

**Cape Breton Regional Municipality**

**Special Council Meeting**

**AGENDA**

**TUESDAY, JANUARY 25, 2022**

**9:30 AM**

Via Video Conferencing

# Cape Breton Regional Municipality

## Special Council Meeting

Tuesday, January 25, 2022

9:30 a.m.

### **AGENDA ITEMS**

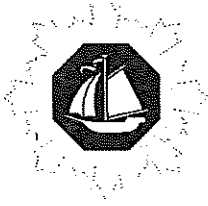
---

#### **Land Acknowledgement**

#### **Roll Call**

1. **APPROVAL OF AGENDA:** (Motion Required)
2. **Overview of Meeting Process and Expectations:** Mayor Amanda M. McDougall
3. **CBRM District Boundary Review:** Michael Ruus, Director of Planning & Development (See page 3)
4. **Qualifications to Run for Municipal Election:** Mayor Amanda M. McDougall will lead discussion (See page 8)
5. **Review of Action Items from the Meeting:** Mayor Amanda M. McDougall

#### **ADJOURNMENT**



**CAPE BRETON**  
REGIONAL MUNICIPALITY

---

## **MEMO**

**TO:** CBRM Council

**DATE:** January 19, 2022

**FROM:** Director, Planning and Development

**RE: CBRM DISTRICT BOUNDARY REVIEW**

---

### **BACKGROUND**

Section 369 of the *Municipal Government Act (MGA)* requires municipal councils to conduct a study of polling districts in the municipality every eight years. This study must encompass a review and justification of the number of districts, district boundaries, and ensure equitable distribution of electors.

In December of 2021, the Clerks Office received correspondence from the Nova Scotia Utility and Review Board (the Board) advising that CBRM must apply to the board in 2022 to “confirm or to alter the number and boundaries of polling districts and number of councillors” (**APPENDIX A**).

This report is intended to provide a preliminary overview of the boundary review process, Council’s responsibilities for a review, and considerations for the process.

### **DISCUSSION**

While the *MGA* does not outline the requirements for the study or criteria for districts, the Board directs that the review should be completed in two phases. Additionally, the *Municipal Government Act Rules* provide the requirements for the review submission. Generally, there are two parts to the process:

1. Deciding on the number of councillors – determined by Council, informed by public consultation of an effective and efficient number of councillors.
2. Determining district boundaries and ensuring voter parity – distributing districts based on the number of councillors, balancing the number of electors, parity of voting power, population density, community of interest and geographic size.

## **Public Consultation Considerations**

Council has discretion on how to organize the process, with the opportunity to form a committee overseeing the effort and may also hire a consultant. The type and amount of consultation during the process is determined by Council, but it must give an opportunity for the public to express their views on the two key elements mentioned above.

Both phases of consultation should have a mix of consultation methods (in-person, virtual, etc.) to ensure a representative set of feedback is collected from residents. The on-going COVID-19 pandemic poses significant challenges for public consultation, and contingencies should be planned if in-person gathering restrictions continue.

## **Council Policy Considerations**

The Cape Breton Regional Municipality Viability Study, adopted by Council in 2019, recommended that Council explore the benefits and drawbacks of transitioning to a municipal structure consisting of three districts. The intent of this is to support improving larger regional objectives and mentalities (**APPENDIX B**). The boundary review process will need to explore alternative organizational structures and survey residents, seeking feedback on such a change.

Section 10 of the *MGA* limits the number of councillors per district to one for regional municipalities. CBRM will need to work with the Provincial Government to consider an amendment to the *MGA* supporting the recommendation.

## **NEXT STEPS**

A Motion of Council recommending the results of the boundary review is required to be sent to the Board before the end of the year. To prepare the necessary study, staff need Council's direction on:

- Is it Council's intent to form a Council Committee to oversee the process?
- Depending on the scope of the review, it is reasonable to hire a consultant. Does Council want to hire a consultant for the review?
- Does Council want to explore changes to the number of councillors and districts?
- Does Council intend to pursue the implementation of the Viability Study recommendation?

