

# HALIFAX

P.O. Box 1749  
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**Item No. 11.3.1**  
**Halifax Regional Council**  
**August 5, 2014**

**TO:** Members of Halifax Regional Council

**SUBMITTED BY:** Original Signed  
Mayor Savage, Chair, Executive Standing Committee

**DATE:** June 26, 2014

**SUBJECT:** S. 369 of the Municipal Government Act – 2014 Municipal Boundary Review

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## ORIGIN

Executive Standing Committee June 23, 2014 Meeting

## LEGISLATIVE AUTHORITY

S. 3.6.1 of the Executive Standing Committee Terms of Reference states:

The Committee shall act as a review committee for matters related to the general self-governance and administration of Council as directed by Regional Council.

S. 364 of the *Halifax Regional Municipality Charter* which states:

Part XVI of the *Municipal Government Act* applies to the Municipality. 2008, c. 39, s. 364.

Part XVI at S. 369 of the *Municipal Government Act* provides:

369 (1) In the year 1999, and in the year 2006 and every eight years thereafter the council shall conduct a study of the number and boundaries of polling districts in the municipality, their fairness and reasonableness and the number of councillors.

(2) After the study is completed and before the end of the year in which the study was conducted the council shall apply to the Board to confirm or to alter the number and boundaries of polling districts and the number of councillors.

## RECOMMENDATION

It is recommended that Halifax Regional Council undertake the required polling district boundary review in 2014 as follows:

Part 1: Advertise that Regional Council will receive written submission in regard to the number of polling districts (and councillors) and their boundaries and receive a staff report in regard to any matters raised through those submissions. In addition Council will conduct three (3) public hearings, one at each of the regular meetings of the Community Councils.

**Recommendation continues on page 2**

Part 2: A staff report and resolution of Council on the matter of the number of polling districts (and councillors) and their boundaries, either recommending to confirm or alter the Nova Scotia Utility And Review Board (NSUARB) decision of December 20, 2011, to be forwarded as an application in the required form to the NSUARB by the end of December 2014.

### **BACKGROUND**

The Executive Standing Committee received and reviewed a private and confidential staff recommendation report dated May 30, 2014.

### **DISCUSSION**

During the Executive Standing Committee's review, staff provided clarification around the previous boundary review ordered by the NSUARB in 2010-2011 which resulted in the reduction to 16 polling districts and substantially altered the district boundaries throughout the Region.

It was noted that the Board recognizes the extent of that review but has no jurisdiction to waive the statutory requirement under the Municipal Government Act (MGA) that requires HRM to conduct a boundary review every eight (8) years thereafter 1999, the next one being 2014.

Following consultation with the Board, staff proposed a consultation process of holding three (3) public hearings; one (1) in each Community Council area; which would satisfy the Board's requirement in addition to the hearing scheduled by the Board.

Staff also updated the Standing Committee as to the discussions with the NSUARB in regard to HRM's interest in legislative amendments to ensure that future reviews occur no more frequently than every eight (8) years. It was noted that the Board appears prepared to forward HRM's proposed wording to the Minister for consideration in regard to legislative change.

Based on the legislative requirements of the MGA the Executive Standing Committee put forward the recommendation to Halifax Regional Council as outlined in this report.

Further, the Committee requested that staff prepare a supplementary report as the starting point for the 2014 District Boundary Review process.

### **FINANCIAL IMPLICATIONS**

Financial implications are identified in the declassified private and confidential staff report dated May 30, 2014.

### **COMMUNITY ENGAGEMENT**

As outlined in the declassified private and confidential staff report dated May 30, 2014.

### **ENVIRONMENTAL IMPLICATIONS**

Not applicable.

### **ALTERNATIVES**

No alternatives were provided by the Executive Standing Committee.

