

NOVA SCOTIA UTILITY AND REVIEW BOARD

IN THE MATTER OF THE MUNICIPAL GOVERNMENT ACT



- and -

IN THE MATTER OF AN APPLICATION by the **MUNICIPALITY OF THE COUNTY OF CUMBERLAND** to reduce the number of councillors and polling districts from 13 to 8 and to set the new boundaries for the polling districts

BEFORE: Roland A. Deveau, Q.C., Vice Chair
Roberta J. Clarke, Q.C., Member
Stephen T. McGrath, LL.B., Member

APPEARING: **MUNICIPALITY OF THE COUNTY OF CUMBERLAND**
Nelson Bezanson, Municipal Planner
William Baltzer, Junior Planner

HEARING DATE: February 20, 2020

DECISION DATE: April 16, 2020

DECISION: The application is approved.

1.0 INTRODUCTION

[1] The Municipality applied to the Nova Scotia Utility and Review Board under the *Municipal Government Act* to reduce the number of councillors and polling districts from 13 to 8 and to set the new boundaries for the polling districts for the municipal election to be held in October 2020.

[2] Since 1995, the Municipality only had 10 councillors. With the town dissolutions of Springhill and Parrsboro in 2015 and 2016, respectively, three councillors were added for a total of 13 (two councillors for Springhill and one councillor for Parrsboro). The Municipality conducted a municipal boundary study and established two new polling districts after the Board ordered Springhill's dissolution in 2015. These districts were in effect for the regularly scheduled October 2016 municipal election. However, given the timing of Parrsboro's dissolution on November 1, 2016, conducting a further municipal boundary review before the 2016 municipal election was not practical. As a result, the Board ordered that the area comprising the dissolved Town form an additional polling district in the Municipality (for a total of 13 districts) for the purposes of the 2016 municipal election. The Board directed the Municipality to undertake a study of Council size and polling district boundaries, and to file an application with the Board no later than December 31, 2019.

[3] The Municipality conducted an extensive public consultation process. Over 80% of the public who participated in a survey preferred a Council of 10 or fewer. The Municipality filed its application on December 13, 2019, to reduce Council to 8 councillors.

[4] The Board approves the application to reduce the number of polling districts from 13 to 8, each electing one councillor. The Board also approves the new polling district boundaries.

2.0 BACKGROUND

[5] The hearing for this matter was held on February 20, 2020. On February 28, 2020, the Board issued a letter confirming the application was approved, with reasons to follow. The Board's reasons are outlined in this Decision.

[6] The Board is mindful of the important background leading to this application by the Municipality of the County of Cumberland (Municipality or Cumberland). The application is under section 368 of the *Municipal Government Act*, S.N.S. 1998, c. 18 (*MGA or Act*), to reduce the number of councillors and polling districts from 13 to 8. From 1995 until 2015, the Municipality was comprised of 10 polling districts, each electing one councillor. However, the Town of Springhill was dissolved, effective April 1, 2015, and the Town of Parrsboro was dissolved, effective November 1, 2016. Two additional polling districts (and councillors) were added to the Municipality to represent the Springhill area, while one additional polling district (and councillor) was added to represent the Parrsboro area. Those dissolution proceedings are summarized below.

[7] On March 13, 2015, the Board issued an Order in an application for the dissolution of the Town of Springhill, which is located within the geographic boundaries of the County of Cumberland. The Board's Decision [2015 NSUARB 12] directed, among other things, that the Town of Springhill be dissolved and that the Town be divided into two districts, each electing one councillor. The Board directed that a special election be held, and in the interim period, the Mayor of Springhill would serve as a councillor on the Municipality's Council.

[8] The Special Election for the two districts was held on May 23, 2015, and the two elected councillors were sworn into office in June 2015, bringing the Council complement for the Municipality to 12. The Board's Decision also noted that the

Municipality would then be conducting its review under s. 369 of the *MGA*, prior to the October 2016 election.

