

**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 KINGS** to reduce the number of councillors and polling districts and to amend the boundaries of the polling districts

**BEFORE:**

Roland A. Deveau, Q.C., Vice Chair  
David J. Almon, LL.B., Member  
Wayne D. Cochrane, Q.C., Member

**APPLICANT:**

**MUNICIPALITY OF THE COUNTY OF KINGS**  
Kevin Latimer, Q.C.

**HEARING DATE:**

May 12, 2016

**SUBMISSIONS:**

May 31, 2016

**DECISION DATE:**

July 11, 2016

**DECISION:**

**The Board sets the number of councillors and polling districts at nine, and sets the polling district boundaries.**

## I INTRODUCTION

[1] The *Municipal Government Act*, S.N.S. 1998, c.18 (“MGA”) requires the council of every municipality to conduct a study and make an application to the Nova Scotia Utility and Review Board (“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.

[2] The Municipality of the County of Kings (“Municipality”) applied to the Board on February 12, 2016, to reduce the number of councillors and polling districts from 11 to 8, and further, to amend the boundaries of the polling districts.

[3] In making its proposal for eight polling districts, Council had adopted (by a narrow vote of 6 to 5) a polling district arrangement which had been completely developed in less than three hours by the Municipality’s Chief Administrative Officer, who had no previous experience, or training, in such work.

[4] In so doing, Council ignored the recommendations of consultants engaged by that CAO. The consultants had extensive experience in work of this type, including experience with Kings County itself. They had developed their recommendations over a period of several months, during which they carried out the necessary data research, and consulted with a wide variety of persons. Their consultations included making presentations at three public meetings which had been arranged for that purpose.

[5] In this Decision, the Board rejects the application of Council, and adopts the nine polling district scenario which was the one the consultants had recommended

most highly. The Board's reasons for doing so are explained more fully under "Analysis and Findings" in this decision. They principally relate to the conclusion that the consultants' nine polling district scenario is much more sensitive to communities of interest, while, at the same time, adequately responsive to the important matter of relative parity of voting power. The Board saw the eight polling district scenario developed by the CAO as being almost entirely insensitive to communities of interest.

## **II PROCEEDINGS**

[6] The Notice of Hearing was published in The Advertiser on March 29 and April 5, 2016, and in The Valley Harvester on March 31, April 7 and 14, 2016. The Notice invited members of the public to advise the Board of their comments in advance of the hearing. The Board received 10 letters of comment. The hearing was held at the Old Orchard Inn, at Greenwich, Nova Scotia, on May 12, 2016. A number of members of the public were present, as well as councillors.

[7] The Municipality was represented at the hearing by its solicitor, Kevin Latimer, Q.C., who called as a witness Tom MacEwan, Chief Administrative Officer, to testify in support of the application.

## **III FACTS**

[8] There are presently 11 councillors elected from 11 polling districts. The population of the Municipality according to the 2011 Census is 47,755, showing little difference since the 2006 Census.

[9] Table 1 sets out the number of eligible electors contained in each existing polling district in the last municipal election held in October 2012:

Table 1 Existing Polling Districts				
Polling District	Land Area (KM <sup>2</sup> )	Number of Electors	Variation from Avg. Number of Electors # %	
1 – Blomidon/Canning	223.2	2,883	-276	-8.7%
2 – Port Williams & Area	35.7	2,807	-352	-11.1%
3 – Centreville & Area	99.6	3,048	-111	-3.5%
4 – Lakeville to Dempseys Corner	281.1	2,871	-288	-9.1%
5 – Kingston/North Kingston	109.3	3,138	-21	-0.7%
6 – Kingston/Greenwood	155.6	3,399	240	7.6%
8 – Aylesford & Area	601.2	3,172	13	0.4%
9 – Coldbrook to Waterville	33.8	3,753	594	18.8%
10 – Greenwich to Blue Mountain	367.7	3,240	81	2.6%
11 – New Minas	9.2	3,155	-4	-0.1%
12 – Lower Wolfville to Hants Border	264.4	3,279	120	3.8%

Total number of electors:	34,745
Number of councillors:	11
Average number of electors per councillor:	3,159
Average land area per district	198.2 km <sup>2</sup>

[Exhibit K-1(a), p.1]

[10] In earlier decisions, the Board has directed that municipalities undertake appropriate public consultation in relation to applications of this type. In the present instance, the Municipality, through its CAO, Tom MacEwan, decided to engage Stantec Consulting Ltd. (“Stantec”) to conduct the consultation and prepare a report respecting the size of Council, whether there should be a warden or mayor, and the boundaries of polling districts. Stantec has had previous experience with governance and boundary reviews in Nova Scotia, generally, and in Kings, in particular.

[11] Stantec’s lead consultant for this work was John Heseltine, LPP, MCIP, Senior Planner. Leslie Cabott, RPP, MCIP, another senior planner with Stantec, also participated in the work.

[12] After discussions between County staff and Stantec, Stantec was engaged to begin this work by early fall 2015. Ultimately, at least according to some evidence before the Board, the County paid Stantec about \$26,000 to do its preparatory work, prepare its draft reports, conduct a series of public consultations and prepare a final report for presentation to Council.

[13] On November 16, 2015, Stantec delivered its copy of the draft report to Mr. MacEwan for his review. Prior to its delivery of the draft Report to Mr. MacEwan, Stantec had been dealing directly with him during their gathering of data, and development of various scenarios.

[14] As sent to Mr. MacEwan on November 16<sup>th</sup>, Stantec's draft Report contained (in addition to the status quo of 11 polling districts), four scenarios, which are described in more detail under "Analysis and Findings," below. One of the four scenarios, for nine polling districts, was ultimately identified by Stantec as its preference. It is that scenario (i.e., Stantec 9), which the Board has decided to adopt in this proceeding, rather than the one adopted by Council.

[15] Presentation of Stantec's draft report to members of Council (who had not seen the report previously) was scheduled for November 17<sup>th</sup>.

[16] Between receiving the Report from Stantec on November 16<sup>th</sup>, and presenting it to Council on the evening of November 17<sup>th</sup>, Mr. MacEwan did not indicate to Mr. Heseltine a wish for more scenarios than the four proposed by Stantec, nor did he indicate dissatisfaction with the scenarios appearing in the draft report, or with the scenario which Stantec identified as its preference.

