

Item No. 13.2
Halifax Regional Council
August 2, 2011

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY: Original Signed
Richard Butts, Chief Administrative Officer

Original signed
Mike Labrecque, Deputy Chief Administrative Officer, Operations

DATE: July 31, 2011

SUBJECT: Decision of the NSURB –16 Districts in HRM

ORIGIN

The July 27, 2011 decision of the Nova Scotia Utility and Review Board (NSUARB) was to deny the application of HRM to retain 23 polling districts and to set the number of polling districts at 16 Councillors plus the Mayor and to remit the matter back to HRM to prepare polling district boundaries to be reviewed by the Board.

RECOMMENDATION

It is recommended that

1) Halifax Regional Council not appeal the July 27, 2011 decision of the Nova Scotia Utility and Review Board.

Further, it is the staff's recommendation that, in order to bring recommendations to Regional Council on the 16 polling district boundaries to be forward to the NSUARB, that;

2) A committee chaired by the CAO be struck.

3) The committee to be comprised of five (5) members supported by the Clerk's office, HRM technical staff and a consultant. It is further recommended that two (2) of the committee members be members of Council who will not be reoffering in the municipal election in October 2012.

BACKGROUND

The Board set a tentative schedule for those hearings on the new HRM boundaries for October 12-14th. In order to meet this aggressive requirement HRM must engage in a process to review and set the polling district boundaries and submit them to the NSUARB by mid- September.

HRM has thirty (30) days in which Council may choose to appeal the decision of the Board to the Nova Scotia Supreme Court. Legal Services has advised that an appeal must be on a matter of jurisdiction (the Board's jurisdiction to make the decision taken) or an error in law.

In setting the new boundaries the Board noted that

[176] In establishing polling district boundaries, the factors to be considered remain those outlined in s. 388(4) of the Act One of the factors listed is relative parity of voting power...

The Board then went on to provide some direction on setting the boundaries which reinforced the requirement to meet relative parity of +/- 10% in voters per district provided community of interest issues are generally satisfied. The Board outlined where a larger variance may be allowed for and to provide guidance on matters that need to be taken into account from previous decisions of the NSUARB.

The Board also noted that

[177] Council, staff or consultant will now face a challenge of drawing polling district boundaries that meet the standards outlined by the Board.

This statement of the NSUARB recognizes the challenge before Council and leaves open the approach to be taken by HRM to drafting the new polling district boundaries.

DISCUSSION

The challenge facing HRM in redrafting district boundaries for 16 polling districts and the implications for change regarding the role and support of elected officials is, perhaps, the largest change in HRM since amalgamation.

Next Steps

The time frame allowed for returning to the Board for hearings date of October 12-14 is extremely short. Expediency is required so that voters, elected officials, candidate, and election officials can be prepared for the changes in districts well in advance of the Municipal Election in October 2012.

HRM Staff have commenced preparing the data and information required to proceed with the review and to advance options and alternatives for consideration.

Consulting services have been contacted to put forward a proposal to engage in a) reviewing the options being put forward as an independent 3rd party and b) determining any opportunity to

Council Report

engage the public prior to going back to the NSUARB. Given the short time frames public engagement will be challenging.

Committee

In discussion with the CAO and the Mayor staff is recommending that a committee, chaired by the CAO, be struck to provide advice and direction on the proposed polling district boundaries. The Committee would be supported by HRM staff and a consultant as required. The Administration will seek two (2) or three (3) residents who have a broad experience of the Region and two (2) Councillors who will not be reoffering for the municipal election in 2012, to serve on the Committee. Time will be of the essence in the work of the Committee

Council

Regional Council will be required to advance the final recommendation of the polling districts to the NSUARB or to provide direction otherwise by way of a motion Council.

Other Considerations**Remuneration**

The Citizen Commission on Council remuneration have been asked to consider and comment on any implications of the decision on the NSUARB in regard to size of Council when they report to Council in September.

Support for Elected Officials

Discussion and review will be required in order to determine the most appropriate model to provide support to Elected Officials. Staff will develop a process to review elected official's support in advance of the next municipal election and will forward recommendations to Council as appropriate.

Boards, Committees and Community Council

Discussion and review will be required in regard to changes to the Council's governance structure including Boards, Committees and Community Council. That work will be forthcoming in the next few months.

BUDGET IMPLICATIONS

Costs for the Phase 2 submission to the NSUARB on Polling District boundaries are primarily internal to HRM.

Consulting services are under consideration and will be awarded based on the appropriate authorities as outlined in the HRM Procurement Policy.

Council Report

FINANCIAL MANAGEMENT POLICIES/BUSINESS PLAN

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Project and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Project and Operating reserves, as well as any relevant legislation.

COMMUNITY ENGAGEMENT

Opportunities to engage the public prior to going back to the NSUARB will be considered. Given the short time frames public engagement will be challenging.

ALTERNATIVES

Council may choose to recall the Governance and District Boundary Review Committee to oversee the revision of polling district boundaries and bring the recommendation to Council to be forwarded to the NSUARB.

Other alternatives as Council sees fit.

ATTACHMENTS

None

A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/cagenda.html> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared and Approved by: Cathy J. Mellett, Municipal Clerk ph: 490-6456

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Financial Approval by:

Jerry Blackwood, A/Director of Finance , 490-6308
