

Steve Scannell

To: Chair, Law Amendments Committee  
Submitted by: Steve Scannell, Antigonish Resident  
Date: March 4, 2024  
Re.: Bill 407: Antigonish Consolidation Act

Dear Members of the Law Amendments Committee:

I appreciate the opportunity to speak to Bill 407, The *Antigonish Consolidation Act*. I want to start by saying that I love my (adopted) community. I moved here from Cleveland, Ohio (USA) in 2004 to attend St. Francis Xavier University. I met my wife at university, and her family is from Antigonish County. We have called Antigonish home ever since.

In 2015, shortly after completing my Master of Public Administration at Dalhousie, I was hired by the Town where I spent 7 years of my career. In my last three years with the Town I served as Director of Community Development, a role that was focused primarily on matters of community planning.

I will preface my comments by sharing that I support the decision to consolidate. I am here because I believe it is the right decision. I am also here to lend support to my friends and former colleagues who have worked so hard to bring this issue forward.

Bill 407 represents much more than a simple decision to adopt a new municipal structure and service delivery model for Antigonish Town and County - it represents a case of exemplary community leadership. Whether you are for or against the proposed outcome, councils and staff ought to be commended for their willingness to explore and dedicate themselves to such a progressive idea that is, for some, still deeply political and personal.

When I started working for the Town, I heard many stories about the Town and County's inability to cooperate. A UARB decision in 2006 respecting the fiercely political annexation and amalgamation issue denied both applications due to a lack of political support despite the financial and social benefits that could be realized. Citing the input they received, the decision stated that the public was frustrated with the conflict that was occurring and noted that citizens want their elected officials to set aside their differences and work together to address issues that affect the region. The authors of the decision closed by saying that any lack of progress may shift public opinion in ways that rekindle demand for this process again.

I would argue that we are not at this committee today because of the continued lack of progress, but precisely because progress has been made. What has changed in recent years, in my opinion, are the *choices* of those occupying key leadership roles; of the Councils and staff, by extension, who dedicated themselves to making things work better. In my time working there, the emphasis was on finding ways to realize opportunities that result in *mutual benefit* because the futures of the Town and County are inextricably linked.

The recent idea to consolidate was not made spontaneously - it is the result of a long, incremental process of increasing collaboration and a growing understanding that we have many priorities in common that require cooperative approaches and joint solutions. Consolidating the units was not a predetermined end goal by any means. As we worked together it simply became increasingly

more obvious that there could be a better way to structure our operations and decision-making so our priorities can be more effectively and efficiently realized.

In my time with the Town, the two municipalities gradually became more integrated and collaborative, and it has been working. Please recognize that you have the opportunity to formalize a structure that would prevent these positive gains from being rolled back as leadership changes.

I know the question of how to proceed is again intensely political. I happen to share a perspective on political representation that differs from other members of my community, one that values the trusteeship role Councillors hold. I trust that they are making an informed decision that is the community's best interest. The Supreme Court has upheld the legality of the request being made, and I argue the *politics* of how that decision may be made ought to be the purview of the municipalities. I urge you to respect the right of the municipalities to make a decision that is, in their estimation, in the best long-term interest of the community. The issue has been voted on twice locally and upheld each time.

The Town and County of Antigonish are requesting the same opportunity afforded to Windsor/West Hants; to follow the same process and to potentially realize the same outcomes they are seeing today.

Voting against this Bill would be setting a regressive precedent that may dissuade other communities from following their example. I would urge this Committee to respect their political colleagues at the local level and entrust them with such an important decision; to not treat this as a partisan issue despite how politically expedient that may be.

Respectfully submitted,

Steve Scannell

## **Full Comment**

I appreciate the opportunity to submit this document to the Committee respecting Bill 407, *The Antigonish Consolidation Act*. I want to start by saying that I love my (adopted) community. I moved here from Cleveland, Ohio (USA) in 2004 to attend St. Francis Xavier University. I met my wife at university, and her family is from Antigonish County. We have called Antigonish home ever since. In 2015, shortly after completing my Master of Public Administration at Dalhousie, I was fortunate to be hired by the Town where I spent 7 years of my career. In my last three years with the Town I served as Director of Community Development, a role that was focused primarily on matters of community planning. I feel my passion for my community and my firsthand experience working with the Town provides me with a unique perspective to share on this issue. And while I have since moved into a career in long-term care administration, I remain invested in the future direction of my community.