[17] The Stantec Report was presented, as scheduled, on the evening of November 17<sup>th</sup>. It was at that meeting that municipal councillors saw the Stantec Report, with its four scenarios, for the first time. According to the information before the Board, no comments were made indicating dissatisfaction with the five scenarios proposed by Stantec. However, Councillors were invited to offer suggestions.

[18] Nevertheless, on November 18, 2015, the morning after the councillors first saw the Stantec Report, Mr. MacEwan emailed Mr. Heseltine at Stantec to say that he (Mr. MacEwan) now wanted to suggest a new scenario, different from the four proposed by Stantec. This scenario will be referred to in this Decision as the "Alternate 8" scenario. Alternate 8 proposes eight polling districts, and is different, not only from the nine polling district scenario recommended by Stantec, but from the Stantec scenario which also involved eight polling districts.

[19] The text of Mr. MacEwan's email to Mr. Heseltine includes the following:

I have been reviewing scenario 8 that you prepared. I have a suggestion for an alternate scenario with 8 polling districts which provide for an urban and rural mix in each riding. I think that given the agricultural nature of the valley it is important to have agricultural lands in each district if possible.

[Exhibit K-3, p. 4]

The Board concludes from Mr. MacEwan's email, and other evidence before the Board, that he was in a meeting of the Valley Region's Solid Waste-Resource Management Authority when he sent the email.

[20] He sent the email at 11:19 a.m. There is no evidence before the Board as to exactly when Mr. MacEwan's meeting concerning Valley Waste concluded. However, whenever it did end, he returned to his office, and sat down to create Alternate 8.

[21] By 2:06 p.m. (less than 3 hours after he had emailed Mr. Heseltine while he was still at the meeting of Valley Waste), Mr. MacEwan had fully developed Alternate 8, an entirely new polling district proposal, and emailed it to Mr. Heseltine. In his email, Mr. MacEwan said:

I have prepared the attached chart with the proposed Districts. I have attempted to prepare districts that each have a 'rural' and 'urban' component with manageable geographic sizes. The Village of New Minas is divided between 2 districts but there is some [precedent] for this as the Village of Kingston is represented by 2 councillors. I think that this scenario is very workable.

[Exhibit K-3, p. 1]

[22] Mr. MacEwan created Alternate 8 using the raw data which had been produced by Mr. Heseltine and his team in the course of developing Stantec's four scenarios. Mr. MacEwan took the Stantec data, inserted it into a spreadsheet on his own computer, and thus developed his own chart with proposed districts. The Board will comment further on this below.

[23] Mr. Heseltine immediately responded, saying:

Thanks Tom. I'll review and see what we can do.

[Exhibit K-3, p. 1]

[24] On the morning of November 19<sup>th</sup> (the day after receiving Mr. MacEwan's Alternate 8 scenario), Mr. Heseltine sent the following email to Mr. MacEwan:

I went over the proposal. *It appears to work. You missed one area, 10C2, which I've added to the district containing 10C1 as 10C1 more or less surrounds 10C2. The overall arrangement still works with that addition. I rearranged the numbering of the districts to keep it a bit more in line with the current district numbering. You can see what I am now working on in the second tab of the attached spreadsheet.*

I've asked for it to be mapped so that I can have a look at it. It may be Monday before I can forward the map to you as our GIS staff are dealing with a substantial workload. *If your option is workable, I will replace the 8-district approach I developed, for presentation to the public next week.* [Emphasis added]

[Exhibit K-3, p. 5]

In short, Mr. Heseltine corrected an inadvertent omission by Mr. MacEwan of one geographic area from his chart (i.e., Mr. MacEwan had left out a small part of the

County from his Alternate 8 scenario), and assigned different individual numbers to the polling districts which Mr. MacEwan had forwarded to Mr. Heseltine. Otherwise, Mr. Heseltine left the Alternate 8 proposal exactly as sent to him by Mr. MacEwan.

[25] The Board notes that Counsel for the County argued:

...Alternative 8 was developed by the CAO in consultation with Stantec...

[Post Hearing Submission, p. 21]

[26] The Board does not agree. With respect, the Board sees this assertion as inconsistent with the evidence. Even according to Mr. MacEwan's express evidence, Alternate 8 was entirely his creation. Stantec provided only what amounted to technical correction, or adjustment, for it.

[27] The Board notes that Alternate 8 appears to have been attributed, at least by some, to Stantec, even well after its adoption by Council at its meeting of December 15<sup>th</sup>. For example, minutes of a meeting of the Village of New Minas on January 11, 2016, contain, among other things, the statement that "Stantec actually produced the Alternate 8." [Exhibit K-4, p. 3]

[28] In the afternoon of November 19<sup>th</sup>, Mr. MacEwan sent to Mr. Heseltine some additional justification for why he had, on the previous day, developed his own scenario. In an email, he told Mr. Heseltine that he was trying to:

...make the districts into a manageable size by avoiding the very small districts...and the very large...

[Exhibit K-3, p. 7]

[29] This objective was, said Mr. MacEwan, in addition to his previously-stated objective of:

...ensuring that each district has a rural and urban component.

[Exhibit K-3, p. 7]



[30] With respect to the rural-urban objective, the Board concludes (from all the evidence before it, including that of Mr. MacEwan), that Deputy Warden Brian Hirtle had repeatedly expressed a preference for polling districts in which there was a mix of urban and rural voters.

[31] Mr. MacEwan, then, stated a principal objective of his Alternate 8 was the achieving of a rural mix which Deputy Warden Hirtle liked.

[32] However, Mr. MacEwan's Alternate 8 scenario also has the effect (alluded to at various points in the evidence and submissions to the Board) of largely preserving the existing boundaries of District 4 (Mr. Hirtle's polling district) to a much greater degree than does any of Stantec's four scenarios.

[33] It, likewise, better protects District 5 (Councillor Atwater's district).

[34] As will be seen, at the meeting where Council eventually approved Mr. MacEwan's Alternate 8 by a vote of 6:5, Mr. Hirtle moved the adoption of Alternate 8, and Mr. Atwater seconded it.

[35] Working with the assistance of Kings County staff, Stantec had arranged for three open-house presentations, or public meetings. These were originally scheduled for November 23<sup>rd</sup> in Kingston, November 25<sup>th</sup> in Avonport and November 26<sup>th</sup> in Kentville. Stantec would present its Report at each of these meetings.