[9] The Municipality conducted a study in the following months and applied to the Board on June 1, 2015, to confirm the number of councillors at 12, and further, to alter the boundaries of the polling districts. In a Decision dated July 28, 2015 [2015 NSUARB 196], the Board approved the application. In its Decision, the Board stated:

[41] ... The Board accepts the twelve member council option as more appropriate for the Municipality, although it recognizes that, at some future date, Council should give serious consideration to possibly reducing its size. Due to the dissolution of the Town of Springhill, and its integration into the governance of the Municipality, the Board considers it is important to have a period of some stability and adequate representation for Springhill residents, as the consequences of its absorption into the Municipality are addressed.

[42] The Board is also mindful of the fact that overall representation of the two municipal units (10 for the County and 5 for Springhill) is thus reduced by 20%. The number of councillors is not out of line with other rural municipalities. Further, given the size and diversity of the Municipality (the largest in the Province in area), with resulting large districts and widespread population, the Board is concerned that a reduction in the number of districts would create even larger areas for some councillors to serve.

[*Cumberland Boundary Review Decision*, paras. 41-42]

[10] Parrsboro applied on October 5, 2015, to dissolve the Town. Following its hearing, the Board ordered the dissolution of the Town in its Decision dated June 15, 2016 [2016 NSUARB 100]. Among other items, the Board canvassed the matter of municipal governance (i.e., the number of councillors and polling districts, and the boundaries of the polling districts). The Board concluded:

Findings

[157] As noted above, s. 399(2)(f) of the *MGA* authorizes the Board to order what it considers necessary for the efficient dissolution of the Town. The Board has taken into account the number of electors, and the decision of the Board in *Re Springhill*, as well as its recent decision on the County's application under s. 369 of the *MGA*. The Board has also considered that the proposed effective date for dissolution, November 1, 2016, is after the October 2016 municipal election.

[158] The Board has, in other proceedings, considered the importance of relative parity among polling districts. In the Board's view, it is reasonable and appropriate to order that the Town form one polling district to be represented by one councillor, rather than adding it to one or more existing County polling districts.

[159] The Board recognizes this will result in the Parrsboro district being at a -20.8% variance. While this exceeds the variance of $\pm 10\%$, which the Board targets, the Board is of the view that, in this instance, the larger variance is justified. As Mr. Bugley testified, municipal “mergers” represent “an exceptional circumstance” (Transcript, p. 51).

[160] The Board considers this would afford the electors of Parrsboro an appropriate and effective voice in their municipal governance during the transition period. As noted during the hearing, however, the Board is aware that this will mean a 13 member Council for the County and will continue variances, which the Board would not generally favour.

[161] Therefore, the Board directs the Municipality to conduct an electoral boundary review prior to the October 2020 municipal election to address the variances which exist and consider the appropriate size of Council. The Municipality is to conduct its review in sufficient time to allow it to file an application with the Board no later than December 31, 2019.

[Parrsboro Dissolution Decision, paras. 157-161]

[11] The study and the application referred to in the above comments represent the present application before the Board in this matter.

[12] The Notice of Hearing was advertised in The Chronicle Herald on January 29 and February 5, 2020, and in The Amherst News on January 22 and February 5, 2020. The Notice invited members of the public to file their written comments with the Board in advance of the hearing, or to request to speak at the hearing. The Board received two letters of comment which will be discussed later in this Decision. No member of the public registered to speak at the hearing, which was held at Municipal Council Chambers at Upper Nappan, Nova Scotia, on February 20, 2020.

[13] Nelson Bezanson, Municipal Planner, and William Baltzer, Junior Planner, presented the application on behalf of the Municipality. There are presently 13 councillors elected from 13 polling districts. According to the 2016 Census, the population of the Municipality is 19,402, which includes a population of 3,563 for Springhill and 1,205 for Parrsboro. Cumberland is the largest rural municipality in Nova Scotia in terms of geographic size.