**ATTACHMENTS**

1. Declassified private and confidential staff report dated May 30, 2014

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

Report Prepared by: Krista Vining, Legislative Assistant, Office of the Municipal Clerk, 490-6519

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DECLASSIFIED

FOIPOP Review

*Copy reviewed*

Approved to Release

*4 copies*

Date

*July 18/2014*

By Motion of Executive / Agreement by  
Executive Standing Committee *Logan*

June 23, 2014

TO: Mayor Savage and Members of the Executive Standing Committee

Original Signed

SUBMITTED BY:

John *Traves*, Director, Legal Services and Risk Management

DATE:

May 30, 2014

SUBJECT:

S. 369 of the Municipal Government Act – 2014 Municipal Boundary Review

**PRIVATE AND CONFIDENTIAL**

**ORIGIN**

Correspondence of February 13, 2014 from the Chief Clerk of the Nova Scotia Utility and Review Board outlining the requirement to conduct a municipal boundary review in 2014.

**LEGISLATIVE AUTHORITY**

S. 364 of the *Halifax Regional Municipality Charter* which states:

Part XVI of the *Municipal Government Act* applies to the Municipality. 2008, c. 39, s. 364.

Part XVI at S. 369 of the *Municipal Government Act* provides:

369 (1) In the year 1999, and in the year 2006 and every eight years thereafter the council shall conduct a study of the number and boundaries of polling districts in the municipality, their fairness and reasonableness and the number of councillors.

(2) After the study is completed and before the end of the year in which the study was conducted the council shall apply to the Board to confirm or to alter the number and boundaries of polling districts and the number of councillors.

**RECOMMENDATION**

It is recommended that the Executive Standing Committee recommend to Halifax Regional Council to undertake the required polling district boundary review in 2014 as follows:

*Recommendations to follow on pg. 2...*

Part 1: Advertise that Regional Council will receive written submission in regard to the number of polling districts (and councillors) and their boundaries and receive a staff report in regard to any matters raised through those submissions. In addition Council will conduct three (3) public hearings, one at each of the regular meetings of the Community Councils.

Part 2: A staff report and resolution of Council on the matter of the number of polling districts (and councillors) and their boundaries, either recommending to confirm or alter the NSUARB decision of December 20 2011, to be forwarded as an application in the required form to the NSUARB by the end of December 2014.

### **BACKGROUND**

Part XVI of the *MGA* (which applies to HRM) requires that: *In the year 1999, and in the year 2006 and every eight years thereafter the council shall conduct a study of the number and boundaries of polling districts in the municipality, their fairness and reasonableness and the number of councillors.*

The Halifax Regional Municipality carried out the required reviews in 1999 and 2006 but was also required, by decision of the NSUARB, to conduct additional reviews of the number of districts (and councillors) and district boundaries in both 2003 and 2010. The review in 2010 was an extensive process that resulted in an order by the Board to reduce the number of polling districts (and councillors) to sixteen (16) and substantially altered the district boundaries throughout HRM. The 2012 Municipal Election was held on the basis of those polling district boundaries.

### **DISCUSSION**

The NSUARB recognize that the Halifax Regional Municipality conducted an extensive consultation process for the boundary review order by the Board and conducted in 2010-2011. That application resulted in the reduction of the number of districts (and councillors) and re-set the district boundaries across the region.

It is agreed upon review that the Board does not have the jurisdiction to waive the statutory requirement for further study and an application in 2014 specifically provided for in the *MGA*.

A conference call was held on May 30, 2014 with representatives of the Board and the Director of Legal Services, Sr. Solicitor and Municipal Clerk to examine approaches to conducting the 2014 review which would meet the legislative requirements and provide opportunity for the public input while recognizing the significant work already undertaken through the review and decision taken in the 2010-2011.

Given the extent of the review in 2010-2011 the Board has indicated that the purpose of the review in 2014 would be to establish, through opportunity for public input, if there are any matters related to the number of districts (and number councillors) and the district boundaries that should be addressed in the review and for Regional Council to either confirm or recommend altering the decision of the Board of December 20, 2011.

The requirements for the review provided by the Board include:

- An opportunity for public input regarding constituent expectations
- Evaluation of the public input received
- Appropriate deliberation by Council

The recommendations outlined in this report represent the outcome of those discussions.

