



**CAPE BRETON**  
REGIONAL MUNICIPALITY

---

## **ISSUE PAPER**

**TO:** CBRM Council

**DATE:** February 2, 2022

**FROM:** Director, Planning and Development

**RE:** CBRM DISTRICT BOUNDARY REVIEW

---

### **BACKGROUND**

Section 369 of the *Municipal Government Act (MGA)* requires municipal councils to conduct a study of polling districts in the municipality every eight years. This study must encompass a review and justification of the number of districts, district boundaries, and ensure equitable distribution of electors.

In December of 2021, the Clerks Office received correspondence from the Nova Scotia Utility and Review Board (the Board) advising that CBRM must apply to the board in 2022 to “confirm or to alter the number and boundaries of polling districts and number of councillors” (**APPENDIX A**).

At the Special Meeting of Council on January 25<sup>th</sup>, 2022 Council requested that staff provide an issue paper outlining recommended options for a Boundary Review Committee, Terms of Reference, and potential budget for the required study.

### **DISCUSSION**

While the *MGA* does not outline the requirements for the study or criteria for districts, the Board directs that the review should be completed in two phases. Additionally, the *Municipal Government Act Rules* provide the requirements for the review submission. Generally, there are two parts to the process:

1. Deciding on the number of councillors – informed by public consultation of an effective and efficient number of councillors, determined by Council.
2. Determining district boundaries and ensuring voter parity – distributing districts based on the number of councillors, balancing the number of electors, parity of voting power, population density, community of interest and geographic size.

### **Public Consultation Considerations**

Council has discretion on how to organize the process, with the opportunity to form a committee overseeing the effort and may also hire a consultant. The type and amount of consultation during the process is determined by Council, but it must give an opportunity for the public to express their views on the two key elements mentioned above.

Both phases of consultation should have a mix of consultation methods (in-person, virtual, etc.) to ensure a representative set of feedback is collected from residents. The on-going COVID-19 pandemic poses significant challenges for public consultation, and contingencies should be planned if in-person gathering restrictions continue.

### **Financial & Capacity Considerations**

The key impact on the organization, when considering if to proceed with a staff led study, is the hours of staff time required to complete the exercise. In addition to day-to-day business activities, planning staff are managing CBRM Forward and the Active Transportation Plan update, while also leading the proposed Temporary Sign By-law, Taxi By-law update, and policy updates related to the Cape Breton Regulatory Modernization Pilot. These projects are all expected to be completed in 2022. If Council wishes to conduct the Boundary Review Study internally, timelines on these projects may need to be extended to accommodate staff hours dedicated to an additional study.

Alternatively, if Council wishes to conduct the Boundary Review Study using a consulting team, an RFP should be prepared and released in February to ensure project delivery before the deadline. Previous work with the same scope was budgeted at \$50,000.

Given the requirement for public consultation and engagement for the study, it may not be necessary for an ad hoc committee to be formed because Council could receive the reports from the consultant similar to the process used during the 2010 Boundary Review (see attached history in **APPENDIX B**). However, as requested, a draft Terms of Reference for an ad hoc committee has been included if Council wishes to proceed (**APPENDIX C**).

### **RECOMMENDATION**

That Council allocate \$50,000 to the operating budget for the 2022/23 Boundary Review Study and authorize staff to issue an RFP to begin the project.

Respectfully submitted by:

*Original signed by:*

Michael Ruus  
Director, Planning and Development



## Nova Scotia Utility and Review Board

### Mailing address

PO Box 1692, Unit "M"  
Halifax, Nova Scotia  
B3J 3S3  
board@novascotia.ca  
<http://nsuarb.novascotia.ca>

### Office

3rd Floor, 1601 Lower Water Street  
Halifax, Nova Scotia B3J 3P6  
1 855 442-4448 (toll-free)  
902 424-4448 t  
902 424-3919 f

December 10, 2021

[mjwalsh@cbrm.ns.ca](mailto:mjwalsh@cbrm.ns.ca)

Cape Breton Regional Municipality  
c/o Chief Administrative Officer  
320 Esplanade  
Sydney, NS B1P 7B9

Dear Ms. Walsh:

### **S. 369 of the Municipal Government Act – 2022 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 2022 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 number of councillors and into the reasonableness and fairness of the number and boundaries of polling districts 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: <https://nsuarb.novascotia.ca/> under the Municipal 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).

