

DECISION

**2022 NSUARB 179
M10808**

NOVA SCOTIA UTILITY AND REVIEW BOARD

IN THE MATTER OF THE MUNICIPAL GOVERNMENT ACT

- and -

IN THE MATTER OF AN APPLICATION by the **TOWN OF MULGRAVE** to confirm the number of councillors

BEFORE: Roberta J. Clarke, K.C., Member

APPLICANT: **TOWN OF MULGRAVE**
David Gray, Chief Administrative Officer

HEARING DATE: November 18, 2022

DECISION DATE: **November 28, 2022**

DECISION: **Application is approved.
Number of councillors confirmed at four.**

SUMMARY

[1] The *Municipal Government Act* requires every municipal council to conduct a study and apply to the Nova Scotia Utility and Review Board to confirm or alter the number of councillors and the boundaries of the polling districts.

[2] The Town of Mulgrave applied to confirm the number of councillors. The Board approves the application and sets the number of councillors at four, elected at large.

BACKGROUND

[3] The *Municipal Government Act*, S.N.S. 1998, c. 18 (*Act*) requires every municipal council to conduct a study and apply to the Nova Scotia Utility and Review 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.

[4] The Town of Mulgrave (Town) applied to the Board to confirm the number of councillors. The Notice of Hearing was advertised in *The Reporter* on November 2nd and 9th, 2022. The Notice invited members of the public to provide comments to the Board before the hearing, or to request to speak at the public hearing. The Board did not receive any objections, letters of support, or requests to speak. The hearing was held on November 18, 2022, in the Town's Council Chambers at 459 Murray Street, Mulgrave. No members of the public were present during the hearing; however, Deputy Mayor Krista

Luddington, Councillor Debbie King, and Councillor Bob Russell, were present, along with staff. Mayor Ron Chisholm had extended regrets to the Board prior to the hearing date.

[5] David Gray, Chief Administrative Officer (CAO), presented the application for the Town. In addition to the mayor, four councillors are elected at large. The geographic size of the Town is 17.83 square kilometers. The 2021 Census showed a population of 627, a decrease of 167 from the 2011 census as stated in the last municipal boundary decision for the Town [2015 NSUARB 222], and according to Mr. Gray, a decrease of 95 from the 2016 census. The number of electors for the last municipal election, a special election held in July 2022, was 569, which is 11 electors fewer than the October, 2020 election.

[6] The reasons given in the application for confirming the existing number of councillors were:

- The Council/CAO governance structure is effective with four councillors, allowing for sufficient debate while recognizing the size of the town.
- Three other Towns in Nova Scotia with populations of less than 1,000 residents are each represented by four councillors as well.

[7] Council held a public meeting on October 17, 2022, which was advertised two weeks prior to the meeting date in The Reporter, and on social media. The purpose of the meeting was to discuss the application to the Board. Members of the public were in attendance. Mr. Gray made a presentation about the process at the meeting. Mr. Gray confirmed that no member of the public spoke at the meeting which was held immediately before a regular Council meeting. At the Council meeting, Council unanimously passed a resolution to apply to the Board to confirm the number of councillors at four.

[8] The Deputy Mayor, Councillors and the CAO testified that they had received no comments after the publication of the Board's Notice of Hearing. Mr. Gray said it was

agreed at the Council meeting that, given the geographic size of the Town and the number of electors, there would be no benefit from adopting a ward or polling district format. Councillor Russell testified that the Town had previously had a ward system, but he did not consider such a system is warranted. Mr. Russell said that the at-large system means that councillors consider the Town rather than one's individual ward. He said this Council works as a team serving the entire Town.

[9] The Town operates under a CAO model, and Council's role is primarily one of policy governance. Mr. Gray stated that, although there is some degree of day-to-day involvement as would be expected in a smaller town, the role of the CAO is respected and working well.

[10] The Deputy Mayor and Councillors present at the hearing considered there would be no savings from a reduction in Council size. There would be one less voice to express concerns. They consider the cost of Council to be "money well spent." Deputy Mayor Luddington described Council as "a cohesive team for the whole town" and indicated that all councillors are very involved. Councillor Russell confirmed that Council is working well, with the councillors communicating frequently in between Council meetings. In addition to Council meetings, they are each involved in 10-12 regional and other meetings weekly. He said they are working for the whole Town and things are getting better. Councillor King reiterated these statements and noted that, with anything less than four councillors, it would be difficult to have a quorum for their meetings.

[11] The Board understands that two of the current councillors are employed full-time in addition to their council responsibilities.

FINDINGS

[12] Section 368(5) of the *Act* sets out the criteria for the Board to consider:

368 (5) In determining the number of councillors for a town, the Board shall consider the population and geographic size of the town.

[13] For the purposes of the *Act*, the position of mayor is not included in the number of councillors and, accordingly, does not fall within the scope of this review conducted by the Board.

[14] There were no objections to the Town's application to confirm four councillors, elected at large. The Board is satisfied that Council undertook an appropriate public consultation process. The size of the Town and the number of councillors is similar to other small towns in the province. The Board accepts the Town's reasons for confirming the existing number of councillors, to be elected at large. The Board approves the application.

[15] An Order will issue accordingly.

DATED at Halifax, Nova Scotia, this 28th day of November, 2022.


Roberta J. Clarke