[36] Mr. MacEwan went on in his November 19<sup>th</sup> email to ask Mr. Heseltine to put Alternate 8 in the Stantec Report, despite not being contained in the Report to Council. Referring to the scheduled series of three public meetings, Mr. MacEwan goes on to ask Mr. Heseltine:

Could this scenario [i.e., Alternate 8] be included as part of the presentation to the public?

[Exhibit K-3, p. 7]

[37] A little over an hour later, Mr. Heseltine replied:

Yes it can be included Tom. I'll have to think about whether I want to replace my own 8 district scenario with yours or show both. I haven't really compared them but I will and I'll make up my mind how to deal with it by Monday.

[Exhibit K-3, p. 7]

[38] In Mr. Heseltine's email to Mr. MacEwan on the morning of November 19<sup>th</sup>, Mr. Heseltine, while saying that the MacEwan Alternate 8 (with the missing piece inserted) "appears to work" says that he will "have a look" at Alternate 8. If Mr. Heseltine decided that Mr. MacEwan's Alternate 8:

...is workable, I will replace the eight-district approach I developed...

[Exhibit K-3, p. 5]

[39] In his email on the afternoon of November 19<sup>th</sup>, Mr. Heseltine said he was still not finished comparing the two, nor reaching a conclusion, but that he would make up his mind "by Monday," referring to Monday, November 23<sup>rd</sup>. It was on the evening of November 23<sup>rd</sup>, of course, that the first public meeting was scheduled to occur, in Kingston.

[40] Ultimately, Mr. Heseltine, in effect, declined to replace the Stantec eight-district scenario with Mr. MacEwan's. Instead, he decided to keep Stantec's scenario, and just add in Mr. MacEwan's, thus creating a report with five scenarios (plus the status quo). When complete, his resulting six-scenario report would be the one presented at the public meetings.

[41] Sometime on November 23<sup>rd</sup>, however, the public meeting scheduled for that evening in Kingston was cancelled by the County. It was postponed to November 30<sup>th</sup>. The explanation given for the postponement related to weather-related concerns about the safety of travel on that day.

[42] That postponement appears to have generated a significant amount of controversy. In essence, it seems some doubted that weather was, indeed, the reason for the postponement. That controversy continued into the proceedings before the Board, with some attributing improper motives to the postponement, a belief Mr. MacEwan vigorously denied, and supported by reference to emails. In the circumstances, the Board considers it need make no finding as to why the delay occurred; it does not consider that the outcome of this proceeding turns on such a finding.

[43] As the Board noted previously, the public meetings had been scheduled for Kingston (November 23<sup>rd</sup>), Avonport (November 25<sup>th</sup>) and Kentville (November 26<sup>th</sup>). With the cancellation of the November 23<sup>rd</sup> Kingston meeting, the November 25<sup>th</sup> public meeting in Avonport actually became the first of the series of three meetings.

[44] It was, therefore, at the Avonport meeting on November 25<sup>th</sup> that the new version of the Stantec Report – with its fifth scenario, the Alternate 8 scenario, first appeared.

[45] While that scenario had been devised by Mr. MacEwan, on his own, and then included in the Stantec Report at his request, his authorship of Alternate 8 was not disclosed in the Report, nor was it for a considerable period of time thereafter.

[46] The Board concludes from the evidence before it – indeed from the express evidence of Mr. MacEwan himself – that this was at Mr. MacEwan's instruction. Mr. MacEwan did not want his authorship to be known, it seems, because he was concerned that some councillors might be hostile to the proposal simply because he was the author.

[47] Mr. Heseltine accordingly incorporated the additional scenario in the Stantec Report, but simply said the municipal “staff” (with no further identification or explanation) had originated it.

[48] The Board concludes from the evidence before it that at least some councillors – including Councillor Jim Winsor and Councillor R. Peter Muttart, Q.C. (both of whom attended all of the public meetings, perhaps the only councillors to have done so) - were taken completely by surprise by the addition of Alternate 8 at the November 25<sup>th</sup> public meeting in Avonport.

[49] Until its presentation by Stantec at the public meeting, they were unaware of even the existence of Alternate 8, much less its addition to the Stantec Report. Mystified as to the “genesis” (as Councillor Muttart put it) of Alternate 8, he and Councillor Winsor wanted to know who had developed it, and why and how it had been developed.

[50] At the first public meeting in Avonport, it appears Mr. Muttart may have questioned Mr. Heseltine about the “genesis” of Alternate 8 at some length. The Board concludes from the somewhat limited evidence before it, that, on this and other occasions, when Mr. Heseltine was asked for information about the origin of the Alternate 8, he (consistent with Mr. MacEwan’s wishes) did not expand beyond the (the Board finds) deliberately obscure reference to “staff.”

[51] As Mr. Muttart put it in his written submission, Mr. Heseltine exhibited “considerable reluctance” to respond to Mr. Muttart’s questions about the origination of the Alternate 8 scenario. Mr. Muttart concluded that Mr. Heseltine:

...had been placed in a very awkward position. He was not the originator, however, he had been conscripted as the messenger.

[Exhibit K-2, p. 8]

[52] At the second public session, on November 26<sup>th</sup>, in Kentville, Mr. Muttart and Mr. Winsor were still in the dark as to the origin of Alternate 8. Mr. Muttart again questioned Mr. Heseltine about it. However, as noted above, he regarded Mr. Heseltine as merely the “messenger,” and decided to spare him further embarrassment from detailed questioning of the type he had made on November 25<sup>th</sup>. Accordingly, he simply asked about the origin of the Alternate 8 proposal, and having received the usual answer, did not pursue it further. His objective, he said, was to ensure that those in attendance in Kentville, like those in attendance at the previous meeting in Avonport, would understand that Mr. Heseltine had not originated Alternate 8.

[53] The third public session was on November 30<sup>th</sup>, back in Kingston. It appears from the evidence before the Board that the Deputy Warden may not have attended the first or second sessions. However, he (along with the Warden and Councillor Atwater) did attend the third session on November 30<sup>th</sup>.

[54] A member of the planning staff was also in attendance, although the Board notes, as it has found elsewhere, that there is no evidence that planning staff had anything to do with developing Alternate 8; it was Mr. MacEwan’s creation alone.

