolidation takes place. If Councils are supportive of this approach, feedback on guidelines is welcome so they may be formally considered at a future meeting.