

ELECTORAL BOUNDARIES and MUNICIPAL COUNCIL SIZE REVIEW
Municipality of the County of Victoria
2014

Section 369 (1) of the *Municipal Government Act* states “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”. Section 369 (2) of the Act goes on to state: “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.”

The Municipality of the County of Victoria has acknowledged this requirement to conduct an electoral review and on January 20, 2014 passed the following motion: “It was moved by Councillor Buchanan, seconded by Councillor Dauphinee, that the CAO undertake the Municipal Electoral Boundary Review with public consultations to be held in each of the municipal districts.”

The study commenced with the gathering of information from the previous submission to the Board in 2007 and the statistical information for the Municipal Elections of 2004, 2008 and 2012. Statistics Canada’s census information for 2006 and 2011 were also reviewed. Following this step a review of the requirements of the Utility and Review Board was conducted.

UARB 2007 DECISION

In our 2007 Nova Scotia Utility and Review Board Hearing - NSUARB-MB-07-08, the Board stated at paragraph [10] “In previous municipal boundary decisions prior to 2004, the Board had permitted a maximum variation of +\ - 25% from the average number of electors per Councillor as the appropriate guideline to use in reviewing the number and boundaries of polling districts. The +\ - 25% variance has occasionally been exceeded by some municipalities. It has always been the Board’s intention, however, that this variance should represent the maximum range, rather than the rule.”

At paragraph [11] the Board continues “In 2004 the Board determined that the target variance for relative parity of voting power shall be +\ - 10% from the average number of electors per polling district: See Re Halifax Regional Municipality, [2004] NSUARB 11. Any variance in excess of +\ - 10% must be justified in writing. The larger the proposed variance, the greater is the burden on the municipal unit, to justify the higher variance, from the average number of electors.

[12] While the Board will permit variances up to +\ - 25% the outer limits of this range should only apply in exceptional cases, where the affected municipality provides detailed written reasons showing that population density, community of interest, or geographic size clearly justify the necessity of an increased variance within a polling district. In most cases, however, the Board expects municipalities to meet a target variance of the number of each polling district which is within a +\ - 10% range of the average.”

At the time of the 2007 UARB decision, the election results from the 2004 election showed that Victoria County fell within the +/- 10% variance sought by the Board as shown in Table 1 below. In our submission to the Board, the County recommended the number of Councillors and the size of municipal polling districts within the county remain unchanged. The UARB's decision, delivered in September 2007 concurred with that recommendation.

Table 1

| 2004 Municipal Election | | | |
|-----------------------------------|---------------------------|------------------------------|---------------------------|
| Polling District | Number of Electors | Variance from Average | Number of Electors |
| | | # | % |
| 1 | 708 | 0 | 0 |
| 2 | 733 | 25 | 3.5% |
| 3 | 777 | 69 | 9.7% |
| 4 | 632 | (76) | (10.7%) |
| 5 | 680 | (28) | (4%) |
| 6 | 637 | (71) | (10%) |
| 7 | 732 | 24 | 3.4% |
| 8 | 763 | 55 | 7.8% |
| Number of Electors | 5,662 | | |
| Number of Councillors | 8 | | |
| Average number of Electors | 708 | | |

Subsequent to the 2004 election, Statistics Canada conducted the 2006 Census. Statistics Canada has determined that the population of Victoria County was 7,962 for the 2001 Census and in 2006 showed 7,594. The 2011 Census puts our current population at 7,115 residents.

It should be noted that the Census information counts everyone within the County, while the election results, only reflect the eligible voters within our boundaries. Those under eighteen years of age, as well as those unable to cast a ballot for various reasons, would not be included in our electoral count. It is interesting to note that the 2006 Census has our count at 7,594 residents and also shows that 1,700 of those persons were under the age of nineteen. That would leave 5,894 people as potential voters. In the 2008 election we had 5,794 eligible voters.

In 2008 the County residents again cast their ballots in the municipal election, without any change in the number of Councillors eligible for election or any change in the electoral boundaries.

The election results for 2008 are shown in Table 2 below.