[55] Once again, just as he had in the first two public meetings, Mr. Muttart asked Mr. Heseltine about the origin of Alternate 8. This time, however, he got a different answer – and from a different person – than he had at the first two meetings.

[56] That answer came from Deputy Warden Hirtle. As Mr. Heseltine began to once again give his answer about the origin of Alternate 8, Deputy Warden Hirtle interrupted, and, according to Mr. Muttart, said:

It was me and me alone.

[Exhibit K-2, p. 8]

[57] Almost identical language appears in a detailed written submission made by John Sutcliffe, of New Minas, to the Board on March 29<sup>th</sup>, Mr. Sutcliffe saying that at the November 30<sup>th</sup> meeting:

Deputy Warden Hirtle revealed that the initiative to create the “alternative 8” option was ‘mine and mine alone.’

[Exhibit K-2, p. 17]

[58] Mr. Hirtle was not called to give evidence at the Board. However, in the Board’s view, the preponderance of evidence before it – approaching beyond a reasonable doubt – is that he did, indeed, claim responsibility for the proposal at the November 30<sup>th</sup> meeting.

[59] Ultimately, the Board did not see Mr. MacEwan as denying that Mr. Hirtle had made these statements. On this point, the Board notes that Mr. MacEwan had, on his own, chosen not to attend any of the public meetings, and, accordingly, was not in a position to have heard any such statement anyway.

[60] However, as noted elsewhere in this Decision, Mr. MacEwan emphatically says that it was he, himself, and not Deputy Warden Hirtle, who originated the idea of creating Alternate 8. In the view of the Board, given the overall circumstances, it need make no finding with respect to this particular point.

[61] The Board does, however, note that – whether Deputy Warden Hirtle told Mr. MacEwan to prepare a new scenario after the Stantec Report was first presented to Council on November 17<sup>th</sup> (as Mr. Hirtle, in effect, said he did), or whether he did not (as Mr. MacEwan says) – Mr. MacEwan did immediately begin preparing Alternate 8 within hours after Council (including Mr. Hirtle) first saw the Stantec Report.

[62] Council had scheduled December 15, 2015, for its meeting at which it would consider, and vote on, the number of polling districts, their boundaries, and whether to switch from a warden to a mayoral system.

[63] After the last of the three public meetings had occurred, Mr. Heseltine began making the final amendments to the Stantec Report which would be presented to Council on December 15<sup>th</sup>. In addition to amendments which corrected some typographical errors, he included additional information in relation to the consultation meetings. Mr. Heseltine had, of course, attended all of these.

[64] By Monday afternoon on December 7, 2015, Mr. Heseltine had finished his revisions, and made a copy of the final report available to Mr. MacEwan. He also said that:

When you have a moment it would be good to have a brief discussion concerning what is expected of me at the December 15<sup>th</sup> meeting.

[Exhibit K-3, p. 11]

[65] Two days later (in an email sent at 2:08 p.m.) on Wednesday, December 9, 2015, Mr. MacEwan wrote Mr. Heseltine to say that he had just reviewed Mr. Heseltine's amended report. In essence, Mr. MacEwan did not like a reference in Stantec's proposed final report to the origin of Alternate 8.

[66] The report contained a reference to the Deputy Warden being the impetus for the Alternate 8 scenario. Mr. MacEwan disagreed, saying:

*... While the Deputy Warden did comment about the urban and rural mix (as did others during the [H]antsport dissolution process), the initiative to develop alternate boundary 8 was mine – so it was done at my direction. As the CAO, I am entitled (by statute) to make a recommendation on any matter being addressed by Council. I do not want it to appear that the Deputy [Warden] gave direction to staff.* [Emphasis added]

[Exhibit K-3, p. 10]

[67] In short, then, Mr. MacEwan, while acknowledging that Deputy Warden Hirtle had commented “about the urban and rural mix,” said that the “initiative” for Alternate 8 was Mr. MacEwan’s, and he did not want it to “appear” that Mr. Hirtle had given “direction to staff.”

[68] As the Board has noted elsewhere, Alternate 8 was attributed by Stantec to “staff”; however, the only staff involved in its production was Mr. MacEwan. No planning staff were engaged in its production, whatsoever.

[69] In his email, Mr. MacEwan also provided further justification for the creation of Alternate 8, making reference to his own analysis of UARB decisions, and commenting on the concept of community of interest as referred to in those decisions.

[70] At 6:41 p.m. that evening (a little over four hours after having received Mr. MacEwan’s email) Mr. Heseltine replied. Politely and respectfully, he disagreed with Mr. MacEwan’s version of what Deputy Warden Hirtle had said about the genesis of the Alternate 8 proposal.

[71] In his email, Mr. MacEwan had, in effect, claimed that the Deputy Warden had simply made a “comment about the urban and rural mix.” In his reply, Mr. Heseltine disagreed, saying that his recollection was that:

The Deputy Warden said quite strongly at the Kingston meeting that he had requested the urban-rural approach be considered...I felt since some people asked “where it came from” I should reference what I heard in the [draft Stantec] report.

[72] Mr. Heseltine had, of course, been present at the Kingston meeting, as well as at all the other meetings; Mr. MacEwan had not been present at any of them. Nevertheless, Mr. Heseltine, in his email, goes on to say that if Mr. MacEwan:

...would like the report to make clear that the Alternative originated with you, I’m willing to adjust the report accordingly...I can make changes quickly tomorrow if that is your



direction. I should be able to get an amended report on the FTP site by the middle of the morning.

[Exhibit K-3, p. 10]

[73] The following morning, Mr. MacEwan dropped his request that, in effect, Mr. Heseltine remove reference to the Deputy Warden as the originator of the Alternate 8 scenario, saying:

I think you can leave it as you have it but I will likely clarify the issue in my comments (to Council].

[Exhibit K-3, p. 9]

[74] He then requested Mr. Heseltine to “get the final version out to Council,” that day, i.e., December 10th.

[75] On December 15, 2015, Council held its scheduled special council meeting to deal with, among other things, the matter of electoral district boundaries and the issue respecting mayor versus warden.

[76] There had been little controversy in relation to the subject of switching from the warden system to a mayoral system, and the motion that Kings County change to a mayor system was carried unanimously.