[14] The application sets out the number of eligible electors contained in each polling district in the last municipal election held October 15, 2016:

Polling District	Voter Numbers	% of Total Electors	Variation from the average number of voters	
			Number	%
1	1312	8.19%	79	6.41%
2	1352	8.44%	119	9.65%
3	1407	8.78%	174	14.11%
4	1352	8.44%	119	9.65%
5	1138	7.10%	-95	-7.70%
6	1062	6.63%	-171	-13.87%
7	1270	7.93%	37	3.00%
8	1122	7.00%	-111	-9.00%
9	1127	7.03%	-106	-8.60%
10	1103	6.88%	-130	-10.54%
11	1317	8.22%	84	6.81%
12	1360	8.49%	127	10.30%
13	1103	6.88%	-130	-10.54%

Total Number of Electors: 16,025
 Total Number of Councillors: 13
 Average Number of Electors per Councillor: 1233

[Exhibit C-1, p. 4]

[15] The following table from the present application shows an estimate of the voter statistics which will result if the proposed changes are approved by the Board:

Polling District	Voter Numbers	% of Total Electors	Variation from the average number of voters	
			Number	%
1	1805	11.5%	-156	-8.0%
2	1894	12.1%	-67	-3.4%
3	1892	12.1%	-69	-3.5%
4	1872	11.9%	-89	-4.5%
5	1882	12.0%	-79	-4.0%
6	2054	13.1%	93	4.7%
7	2108	13.4%	147	7.5%
8	2177	13.9%	216	11.0%

Total Number of Electors: 15,684
 Total Number of Councillors: 8
 Average Number of Electors per Councillor: 1961

[Exhibit C-1, p. 5]

[16] Municipal staff studied the appropriate number of councillors and polling districts, the setting of polling district boundaries, and the leadership structure for Council (i.e., whether the leadership should continue to be that of a Warden or change to a Mayoral system).

[17] In conducting its study, staff followed the two-step process recommended by the Board in its prior Decisions: see *Re Halifax Regional Municipality* [2004 NSUARB 11]. Adopting this approach, Council must first determine the desired number of councillors (i.e., the size of council). As part of the first step, the Municipality also directed its staff to consult the public and provide its recommendation on whether its leadership should continue with a Warden or switch to a Mayor.

[18] Once the desired size of Council has been chosen, the second step in the process is to establish the boundaries for the polling districts. The Board has indicated that public consultation is an important component in each of these two steps.

[19] In his testimony, Mr. Bezanson described the three main sources of information that municipal staff referenced on the issues of Council size and the leadership structure. First, he stated that they consulted the Governance and Electoral Boundary Review: Final Report dated May 28, 2015, prepared by Stantec Consulting Ltd. following Springhill's dissolution (Stantec Report), as well as a smaller governance study he and the Transition Coordinator prepared in 2015 as part of the Parrsboro dissolution. The Stantec Report was prepared after an extensive public consultation process in 2015. A copy of the Stantec Report was included in the present application. Second, as described later in this Decision, he stated that they compared Cumberland to the other rural municipalities in the Province based on five parameters, including a comparison

based on the average number of councillors compared to geographic size, population, and population density, as well as a comparison of the average number of constituents per councillor.

[20] The Municipality undertook an extensive public consultation process to seek their input regarding the size of Municipal Council, whether leadership should continue as the Warden or change to a Mayor, as well as about the boundaries of polling districts.

[21] The application sets out the public consultation process which was carried out during the first step to determine Council size and the desired leadership structure:

Staff conducted open house style feedback sessions for the public over a three-month period beginning in June. These were well advertised by flyer, newspaper, website and Facebook. In total, seven meetings were held in Advocate, Wentworth, Upper Nappan, Springhill, Pugwash, Joggins and Parrsboro.

Information on the purpose of the review, communities of interest, the question of mayor or warden and the appropriate size of council was carefully prepared to present balanced and impartial information to residents. Residents were engaged by staff in often lengthy conversations to obtain their views and underlying reasoning on these and related topics. Public comments were recorded and compiled and in an engagement report, presented during the September Council session. Surveys were also available at these information sessions with only a few simple straightforward questions.

In addition to these traditional information sessions the same information was presented online on the plancumberland.ca website with an online version of the same survey. Respondents were presented with the carefully scripted information before being able to answer the survey questions.

Advertising was done at the same time as the public sessions with an additional Facebook campaign that ran until the end of August.

Attendance was reasonable at the public information sessions, with 48 people spread relatively consistently among the seven sessions. Feedback was provided by written comments and an exit survey which had 36 responses.

