


HALIFAX

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Item No. 12.1.2
Executive Standing Committee
January 24, 2022

TO: Mayor Savage and Members of the Executive Standing Committee

SUBMITTED BY:  **(Original Signed)**

Jacques Dubé, Chief Administrative Officer

DATE: December 20, 2021

SUBJECT: 2022 Municipal District Boundary Review – District Boundary Resident Review Panel

ORIGIN

December 14, 2021 motion of Halifax Regional Council to conduct the 2022 District Boundary Review in two phases and to return to Council with an Administrative Order for its consideration to establish a committee of experts to conduct Phase Two of the District Boundary Review.

LEGISLATIVE AUTHORITY

Halifax Regional Municipality Charter, S.N.S. 2008, c. 39

7A The purposes of the Municipality are to

(a) provide good government;...

21 (1) The Council may establish standing, special and advisory committees.

(2) Each committee shall perform the duties conferred on it by this Act, any other Act of the Legislature or the by-laws or policies of the Municipality.

(3) The Council may appoint persons who are not members of the Council to a committee and may establish a procedure for doing so.

Administrative Order One, *The Procedures of Council Administrative Order, Schedule 6* – Executive Standing Committee

Membership Selection

4. The Executive Standing Committee shall act as the Membership Selection Committee of the Council with a mandate to function as the nomination committee for appointment to Boards and Committees, including at large nomination to Standing Committees, except as delegated to other Standing Committees by the Council.

RECOMMENDATION ON PAGE 2

General Governance of the Council

8. The Executive Standing Committee shall act as a review committee for matters related to the general self-governance and administration of the Council as directed by the Council.

Public Appointment Policy – *Governing citizen appointments to HRM Agencies, Boards, Committees and Commissions and External Bodies, section 4.3 (ii):*

4.3 Advertised Recruitment – Special Expertise (ii)

Where Council has designated a special expertise from a professional or technical group but not a specific organization the standard publicized application process will be used identifying the expertise or professional designation required. Applicants must be able to demonstrate that they meet the requirements as outlined in order to be considered.

RECOMMENDATION

It is recommended that the Executive Standing Committee recommend that Halifax Regional Council:

1. Adopt Administrative Order Number 2022-001- GOV as set out in Attachment 1 of this report to establish a District Boundary Resident Review Panel reporting to Regional Council through Executive Standing Committee to conduct Phase Two of the 2022 Municipal District Boundary Review process: and
2. Direct the Chief Administrative Officer to commence a targeted recruitment campaign for the District Boundary Resident Review Panel in February 2022, in accordance with section 4.2(ii) of the *Public Appointment Policy* and return to the Executive Standing Committee with slate of candidates no later than March 31, 2022

BACKGROUND

On December 14, 2021 Halifax Regional Council approved a motion to establish a committee of citizens supported by HRM staff to advise on Phase Two of the 2022 Municipal Polling District Review project. Phase Two of the project considers how to draw boundaries of the districts, based on the recommendations from Phase One. The distribution of polling districts must satisfy the objectives set out in the *Municipal Government Act (MGA)*, including the number of electors, relative parity of voting power, population density, communities of interest, and geographic size.

Council provided direction to comprise a Committee of a minimum of three, to a maximum of seven, volunteer resident members representing different perspectives in governance, planning and municipal services. Experience in one or more of the following fields was recommended:

- a) urban planning;
- b) municipal governance;
- c) public policy;
- d) political science

This Resident Review Panel will participate in Phase Two of the District Boundary Review, both as collaborators in the public engagement process and analyzing responses and themes from the engagement. Once the analysis is complete, it is proposed that the committee, with support from HRM staff, will provide a Phase Two report proposing polling district boundaries to Regional Council through Executive Standing Committee.

Staff have responded to Council's motion by recommending the development of a District Boundary Resident Review Panel, its Terms of Reference (Administrative Order), and a recruitment strategy to attract diverse candidates from across the municipality with experience in the fields designated by Council.

DISCUSSION

The Nova Scotia Utility and Review Board (NSUARB) is required by the MGA to periodically review the number and boundaries of municipal polling districts and the number of councillors.¹ Nova Scotia Municipalities are required to undertake a study of the number and boundaries of its polling districts, their fairness and reasonableness and the number of councillors. In its *Municipal Boundary Review User Guide*, the NSUARB recommends a two-step process for the study and a comprehensive public consultation process for each phase. To complete the work required for this two-phased study, the NSUARB recommends that "Council may decide to hire a consultant or third party to do the required study...many councils direct senior municipal staff to conduct the study, in some cases aided by committees which include members from the public"².

On December 14, 2021 Halifax Regional Council approved the two-step study and public engagement process recommended by the NSUARB and requested that a resident led committee be struck to conduct phase two of the District Boundary Review study. As noted by the UARB, while a municipality is not obliged to appoint residents to its committees reviewing the polling district boundaries, it is a recommended method of engaging the public in the process that is consistent with Council's approach towards other major projects that require public participation.