Table 2

| 2008 Municipal Election | | | |
|-----------------------------------|--------------------|--|---------|
| Polling District | Number of Electors | Variance from Average Number of Electors | |
| | | # | % |
| 1 | 695 | (30) | (4.3%) |
| 2 | 739 | 14 | 1.9% |
| 3 | 908 | 183 | 25.2% |
| 4 | 607 | (118) | (16.3%) |
| 5 | 772 | 47 | 6.5% |
| 6 | 564 | (169) | (22.3%) |
| 7 | 779 | 54 | 7.4% |
| 8 | 730 | 5 | .7% |
| Number of Electors: | 5,794 | | |
| Number of Councillors | 8 | | |
| Average number of electors | 725 | | |

The 2008 election results show a slight increase in the number of eligible electors, increasing from 5,662 in 2004 to 5,794 in 2008. This increase may be the result of more diligent voter registration.

In 2012 the municipal election audience was again reduced with only 4,933 electors eligible to cast ballots.

The results of the 2012 municipal election are detailed in Table 3.

Table 3

| 2012 Municipal Election | | | |
|-----------------------------------|--------------------|--|---------|
| Polling District | Number of Electors | Variance from Average Number of Electors | |
| | | # | % |
| 1 | 543 | (74) | (12.0%) |
| 2 | 702 | 85 | 13.8% |
| 3 | 644 | 27 | 4.4% |
| 4 | 448 | (169) | (27.4%) |
| 5 | 761 | 144 | 23.3% |
| 6 | 500 | (117) | (19.0%) |
| 7 | 717 | 100 | 16.2% |
| 8 | 618 | 1 | - |
| Numbers of Electors | 4,933 | | |
| Number of Councillors | 8 | | |
| Average Number of Electors | 617 | | |

Given the statistical information presented in Tables 2 and 3, it is apparent that in 2008 the Municipality had five individual polling districts which fell within the UARB's desired +/-10% variance while three districts, District 3, 4, and 6 were outside the range.

In the 2012 election only two districts, 3 and 8, met the desired ratio with districts 1,2,4,5,6 and 7 being outside the +/-10% target.

Nova Scotia Utility and Review Board

The Nova Scotia Utility and Review Board issued a “User Guide” to assist municipalities in conducting this required review. On page two of the guide the Board recommends a two-step process to address the objectives of the study. The Board indicates that step one of this process should be for Council to determine the desired number of Councillors. However, the guide goes on to state “determining the size of Council involves the consideration of the desired style of Council..... the style of government is a question which should not be decided by Council until adequate public consultation has occurred respecting the expectations of its constituents.”

The second step, once the number of Councillors and polling districts is determined, is to distribute the polling districts to satisfy the objectives listed in section 368 (4) of the *Municipal Government Act*.

Section 368(4) states “in determining the number and boundaries of polling districts the Board shall consider number of electors, relative parity of voting power, population density, community of interest and geographic size”.

Public Consultation Process

Public consultation meetings were scheduled for each of the eight municipal districts. The meeting schedule and locations were posted on the municipal website, as well as advertised in two issues of the *Victoria Standard*. On May 20th, 2014 the *Chronicle Herald* featured an article on the Victoria County municipal boundary review process. The May 26th edition of the *Victoria Standard* also featured an article on the review process.

Victoria County Municipal Councillors were asked not to attend the public sessions as it was felt that a more open and franker discussion might occur without them in the audience.

The schedule of public consultations is shown below in Table 4.

Table 4

| Schedule of Public Consultations | | | |
|----------------------------------|------------|------|--|
| Tuesday May 20 | District 1 | 7 pm | Little Narrows Community Hall, Little Narrows |
| Wednesday May 21 | District 2 | 7 pm | Baddeck Valley Community Hall, Baddeck Forks |
| Thursday May 22 | District 3 | 7 pm | St. Michael’s Parish Hall, Baddeck |
| Wednesday May 28 | District 4 | 7 pm | North Shore & District Fire Hall, Indian Brook |
| Thursday May 29 | District 5 | 7 pm | Big Bras d’Or Fire Hall, Big Bras d’Or |
| Tuesday June 3 | District 8 | 6 pm | Cape North United Church Hall, Cape North |
| Tuesday June 3 | District 7 | 8 pm | St. Andrew’s Parish Centre, Neil’s Harbour |
| Wednesday June 4 | District 6 | 7 pm | St. John’s Anglican Church Hall, Ingonish |

A total of twenty-four individuals attended these sessions. The sessions were conducted in an informal manner with the author outlining the reasons for conducting the review and seeking opinions from those in attendance. While attendance was sparse, virtually every one in attendance expressed their concern about the declining population base.