Respectfully submitted by:

## **Original Signed by**

Michael Ruus  
Director, Planning and Development



## Nova Scotia Utility and Review Board

*Mailing address*

PO Box 1692, Unit "M"  
Halifax, Nova Scotia  
B3J 3S3  
board@novascotia.ca  
<http://nsuarb.novascotia.ca>

*Office*

3rd Floor, 1601 Lower Water Street  
Halifax, Nova Scotia B3J 3P6  
1 855 442-4448 (toll-free)  
902 424-4448 t  
902 424-3919 f

December 10, 2021

[mjwalsh@cbrm.ns.ca](mailto:mjwalsh@cbrm.ns.ca)

Cape Breton Regional Municipality  
c/o Chief Administrative Officer  
320 Esplanade  
Sydney, NS B1P 7B9

Dear Ms. Walsh:

### **S. 369 of the Municipal Government Act – 2022 Municipal Boundary Review**

Section 369 of the *Municipal Government Act* requires councils of every town and municipality to apply to the Nova Scotia Utility and Review Board in 2022 to “confirm or to alter the number and boundaries of polling districts and the number of councillors.” All councils must conduct a study into the number of councillors and into the reasonableness and fairness of the number and boundaries of polling districts before making the application to the Board.

Enclosed is a copy of a User Guide prepared by the Board to provide guidance to towns and municipalities in the preparation of their applications. This information is also available on the Board’s website: <https://nsuarb.novascotia.ca/> under the Municipal Boundaries page.

Also, enclosed is a copy of Board’s *Municipal Government Act Rules (Rules)*. *Rule 27* sets out the information that is required to be filed by towns and municipalities which have polling districts or wards (to be completed on Form C). *Rule 28* sets out the requirements for towns which have no polling districts or wards (Form D).

If you have questions about the application process, please contact the undersigned. Please confirm receipt of this letter.

Yours very truly,

### **Original Signed by**

Brucé Kiley  
Chief Clerk of the Board

Encl.

### **Recommendation 5: Explore the Benefits and Drawbacks of Transitioning to a Municipal Structure Consisting of Three Districts**

Although the communities and towns that comprise the CBRM have strong cultural identities, the reality is the areas are essentially suburbs of the CBRM. Prioritizing development of strong urban cores have strongly contributed to accelerated growth in large municipalities across Canada. The current governance structure of district representation supports independent perspectives, placing councillors in competition with one another over limited resources. Amending the representation to reflect three districts of Northern, Central, and Eastern could support improving larger regional objectives and mentalities.

**Current State:** Although there has been tremendous progress made regarding consolidation and unification following amalgamation, consultations with representatives from the CBRM routinely identified the existing and historical political structure as an ongoing hurdle for progressing regional objectives. The current model sees elected councillors from the 12 districts pursuing initiatives reflecting the perspectives of voters in their respective districts. Foregoing district priorities for larger regional projects could likely result in councillors losing their seat if voters feel district views are not being prioritized. The inability to develop a unified identity has at times resulted in districts clashing over strategic objectives and placing excess demands on an already strained municipal government. For example, it was revealed that all former entities hold independent events regarding seasonal festivals (i.e. Canada Day, Christmas Festivals), an occurrence that would likely not be found in municipalities of far greater size and populations.

#### **Evidence: Moncton, Dieppe, and Riverview, New Brunswick.**

The three cities of Moncton, Dieppe, and Riverview are in such close proximity to one another that the boundaries separating the areas are being increasingly scrutinized by taxpayers. The results of a survey administered to residents from all three cities suggested 59 percent of residents supported the idea of amalgamation<sup>45</sup>. The Greater Moncton Metropolitan Area is already providing shared services and coordinating larger strategic objectives through regionalization. However, additional redundancies clearly exist and while residents in communities fear losing their identity, many residents have realized expanding municipal services and reorganizing government structures provide tangible benefits that likely outweigh the perceived loss of identity.

#### **Suggestions for Implementation:**

1. *Develop a potential model with an amended district representation model to support regional planning:* Assess potential organizational structures that provide the CBRM with an improved ability to balance the needs of residents and strategic initiatives of the CBRM that is not dependent on district representation.
2. *Survey residents to assess the appetite for the proposed changes:* Any changes to the governance model would likely need significant input from residents in order to progress. Formulating a public consultation campaign will support progressing any potential amendments to the current governance structure.

<b>Ease of Implementation</b>	<b>Areas and Potential Magnitude of Impact</b>
<b>Low:</b> Reorganizing the political governance structure of the CBRM would require significant political will and alignment among existing districts. From a review of	<b>Economic Health – Moderate:</b> The improved ability to create alignment among municipal representatives regarding strategic priorities will positively influence the economic health of the region.