If you have questions about the application process, please contact the undersigned. Please confirm receipt of this letter.

Yours very truly,

~~Bruce Kiley~~  
Chief Clerk of the Board

Encl.

## APPENDIX B

### CBRM Boundary Review Process – History:

- 1999:
  - Plebiscite directive from 1997 Election was to downsize Council
  - Boundary Review Committee - 12 members (9 Councillors + 3 Citizens)
  - Met 16 times between May 1998 & April 1999 plus 3 public hearings
  - Council size reduced from 21 Councillors to 16 Councillors (plus the Mayor)
- 2006:
  - Boundary Review Committee (6 Councillors) Chaired by Councillor Vince Hall
  - Committee met 7 times between November 2005 and September 2006
  - Public Participation Process: 5 community meetings in June 2006
  - Council size maintained at 16 Councillors (plus the Mayor)
  - NSUARB Decision: Flawed process and ordered another study prior to 2010 Election
- 2010:
  - Council acted as Boundary Review Committee (Mayor and All 16 Councillors)
  - Council met as Boundary Review Committee on Feb. 9 & Apr. 14, 2010
  - Stantec consultants carried out the Boundary Review
  - Public Participation included blog, telephone & web survey, two focus groups, open house
  - Final Report by Stantec to Council – June 15, 2010 recommending that the Council be downsized to 12
  - Council motion to maintain 16 districts
  - NSUARB Decision/Order to reduce Council size from 16 Districts to 12 Districts (plus the Mayor)
- 2014:
  - No Boundary Review Committee appointed: two Council motions (September 23, 2014 and December 16, 2014)
  - Public Consultation included letters to every household
  - Minor changes to boundaries between Districts 3 & 4
  - Council size maintained at 12 Councillors (plus the Mayor)

## Cape Breton Regional Municipality Boundary Review Committee

### Terms of Reference

#### 1.0 Purpose

The Cape Breton Regional Municipality (CBRM) Boundary Review Committee oversees and advises on the preparation of the Cape Breton Regional Municipality 2022 Boundary Review Study. The Committee plays a pivotal role in helping CBRM meet its obligations under Municipal Government Act in justifying municipal districts, boundaries, and ensuring the equitable distribution of electors.

#### 2.0 Definitions

2.1 “**Committee**” means the Boundary Review Committee for Cape Breton Regional Municipality.

2.2 “**Council**” means the elected governing body of the municipality.

#### 3.0 Scope

3.1 The Terms of Reference are applicable to all members appointed to the Cape Breton Regional Municipality Boundary Review Committee.

3.2 The work of the Committee will be in accordance with Section 369 of the *Municipal Government Act*.

#### 4.0 Membership and Terms of Appointment

4.1 The Boundary Review Committee shall have up to eight (8) voting members who serve without pay.

4.2 Preference shall be given to Committee Members with the intent of equally representing North, Central, and East Divisions of CBRM, as defined by the Public Works Boundaries.

4.3 The composition of the Committee must include a minimum of two (2) members of Council.

4.4 Application of community member representation will be invited by public advertisement and appointed by Council.

- 4.5 The position of Chair will be held by a member of Council and will be appointed by the Committee.
- 4.6 The position of Vice-Chair will be appointed by the Committee.
- 4.7 The members of the Boundary Review Committee shall be appointed for a term of one (1) year.
- 4.8 Any member of the Committee who is absent from three (3) consecutive meetings without being authorized by resolution of the Committee will forfeit their position on the committee.

## 5.0 Responsibilities

The Boundary Review Committee shall:

- 5.1 Advise on the preparation and consultation of the Cape Breton Regional Municipality 2022 Boundary Review Study.
- 5.2 The CBRM Planning & Development Department will designate staff identified by the director to support the committee. The Committee will consult with staff for guidance on municipal policies, procedures and organizational work concerning the boundary review.
- 5.3 Advise and make recommendations about strategies designed to achieve the objectives of the boundary review study.
- 5.4 Receive and review information from staff and senior leadership, and make recommendations, as requested.
- 5.5 Assist in monitoring compliance with provincial government directives and regulations.

## 6.0 Meetings and Procedures

- 6.1 The Committee shall meet as determined by the Chair to fulfill the duties and responsibilities outlined.
- 6.2 Subject to section 22 of the Municipal Government Act, meetings of the Committee are open to the public and will be advertised accordingly.
- 6.3 Quorum is met by the attendance of a majority of the Committee's members.