

Cape Breton Regional Municipality

Special Council Meeting – Minutes

**Tuesday,
January 25, 2022
9:32 a.m.
Via Video Conference**

Mayor Amanda M. McDougall called the meeting to order.

Present:

Mayor Amanda M. McDougall
Councillor Gordon MacDonald
Deputy Mayor Earlene MacMullin
Councillor Cyril MacDonald
Councillor Steve Gillespie
Councillor Eldon MacDonald
Councillor Glenn Paruch
Councillor Steve Parsons (left 10:33 a.m., returned 11:04 a.m.)
Councillor James Edwards
Councillor Ken Tracey
Councillor Darren Bruckschwaiger (left 10:10 a.m., returned 10:25 a.m.)
Councillor Darren O’Quinn (arrived 9:47 a.m.)

Staff:

Marie Walsh, Chief Administrative Officer
John MacKinnon, Deputy Chief Administrative Officer
Deborah Campbell Ryan, Municipal Clerk
Jennifer Campbell, Chief Financial Officer
Demetri Kachafanas, QC, Regional Solicitor
Michael Ruus, Director of Planning and Development
Sharon MacSween, Recording Secretary

Absent:

Councillor Lorne Green (Regrets)

Summary of Decisions

Land Acknowledgement

Roll Call

2. Overview of Meeting Process and Expectations:

Mayor McDougall advised that a Boundary Review is required to take place by the end of the calendar year and the intention of the meeting today is to start the preliminary discussion on the process and the options that Council may want to explore during the review of the electoral structure.

1. Approval of Agenda:

Motion to approve the January 25, 2022 Special Council agenda as presented. **Carried.**

3. CBRM District Boundary Review:

Motion that staff be directed to prepare an Issue Paper for Council on the composition and requirements of an Ad Hoc Committee to oversee the Boundary Review process, and to include an estimate on the pricing and expectations of a consultant to carry out the review. **Carried.**

Motion that that staff be directed to engage with the Province and community regarding the Viability Study recommendation on the three-district option for consideration by the Ad Hoc Boundary Review Committee. **Carried.**

4. Qualifications to Run for Municipal Election:

Motion that CBRM send correspondence to the Nova Scotia Federation of Municipalities (NSFM) to initiate discussion with the other municipalities regarding possible changes to the *Municipal Elections Act* regarding qualifications to run for municipal elections (i.e. criminal record and vulnerable sector check). **Carried.**

5. Review of Action Items from the Meeting:

Mayor McDougall reviewed the action items from the meeting.

Adjournment

Land Acknowledgement

Roll Call

1. Overview of Meeting Process and Expectations:

Mayor McDougall advised that a Boundary Review is required to take place by the end of the calendar year and the intention of the meeting today is to start the preliminary discussion on the process and the options that Council may want to explore during the review of the electoral structure.

2. Approval of Agenda:

Motion:

Moved by Councillor Parsons, seconded by Deputy Mayor MacMullin, to approve the January 25, 2022 Special Council Agenda as presented.

Motion Carried.

3. CBRM District Boundary Review:

Michael Ruus, Director of Planning and Development, reviewed his Memo that was included in the agenda package. He advised that in accordance with Section 369 of the *Municipal Government Act (MGA)*, municipal councils are required to conduct a study of polling districts in their municipality every eight years, which includes a review and justification of the number of districts, district boundaries, and an equitable distribution of electors.

Director Ruus provided a preliminary overview of the boundary review process, Council's responsibilities for a review, and process considerations.

Director Ruus explained that Council has discretion on how to organize the process, from forming a committee to oversee the effort and or also hire a consultant. Consultation during the process is determined by Council, however the process must give the public an opportunity to express their views on the two key parts of the boundary review process.

The Director of Planning and Development noted that the Viability Study, adopted by Council in 2019, recommended that Council explore transitioning to a municipal structure consisting of three districts with the intent to support improving larger regional objectives and mentalities.

Continued...

CBRM District Boundary Review (Cont'd):

The boundary review process will need to explore alternative organizational structures and survey residents, seeking feedback on such a change, however, Section 10 of the *MGA* limits the number of councillors to one per district for regional municipalities. If Council wants to consider the Viability Study recommendations, CBRM will need to work with the Province to consider amendment to the *MGA*.

Mr. Ruus advised that a motion of Council is required to initiate the boundary review study. Staff require Council's direction on the creation of a committee to oversee the process, budget considerations for hiring a consultant, exploring changes to the number of councillors, and whether to pursue the implementation of the Viability Study recommendation that was provided in the package. The boundary review process will need to be complete before an application is made to the NSUARB before the calendar year end of 2022.

Following the staff report, Mayor McDougall advised as the *MGA* will be under review this year, so if there are any suggested changes this would be the time to request same.

At this point in the meeting, it was **agreed** to relax the speaking time rules to allow 5 minutes for each Councillor turn.