I will preface my comments by sharing upfront that I support the decision to consolidate. I also believe that the process the respective councils followed to bring this issue before the legislature has proven precedent in our province and is a demonstration of exemplary community leadership. I also wish to note that I hold no political affiliation.

### ***Recognizing the benefits of cooperation***

When I started working for the Town, I heard many stories about the Town and County's inability to cooperate and the often competitive, transactional nature of their interactions. In October 2006, the Utility and Review Board denied applications for amalgamation and annexation brought forward by the Town and County. The Town, recognizing that it was confined in its ability to grow, attempted to annex portions of the County; in response, the County filed an application for amalgamation. It was a fight which lasted years and cost taxpayers a combined \$1 million, according to a statement from then Warden Herb Delorey. A divisive plebiscite was held on the issue and had, according to the UARB, "relatively poor" turnout (3,491 electors) that showed mixed support with Town residents against and County residents in favor. And yet, despite the fact that the Board found that a change in structure may have significant social and financial benefits to citizens the public response (or lack thereof) hindered the change in municipal structure. Given the highly divisive result, the Board found that there was not adequate public support to proceed.

The October 30, 2006, decision, extensively details the misleading framing of issues during the plebiscite campaign. This served to obfuscate the issue and was at direct odds with the evidence-based studies conducted at the time that estimated over \$500,000 in savings, and the ability to better plan, design, and deliver municipal services so that further savings can be achieved or services improved at little to no change in cost. As well, the issue was already emotionally charged because the matter felt forced upon the parties, notably the Town. A common theme throughout the hearing was that the public is both "frustrated and disappointed with the lack of cooperation and often conflict which exists between the respective councils in addressing important issues in the region" - yet the status-quo was upheld in the hopes that, should a lack of progress continue, that the issue could be addressed again.

Looking at the present day, I would argue that Bill 407 is being presented not because of the continued lack of progress, but precisely because progress has been made. What has changed in recent years is, in my opinion, the *choices* of those occupying key leadership roles; of the Councils and staff, by extension, who dedicated themselves to making things work better. In my time working there, the emphasis was on finding ways to realize opportunities that result in *mutual benefit* and *shared success*. Underlying that approach was the idea that the futures of the Town and County are inextricably linked.

The recent idea to consolidate was not made spontaneously - it is the result of a long, incremental process of increasing collaboration, cooperation, compromise and a growing understanding that we have many more priorities in common than we have that differ. It was not a predetermined outcome by any means, but a gradual realization shared by our leaders. While we worked to move the community forward, we were always just barely outpacing the ghosts of the past; those waiting for a regression toward the dysfunction of the past. And as we worked together it simply became increasingly more obvious that there could be a better way to structure things so our priorities can be effectively and efficiently realized.

During my time with the Town I worked on many community projects. We refinished our tennis courts, we upgraded our turf fields, we constructed a dog park, we committed to active transportation projects, and built the long-awaited community skate park. There were also public works projects, administrative projects (Strait IT, financial systems), and integration into the Eastern District Planning Commission. All capital and administrative projects were completed through a collaborative planning effort that crossed municipal boundaries, and all projects of substance had funding contributed by each Council. We have, over time, become highly integrated in a very practical sense. As a staff member I had the privilege of working with excellent teams on both sides of the boundary but with each project we inevitably realized that the differences in process and policy, the negotiations regarding approvals and funding, and the staff energy devoted each step of the way was redundant, time consuming, and labor intensive in many ways. Of course, there have been shared projects completed in the past but the alignment demonstrated in recent years has shown how much more you can accomplish when you embrace the mindset of being one community, and approach community planning from a collaborative and holistic perspective.