They were not, however, unanimous in how this declining population should affect our municipal representation.

Only one individual, in the public sessions, expressed the opinion that it was time to stop reducing our government representation and bring “local” back into local government. The concern focused on the tendency to have fewer representatives serving greater geographic areas. The example cited was the recent provincial redistribution of seats for the Nova Scotia Legislative Assembly. Where once our MLA represented only Victoria County, now she represents Victoria, as well as a portion of the Cape Breton Regional Municipality, serving about 11,000 electors.

In general, the greater majority of the attendees recognized the serious decline in population within the County, and cited the declining school population as evidence of a serious problem which will continue to affect our families, our communities, and our futures. Many of those in attendance did not want to lose “their” Councillor, but they recognized the need to have Councillors represent a larger area than has been the case in the past. They also recognized the merits of having the Councillors each represent approximately the same number of citizens.

In our public consultation process we also allowed for, and encouraged, written submissions from our residents.

In response to this opportunity, we received three formal written submissions wherein the writers, again, were not unanimous in the direction the Municipality should follow. One writer recognized the growing problem of our declining population base, but, also cautioned about reducing the size of Municipal Council too much, as a smaller Council would have less diverse points of view. The other two submissions called for a reduction in the number of Council districts.

The role of the Municipal Electoral Boundary Review is not to establish the size of future Council representation. The role was to gauge public opinion on the path our communities would like to see our municipal leaders lead us. It is the responsibility of Municipal Council to decide the size of future Councils and then make an application to the Nova Scotia Utility and Review Board for them to either confirm or alter Council’s decision.

Five options are presented below to assist Municipal Council in reaching their recommendation to the UARB.

Option 1

Status Quo

Under Option 1 there would be no change in the number of Councillors and no change in the boundaries of the districts they represent. Under this option only two districts would fall within the UARB target of $\pm 10\%$ variance for voter parity. The other six districts would range from 23.3% over to 27.4% under equal representation for voter parity.

This option would require a substantial presentation to the Utility and Review Board to justify the extreme differences in voter parity within the County.

Option 2

Status Quo with adjustments

Under Option 2 there would be no change in the number of Councillors, but the district boundaries would change to level out the extreme differences in voter parity and provide a relatively equal voter representation on Council.

This option would require new district boundaries to be established to provide approximately 600 voters per district.

The drafting of new district boundaries would be a subjective exercise based on community of interest and geography.

Tentative boundaries could fall along these lines:

District One – Iona, Little Narrows, Bucklaw, and Wagmatcook and add: Trans-Canada Highway to Buckwheat Road.

District Two – Middle River and Big Baddeck but remove: Trans-Canada Highway from Nyanza bridge to Buckwheat and remove: residents from Shore Road (Tim Horton's to Baddeck Boundary)

District Three - Baddeck West and Baddeck East and add: residents from Shore Road (Tim Horton's to Baddeck boundary (including Alderwood) and remove: Baddeck Bay

District Four – North Shore, North River, Englishtown, Port Bevis and add: Baddeck Bay and New Campbellton and New Harris.

District Five – Boularderie Island and remove: New Harris and New Campbellton.

District Six – Ingonish and move district boundary from MacKrous subdivision north to point x. (Point x is the location where you would have approximately 150 voters north of the MacKrous subdivision)

District Seven – Neil's Harbour/New Haven Smelt Brook and White Point and move southern boundary from MacKrous subdivision north to point x.

District Eight – Effie’s Brook north to Dingwall, Cape North, Bay St Lawrence

Under this tentative distribution the district representation would look approximately as shown in Table 5.