In response to Council's direction, staff have drafted proposed Administrative Order 2022-001-GOV, Respecting the Special Advisory Committee for the 2022 Halifax Regional Municipality District Boundary Review (Attachment 1) that establishes the District Boundary Resident Review Panel and sets out its composition, duties, and objectives. The District Boundary Resident Review Panel will be tasked with advising Council, through the Executive Standing Committee, on Phase Two of the District Boundary Review process. This phase focuses on the distribution of polling districts within the HRM in accordance with the provisions of section 368(4) of the MGA and considers the number of electors, relative parity of voting power, population density, communities of interest, and geographic size. The Panel will be responsible for recommending adjustments to the existing boundaries in accordance with the objectives set out in the MGA and the direction provided by Regional Council from Phase One of the review as well as the feedback from public consultation.

The District Boundary Resident Review Panel will lead the public engagement activities related to Phase Two of the study and will be required to develop a recommendation report to Halifax Regional Council. It is anticipated that the Municipal Returning Officer will serve as the Chief Administrative Officer's appointee as the staff liaison for the District Boundary Citizen Review Panel. Staff from the Municipal Clerk's Office Legislative Services team will provide legislative and meeting management support to the Panel. It is important that the District Boundary Resident Review Panel be able to function as a working group, analyzing data and themes from public engagement activities to formulate its final recommendation report to Regional Council on the distribution of polling districts in HRM. Staff recognize that an element of procedural latitude, generally consistent with Administrative Order One will be required for the District Boundary Resident Review Panel to successfully achieve its objectives, and as such the Committee may suspend any of the provisions of Administrative Order One by a two third majority vote of its members.

Meetings of the District Boundary Resident Review Panel will be open to the public and it is recommended that its regularly scheduled meeting agendas include a public participation component as a standing item. It is anticipated that the services of a third-party facilitator will be required to assist the Panel in the

¹ Nova Scotia Utility and Review website <https://nsuarb.novascotia.ca/mandates/municipal-boundaries>.

² Nova Scotia Utility and Review Board website – District Boundary Review User Guide
https://nsuarb.novascotia.ca/sites/default/files/NSUARB-%23289533-v1-Municipal_Boundaries_User_Guide_Dec2021_0.pdf

development of a public engagement strategy for phase Two of the District Boundary Review as well as the submission of its final report to Council. Staff are further recommending that the Panel remain active until the issuance of the Order by the NSUARB giving effect to the boundaries of the polling districts. Members of the Committee may be required to participate in NSUARB hearings. After the NSUARB has issued its Order, the District Boundary Resident Review Panel will have served its mandate and will be dissolved.

In terms of the composition of the District Boundary Resident Review Panel, prospective candidates shall possess competencies in urban planning, municipal governance, public policy, political science, or other relevant fields. Council should consider the appointment of at least one member from each of the rural, suburban, and urban areas of the Municipality. The provisions of HRM's *Public Appointment Policy* will apply to the recruitment of members to ensure an open, competitive and equitable public appointment process with the goal of attracting candidates from diverse backgrounds who meet the competency requirements to serve on the District Boundary Resident Review Panel.

The motion from Regional Council on December 14, 2021 included the potential for an honorarium to be paid to members of the Panel. Upon further review by staff, this is not being recommended at this time.

FINANCIAL IMPLICATIONS

The Committee may require the services of a third party to conduct public engagement activities related to Phase Two of the 2022 Municipal District Boundary project. The amount of \$100,000 has been included in the proposed 2022/2023 operational budget in A125 – 6399 (Elections – Contract Services) and to assist with public engagement activities related to both phases of the project. Funding from reserve account Q511 - Election Reserve is included in 2022/23 reserve budget.

RISK CONSIDERATION

A District Boundary Review is a legislatively required activity.

COMMUNITY ENGAGEMENT

The Municipal Clerk's Office, Corporate Communications, Human Resources, and the Office of Diversity and Inclusion collaborated to develop the recruitment strategy for public appointments to municipal boards and committees. The focus of the strategy is to encourage applications from diverse audiences, promote municipal boards, committees, commissions, and help clarify the application process.

ENVIRONMENTAL IMPLICATIONS

No environmental implications were identified.

ALTERNATIVES

The Executive Standing Committee could recommend amendments to the proposed Administrative Order 2022-001–GOV respecting the Special Advisory Committee for the 2022 Halifax Regional Municipality District Boundary Resident Review Panel This course of action may require additional analysis by staff.

ATTACHMENTS

1. Proposed Administrative Order 2022-001-GOV

A copy of this report can be obtained online at halifax.ca or by contacting the Office of the Municipal Clerk at 902.490.4210.