An online survey, asking the same questions as the exit-survey was held between June 24 and September 1. Participation greatly exceeded expectations with a total of 166 unique responses. With an overall total of 198 survey responses, this provides an adequate sample size for these purposes. Importantly, the responses appear representative of the municipality's geography and demographics with responses from all age groups and areas.

Where Councillors are the decision makers they were not consulted for during this study, it would seem self-serving to reiterate their opinions back to themselves.

[Exhibit C-1, Appendix A, pp. 10-11]

[22] Mr. Bezanson reviewed the above process at the hearing. He indicated that staff then made a recommendation to Council of a council size in the range of 8 to 10 councillors.

[23] Mr. Bezanson explained that the recommendation to Council was informed by three main sources that staff had reviewed. First, the Stantec Report had concluded that the majority of the citizens who were surveyed preferred a council size of less than 10. While Stantec noted that a reduction to six councillors did not seem reasonable, clearly a reduction from 12 councillors was favoured. Stantec had ultimately recommended a reduction to 10 councillors with a Warden, or eight councillors plus a Mayor.

[24] Second, staff compared the Municipality with other rural municipalities, using various parameters which they considered to be reasonable, such as the average number of councillors for all rural municipalities, for those with similar geographic areas, for those with similar populations, similar population density, and the average number of constituents per councillor. This exercise produced an average council of nine, with a range between 8.4 and 10.5, depending on the parameter.

[25] The third source was the survey conducted in advance of this application, where over 80% of the respondents preferred a council of 10 or fewer. Mr. Baltzer acknowledged that respondents who preferred 8, 10 or 12 councillors were about equal in number, but that the highest range of numbers were for 8 to 10 councillors.

[26] Based on these three sources, municipal staff concluded that a recommendation for 8 to 10 councillors was the most appropriate to make to Council.

[27] Council considered the matter at its Council meeting of November 4, 2019, and chose eight councillors as the desired size of Council, along with a change from a Warden to a Mayor. Council voted 6 to 5 in favour of the motion. Two councillors were absent from the meeting.

[28] Municipal staff then carried out a second set of public consultation sessions to determine appropriate polling district boundaries. Municipal staff prepared four preliminary eight-district boundary options for public comment, based on Council's decision to reduce the number of electoral districts in Cumberland County to eight. In developing these options, staff tried to balance several factors identified in previous Board decisions about municipal polling district boundaries including the number of electors in each district, relative parity of voting power, population density, community of interest and geographic size.

[29] As described by Mr. Bezanson at the hearing for this matter, municipal staff started with the provincial community boundaries database, but also drew on other sources to develop appropriate polling district boundaries. Staff considered road networks, geography, previous electoral district boundaries, school boundaries, and fire district boundaries. Mr. Bezanson said that the fire district boundaries stood out most for him, because he said these were developed on the basis that those responding to fire emergencies should be able to get to all parts of the district without having to travel into other districts.

[30] Mr. Bezanson said that there were some real challenges defining polling district boundaries for Cumberland. Geographically, Cumberland is the largest rural municipality in the province. He said that there are 170 communities within Cumberland, but many have very little population and are very rural, isolated communities. He said that 52 communities in the Municipality had fewer than 25 voters. There is also a large game sanctuary.

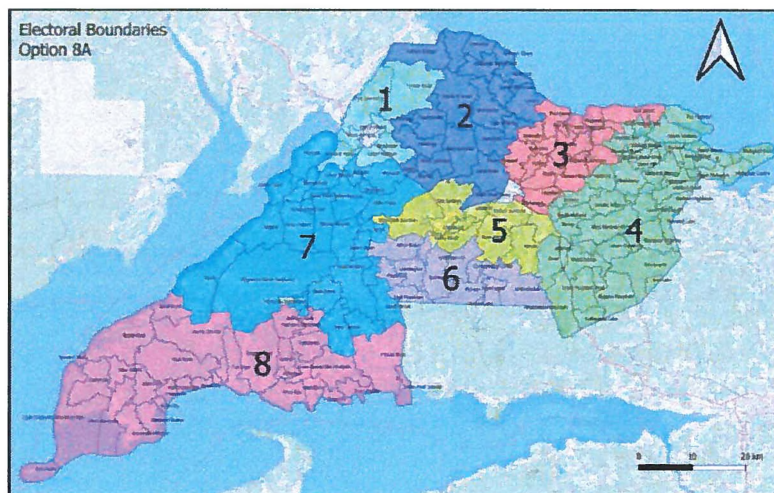
[31] Cumberland is also experiencing a declining population (Exhibit C-1, Appendix A, pp. 6-7). It is more rapid in some places, with areas in the southern and western parts of the Municipality among the fastest declining populations in Nova Scotia. Based on population statistics, municipal staff estimate the Municipality's overall population declined 17.5% in the past 25 years (accounting for the population of the former Town of Springhill and the former Town of Parrsboro). The population declined 5.3% between the 2011 Census and the 2016 Census.

