

HALIFAX REGIONAL MUNICIPALITY

DISTRICT BOUNDARY REVIEW COMMITTEE MINUTES

December 3, 2009

PRESENT: Mayor Peter Kelly, Chair
Councillor Barry Dalrymple
Councillor Gloria McCluskey
Councillor Jerry Blumenthal
Councillor Linda Mosher
Councillor Reg Rankin
Councillor Tim Outhit
Mr. Wayne Anstey, Deputy Chief Administrative Officer, Operations
Services & Strategy

ABSENT:

STAFF: Mr. Paul Morgan, Senior Planner
Ms. Sara Knight, Solicitor
Ms. Alva Robinson, BPIM Data Analyst
Ms. Cathy Mellett, Acting Manager/Clerk, Municipal Clerks Office
Ms. Linda Grant, Municipal Clerks Office
Ms. Krista Tidgwell, Legislative Assistant

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1. **CALL TO ORDER**

The meeting was called to order at 10:06 a.m. in the Councillor's Boardroom, City Hall.

2. **APPROVAL OF THE MINUTES - November 19, 2009**

MOVED BY Councillor Rankin, seconded by Councillor Blumenthal, that the Minutes of November 19, 2009, as presented, be approved. MOTION PUT AND PASSED.

A) **Version 3.0 Councillors' Survey**

- Version 3.0 of the Councillors' Survey was before the Committee.

Councillor Rankin expressed that it is critical that any survey with the public conducted by the Committee be objective, verifiable and be developed through professional survey expertise. He advised that he does not want to be involved in any survey that are narrative and open to interpretation. Other members of the Committee have expressed an alternative option to this matter.

Councillor Outhit expressed that the surveys should reflect both qualitative and quantitative data. He suggested having a synopsis for both.

MOVED BY Councillor Rankin, seconded by Councillor Blumenthal, that the Councillors' Survey, as presented, be approved. MOTION PUT AND PASSED.

3. **Review - Previous NSUARB decision**

- A memo regarding the Utility and Review Board's decision was circulated to the Committee.
- A table of the Municipal Units in Nova Scotia and their governance structure/number of Councillors, as requested by the Committee, was circulated to the Committee.

Ms. Sara Knight, Solicitor, provided a review of the previous Nova Scotia Utility and Review Board (NSUARB) decision as well as a description as to the role of the Board in terms of the Governance model of the Municipality. Ms. Knight confirmed that all Nova Scotia municipalities are required to conduct a study of the following as part of their boundary review:

- the number and boundaries of the polling district, and the fairness and reasonableness thereof
- the number of Councillors

The information in the study is what the Committee will put forward to the Board as part of the application. Questions around “governance” are related to the number of Councillors and the rationale for the number of Councillors. In 2004, which is the last time the District Boundary looked at the number of Councillors, the Board had a very concise statement about the process:

Nova Scotia Utility and Review Board’s 2004 decision (paragraph 107-111)

It is the Board’s view that the logical starting point under the Act is for Councils to determine the desired number of councillors. Questions related to the distribution of polling districts should be addressed in a second stage.

Determining the size of Council involves the consideration of the desired style of Council, the governance structure of Council, and the determination of an executive and efficient number of councillors.

The style of government is a question which should not be decided by Council until adequate public consultation has occurred respecting the expectation of constituents.

However, the size of Council and its governance structure is a matter to be determined by Council in an informed debate after further consultation. On this issue, it would be helpful to conduct senior staff and perhaps experts in the field.

Once the total number of councillors and polling districts is determined, the task becomes one of distributing the polling districts to satisfy the objectives listed in section 368 (4) of the Act.

Nova Scotia Utility and Review Board’s 2007 decision re: CBRM (paragraph 157)

The community must be properly consulted in an open dialogue as to the governance style and Council size. The process of consultation must be led by Council, not directed, curtailed or stifled by it. By leading, Council should enter the discussion with an open mind. Council may want to consider the use of independent discussion leaders. Council may want to break the review process into smaller stages, involving discussion in topics such as the role of councillor, possible governance models, and the size of Council.

Ms. Knight advised that the role of the Board is to review Council’s applications and to ensure that the public’s view is on the role and number of Councillors was taken into consideration when Council made its decision.