[77] With respect to the matter of polling districts it appears from the minutes, and other evidence before the Board, that Stantec’s recommended nine-polling district scenario was not presented to Council to be debated and voted upon. Instead, Deputy Warden Hirtle and Councillor Atwater simply moved the adoption of Mr. MacEwan’s Alternate 8.

[78] That motion was carried by a vote of 6:5, with Warden Diana Brothers, Deputy Warden Brian Hirtle, and Councillors Atwater, Lloyd, Best and Ennis voting in favour.

[79] The five councillors voting in opposition were Councillors MacQuarrie, Muttart, Raven, Bishop, and Winsor.

#### **IV LETTERS OF COMMENT / PUBLIC SPEAKERS**

[80] The Board received ten letters of comment from individuals, two of whom also made oral presentations at the hearing.

[81] The letters and comments overwhelmingly supported the methodology applied in the Stantec Report, and specifically the Stantec 9 scenario, and were dismissive of Alternate 8, as developed and proposed by Deputy Warden Hirtle and the CAO, Tom MacEwan.

[82] Councillor Muttart, serving the unexpired term of a former councillor (who, according to him, resigned her position, citing bullying and dysfunction of Council as reasons for her departure), questioned the motives behind the “abrupt, unapproved, undebated, appearance” of Alternate 8 and its passage “by the well-known block vote of Council”. As expressed by Mr. Muttart, the remedy he seeks is:

Because the consultants’ work was accurate, reflective and respectful of the locations and historical boundaries and communities of interest of the ratepayers of the municipality, in my respectful opinion, ‘Alternate 8’ should be discarded by this Board in favour of adoption and approval of the Consultant’s report.

[Exhibit K-2, p.12]

[83] Support for the community of interest concept was very evident, being a common theme in many of the presentations.

[84] Pierre Clouthier, a resident of New Minas, vehemently disagreed with the splitting of the Village across two districts (as occurs in Alternate 8), as violating the community of interest principle:

I live in New Minas, and wish the entire community to be represented by one Councillor.  
...

It would almost seem that the Council is proposing to split New Minas, in a vindictive move to weaken the constituency of Councillor Jim Winsor. Mr. Winsor has stood with a minority of Councillors, to protect the public's interest against the abuses and ill-advised decisions of a majority of Council.

[Exhibit K-2, p.2]

[85] Councillor Winsor commented that the CAO undertook a "table top geographic mathematical exercise" that did not incorporate the balance of the expert consultant's report.

[86] With respect to the proposed Polling District 2 in Alternate 8, he noted:

... Why did the proponents of this option have to extend District 2 across the Cornwallis River into the Village of New Minas as opposed to following the natural transportation corridor...the extension of Hwy 358 across from Port Williams? It stands out as a violation of the community of interest principle for the Village of New Minas and is certainly not a natural extension for the Councillor representing District 2.

[Exhibit K-2, p. 3]

[87] Alternate 8 is, in his opinion, the "construct of a tainted process" and the reduction to eight councillors creates districts with too many voters for adequate representation.

[88] John Sutcliffe is a concerned citizen who states his underlying interest as good governance, integrity and accountability on the part of elected municipal officials. He asked:

Could the "Alternative 8" option and the way it came about simply be an attempt at old fashioned political subterfuge or outright gerrymandering?

[Exhibit K-2, p. 19]

[89] He wanted the Board to be aware of the "secretive, prejudicial and inappropriate" manner in which the Alternate 8 option was created.

[90] So, too, did Leslie Wade, who wrote:

Council completely ignored the advice of its hired consultant whose Company, Stantec, was paid \$26,000 to do a report. The Stantec Report recommended nine districts for the County whereas the County chose to create its own option in favour of eight districts. It is

difficult to fathom how the CAO and Deputy Warden, with no expertise in such matters, could justify their option over the consultant who has much broader knowledge of the issues.

[Exhibit K-2, p. 22]

[91] Terry Knock expressed alarm that those who promote a process toward meaningful smaller municipal governments are being attacked and marginalized:

I feel this electoral boundary issue is a clear act of aggression against the electorate's desire for significantly smaller consolidated municipal units. Alternate 8 is so obviously sourced and promoted by those who have no respect for the spirit of the law or an orderly democratic process toward change.

[Exhibit K-2, p.13]

[92] J. Beth Keech described herself as an "interested and gravely disappointed citizen and taxpayer" of Kings County. She echoed the sentiments of the others:

I support the recommendations made by Stantec, the consultant hired by the County to present a report on electoral boundaries. A survey was done, comments were solicited from the County residents, there were public meetings and then the consultant presented the Report. It was ignored.

...

Is this another example of Kings County Council just ignoring the public's input IF it isn't what the majority (of the unwaivering group of six) on Council want? It certainly would appear to be.

[Exhibit K-2, p. 23]

[93] Tennyson Davison stated that the Stantec consultant's arms-length, professional recommendation was, effectively, dismissed by Mr. MacEwan's Alternate 8 recommendation. He noted:

The consultant has drafted boundaries for eight districts that were constructed at arms-length from the influence of any current member of Council or staff. Based on this alone, the consultant's boundaries for eight districts should trump those submitted by the Municipality of Kings.

[Exhibit K-2, p. 25]

[94] He added that the impact has been to create obscure boundaries that do not take into consideration the natural boundaries, disrupting and dividing communities of interest that currently exist.

[95] William Wallace, of the Old Orchard Inn Ltd., commented:

...we would encourage the UARB to select the Stantec Consulting Ltd. professional proposal of 9 polling districts (plus a mayor) instead of the alternative of 8 districts proposed by the current municipal council.

[Exhibit K-2, p. 29]

[96] Finally, Gordon Lummis asked the Board:

...to fully explore the motivation behind the development of these new alternative boundaries for eight districts given that the consultant, while recommending nine districts also provided objective, professional boundaries for eight districts should council wish to reduce council members further than he recommended.

[Transcript, p. 91]

[97] He added:

From my perspective, the hiring of an independent consultant and the process of basing the recommendations on public consultation had and has merit. The consultant provided that. I do not believe that the alternative eight councillors or boundaries can claim to provide an objective solution to the reduction in the number of councillors.

The recommendation from Council should be dismissed and that the boundary changes should be as recommended by the consultant.

[Transcript, p. 91]

## V ANALYSIS AND FINDINGS

### (a) Statutory provisions and Board directions/guidelines

[98] Section 368(4) of the *Municipal Government 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.

