

DECISION

**2024 NSUARB 6
M11383**

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 ANTIGONISH** to confirm the number of councillors

BEFORE: Roland A. Deveau, K.C., Vice Chair
Jennifer L. Nicholson, CPA, CA, Member
Bruce H. Fisher, MPA, CPA, CMA, Member

APPLICANT: **TOWN OF ANTIGONISH**
Jeff Lawrence, Chief Administrative Officer
Dianne Wilson, Deputy Town Clerk

HEARING DATE: December 21, 2023

DECISION DATE: **January 11, 2024**

DECISION: **Application approved.**

I 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 Antigonish applied to confirm the number of councillors. The Board approves the application and sets the number of councillors at six, elected at large.

II 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 Antigonish (Town) applied to the Board to confirm the number of councillors. The Notice of Hearing was advertised in the Chronicle Herald and the Casket newspapers. The Notice invited members of the public to provide written 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 December 21, 2023, and was conducted by videoconference on the GoToWebinar platform. Two members of the public were present during the hearing but did not wish to speak. They supported the application.

[5] Jeff Lawrence, Chief Administrative Officer, and Dianne Wilson, Deputy Town Clerk, presented the application for the Town. They were accompanied by Lise Roy, Strategic Initiatives Coordinator. In addition to the mayor, six councillors are elected at large. The geographic size of the Town is 4.89 square kilometres. The 2021 Census showed a population of 4,656, a slight increase since the last Census. The number of electors for the last municipal election in October 2020 was 4,142.

[6] The reasons given in the application for confirming the existing number of councillors, elected at large, stated that the councillors fairly represent the Town's entire population. The application noted that the number of committees and meetings permits Councillors to share their duties.

[7] In its application, the Town described its process leading to the application:

In support of the Town's application, advertisements by way of newspaper and social media (including Facebook, Twitter and the Town's website) were carried out soliciting the input from residents by way of comments, and/or recommendations respecting the number of Councillors or the establishment of districts within the Town.

As a result, five (5) written and one oral submission were received, with five (5) suggesting the status quo and one suggesting 'districts' [the creation of wards].

[Exhibit A-1, p. 1]

[8] In his testimony during the Board's hearing, Mr. Lawrence said that Council concluded the current workload justified six councillors. He noted that all six councillors have employment outside of their Council duties. Each councillor sits on two or three committees. He also noted that the issues addressed by Council are complicated by the fact that Antigonish is a university town, which effectively doubles the population during the school year. Further, unlike most towns in the province, the Town operates its own electric utility. The Town has recently received approval from the Board for a grid

modernization project. The Town seeks to be the first net-zero emissions community in Canada, further adding to the responsibilities of Council.

[9] At its meeting of September 18, 2023, Town Council approved the application to the Board to confirm the number of councillors at six, elected at large.

III FINDINGS

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

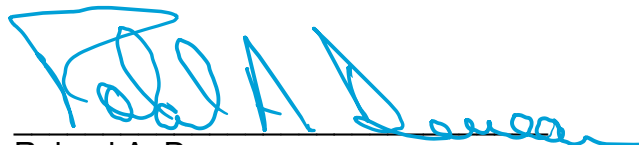
368 (5) In determining the number of councillors for a town, the Board shall consider the population and geographic size of the town.

[11] 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.

[12] There were no objections to the Town's application to confirm six councillors, elected at large. The Board accepts the Town's reasons for confirming the existing number of councillors. The Board approves the application.

[13] An Order will issue accordingly.

DATED at Halifax, Nova Scotia, this 11th day of January, 2024.



Roland A. Deveau



Jennifer L. Nicholson



Bruce H. Fisher