[32] To seek public input on the draft boundaries prepared by municipal staff, the Municipality held open houses in Springhill on November 5, 2019, and in Parrsboro on November 7, 2019. Advertising for the open houses began two weeks in advance and included a notice in the Amherst News (print and online), a county newsletter, municipal websites, Facebook posts, and local radio.

[33] The four preliminary eight-district boundary options that were prepared by municipal staff, along with information packages, were available to the public in each of the Municipality's Municipal Service Centres in Upper Nappan, Springhill and Parrsboro, and in the Pugwash Village Hall. The maps and information were also made available on the Municipality's "PlanCumberland" website.

[34] Only seven members of the public attended the open houses (three in Springhill and four in Parrsboro). A majority of those who attended expressed a preference for two of the four boundary options that had been prepared. At the Springhill open house, it was suggested that Springhill Junction should be included in the same district as Springhill; and at the Parrsboro open house, it was suggested that Halfway River be included in the same district as Parrsboro. Both suggestions were included in the preferred option presented to the Board in this application.

[35] All four preliminary boundary options were presented to municipal councillors at a Committee of the Whole meeting on November 20, 2019. Two of the options were eliminated at that time. The remaining two options, the same two favoured by the majority at the open houses, were considered by Municipal Council at a meeting on November 27, 2019. The Municipality's application to the Board included two eight-district boundary options identified as Option 8A and Option 8B. Option 8A, reproduced below, is the Municipality's preferred option and was adopted by Council at its meeting on November 27, 2019 to be put forward for approval by the Board.



[Exhibit C-1, Appendix B, p. 7]

[36] When considering voter parity, municipal staff tried to create boundaries that were $\pm 10\%$ from the average number of electors per polling district. The target was achieved under Option 8B, but for Option 8A, District 8 is 11% above the average number of electors per polling district as shown in the table reproduced from the Municipality's application below:

District	8A		8B	
	Voters	Variance	Voters	Variance
1	1805	-8%	1824	-7%
2	1894	-3%	1889	-4%
3	1892	-3%	1960	0%
4	1872	-5%	2048	4%
5	1882	-4%	2034	4%
6	2054	5%	1960	0%
7	2108	8%	1806	-8%
8	2177	11%	2163	10%

[Exhibit C-1, Appendix B, p. 6]

[37] In its application, the Municipality said that the fact that Districts 6, 7 and 8 had above average numbers of voters was "partly due to the inclusion of the communities of Harrison Settlement and Halfway River in District 8 and partly by design". As discussed previously, these districts in the southern and western parts of the Municipality are experiencing rapid population decline. The Municipality expects that as population in these areas declines more quickly than in other areas, the relative numbers of voters will change, reducing the extent to which these districts have above average numbers of electors. The Municipality also hopes that, by accounting for expected population changes in this way, polling district boundaries will be able to be kept the same in the next boundary review and will not have to be redrawn again.

[38] The Municipality's application also included a table showing the results of the last municipal election on October 15, 2016. The table shows that the number of

voters in 5 of the 13 polling districts varied from the average by more than 10% (although three of those five did not exceed an 11% variance). Overall, the proposed polling districts under Option 8A have less variance than was the case in 2016.