[99] The Board has recommended that municipalities adopt a two-step process in municipal boundary reviews:

#### **Number of Councillors and Polling Districts**

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

[108] Determining the size of Council involves the consideration of the desired style of Council, the governance structure of Council, and a determination of an effective and efficient number of councillors.

[109] 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.

[110] 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 consult senior staff and perhaps experts in the field.

[2004 NSUARB 11, paras. 107-110]

[100] 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. 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.

[101] 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, geographic 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.

**(b) Warden versus Mayor**

[102] The Board will first address an issue discussed at various points in this proceeding, regarding the Municipality's approval of a change from the existing "warden" system to a "mayoral" model. Under the current warden model, one of the newly elected councillors is elected by his or her fellow councillors (from amongst

themselves), following a general municipal election. In the mayoral model, the mayor is elected at large by the electors, during the election, and sits as an additional member of council.

[103] Under the *Municipal Government Act*, a municipality is entitled to change to a mayoral system from a warden model. Sections 12(8) and (9) provide:

**12 (8)** The council of a county or district municipality may, at any time not less than nine months prior to a regular municipal election, decide that the chair of the council be elected at large, in which case

(a) commencing at the next regular municipal election, a mayor shall be elected at large for the municipality;

(b) every person eligible to vote for a councillor of the municipality is eligible to vote for the mayor;

(c) the total number of council members is increased by one unless the municipality has applied to the Board and the Board has determined otherwise;

(d) subsections (1) to (7) do not apply to the municipality.

**(9)** A decision made pursuant to subsection (8) may not be reversed after February 15 in the year in which the first mayor is to be elected, or subsequently.

[104] In its report, Stantec recommended that the current warden model be changed to a mayoral system for the Municipality. This proposed change received strong support during the public consultation process.

[105] On December 15, 2015, Municipal Council accepted Stantec's recommendation on this point and approved the change to a mayoral system, effective with the October 2016 municipal election.

[106] For clarity, the Board's current review under s. 369 of the *Act* does not provide the Board with jurisdiction to consider the issue of a change from a warden to a mayor. Its review in these municipal boundary cases is limited to the determination of the appropriate number of councillors and polling districts, as well as approving polling

district boundaries. The Board notes that it does have this jurisdiction in applications under the *Act* for town dissolutions and municipal amalgamations, but those circumstances do not apply in this instance.

[107] For the purposes of the *Act*, the position of mayor is not included in the number of councillors and polling districts to be set by the Board and, accordingly, does not fall within the scope of this review conducted by the Board. In any event, the change to a mayoral system has been approved by Council in this instance and had the clear support of the public.

[108] The Board does not have the jurisdiction to approve or deny such a change. Indeed the Board recognizes that this issue should be more appropriately decided by Municipal Council in consultation with its residents, as was done in this case. Nevertheless, the Board considers that it may take the existence of the mayor into account (i.e., as an additional member of Council) when assessing the submissions of the Municipality respecting its impact on the potential for tied or deadlocked votes of Council.

**(c) Number of councillors/polling districts**

[109] The public consultation conducted by Stantec revealed strong public support for a reduced Council size.

[110] As noted earlier in this Decision, Mr. Heseltine of Stantec, having conducted a public consultation, and after having applied all of the requirements of the *MGA* used in determining the number and boundaries of the polling districts, developed four scenarios. He developed new scenarios of 8, 9, 10 and 11 polling districts, each electing one councillor. The Alternate 8 scenario developed by Mr. MacEwan was also



included in the Stantec Report, but was identified as being prepared by staff. In the end, Mr. Heseltine recommended nine polling districts be adopted, i.e., the Stantec 9 scenario.

[111] With respect to the number of polling districts, Stantec concluded:

Council Size

Citizens clearly want the size of County Council to be reduced. Respondents to the phone survey, on average, favoured 9.9 council members with a mayor and online respondents averaged 9.1 in the same circumstances suggesting a choice between nine or ten council members including the mayor.

A variety of factors were considered in choosing between the two. In favour of ten, we weigh the phone survey more significantly than the online survey and appreciate that Kings Councillors already serve the most constituents of any group of rural municipal councillors in Nova Scotia. On behalf of nine, we recognize the strong desire of many citizens to see the size of Council reduced and the moderate benefits of having an uneven number of council representatives (including the Mayor). Weighing both matters and the other changes recommended here we have determined that a council of ten [including the Mayor] would be the more appropriate option at this time.

[Exhibit K-1(b), Stantec Final Report, s. 57]

[112] However, the Municipal Council ultimately selected the Alternate 8 option, a scenario developed by Mr. MacEwan, rather than Stantec, in circumstances described earlier in this Decision. As noted above, the Alternate 8 option was included in the Stantec Report, but was not adopted by Mr. Heseltine as one of Stantec's scenarios.

[113] The Board has several concerns with the Alternate 8 scenario assembled by Mr. MacEwan.

[114] In response to questioning from the Board, Mr. MacEwan testified that this was his first attempt at developing a municipal boundary scenario. He had no prior experience, whatsoever, in conducting such an exercise. He had left his private legal practice four years earlier to become the Municipality's CAO, his first venture into municipal administration.

[115] Further, Mr. MacEwan stated that he developed the Alternate 8 scenario on his own, without any input from anyone else. By his own admission, he intentionally avoided attending any of the three public consultation meetings held by Stantec. If he had attended those meetings, he would have had some opportunity to learn the views of the public with respect to the various scenarios.

[116] Moreover, Mr. MacEwan created his suggested model in the matter of a couple of hours, with the primary emphasis on polling districts having both rural and urban components, and simply moving blocks of electors in one direction or the other to address relative parity of voting power. In his testimony, he added that creating districts with urban and rural parts would help balance the geographic size of the districts.

[117] Indeed, while in the Board's experience the task of drawing municipal boundary scenarios has, typically, proven to be very challenging for both municipal administrators and consultants alike, Mr. MacEwan testified that he was confident he could develop his own scenario, and communicated this fact to Mr. Heseltine, even before he embarked on the work. As a result, upon leaving the Valley Waste meeting in the morning, he "went back to the office and just rearranged the data sheets". In his view,

...it's not difficult to move things around. Because you can only move numbers around that are close to each other. ... It's not complicated...