Table 5

| | | Option 2 |
|-------------------|-----------------------------------|------------|
| District 1 | Iona | 235 |
| | Little Narrows | 169 |
| | Bucklaw/ Wagmatcook | 139 |
| | TCH to Buckwheat | 40 |
| | Total | 583 |
| District 2 | Middle River | 247 |
| | Big Baddeck | 345 |
| | Total | 592 |
| District 3 | Shore Road | 70 |
| | Baddeck West | 156 |
| | Baddeck East | 334 |
| | Total | 560 |
| District 4 | Baddeck Bay | 154 |
| | Port Bevis | 95 |
| | Englishtown | 95 |
| | New Harris/New Campbellton | 54 |
| | North River | 146 |
| | North Shore | 112 |
| | Total | 656 |
| District 5 | Big Bras D’Or | 368 |
| | Ross Ferry | 339 |
| | Total | 707 |
| District 6 | Top Smokey | 68 |
| | Ingonish Beach | 259 |
| | Ingonish to MacKrous | 173 |
| | North to point x | 150 |
| | Total | 650 |
| District 7 | NH/NH | 262 |
| | Smelt Brook | 178 |
| | Highland Manor | 7 |
| | Point x to National Park | 120 |
| | Total | 567 |
| District 8 | Effie’s Brook | 203 |
| | Dingwall/ Cape North | 103 |

| | |
|------------------------|------------|
| Bay St Lawrence | 312 |
| Total | 618 |

Under this scenario the districts would break out as shown below in Table 6

Table 6

| Eight Councillors | | | |
|-----------------------------------|-----------------|------------------------------|--------------|
| District | Electors | Variance from average | |
| | | # | % |
| District 1 | 583 | (34) | (5.6) |
| District 2 | 592 | (25) | (4.1) |
| District 3 | 560 | (57) | (9.3) |
| District 4 | 656 | 39 | 6.3 |
| District 5 | 707 | 90 | 14.5 |
| District 6 | 650 | 33 | 5.3 |
| District 7 | 567 | (50) | (8.2) |
| District 8 | 618 | 1 | - |
| Number of Electors | | 4933 | |
| Number of Councillors | | 8 | |
| Average number of Electors | | 617 | |

As one can see from Table 6, voter parity would be restored to most districts with the exception of District 5 (Boularderie Island) which could be justified to the UARB on the basis of it being an island within the municipality. All the other districts would be within the UARB stated range of +/- 10%.

Option 3

Seven Councillors

Under this option Municipal Council would shrink by one Councillor.

Using the 2012 election totals would show that each of the seven Councillors under this option would represent approximately seven hundred and five electors each.

These proposed districts are rooted in our existing district boundaries and are not connected to the boundaries outlined in option 2.

District 1 – Existing District 1 plus Middle River to the Buckwheat Road along the TCH

District 2 - Big Baddeck, TCH from Buckwheat Road east along TCH to top of Kelly's Mountain including Big Harbour Englishtown, North River and North Shore

District 3 - Baddeck everything inside TCH from Exit 8 (Tim Horton's) to MacAulay's Hill (exit 10)

District 4 - Top of Kelly's Mountain and Boularderie Island

District 5 – Ingonish to point x (150 electors) passed MacKrous Subdivision

District 6 – Point x (120 electors) to Neil's Harbour and New Haven, Smelt Brook and White Point.

District 7 - Effie's Brook north

Using these tentative districts we would see a reduction of one Councillor.

In effect the Middle River portion of our existing District 2 would be absorbed into the new District 1 and the Big Baddeck portion would be absorbed into the new larger district2 covering to the foot of Smokey.

District 3 would cover everything from Tim Horton's inside TCH to exit 10.

District 4 would cover top of Kelly's and Boularderie Island

District 5 would cover the top of Smokey to point x (north of MacKrous subdivision (150 electors))

District 6 point x north to Neil's Harbour and New Haven, Smelt Brook and White Point.

District 7 would cover Effie's Brook north.

