

# Municipal Government Act

progressive powers for municipalities

## INFORMATION BULLETIN #16

### BOUNDARY REVIEWS AND SIZE OF COUNCIL - REGIONAL MUNICIPALITIES, COUNTY and DISTRICT MUNICIPALITIES

**Summary:** Regional municipalities and county or district municipalities are required to review the number and boundaries of polling districts every eight years; the first review is in 1999. This includes a review of council size.

**Legislation:** Specific - Part XVI, Section 369  
Related - Sections 10, 368, 370, 555, 568

**Discussion:** The *Municipal Boundaries and Representation Act* has been replaced by Part XVI Boundaries and Part XVII Municipal Incorporation of the *Municipal Government Act*.

The provisions respecting reviews of municipal polling districts have been continued. The first review will be in 1999 (the same year required by the preceding legislation).

#### **Polling Districts**

The requirement in Section 369 is to study the fairness and reasonableness of the number and the boundaries of polling districts. The criteria to consider are those which the Utility and Review Board is bound to consider under s.368 (4), number of electors, relative parity of voting power, population density, community of interest and geographic size. *Before the end of the calendar year an application must be made to the Board for changes or confirmation.*

Subsequent reviews will be required in 2006 and every eighth year thereafter. Note that beginning with the council to be elected in 2000, the term of office of council has been extended to four years. The change is made by an amendment to Section 10 of the *Municipal Elections Act* made by subsections 568(1) and (2) of the *MGA*.

### **Size of Council**

The review also requires a review of the size of the council (the number of councillors). All municipalities will be required to conduct a review and apply to the Board for confirmation (or change) of the size of the council, as well as polling district numbers and boundaries. The relevant factors are population and geographic size: s.368(5).

Section 368 sets out the basic powers of the Board on an application, who may apply and the factors to be taken into account.

Section 370 makes it clear that unless the Board has good reason to order otherwise, the new boundaries only come into effect at the next municipal elections.

Similar changes have been made in the *Education Act* for school boards (*MGA* s.555, *Education Act*, s.43), although the review after 1999 will be in 2007 and continue generally a year behind municipal revisions. This will permit municipal changes to be taken into account by the school boards.

Section 10 provides that there may only be one councillor for each polling district in a county or district municipality or a regional municipality.

See comments at bottom of Boundary Reviews - Towns.

### **Related:**

County or district municipalities contemplating a change to electing the head of the council at large under s. 12 (8) will normally want to make that decision before applying to alter or confirm the polling districts.

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**Note:** The reader is cautioned that preparation of this and subsequent Information Bulletins containing practical suggestions must necessarily involve interpretation of legislation as it applies in general situations. Specific situations may require careful legal analysis and therefore reference should be made to the *Municipal Government Act*, other relevant legislation and to legal advisors.