[Transcript, p. 46]

[118] However, having reviewed all of the evidence, the Board finds that Mr. MacEwan's Alternate 8 scenario seriously offends, in at least two ways, one of the important requirements of s. 368(4) of the *MGA*, that being to reflect communities of interest in the municipal unit.

[119] First, the Board finds that Mr. MacEwan's approach of combining rural and urban components into each polling district is an approach which is, at least in the present circumstances as he implemented it, contrary to the very requirement of s. 368(4) of reflecting communities of interest in the drawing of polling district boundaries.

[120] By their very nature, rural and urban parts of a municipality have quite different interests. Combining them together in polling districts can present special challenges. If they are combined, the task of putting them together should be done with great care.

[121] Mr. MacEwan's source for this rural/urban criterion was that it had been mentioned in prior Kings Council discussions, particularly by the Deputy Warden. Mr. MacEwan acknowledged that he had not observed this criterion in the Board's prior Decisions on the issue of community of interest or in any other authority. The Board will discuss community of interest in more detail, later in para. 136.

[122] Second, Mr. MacEwan's reliance on the rural/urban criterion resulted in districts which clearly offended well recognized and historical communities of interest in the Municipality. In this respect, the Board accepts the comments of various members of the public and councillors who provided letters of comments to the Board on the topic, or who spoke at the hearing. One such example was combining the communities along Hwy. #359, including Centreville, Meadowview and Aldershot with Coldbrook on the opposite side of the Cornwallis River (a historical boundary), requiring a 10 kilometre trip to connect the two. Another example was dividing New Minas between two districts, which did not reflect recognized communities of interest. The latter example was highlighted by several members of the public.

[123] The Board is mindful that the issue of communities of interest is more typically associated with the drawing of polling district boundaries rather than with the determination of the appropriate number of districts. However, in circumstances where a specific proposal such as Alternate 8, developed by Mr. MacEwan, is so seriously flawed as to significantly offend recognized communities of interest, the Board considers that the underlying premise for the specific proposal (in this case Alternate 8) is fatal to the application.

[124] Further, the Board places little weight on Mr. MacEwan's assertion that an odd-numbered Council was required to avoid tie votes. Stantec considered this issue in Section 6.2 of its Report and concluded it did not "warrant compromising effective representation of the municipal community". Further, Councillor Muttart noted that Kings Municipal Council had previously been comprised of an even number of councillors for decades, without any issue.

[125] The Board also notes that the cost savings resulting from a smaller Council size may sometimes be a factor to be considered in setting the number of councillors and polling districts. The Warden and Deputy Warden receive remuneration of \$49,300 and \$36,100, respectively, while the councillors receive \$30,700 each. As a percentage of the Municipality's total budget, these amounts are not material to the present application.

[126] Taking all of the above into account, the Board finds that Mr. MacEwan's Alternate 8 proposal offends the statutory direction in s. 368(4) of the *MGA* and is neither reasonable, nor appropriate, as a recommended alternative. In the

circumstances, the Board accepts the recommendation in the Stantec Report that nine polling districts represents an acceptable and reasonable scenario.

[127] The Board concludes that the number of polling districts should be set at nine, each electing one councillor.

[128] The Board closes this part with one final observation. In this Decision, the Board has recounted in detail, in the “Facts” section above, just how Alternate 8 (the polling-district scenario adopted by Council) came to be created. Both in the course of its oral hearing, and various written submissions and documentary evidence, the Board received a large quantity of material concerning this specific point.

[129] In referring to that evidence, and making findings in relation to it, the Board has remained conscious throughout of the strict limitations of the statutory authority under which it operates. The Board has repeatedly found, following decisions by the Court of Appeal, that it does not have inherent powers similar to those of the Supreme Court. Thus, for example, it has no power equivalent to that of *certiorari*.

[130] A practical consequence of this, as far as the Board is concerned, is that it cannot reverse a decision by a council because of – for example – bias or a breach of natural justice.

[131] However, the Board does have the statutory authority to set polling districts to, among other things, determine the number of, and boundaries for, polling districts. Both ss. 1 and ss. 2 of s. 369 of the *MGA* require that a “study” be conducted into the number and boundaries of polling districts, after which Council may apply to the Board. As the Board has discussed elsewhere in this decision, a study was indeed prepared, by Stantec, but its findings were in effect ignored by Council.

[132] In the Board's view, it is appropriate for it to take into account, in evaluating various polling district scenarios, all of the circumstances which it considers relevant to such a determination. In carrying out this task, the Board must try to use its best judgment in determining the amount of weight that it gives to particular items of evidence.

[133] In evaluating some other decisions by municipalities (such as, for example, a decision with respect to the approval of a development agreement), the Court of Appeal has given extensive direction to the Board on the deference which the Board should show to such decisions of council. The Board is unaware of any such direction by the Court to the Board in relation to the exercise of its powers under s.369 to set polling districts.

[134] Nevertheless, the Board considers that one of the factors which it should take into account in evaluating any proposal by a council is the fact that councillors are democratically elected to make difficult choices. The Board has been mindful of that principle, even though in the present instance the Board has chosen to reject the Alternate 8 proposal presented by Council.

[135] It is to assist the Board in its exercise of what it perceives as its narrow statutory authority that the Board has evaluated the evidence in this proceeding, and given it what it considers to be appropriate weight in reaching its conclusion.

**(d) Polling district boundaries**

[136] The Board refers to its earlier Decision in *Re Halifax Regional Municipality*, 2004 NSUARB 11:

[86] With respect to community of interest, the Board finds the criteria that should be taken into account include the following:

1. history;

2. recreational;
3. tax rates, i.e., area rates;
4. services (water and sewer);
5. fire protection service areas;
6. traffic infrastructure and pattern;
7. planning boundaries;
8. language and ethnic origin;
9. school districts;
10. shopping patterns and business centres.

This list is not meant to be exhaustive.

[87] The Board recognizes that several community of interest factors may overlap, meaning that the final delineation of a boundary must strike a compromise or accommodation among a number of factors. Further, communities of interest may change with the passage of time. Additionally, certain parts of HRM are experiencing faster growth rates compared to other parts of HRM, where neighbourhoods remain more stagnant. ... [Emphasis added]

[2004 NSUARB 11, paras. 86-87]

[137] As noted immediately above, the Board has approved nine polling districts, each electing one councillor.

[138] The Board must next set the polling district boundaries. The only nine-district scenario before the Board is the Stantec 9 scenario.

