DECISION **2023 NSUARB 76**
M10923

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 MAHONE BAY** to confirm the number of councillors

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

APPLICANT: **TOWN OF MAHONE BAY**

HEARING DATE: April 14, 2023

DECISION DATE: **May 11, 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 Mahone Bay 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 Mahone Bay (Town) applied to the Board to confirm the number of councillors. The Notice of Hearing was advertised in the LighthouseNOW. 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 virtually on April 14th, 2023. No members of the public and no municipal councillors were present during the hearing.

[5] Kelly Redden, Acting Clerk and Deputy Chief Administrative Officer, presented the application for the Town. In addition to the mayor, six councillors are elected at large. The geographic size of the Town is 3.13 square kilometers. The 2021 Census showed a population of 1,064. The number of electors for the last municipal election in October 2020 was 916.

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

- to ensure adequate diversity of perspectives and representation that reflect the community;
- to ensure effective distribution of increasing workload demands faced by Council; and
- to foster ease of access and communication for elected officials with community members.

[7] The Town had an extensive public engagement process that began with the approval of a Public Engagement Plan at the January 27, 2022, Council meeting. A special page was created on the Town's website and the boundary review was a regular feature in the Mayor's monthly newsletter. Information was shared through social media.

[8] An online survey was launched in May of 2022 asking, "Should there be polling districts?" And "Should Mahone Bay Town Council be made up of four Councillors plus a Mayor or six Councillors plus a Mayor?" The survey included pros and cons, based on the last three municipal boundary reviews. Twenty-nine people answered the survey: 27 favoured no polling districts and 20 favoured six councillors.

[9] On July 12, 2022, Council met and declared its preference, for the purposes of public consultation, for six councillors at large. A public meeting was held on September 7, 2022, and six citizens attended. All six agreed that councillors should be elected at large and five of the six preferred a council of six plus a mayor. Town Council passed the recommended proposal on October 11, 2022.

III FINDINGS

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

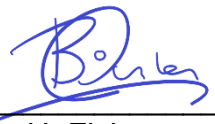
> **368 (5)** In determining the number of councillors for a town, the Board shall consider the population and geographic size of the town.

[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 commends the Town for its public consultations which were thorough, informative, and well communicated. The Board approves the application.

[13] An Order will issue accordingly.

DATED at Halifax, Nova Scotia, this 11th day of May, 2023.



Bruce H. Fisher