Report Prepared by: Iain MacLean, Municipal Clerk, 902.490.6456

**ADMINISTRATIVE ORDER NUMBER 2022-001-GOV
RESPECTING THE SPECIAL ADVISORY COMMITTEE FOR THE
2022 HALIFAX REGIONAL MUNICIPALITY DISTRICT BOUNDARY REVIEW**

WHEREAS in 2022 the Council of the Halifax Regional Municipality is required by section 369 of the *Municipal Government Act*, S.N.S. 1998, c. 18, to undertake a study of the number and boundaries of polling districts in the municipality, their fairness and reasonableness and the number of councillors;

AND WHEREAS on December 14, 2021, the Council passed a resolution to conduct the 2022 District Boundary Review in two phases: Phase I to determine the size of Council and its governance structure, and Phase II to set the specific district boundaries;

AND WHEREAS on December 14, 2021, the Council also passed a resolution directing the establishment of a committee of experts to conduct Phase II of the District Boundary Review;

BE IT RESOLVED AS AN ADMINISTRATIVE ORDER of the Council of the Halifax Regional Municipality under the authority of the *Halifax Regional Municipality Charter*, S.N.S. 2008, c. 39, as amended, as follows:

Short Title

1. This Administrative Order may be known as the *District Boundary Resident Review Panel Administrative Order*.

Interpretation

2. In this Administrative Order,

(a) “Committee” means the District Boundary Resident Review Panel;

(b) “community of interest” includes history, recreational issues, tax rates and area rates, water and sewer services, fire protection service areas, traffic infrastructure and pattern, planning boundaries, language and ethnic origin, school districts, shopping patterns and business centres, and existing communities;

(c) “Council” means the Council of the Halifax Regional Municipality;

(d) “District Boundary Review” means the study required by section 369 of the *Municipal Government Act* to be undertaken by the Council in 2022; and

(e) “Municipality” means the Halifax Regional Municipality.

Purpose

3. The purpose of this Administrative Order is to establish a special advisory committee comprised of residents, to be called the District Boundary Resident Review Panel, which will advise the Council on the boundaries of the municipal electoral districts for the Municipality as part of the Phase II of Council’s process to develop its application to the Nova Scotia Utility and Review Board for the 2022 District Boundary Review.

Establishment of Committee

4. There is hereby established the District Boundary Resident Review Panel as a special advisory committee to Regional Council.

Duties of the Committee

5. The Committee shall advise Council, through Executive Standing Committee, on proposed boundaries for the electoral districts of the Municipality by:

(a) leading a public engagement process in alignment with this Administrative Order and guidance from past decisions of the Nova Scotia Utility and Review Board;

(b) analyzing responses and themes from public engagement to inform the Committee's recommendations to Council; and

(c) adjusting the current district boundaries to develop proposed boundaries that take into consideration:

(i) the direction of Regional Council from Phase I of the District Boundary review;

(ii) the results of the public engagement process; and

(iii) the objectives set out in section 368(4) of the *Municipal Government Act*, including consideration of the number of electors, relative parity of voting power, population density, community of interest, and geographic size.

6. The Committee shall participate in the Nova Scotia Utility and Review Board process as required.

Outreach and Engagement

7. (1) The Committee shall conduct public engagement and provide opportunities for organizations and members of the public to participate in discussion of issues within the mandate of the Committee.

(2) The Committee shall provide such public opportunities as it determines appropriate and encourage as wide a range of persons as reasonably possible to participate in discussion and make submissions to the Committee.

(3) The Committee shall provide a report to Executive Committee on its public engagement. The report shall include how engagement addressed communities of interest.

Formulation of Advice and Recommendations

8. The Committee shall provide its advice and recommendations to the Council through the Executive Standing Committee.

9. The Committee shall submit its final report and recommendations to the Executive Standing Committee no later than the Executive Standing Committee's November, 2022 meeting.

Public Appointment Policy

10. Except as herein provided, the provisions of the Public Appointment Policy shall apply to the Committee.

Membership

11. There shall be a minimum of three (3) and a maximum of seven (7) members appointed to the Committee by the Council by resolution.

12. Only those applicants with professional expertise in the fields of urban planning, municipal governance, public policy, political science, or other relevant fields, shall be eligible for appointment as members of the Committee.

13. Council shall give consideration to appointing at least one member from each of the rural, suburban, and urban areas of the Municipality.

14. Members of the Committee shall be appointed by Council for the duration of the Committee.

Meetings of Committee

15. The provisions of Administrative Order One shall apply to the Committee, but the Committee may suspend any of the provisions by the affirmative vote of two-thirds of the members present and voting.

16. The Committee's meetings shall be in accordance with section 19 of the *Halifax Regional Municipality Charter*.

17. Pursuant to clause 20(1)(c) of the *Halifax Regional Municipality Charter*, Council delegates the power to direct Municipal staff to prepare reports to the Committee provided that the topic of the report is consistent with the duties of the Committee as set out in this Administrative Order.

General

18. The Chief Administrative Officer may assign Municipal staff with the required expertise to advise the Committee as required.

19. The Committee's mandate is complete, and the Committee is dissolved, upon the issuance of the Order by the Nova Scotia Utility and Review Board giving effect to the boundaries of the polling districts.

Done and passed in Council this ____ day of _____ A.D. 2022.

Mayor

Municipal Clerk

I, Iain MacLean, Municipal Clerk of the Halifax Regional Municipality, hereby certify that the above-noted Administrative Order was passed at a meeting of the Halifax Regional Council held on _____, 2022.

Iain MacLean, Municipal Clerk