Some of the Council discussion included:

- If an amendment to the *MGA* is sought by Council to allow the Viability Study recommendations, would there be enough time to amend legislation if the Province agrees?;
- Demographic comparison and geographic size of districts
- NSUARB consider plus or minus 10% of the average for voter parity comparisons;
- Creation of an ad hoc committee and work with the Department of Municipal Affairs and Housing Advisor on the boundary review process;
- Transparent process – hire an independent consultant for the study and make a recommendation based on consultation results;
- Any change to the CBRM boundaries would not take effect until the next election;
- Some of current Council may not re-offer or be re-elected;
- If there is a reduction of Council seats, will the future Councillor role be a full-time job and with full-time support staff;
- Viability Study recommendations did not suggest a reduction in Council size;
- Councillors with large geographic areas are not compensated for district travel;
- Sustaining CBRM with a 3-district approach (Central, North and East);
- Council should be at arms length to an ad hoc committee;

Continued...

CBRM District Boundary Review (Cont'd):

Mayor McDougall reminded Council that staff require direction to begin the process. The following motion was then put forward:

Motion:

Moved by Deputy Mayor MacMullin, seconded by Councillor Edwards, that staff be directed to prepare an Issue Paper for Council on the composition and requirements of an Ad Hoc Committee to oversee the Boundary Review process, and to include an estimate on the pricing and expectations of a consultant to carry out the review.

Discussion:

Some of the discussion included:

- Terms of Reference for an Ad Hoc Committee;
- Viability Study recommendation re: three-district option;
- Suggestion that the Ad Hoc Committee have minimal Council representation;
- Hire a consultant vs. CBRM Planning staff facilitating the review process, noting that current projects would have to be deferred should Council direct that Planning staff carry out the review.

Motion Carried.

In response to discussion, Mayor McDougall suggested that it will be the work of the ad hoc committee to recommend on whether to engage a consultant.

Motion:

Moved by Deputy Mayor MacMullin, seconded by Councillor Bruckschwaiger, that staff be directed to engage with the Province and community regarding the Viability Study recommendation on the three-district option for consideration by the Ad Hoc Boundary Review Committee.

Discussion:

Some of the discussion included:

- This would be information-gathering only to be used as a resource for the Ad Hoc Committee;
- The decision rests with Council whether to include the Viability Study recommendation as part of the scope of the Terms of Reference for the Ad Hoc Committee.

Motion Carried.

4. Qualifications to Run for Municipal Election:

Mayor McDougall introduced this issue and advised that Council members often receive inquiries from the public regarding eligibility to run for Council. She noted that while many CBRM staff and volunteers must provide proof of criminal record and vulnerable sector screening (VSS), it is not a requirement under the legislation to be eligible to run in a municipal election.

The Regional Solicitor reviewed his Memo included in the agenda package, noting that the qualifications to serve on Council are governed by the Nova Scotia *Municipal Elections Act* (MEA). In saying 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. Council cannot change this requirement; an amendment to the MEA would be necessary and would affect all municipalities in Nova Scotia. If Council wants to ask the Province to consider amendments to the legislation, then they may want to suggest the problem they want addressed with any such the amendment.

Mr. Kachafanas advised that CBRM volunteers and employees requiring criminal record checks and VSS clearances is a different situation than an individual running for office. Those background checks depend on the role that the volunteer and employee will have at CBRM.

Councillor Gillespie suggested that if Council will be requesting changes to the legislation, to include a request for possible amendments to limit the amount of money that can be donated to a municipal election campaign (similar to requirements in the HRM Charter). Councillor Gillespie noted there are also limits on campaign contributions for provincial and federal elections.

Deputy Mayor MacMullin suggested that because all municipalities are bound by the MEA, that Council should forward these concerns to Nova Scotia Federation of Municipalities (NSFM) to initiate discussion.

The following motion was then put forward:

Motion:

Moved by Deputy Mayor MacMullin, seconded by Councillor Gillespie, that CBRM send correspondence to the Nova Scotia Federation of Municipalities (NSFM) to initiate discussion with the other municipalities regarding possible changes to the *Municipal Elections Act* regarding qualifications to run for municipal elections (i.e. criminal record and vulnerable sector check).

Continued...

Qualifications to Run for Municipal Election (Cont'd):

Motion (continued):

Discussion:

Some of the discussion included:

- **Agreed** the Deputy Mayor to sign the letter on Council's behalf because the Mayor currently serves as President of the NSFM;
- This could be a possible topic for discussion at the NSFM Spring Conference;
- Concerns raised in the past by Councillor Gillespie regarding municipal elections to be provided for inclusion in the correspondence.

Motion Carried.

Following the motion, Councillor Bruckschwaiger advised that in the past, Council would identify issues that should be brought to the NSFM level. He recommended that Council have a discussion with staff on possible topics for consideration at the NSFM Spring Conference.

Mayor McDougall advised that this will be added to the action items from the meeting, and asked Council to provide her office with their top 5 issues and those will be included in correspondence to the NSFM.

5. Review of Action Items from the Meeting:

Mayor McDougall reviewed the action items from the meeting:

- The letter to NSFM under the Deputy Mayor's signature regarding qualifications to run for municipal election will be provided to the Clerk's Office for circulation to NSFM on behalf of Council.
- Mayor to send follow-up email to all Council requesting their top five (5) issues they want to have discussed at the NSFM Spring Conference.
- Updates regarding the Boundary Review process to be included on the agendas for regular Council meetings.

Adjournment at 11:09 a.m.

Mayor Amanda M. McDougall

**Deborah Campbell Ryan
Municipal Clerk**

/slm