Ms. Knight noted that the members on the Board in 2004 and 2007 may not be the same in 2010. It was noted that the Board would review the information the HRM District Boundary Review Committee puts forth. Based on a question from the

committee as to whether the Board would have any preference for or against a particular recommendation, Ms. Knight advised that the Board's decision would be based on the evidence and rationale presented by HRM in regard to the recommendation itself. Ms. Knight advised that the Board has the authority to do the following:

- divide or re-divide the Districts
- amend the boundaries of any polling district
- dissolve any polling district
- determine that a town can be divided into polling districts or cease to be divided into polling districts
- determine the number of Councillors for the Municipality and determine the date upon taking effect

Ms. Knight advised that in its decisions, the Board is providing all Municipal Councils in Nova Scotia with guidance as to the type of information it is looking for. When a recommendation reaches the Board, it is looking at the reasons and evidence put forward to support it.

Councillor Rankin noted the importance of having transparency, holding fair public consultations, increasing the number of Councillors and fair discussion of reasonable options. He noted that Council and Community Council have a link and be ready to look at how the Community Councils work with Council.

Councillor Mosher asked what the Nova Scotia Utility and Review Board sees as being an effective and successful consultation. Ms. Knight advised that the Committee needs to make sure that the public consultations are well advertised, there is an informed discussion and the public has something to which to respond. The number of people participating is not a hindrance, provided an effort is made to solicit input from the public. Ms. Knight indicated that in the past, where there had not be a large turn out to the meetings, the Board has drawn the assumption that the public is satisfied with the current status.

The Committee requested any available records from the last District boundary review set of public meetings.

Councillor McCluskey suggested having maps prepared to see the distance from each area and size of HRM. She also noted a desire to have information on density and whether the areas were single family units, apartments or another form of dwelling.

4. Discussion - Community Council Governance model

- Part XXII ("Halifax Regional Municipality") Municipal Governance Act (MGA)

dated February 1999 was circulated to the Committee.

- An extract of the Council report dated June 23, 2009 re: request to Province of Nova Scotia to amend the Halifax Charter to grant Community Council authority to amend Municipal Planning Strategies was circulated to the Committee.
- A map of the Halifax Regional Municipality was laid out for the Committee's review.

Mr. Anstey informed the Committee of a motion going before Council on December 15, 2009 in regard to amendments to the North West Community Council to include that portion of District 2 that falls within the Beaver Bank, Hammonds Plains and Upper Sackville Municipal Planning Strategy and that portion of District 23 that falls within the Beaver Bank, Hammonds Plains, Upper Sackville Municipal Planning Strategy.

Councillor Dalrymple asked whether Council has the authority to delegate more powers to Community Councils. Mayor Kelly advised that under section 526 of the MGA, Council has that authority.

Councillor Outhit expressed concern with regard to section 522 of the MGA, powers and duties of Community Council, and noted that the wording limits the powers of Community Councils. He suggested that if there was more substance to the wording, then Community Councils would have more authority to make decisions and less matters would need to go through Council. Mayor Kelly advised that the Committee could ask for the change.

Councillor Rankin raised concern whether Community Councils should be delegated more powers.

The committee agreed that a consideration of Community Council powers is relevant to a discussion of the boundary review process.

5. Discussion - Approach to Public Consultation for phase 1

Councillor Dalrymple expressed concern that citizens may not want to travel too far to attend the public consultation, especially in rural areas. He suggested going to all twenty-three (23) districts.

Mr. Anstey suggested having two (2) meetings in District 1 and at least one (1) meeting each for the Halifax, Bedford, Sackville, Dartmouth area. He noted that from past experiences, six (6) to seven (7) meetings should be sufficient.

Councillor Mosher suggested that in order to create equality in the public consultation process, the Committee should not focus consultation on Community Councils, and look at geography. She noted that people travel because they have an interest in the

matter being presented.

Mayor Kelly stressed the importance of all Committee members attending every meeting to show that the best effort was made.

Ms. Knight noted that she has done a full review of all the Municipalities in Nova Scotia of the 2007 process and some of the towns had been sent back to do further public consultation.

The Committee agreed to recommend up to twelve (12) public consultation meetings.

Ms. Mellett stated that there may be additional options, such as web based tools, that might be considered by the Committee in providing opportunities for public input.

The Committee agreed to continue discussion and consideration of the approach to be taken to public consultation in phase 1.

6. NEXT MEETING DATE - December 17, 2009

7. ADJOURNMENT

The meeting was adjourned at 11:32 a.m.

Krista Tidgwell
Legislative Assistant