These revisions would produce the representation ratio as shown in Table 7

Table 7

| Seven Councillors | | | |
|-----------------------|------|-------|--------|
| District 1 | 830 | 125 | 17.7 |
| District 2 | 793 | 88 | 12.4 |
| District 3 | 714 | 9 | .1 |
| District 4 | 761 | 56 | 7.9 |
| District 5 | 650 | 55 | (8.4) |
| District 6 | 567 | (138) | (19.6) |
| District 7 | 618 | (86) | (12.3) |
| Number of electors | 4933 | | |
| Number of Councillors | 7 | | |

| |
|--|
| Average number of electors 705 |
|--|

Under this option the three districts North of Smokey are smaller than the ones south of Smokey and in total, four of the districts are outside the desired variance range. This difference would have to be defended to the UARB on the basis that the population does not provide a base for three councillors representing 700 voters and that under the option the districts north would remain status quo. The effect of National Park boundaries would also be raised in the presentation.

Option 4

Six Councillors

Under this option, Municipal Council would shrink by two councillors.

The six Councillors would represent approximately 800 voters each.

District 1 - Iona, Little Narrows, Bucklaw, Middle River, and along TCH to Buckwheat Rd

District 2 - Big Baddeck, TCH from Tim Horton’s to Seal Island Bridge including Big Harbour, Englishtown, North River and North Shore

District 3 - TCH from Buckwheat Road to Tim Horton’s and everything inside TCH to exit 10

District 4 - Boularderie Island

District 5 - Top of Smokey to Neil’s Harbour-New Haven

District 6 - Smelt Brook/White Point to Bay St. Lawrence

Table 8

Under this option we would have approximately 822 per district

| Six Councillors | | | |
|-------------------|-------------|--------------|---------------|
| District 1 | 830 | 8 | - |
| District 2 | 747 | (75) | (10.0) |
| District 3 | 814 | (8) | - |
| District 4 | 707 | (115) | (16.2) |
| District 5 | 1039 | 217 | 26.4 |
| District 6 | 796 | (26) | (3.2) |

Under this option two districts would be outside the +/- 10% range and District 5 would be out by more than the 25% maximum. Having two districts north of Smokey cannot likely avoid this variance without splitting the communities of Neil’s Harbour and New Haven. Splitting the communities, with New Haven being part of the northern district and Neil’s Harbour being part of the southern district would likely eliminate this range of variance. The variance in District 4 can again be put into the Island within the municipality argument.

Option 5

Five Councillors

Under this option Municipal Council would shrink by three councillors

Each of the five councillors would represent approximately 1000 voters.

District 1 – Iona, Middle River and Big Baddeck except TCH from Buckwheat at Tim Horton’s)

District 2 – TCH at Buckwheat Road to Tim Horton’s then everything inside TCH to exit 10 ,then Glen Tosh to South Haven(exit 11) including Big Harbour.

District 3 – Boularderie Island, New Campbellton, New Harris, Englishtown and North River.

District 4 - Englishtown Ferry north to Dino’s.

District 5 – Dino’s north to Bay St Lawrence

Table 9 scenario would see five districts.

Table 9

| Five Councillors | | | |
|-------------------------------|--------------|--------------|---------------|
| District 1 | 1075 | 88 | 8.9 |
| District 2 | 909 | (78) | (7.9) |
| District 3 | 1002 | 15 | 1.5 |
| District 4 | 882 | (105) | (10.6) |
| District 5 | 1065 | 78 | 7.9 |
| Number of Councillors: | 5 | | |
| Number of Electors: | 4,933 | | |
| Average per district: | 987 | | |

Conclusion

The options outlined above are based on our current population using 4,933 eligible voters. This is based on the polling district numbers except where extrapolation was necessary

where we have split individual polling districts such as along Shore Road in Baddeck, or TCH from, or to, Buckwheat Road.

It would not be practical to have every district exactly equal as a result of dividing 4933 electors by the number of council districts you wish to have. As much as possible boundary lines were drafted along recognizable features and are completely moveable based on the desired outcome of voter parity.

This review pointed out that many people in our County did not participate in the review process. Their silence should not be taken to mean acceptance or apathy taken to mean approval. Conversely, they don't appear to be too upset, either. In some instances the residents didn't know about the process even after our advertising efforts in the print, online and word of mouth. Their lack of participation may simply mean that life's events got in the way and they chose to be doing something else that evening.

The *Municipal Government Act* requires this review. The Municipality will not be required to conduct another compulsory review until 2022 with the results of that review being in place for the 2024 municipal election. The outcome of this current review will be in place for the 2016 Municipal Election and in all likelihood be in place for the next eight years.