<sup>45</sup> "Residents continue to support the amalgamation of Dieppe, Riverview, and Moncton", Corporate Research Associates, May 2018

<p>historical perspectives, it appears consensus among existing districts would be difficult to achieve in an efficient manner.</p>	<p><b>Livability – Moderate:</b> Improving a unified regional strategy and shared regional identity will support initiatives that provide continued benefits to all residents in the long-term.</p> <p><b>Business &amp; Policy Environment – Moderate:</b> The improved ability to create alignment among municipal representatives will support continued improvements to the business and policy environment.</p> <p><b>Human Capital – Low:</b> Amendments to the governance structure will do little to directly influence the levels of human capital, but improving the agility of decision making among councillors and prioritizing improvements to human capital will support growth in the long-term.</p>
-------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

**Potential Risks and Mitigation Strategy:**

1) Lack of support among residents	
Anticipated Problem	It appears that a number of residents are still not pleased with events that occurred as a result of amalgamation, which is approaching the 25 year milestone. The general attitudes reflecting amalgamation presuppose that further changes to governance will not be positively received.
Mitigation Strategy	The current system of governance supports the perspectives of independent districts over regional perspectives. Reassuring residents that amendments will provide the region with improved decision making capabilities that will benefit all residents in the long-term, supported by a well-defined plan, will support buy-in from residents.

**Policy**

**Recommendation 1: Explore Potential Solutions to Expedite the Processing of Delinquent and Abandoned Properties**

As the CBRM seeks to develop and repurpose specific areas with vacant properties, the current tax sale process and the associated complexity appears to be adding to the high number of properties lying vacant. Previous auctions have resulted in properties that have sold for a fraction of the assessed value during the tax sale auction (winning bids as low as \$600), with buyers routinely sitting on the land as a low-cost, low-risk investment. As an increasing number of strategic properties transfer to independent buyers who have historically foregone developing the sites, the CBRM loses the ability to transition larger areas of vacant land into redeveloped areas.

**Current State:** The high number of abandoned and tax-delinquent homes has resulted in a back-log of receivable taxes and a lengthy administrative process to transition the property to a tax sale. Additionally, the cost to potentially demolish and maintain the property increases costs that are rarely recovered from the current sale process.

**Evidence:** The high occurrence of vacant and abandoned properties appears to be occurring at a level that is somewhat unique to the CBRM. Outside of Canada, numerous urban and rural centers across the U.S. are dealing with the increasing trend. Some potential resolutions have included property and land sales to developers based on preapproved development plans, and volunteer mandates by property owners facing outstanding debts with the inability to pay. It is clear that there is no standard solution to this challenging problem, yet any improvements will benefit all parties.



# M·E·M·O

**To:** Mayor Amanda M. McDougall & Members of Council  
**From:** Demetri Kachafanas, Q.C. – Regional Solicitor  
**Date:** January 20, 2022  
**Subject:** Qualifications to Run for Municipal Election

The qualifications to serve on Council are governed by the Nova Scotia *Municipal Elections Act*. Section 17 deals with the eligibility to be a Councillor. Section 17 states:

17 (1) Except as otherwise provided in this Act, every person shall be qualified to be elected as councillor who

- (a) is a Canadian citizen of the full age of eighteen years at the time of nomination;
- (b) has been ordinarily resident in the municipality or in an area annexed to the municipality for a period of six months preceding nomination day, and continues to so reside;
- (c) has obtained a certificate in the prescribed form from the clerk, treasurer, collector or other official having knowledge of the facts that, as of nomination day, the charges that are liens on the person's property and the taxes due to the municipality by the person have been fully paid or all instalments or interim payments that are due as of nomination day have been paid; and
- (d) is not disqualified under this Act.

Section 18 deals with disqualified persons. Section 18(1)(f) states that no person is qualified to be nominated or to serve as councillor who has been convicted of any corrupt practice or bribery contrary to this Act within five years preceding nomination day. It would appear that the legislature has turned its mind to what type of criminal offences for which a conviction would prevent a person from serving as a Councillor.

I would note that any changes to the qualifications to run as a candidate or to serve as a Councillor would require amendments to the Act, which is applicable to all municipalities in Nova Scotia.

Thank you.

**Yours truly,**

*Original signed by:*  
**Demetri Kachafanas, Q.C.**