[39] The large geographic size of the Municipality and the desire to have eight polling districts cause some of the proposed polling districts to be large. The table below shows the geographic area of each District under Option 8A, compiled by the Board from the information provided by the Municipality in its application:

District	Area (km ²)
1	225
2	572
3	315
4	862
5	294
6	299
7	976
8	1114

[40] Districts 4, 7 and 8 are quite large. It was noted in the Municipality's application that the area shown for these districts is somewhat overstated because it is taken from a geographical information system that includes portions of the shore; however, these remain very large districts.

[41] At the hearing for this application, Mr. Bezanson discussed the difficulties that municipal staff faced when defining polling districts in these parts of the Municipality. He said that road connections in these areas were a key determinant for defining boundaries, and one of the reasons why it was difficult to come up with a better solution. He noted that there is a game sanctuary in the northern part of District 8, and said that from east to west, including the game sanctuary, there are other areas where there is virtually no population. He explained that one would have to "leapfrog" over these largely

unoccupied areas to connect these communities to anything else and said that it would be “a very awkward connection.” Mr. Bezanson described District 4 as a large rural area with a lot of cottages, and lightly populated communities.

[42] Although the public consultation on boundaries was based on four eight-district options, Mr. Bezanson said that staff did look at boundary scenarios for 9 and 10 polling districts in the Municipality before Council decided to proceed with 8. He said with more polling districts it was easier to define communities of interest, but that in some parts of the Municipality this is always going to be a challenge. He said that they looked at options for breaking up District 8 in different ways, and possibly even using greater variances from the average number of voters, even at 25%, but they were unable to identify anything that made sense. He said that unless District 8 could be divided in two, there were very few options. And if District 8 were divided in two, he noted that would mean there would then need to be 16 polling districts in the Municipality, which the Board understands is because of the $\pm 10\%$ voter parity requirement. He said: “District 8 pretty much creates itself; there’s not a lot of choice in how you draw that.”

[43] Mr. Bezanson’s comments are supported by the Stantec Report. In that report, Stantec mapped various boundary scenarios for 12, 10, 8 and 6 polling districts. Although the geographic area of the polling districts in these scenarios is not provided, a review of the maps for these scenarios shows that all of them include some large polling districts.

[44] In respect of communities of interest, Mr. Bezanson said that except for the former Town of Springhill, none of the communities in the provincial community boundaries database were sub-divided in the boundary option presented to the Board for

approval. The boundary for the two polling districts dividing the former Town of Springhill was kept the same as it was after Springhill's dissolution. Mr. Bezanson said that there was not any better solution, and it was determined that as the boundary was familiar, it would be left alone rather than develop a new one.

[45] Mr. Bezanson did note that because some of the districts are large, they include communities that share some commonalities, but are different. As examples of this, Mr. Bezanson noted that District 7 includes River Hebert and Southampton and District 4 includes Wentworth, Malagash and Wallace. Mr. Bezanson said that although there are differences between these communities, there are not enough people in them to have them by themselves. Mr. Bezanson felt that the only way to respect community of interest more would be to have more polling districts.

[46] The Board received two letters of comment, both from members of Municipal Council who opposed the application to reduce the number of councillors. Both were in the minority in Council's November 4, 2019, vote on the number of polling districts.

[47] Councillor Fletcher currently represents District 10 in the Municipality, which he indicated generally corresponds to proposed District 8. His concern is with the size of the proposed district. He said that he understands that his current district is the second largest in the province by geography, and under the proposal it would get bigger. He said that his current district includes two fire departments, two community development associations, five hall associations, a museum and the Fundy Ocean Research Centre for Energy (FORCE). He said that he attends FORCE meetings monthly, which require a return trip of about 130 km (adding two hours to these meetings). He said that he feels

that the size of the proposed district sets any councillor for the area up for failure and is not fair to citizens in the area.

[48] Deputy Warden Gilbert feels that there are too few districts and they are too large. While he feels that the number of polling districts should be reduced, he says it should be done more gradually. He would prefer to keep 13 polling districts for the next four years, and then reduce to 10.

3.0 FINDINGS

3.1 Statutory Provisions

[49] The *Municipal Government Act* requires the council of every municipality to conduct a study and apply to the Board to confirm or alter the number of councillors and the boundaries of the polling districts. Section 369 states:

369 (1) In the year 1999, and in the years 2006 and every eighth year 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.