Over time, we began to realize, through our decisions, that we could do better work for the community by adopting the mindset that we are all working for the benefit of one community, and we realized, through our practices, that there is a more efficient and effective way to deliver service to the community. Now with the bigger issues that communities are facing, the imperative to function as a single unit is all the more important. Whether it is climate change adaptation, economic development, waste water, housing insecurity, source water - it all requires a singular and coordinated response. With people finding it more challenging to afford the cost of living, we owe it to the public to find more ways of being financially more efficient and reduce where possible the tax burden on citizens.

We owe it to our citizens to continue a progressive path forward. We should not take for granted that the cooperative and collaborative leadership approaches of recent years can be sustained

indefinitely. Please recognize that you have the opportunity to formalize a structure that would prevent these positive gains from being rolled back as leadership changes.

### ***The debate over municipal restructuring***

Municipal structure is a long-debated topic in Nova Scotia. The 1949 Rowat Report, the 1970 Graham Commission, the service exchange discussions in the 90s, The fiscal review and Towns tasks force of the 2010s, and the One Nova Scotia Report have - among other things - supported the idea of adjusting local political boundaries to assist municipalities in better responding effectively and efficiently to new challenges; large enough in area and population and strong enough in resources and capability to be able to perform their tasks well. Recommendations from the fiscal review studies brought forward the suggestion that the province should develop incentives to restructure voluntarily. While debate can take place on the merits of these suggestions or the recommendations that largely did not materialize, what many people over time who have studied this issue have concluded is that the present municipal structure in this province must evolve.

Voluntary municipal consolidation has already been proven in this province. The case for the process is well demonstrated in Windsor-West Hants. Bill 55 to consolidate Windsor/West Hants was passed in 2018 under a Liberal government and has served as a new path forward for municipalities who wish to negotiate and lead the process. It provides an element of self-determination for communities; it is not forced but rather negotiated to ensure the final result is shaped by and for the community it intends to serve.

In the submission provided concerning Bill 55, then-Mayor Anna Allen wrote: "We look forward to the passing of this legislation as Nova Scotia moves towards more progressive governance models in addressing one of the observations stemming from the One Nova Scotia report which points to the province being over-governed." The Ivany Report as it came to be referred to - brought forward under a Liberal government - posed the challenge to municipalities *themselves* to be the leaders of that change. In the years since the consolidation in Windsor West Hants, the results have been positive. In 2021, Mayor Abraham Zabian noted that it would take time to fully assess the impact of the merger, but early signs showed increased buy-in from the public and local businesses. In the first operating budget efficiencies from the consolidation totaled \$500,000, with further economic benefits pending at the time as the community sought to rebrand itself. More recently, residential property rates and commercial tax rates in the urban cores of Hantsport and Windsor have decreased. The concept is starting to prove itself to be successful.

The Town and County of Antigonish are requesting the same courtesy, the same opportunity; to follow the same process. Please respect the initiative taken by our Councils and please trust that the Councils are representing the best interests of their community. Not affording the municipalities the same opportunities is akin to kicking away the ladder that others have climbed seeking long-term prosperity for their communities.

## ***A Comment on the Politics of Consolidation***

I also want to comment on the idea that this process has somehow circumvented the democratic process. I respectfully disagree with this idea, and I submit that there are several points to consider.

Firstly, how you respond to this question is ultimately a question of perspective. Citing the written submission to Bill 55, Louis Coutinho then CAO for the Town of Windsor highlighted the “Trustee Role” that local councillors serve. In this capacity we entrust politicians to make informed decisions based on the public interest, they are not simply a delegate sent to convey a message. “Democracy is being served,” he notes, “as Councils act as trustees in serving their communities.” In the Antigonish example, the vote to explore consolidation was unanimous from both Councils, the vote to recommend that the province pass special legislation to consolidate the municipalities was not unanimous but it passed. That’s politics. That’s democracy in action.

Secondly, the Councils did make a good faith effort to inform themselves of the public interest before making this decision. The extensive consultation process that was endorsed and guided by the Department of Municipal Affairs provided a detailed picture of the issue and understanding of local concerns and made a concerted effort to inform the citizens of what consolidation does and does not mean. The idea had its supporters and it had its detractors. It identified several issues to address and researched and unpacked those through the agreed-upon process of exploration. This process offered exposure of all interested voices to all politicians as demonstrated by the reports and findings posted on [www.Antigonish.ca](http://www.Antigonish.ca), and encouraged reached into issues of direct concern to the community.