A further item discussed with the Board is HRM's interest in legislative amendments to ensure that future reviews occur no more frequently than every eight (8) years. The Board appears to share that interest and appear prepared to forward HRM's proposed wording to the Minister for consideration in regard to legislative change.

### **FINANCIAL IMPLICATIONS**

In order to ensure that HRM meets the requirement to seek out public opinion sufficient advertising needs to be placed in regional and local papers, along with opportunities for feedback available on Halifax.ca. Based on previous reviews a budget of \$35,000 would be required to ensure broad exposure throughout the region.

There would be no additional costs to holding three (3) meetings at regularly scheduled meetings of Community Councils.

This is not a budgeted item in fiscal 2014-2015. Funding for this initiative is available from cost center M351-6303, **Manager's Contingency**.

### **COMMUNITY ENGAGEMENT**

Community engagement is proposed through receiving written submissions, evaluation of those submissions and holding public hearings at the three (3) Community Councils in the fall of 2014. Subsequent to HRM's application the NSUARB will hold a public hearing as part of their deliberations

### **ENVIRONMENTAL IMPLICATIONS**

Not applicable

### **ALTERNATIVES**

The Executive Standing Committee could recommend a different approach to conducting the 2014 municipal boundary review process, provided it meets the legislative requirements as provided for in the *Municipal Government Act* and generally satisfies the requirements of the NSUARB.

**ATTACHMENTS**

1. Correspondence from the Nova Scotia Utility and Review Board re: S. 369 of the *Municipal Government Act* - 2014 Municipal Boundary Review, dated February 13, 2014.
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A copy of this report can be obtained online at <http://www.halifax.ca/commcoun/index.html> then choose the appropriate Community Council and meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

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

Financial Approval by:

Original Signed

  
Greg Keefe, Director of Finance & ICT/CFO, 490-6308

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## Nova Scotia Utility and Review Board

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February 13, 2014

Cathy Mellett  
Municipal Clerk  
Halifax Regional Municipality  
PO Box 1749  
Halifax, NS B3J 3A5

HALIFAX REGIONAL  
MUNICIPALITY

FEB 17 2014

S.A.

MUNICIPAL CLERK

Dear Ms. Mellett:

### **S. 369 of the *Municipal Government Act* – 2014 Municipal Boundary Review**

Section 369 of the *Municipal Government Act* requires councils of every town and municipality to apply to the Nova Scotia Utility and Review Board in 2014 to "confirm or to alter the number and boundaries of polling districts and the number of councillors." All councils must conduct a study into the reasonableness and fairness of the number and boundaries of polling districts and the number of councillors before making the application to the Board.

Enclosed is a copy of a User Guide prepared by the Board to provide guidance to towns and municipalities in the preparation of their applications. This information is also available on the Board's website: [www.nsuarb.novascotia.ca](http://www.nsuarb.novascotia.ca) under the Municipal and School Board Boundaries page.

Also, enclosed is a copy of Board's *Municipal Government Act Rules (Rules)*. *Rule 27* sets out the information that is required to be filed by towns and municipalities which have polling districts or wards (to be completed on Form C). *Rule 28* sets out the requirements for towns which have no polling districts or wards (Form D).

It is recognized that Halifax Regional Municipality conducted an extensive consultative process for a municipal boundary review in 2010-2011, leading to the Board's decisions in 2011 approving the reduced size of Council and new polling district boundaries. The Board does not have the jurisdiction to waive the statutory requirement for a further study and application in 2014, as set out in the statute. However, in the circumstances, assuming Council has satisfied itself through public consultation that there is general public acceptance of the 2011 change to the size of Council, and to the configuration of the polling district boundaries, the Board is prepared to consider a simplified application with respect to the 2014 review.

Subject to the public or any intervenor raising the issue of the number of councillors, the application can be limited to a consideration of polling district boundaries. The application should include a request for approval of the present number of councillors and polling districts,



as well as approval of the polling district boundaries (or any minor revisions considered appropriate).

If required, the Board is available to discuss the form and nature of the next application.

Yours very truly,

 Original Signed

Elaine Wagner  
Chief Clerk of the Board

Enclosures