

DECISION

**2023 NSUARB 3
M10784**

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 KENTVILLE** to confirm the number of councillors

BEFORE: Bruce H. Fisher, MPA, CPA, CMA, Member

APPLICANT: **TOWN OF KENTVILLE**

HEARING DATE: November 17, 2022

DECISION DATE: **January 4, 2023**

DECISION: **The application is 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 Kentville 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 Kentville applied to the Board to confirm the number of councillors. The Notice of Hearing was advertised in The Annapolis Valley Register. 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 17, 2022. No members of the public were present during the hearing. Dan Troke, the Chief Administrative Officer (CAO) and Clerk, and Jennifer West, the Deputy Clerk, participated in the hearing. Mayor Sandra Snow also attended the hearing.

[5] The CAO presented the application for the Town. In addition to the mayor, six councillors are elected at large. The geographic size of the Town is 17 square kilometres. The 2021 Census showed a population of 6,630. In the past the Town has seen steady population growth, but it now expects growth to accelerate. The number of electors for the last municipal election in October 2020 was 4,913.

[6] Town staff prepared a survey for the public on the municipal boundary review. It was posted on the web, Facebook, Instagram, the Town newsletter, and was advertised during Town Council meetings. There were 82 responses from residents with 42 preferring the status quo. The Town also benchmarked itself against several other towns. There was no public consultation meeting.

[7] On September 12, 2022, staff presented its findings to the Council Advisory Committee, recommending that the at large system with six councillors be continued. That Committee passed a motion for the report to be forwarded to Town Council. On September 26, 2022, Town Council unanimously approved the recommendation to maintain the current at large system with six councillors.

[8] The Town received no social media comments, no emails, no letters and no telephone calls directly relating to the municipal boundary issue. Staff did acknowledge that general comments around the size of the municipality sometimes arise in other debates.

[9] In explaining the Town's preference for six councillors the CAO explained to the Board that:

... I believe we are at the right balance with regards to that. I think once the Town experiences more incremental growth there might be consideration to adding to the number of seats but based upon the breadth of committees that we have and the breadth of topics that are covered under that I think that where we are is a very reasonable approach with

six councillors and the mayor. Should the population continue to grow or accelerate, which I anticipate, perhaps down the road it may be valuable to look at adding at that point.

...I believe that what would happen by decreasing, in particular many of our members work during the day. So, I think it would place an increased strain on their ability to participate in those committees with the potential then for some of these committees running the risk then if someone couldn't attend or not getting quorum, so it seems to be a good balance where we are right now.

[SF06989, Track 1, (19:01)]

[10] In response to questions, the CAO noted that reducing the number of councillors to five would save \$20,000 out of a budget of \$14 million.

[11] The Board further notes that the Town indicated the 2020 election was contested by multiple candidates. If there were uncontested elections, with councillors elected at large, it could lead the Board to question the size of council. This concern does not arise in this case.

[12] The Board appreciates the Town's efforts to be transparent and to consult the public about this matter.

III FINDINGS

[13] 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.

[14] 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.

[15] 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.

[16] An Order will issue accordingly.

DATED at Halifax, Nova Scotia, this 4th day of January 2023.

A handwritten signature in blue ink, appearing to read "Bruce H. Fisher", with a long horizontal flourish extending to the left.

Bruce H. Fisher