[50] However, as noted earlier in this Decision, as part of the Parrsboro dissolution process, the Board directed the Municipality to conduct an electoral boundary review before the October 2020 municipal election.

[51] Section 368(4) of the *Act* sets out the criteria for the Board:

368(4) In determining the number and boundaries of polling districts the Board shall consider number of electors, relative parity of voting power, population density, community of interest and geographic size.

3.2 Number of Polling Districts and Councillors

[52] The primary component of the present application is to reduce the number of councillors and polling districts from 13 to 8. Currently, the Municipality has the largest council size of any rural municipality in Nova Scotia. The Board is mindful that, before the town dissolutions of Springhill and Parrsboro, the Municipality only had 10 councillors. Springhill's dissolution added two councillors to that number and Parrsboro's dissolution added another councillor.

[53] However, at least in the case of Springhill, the Board recognized that the addition of two councillors would help the former Town's residents during the transition. In Parrsboro's case, there was not sufficient time to conduct a comprehensive municipal boundary review before the 2016 municipal election.

[54] Over 80% of respondents to a survey organized by municipal staff preferred a Council size of 10 or fewer. An equal number of respondents preferred 8, 10, or 12 councillors, but the highest range of numbers supported 8 to 10 councillors. Further, a review of other rural municipalities in Nova Scotia produced an average council size of 9. The Stantec Report had also recommended a council size of 8 under the mayoral model.

[55] Based on its consultation and study, staff's recommendation to Council was for a council size in the range of 8 to 10 councillors. Council ultimately adopted a council size of 8 in its application to the Board.

[56] The Board is mindful that some members of the public wanted a more gradual reduction in council size, including Deputy Warden Gilbert who filed a letter of comment. Mr. Gilbert suggested waiting another four years to make the change. Council clearly chose to reduce its size now, rather than delay the reduction. The Board notes that the transition from the town dissolutions of Springhill and Parrsboro have entered

their fifth year. Allowing the reduction of council size at this time is not unreasonable in the circumstances.

[57] The Board accepts the Municipality's evidence that a strong majority of residents desire a smaller Municipal Council. The Board also accepts the evidence that a reduction in the number of polling districts and councillors from 13 to 8 is appropriate. Therefore, the Board approves the reduction.

3.3 Change to Mayoral Leadership

[58] There was also much discussion in 2015 about the relative benefits of the mayoral and warden systems. The Board stated:

[48] There was considerable discussion in the Stantec Report, and at the hearing regarding the mayoral system compared to the warden system. The Board notes that Council agreed to maintain the warden system, notwithstanding Stantec's conclusion that there was clear public support for a mayor. The Board observes that, with exceptions which do not apply in this situation, the decision to have or prescribe a mayor system is not within the scope of the Board's review. This decision can be made by Council alone, pursuant to s. 12(8) of the *MGA*. Should Council decide to re-visit this matter, the Board notes that there would be sufficient time to do so in accordance with that section.

[*Cumberland Municipal Boundary Decision, 2015 NSUARB 196*]

[59] The Municipality has decided to change its leadership structure from a Warden to a Mayor, effective with the October 2020 municipal election. This was done by way of the process outlined in the *Municipal Government Act* for municipalities to implement such a change. As noted previously, this change is beyond the scope of the Board's review in this matter.

3.4 Polling District Boundaries

[60] The application also includes proposed boundaries for the eight polling districts. As noted earlier in this Decision, the Board approved a Council size of eight.

[61] In previous municipal boundary decisions prior to 2004, the Board had permitted a maximum variation of $\pm 25\%$ from the average number of electors per

councillor as the appropriate guideline to use in reviewing the number and boundaries of polling districts. The $\pm 25\%$ variance has occasionally been exceeded by some municipalities; however, it has always been the Board's intention that this variance should represent the maximum range, rather than the rule.

[62] In 2004, the Board determined that the target variance for relative parity of voting power shall be $\pm 10\%$ from the average number of electors per polling district: see *Re Halifax Regional Municipality*. Any variance in excess of $\pm 10\%$ must be justified in writing. The larger the proposed variance, the greater the burden on the municipal unit to justify the higher variance from the average number of electors.