[139] As described earlier in this Decision, Stantec developed four scenarios (excluding the status quo and the Alternate 8 scenario created by Mr. MacEwan). Each scenario developed by Stantec contained a different number of polling districts, along with a proposed configuration of boundaries related to each scenario (i.e., each Council size).

[140] In its Report, Stantec explained that in drawing each scenario, it considered the factors enumerated in s. 368(4) of the *MGA*, including, but not limited to, relative parity of voting power and community of interest. Further, Mr. Heseltine indicated in his Report that the proposed boundaries for Stantec 9 took into account Highway #101, a major transportation corridor which runs through the Municipality.

[141] Stantec concluded:

## District Boundaries

District boundaries follow directly from the preferred council size. Stantec devised workable district arrangements meeting the NSUARB parity criterion for a broad range of council sizes. All boundary scenarios prepared by Stantec were well-received by Kings Council members and the public with no suggestions received to change any boundary in any of the scenarios.

The more critical issue would appear to be the appropriate philosophy for constructing new districts. The proposal prepared by Kings staff at the request of the Deputy Warden raised the issue of separating or combining urban and rural areas within the county, which stimulated lively debates during the public consultation sessions. The debate established the pros and cons of each approach but did not reveal a consensus in favour of either.

Given the substantial transformation of municipal governance arrangements in Kings embodied in a change from a warden to a mayor and reduction in the number of Councillors from eleven to nine, a further change in the approach to boundary definition is unwarranted in our opinion. As the number of Kings Councillors is reduced, polling districts inevitably incorporate more diverse areas as the proposal that County staff prepared intentionally seeks to do. Our approach makes extensive use of Highway 101 to define districts to its north and south and, thereby, ensures that districts are readily recognized. Our scenario for nine districts also respects the boundary of the Village of New Minas within proposed District 8, which is an apparent concern of New Minas residents who expressed themselves to Stantec's Project Manager in the course of the public consultation process.

[Exhibit K-1(b), Stantec Final Report, pp. 57-58]

[142] At the Board hearing, and in the letters of comment filed with the Board, the members of the public who favoured the Stantec 9 scenario indicated that its boundaries appropriately reflected the communities of interest in the Municipality. Moreover, the Board notes the Stantec scenarios were outlined in the Report and fully vetted in the public consultation process.

[143] Further, the proposed polling districts in the Stantec 9 scenario all fall within the  $\pm 10\%$  guideline applied by the Board, as shown in the following Table:



<b>Table 2</b> <b>Stantec 9 Scenario</b>				
Polling District	Land Area (KM <sup>2</sup> )	Number of Electors	Variation from Avg. Number of Electors	
			#	%
1 – Blomidon/Port Williams	246.6	4,004	143	3.7%
2 – North Kentville	55.4	4,099	238	6.1%
3 – Centreville to Kingston	436.1	4,140	279	7.2%
4 – Kingston to Aylesford	35.1	3,982	121	3.1%
5 – Greenwood to Lake Torment	677.1	4,078	217	5.6%
6 – Coldbrook to Waterville	33.8	3,754	-107	-2.7%
7 – South Berwick to Blue Mountain	402.3	3,554	-307	-7.9%
8 – New Minas/Greenich	19.6	3,573	-288	-7.4%
9 – Lower Wolfville to Hants Border	274.6	3,563	-298	-7.7%

Total number of electors:	34,747
Number of councillors:	9
Average number of electors per councillor:	3,861

[144] The Board is also mindful that geographic size and population density are factors that must be considered under s. 368(4). Mr. MacEwan was critical of the geographic size of District #5 in the Stantec 9 proposal. The Board does not agree. Given the low population density and the long distances that sometimes exist in rural municipalities, determining the right balance can be a challenge. The Board finds that the Stantec 9 scenario has reasonably addressed the factors required by the statute, including geographic size and population density.

[145] Accordingly, the Board approves the polling district boundaries as recommended in the Stantec 9 scenario.

[146] The Municipality has requested to file digital maps of the approved polling district boundaries. It requests that the written polling district descriptions be replaced with digital maps, which the Board notes would accommodate the more efficient administration of municipal elections.

[147] As noted in prior Decisions, the Board has indicated to municipalities that it will accept digital mapping instead of written polling district descriptions. 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. Mr. MacEwan described a website tool developed by municipal staff that allows residents to type in their postal code/civic number in order to find out in which polling district they reside. The Board finds this to be beneficial to the voting public.

[148] 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.

[149] In this instance, the Board approves the filing of the digital polling district maps by the Municipality.

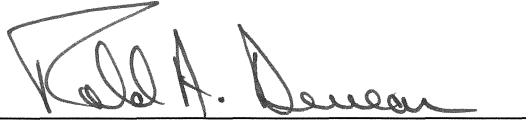
## **VI SUMMARY**

[150] In this Decision, the Board rejects the “Alternate 8” scenario presented to it by Kings Municipal Council.

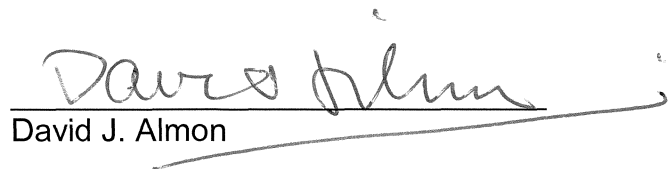
[151] It adopts in its stead the nine district scenario recommended in the Report prepared by the consultants engaged by the Municipality.

[152] An Order will issue after the Board receives the new digital maps for the approved polling districts.

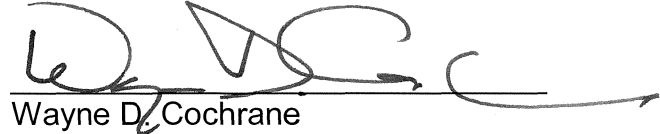
**DATED** at Halifax, Nova Scotia, this 11<sup>th</sup> day of July, 2016.

A handwritten signature in dark ink, appearing to read "Roland A. Deveau", written over a horizontal line.

Roland A. Deveau

A handwritten signature in dark ink, appearing to read "David J. Almon", written over a horizontal line.

David J. Almon

A handwritten signature in dark ink, appearing to read "Wayne D. Cochrane", written over a horizontal line.

Wayne D. Cochrane