

Municipality of the County of Inverness

Governance and Boundary Review Study

Background

The Municipality of the County of Inverness is undertaking a Governance and Boundary Review Study (G. & B.R.) in compliance with a statutory requirement of Nova Scotia's *Municipal Government Act*. The Municipality has retained Watson & Associates Economists Ltd. (Watson), in association with Dr. Robert J. Williams, to conduct the review. This document provides context for the review, including the study objectives and process, and sets out questions and considerations that are intended to help guide the community and Council through the two component parts of the G.& B.R.

Study Objectives

The project has a number of key tasks, as follows:

- Develop a clear understanding of the present electoral system in Inverness, including its operations as a decision-making body and as a system of representation.
- Develop and conduct an appropriate consultation process in accordance with the public engagement practices in Inverness to ensure community support for the review and its outcome.
- Write and deliver a report that will set out alternative electoral arrangements to ensure the fairness and reasonableness of the polling districts based on best practices followed in other municipalities and the guidance provided by the Nova Scotia Utility and Review Board (UARB) through its Municipal Boundaries User Guide.^[1]

Context

As spelled out in section 369 of Nova Scotia's *Municipal Government Act*, "a study of the number and boundaries of polling districts in the municipality, their fairness and reasonableness and the number of councillors" is required every eight years beginning in 2006. The Act makes it the responsibility of the Council to apply to the UARB before the end of the year in which the study was conducted to confirm or to alter the number and boundaries of polling districts and the number of councillors. The last such study was conducted in Inverness in 2015, at which time no changes to the number of councillors or the number and boundaries of polling districts were proposed by the Municipality. That application was upheld by the UARB.

In October 2022, the Municipality engaged Watson, in association with Dr. Robert J. Williams, to conduct a G. & B.R. to meet these statutory requirements.

To ensure the review is conducted in an independent and defensible manner and that Council can make its decision based on sound recommendations, the G. & B.R. consultant team will

^[1] See <https://nsuarb.novascotia.ca/mandates/municipal-boundaries/municipal-boundaries-user-guide>

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manage the review at arm's length from staff and elected officials but will work within the Municipality's established public consultation process. Residents and elected officials will be provided the information needed to evaluate the present configuration and possible future electoral systems in Inverness and will be given sufficient opportunities to provide their perspectives on the issues being considered in the review. To comply with section 369 of Nova Scotia's *Municipal Government Act*, a final G. & B.R. report will be completed in time for consideration by Council at its December 15, 2022 meeting.

Legislative Framework

In Nova Scotia, changes to the composition of a municipal council (that is, the number of councillors) and the method of election in the Municipality result from orders issued by the UARB on application by the Municipality.

Since its last application to the UARB, the population of Inverness has grown to 13,239, a modest change that still must be considered in assessing what the legislation refers to as the "fairness and reasonableness of the polling districts." Specifically, subsection 368 (4) of the *Municipal Government Act* states that, "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."

It is also within the jurisdiction of the UARB to order that polling districts be dissolved (thereby making the entire municipality a single polling district in which all candidates are on a single ballot), that the number of districts be altered and that the boundaries of polling districts be modified (subsection 368 (1) of the *Municipal Government Act*). The G. & B.R. will consider each of these possibilities, as well as the continuing suitability of the present arrangements.

The County of Inverness Municipal Council

The County of Inverness Municipal Council consists of six members, each elected in a separate polling district.

A Warden and Deputy Warden are selected by a vote of council. The boundaries of the six polling districts have been used since 1993 and were not adjusted in statutory applications to the UARB in 2007 or 2015.

The composition of the councils in District and County Municipalities in Nova Scotia varies from 12 in Pictou and Colchester to five in Barrington, Digby and Richmond with five others electing a seven-member council and three an eight-member council. Inverness is therefore part of the cluster at the lower end of the range and is the only County electing six members. The 2021 Inverness population of 13,239, however, is closer to that reported in Antigonish (15,101) which

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has a 10-member council than it is to the populations of Barrington (6,523), Digby (7,242) and Richmond (8,509) which have councils comparable in size.

As the UARB has indicated in the *Municipal Boundaries User Guide*, “several factors” beyond the population of the Municipality are to be considered in determining the number of councillors, specifically “the desired style of the council, the governance structure of the council, and a determination of an effective and efficient number of councillors.” The G. & B.R. will evaluate the present council structure from these perspectives as a contribution to “an informed debate” on an appropriate number of councillors for Inverness.

Parameters for an Electoral Review in the County of Inverness

In parallel with the determination of the appropriate number of councillors, the consultant team will examine basic aspects of the electoral system; that is, the formal arrangements used to elect those members of council.

The foundation for this part of the review will be the number of polling districts and the district magnitude (that is, how many councillors will be elected in the various districts). Historically, the district magnitude in Inverness has been “one”: each district elects one councillor.

The challenging part of the electoral component of the review will involve distributing polling districts across the Municipality in a fair and reasonable way. The terms of reference direct the consultant team to submit three options to Council, which reflects the reality that there are several possible ways to distribute polling districts, including the existing arrangement. Some of the features that are taken into consideration in the distribution are measurable, such as the existing population of the district, potential future growth or depopulation and geographic size, while others are less precise, such as the distinct characteristics of the district or area, and communities and areas of interest.^[1]

There is probably no perfect way to combine all of these features, so every electoral system will require plausible and defensible trade-offs, although the UARB has ruled that relative parity of voting power (defined as “ $\pm 10\%$ from the average number of electors per polling district”) is expected and the Municipality’s application must justify exceeding that range by reference to “the need to accommodate population density, community of interest or geographic size.” In its previous work on this topic, the consultant team has used the concept of “effective representation” as the over-arching^[2] concept to be sought in a boundary review.

^[1] These particular features are drawn from the terms of reference for the G. & B.R.

^[2] Drawn from *Reference re Provincial Electoral Boundaries (Saskatchewan)* (1991), commonly known as the Carter decision.

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What Follows

The G. & B.R. consultant team has prepared a Discussion Paper on these questions to help residents and members of Council focus on the implications of the present electoral system and the possible consequences of adopting alternative arrangements. The goal is to contribute to an informed debate and decision so that the G. & B.R. will make a positive impact on electoral democracy in the County of Inverness in a manner that meets the expectations set out by the Nova Scotia UARB.