[63] While the Board will permit variances up to $\pm 25\%$, the outer limits of this range should only apply in exceptional cases, where the affected municipality provides detailed written reasons showing that population density, community of interest, geographical size, or other factors, clearly justify the necessity of an increased variance within a polling district. In most cases, however, the Board expects municipalities to meet a target variance of the number of electors in each polling district which is within a $\pm 10\%$ range of the average.

[64] In this application, the Board observes that the variances from the average number of electors per polling district range from -3.4% to 11.0% . The size of the variances has improved from the variances observed in the October 2016 municipal election. Only one polling district exceeds $\pm 10\%$, with District 8 at 11.0% . The Board accepts the Municipality's reasons for marginally exceeding the Board's guideline of $\pm 10\%$ in this instance. The variance of 11.0% is reasonable and appropriate in the circumstances.

[65] The Board is also satisfied that the Municipality developed polling district boundaries that reflect communities of interest in the County. The public consultation process only identified two suggested boundary changes to better reflect communities of interest (i.e., in the vicinity of Springhill Junction and in Halfway River). Council adopted the change in each case.

[66] A concern raised by some, including in a letter of comment, was the proposed configuration of District 8, which will have a large geographic size. The Board observes as well that the proposed District 8 is the same district described above that is expected to have a variance of 11.0% from the average number of electors per district.

[67] In this respect, the Board notes that some parts of the Municipality are experiencing rapid population decline, notably some of the areas which comprise the proposed District 8. This District has among the fastest declining population rates in the Province, if not the fastest.

[68] In the circumstances, the Board considers District 8 to be reasonable both in relation to its geographic size and, as noted above, to its number of electors based on the average number of electors per district. These two factors are inter-related as one factor necessarily impacts the other. The Board accepts the evidence of the Municipality that adopting the proposed configuration of District 8 may avoid the necessity to address this issue in the next boundary review. This will provide consistency for the electors in the District and for the Municipality.

[69] Further, the Board notes the evidence of the Municipality that District 8 has taken into account road networks in the area, as well as fire district service areas, which

staff considered important. Moreover, staff noted that the District contains large unoccupied areas, including a game sanctuary, as well as an extended shoreline.

[70] Accordingly, taking all of the above into account, the Board approves the proposed polling district boundaries presented in the application.

[71] The Municipality filed digital maps of the proposed polling district boundaries in its application. Mr. Bezanson confirmed that the digital maps would accommodate the more efficient administration of municipal elections.

[72] In recent years, some municipalities and towns have requested to provide the descriptions of its polling districts or wards using digital GIS technology. While the Board is mindful of the benefits of digital mapping over text descriptions, both in terms of cost and efficiency, the important factor to be considered is the subsequent use of any polling district or ward descriptions during the conduct of municipal elections. Regardless of the format which is adopted by a municipality or town, the description must be able to address any inquiry made by electors or municipal election staff during the conduct of municipal elections. Accordingly, it is necessary that the scale of any digital mapping descriptions be capable of being adjusted to respond to any inquiry. In addition to filing a large hard copy map showing all polling districts, the Board also requires the separate filing of individual digital mapping for each polling district or ward.

[73] The Board approves the filing of the digital polling district maps by the Municipality.

4.0 CONCLUSION

[74] The Board approves the application. The number of polling districts is set at eight, each electing one councillor. The Board also approves the new polling district boundaries, as filed in the application.

[75] The Board commends the Municipality on the consultation and study process followed. Both staff and Council worked diligently to ensure the views of the public were properly solicited and that relative parity of voting power was achieved among the polling districts in the options considered, while respecting communities of interest.

[76] An Order will issue accordingly.

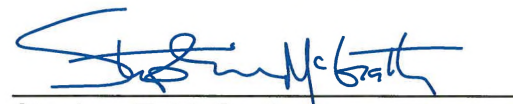
DATED at Halifax, Nova Scotia, this 16th day of April, 2020.



Roland A. Deveau



Roberta J. Clarke



Stephen T. McGrath