Thirdly, the process has been deemed legal and – not surprisingly – “profoundly political.” Apart from a process that has recent precedent and support from the Department of Municipal Affairs, it has been upheld in the recent Supreme Court decision in *Long V. Antigonish (County)*. As the *Long V Antigonish (County)* decision makes clear, the *Municipal Government Act* is, in part, intended to respect the right to govern municipalities in whatever ways the councils consider appropriate within the jurisdiction given to them.” The decision further justifies the position that the municipalities are within their legal rights to ask the province to enact enabling legislation to consolidate the units. The issue of whether a plebiscite should be held is political, according to the Supreme Court decision, and outside of their purview to comment upon. I believe that a non-binding vote on this issue would not have provided the Councils with the comprehensive evidence they would have needed to make such a decision. Moreover, as has been demonstrated in Antigonish and elsewhere a plebiscite becomes very divisive for the community and can be counter to the broader community interest. Apart from its impact on the 2006 decision in Antigonish, a plebiscite held in the Pictou amalgamation in 2016 resulted in a vote against a merger despite findings from the UARB that it held “significant positive implications” both social and financial for the communities.

When reviewing Justice Timothy Gabriel’s decision, it is worth considering who should ultimately determine who holds the *political* right to make a final decision. It is my firm position that the right to make such a political decision ought to rest with the municipality. I recognize that municipalities have no formal constitutional standing and that they are “creatures of the

province." However, it is important to consider and respect the representative role they serve for local interests. As the Supreme Court decision makes clear, the intent of the *Municipal Government Act* is to augment or "...enhance Council's ability to respond to present and future issues in their municipality." I would argue that because the Supreme Court decision confirms the legality of the request, how the Councils choose to inform themselves to make a decision ought to be within their purview. It is worth highlighting here that the vote was taken *twice*, multiple months apart. This afforded further sober second thought to each Council and the resulting decision was ultimately the same.

With that in mind, I further feel partisan politics should not be a leading factor in this final decision. While it may be thrilling and politically expedient for the opposition to parse the Premier's words because, as an MLA, he challenged previous governments by demanding a plebiscite in the Pictou County case, it is ultimately unproductive to the larger goal of providing a clear evolutionary path for communities in Nova Scotia. Moreover, it ignores the fact that the new voluntary processes were first attempted two-year later and so did not have that precedent to consider. Making the issue partisan at a provincial level undermines the representative nature of local politics and ignores the real issue here: that local officials worked for two years to try and determine a better path forward for a community under the guidance of the province.

In sum, the consolidation process adopted a trustee model of political representation, which is not anti-democratic but one way of viewing the nature of political representation. The request is informed, made in good faith, is legally defensible, and ultimately a political issue for the community and not the province, per se. It should be considered a precedent-guided, process-based issue that respects the ability of the respective Councils to make decisions appropriate for their community free of partisanship in the legislature.

### ***Concluding Remarks***

Bill 407 represents much more than a simple decision to adopt a new municipal structure for Antigonish Town and County. It is a culmination of a long journey from a period of a lack of cooperation and conflict to a period of collaboration and cooperation. There was nothing inevitable to Bill 407 arriving before this committee - it is the product of a series of deliberate choices from our leaders who committed themselves to making our community better. The sacrifice every elected official has made throughout this process does not lie in this decision alone, but in every decision and action along the way, over many years, that ultimately made the thought of operating as a single unit possible and demonstrated that it can be productive.

In my time with the Town, we gradually became more integrated, connected, and collaborative, and it has been working. I urge you to recognize you have the opportunity before to strongly formalize a structure that would prevent these positive gains from being rolled back as leadership changes.

The process is endorsed by the province and the request has been confirmed to be legally within the right of the municipalities to make. It is intensely political, but it is not anti-democratic. I believe the Committee should recognize and respect the rights of the municipalities to make a decision that is, in their estimation, in the best interest of the community. Moreover, I would urge

this Committee to respect their political colleagues at the local level enough to entrust them with such an important decision.

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