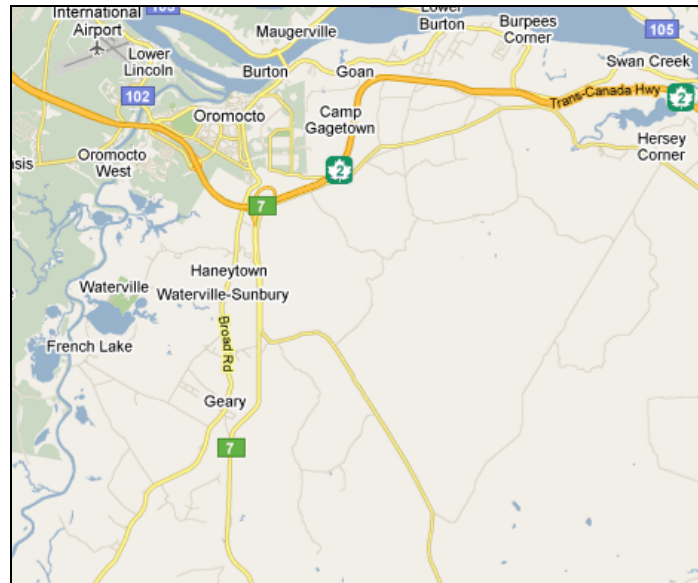


Local Governance for Burton Local Service District (LSD)



Opportunities and challenges facing the Burton and Greater Geary communities in organizing the Burton LSD Advisory Committee

**A joint report by the Greater Geary Association Inc. and the Burton
Interested Citizens Group**

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Introduction

Local governance has been the subject of numerous reports since the early days of “Equal Opportunity” in New Brunswick in the 1960s which overhauled the antiquated county system of government and instituted “Local Service Districts” (LSD). LSDs remain the only form of rural governance outside of incorporated municipalities in New Brunswick. Issues with rural governance in New Brunswick are not a recent phenomenon, rather a reflection of the system dating back to the founding of the province in 1784 that aimed to keep local control away from local interests. Krueger¹, drawing from Whalen² provides a detailed history of local governance in New Brunswick in the late 1700s:

...Some of the early immigrants from New England brought with them the institutions of local self-government, including the township, “town meetings,” and the election of local officials. After the American Revolution, however, British officials, as well as the Loyalist leaders, discouraged the New England approach to local government because of the spirit of rebellion engendered by “town meetings.” Thus, in the early years of the province’s development, New Brunswick local government was patterned not on the New England system of local democratic institutions, but on the English system of quarter sessions.

This latter system vested local power and authority in the hands of crown-appointed parish magistrates or justices of the peace, who normally assembled once or twice a year in county quarter sessions to appoint parish and county officials, supervise local administration, and deal with legal cases. Only through the grand jury was there any democratic public participation in the local government. The grand jury, selected primarily from land-owners in each county, had no legislative or executive power, but was merely an advisory body that could present petitions of local grievances to the magistrates during the quarter sessions, and prepare annual estimates of expenditures for things such as relief for the poor and maintenance of local institutional buildings

Nearly 230 years later, it is interesting to note the similarities between the system developed to quell rebellion in the late 1700s and the LSD model where today over 250,000 New Brunswickers call home: LSDs are permitted to have elected representation (many do not), yet the councils are “advisory” in nature, and are limited to recommendations to the Minister of Local Government (and his or her appointed representative, the Local Services Manager); citizens can present petitions of local grievances (which can trigger a community vote, at the discretion of the Minister). Ultimately, the very model touted to encourage citizen input in the present day was developed based on a model to limit citizen input in the past. This raises questions about the suitability of the model for dealing with local concerns, and would explain the

¹ Krueger, R., 1970. The Provincial Municipal Government Revolution in New Brunswick, Canadian Public Administration, pp. 52-99

² Whalen, H.J., 1963. The Development of Local Government in New Brunswick, Fredericton: Queen’s Printer, 1963

challenges faced by residents of Greater Geary and Burton, NB, located in Burton LSD, interested in organizing their communities.

Community History

In the 1950s, Burton Parish was a geopolitical division within Sunbury County that included Burton, Oromocto and the four communities of Greater Geary. The incorporation of the Town of Oromocto and the development of CFB Gagetown physically separated Burton and Greater Geary which remained together in Burton Parish. Over time, the communities of Burton and Greater Geary have evolved to be two distinctly separate areas. In the 1960s, the County system was abolished and Parishes were renamed “Local Service Districts” and administered centrally by the provincial government. An advisory committee for Burton LSD was not established.

While no official record has been found, anecdotal reports indicate efforts were made in the 1960s to create two separate LSDs: one for Greater Geary and one for Burton. Community members indicate a vote was held in Geary for separate LSD, but the minimum number of 50 people for a vote was not achieved. A renewed interest for organization apparently took place in the 1980s but the committee was defeated in a community vote.

Today, the population of Burton LSD is approximately 5000. The communities of Burton and Greater Geary are estimated to have populations of 2400 and 2600 respectively. This makes the two communities individually larger than many towns and villages in New Brunswick. Unlike towns and villages in New Brunswick, Burton LSD continues to have no local voice.

Recent events

In recognition of the absence of a local voice in Greater Geary, a citizen-led non-profit community advocacy organization was established. The Greater Geary Association Inc. (GGA) was established in 2008 to “speak in support of citizens of the four communities of Greater Geary”. The GGA has by default filled an advisory role to provincial and federal governments in the absence of an elected committee, however, has long advocated for official representation for the citizens of the four communities.

In 2009, a group of interested citizen in the community of Burton took interest in forming a LSD advisory council and began circulating a petition. The group soon learned that the communities of Greater Geary and Burton were considered one local area by the provincial government. Consequently, the interested citizens group suspended its petition efforts and began working with the GGA to identify a mutually agreeable course of action.

Several meetings were held between the Burton Interested Citizens Group (BICG) and the GGA. The agreed course of action was to host two public information and discussion sessions on local governance, one held in each half of the LSD. It was anticipated that the outcomes of these meetings would provide direction for each group regarding moving forward on a petition for an LSD advisory committee.

Perceived issues

There were two perceived barriers to organization that necessitated these consultation sessions. The first barrier was considered the lack of a community of interest between the community of Burton and the four communities of Greater Geary which creates practical challenges in terms of joint citizen administration. LSD advisory councils do not operate by bylaws which specify geographic representation of councilors or chairs. It is left to the council to operate on an “honour” system. Since the LSD is divided, neutral ground for votes would be required, and Oromocto is the most likely location. This again highlights the issue with a divided LSD, especially if voting on “local” community issues cannot be done “locally”.

The second, and most significant barrier, was considered the lack of knowledge of how the LSD system works and the rationale for that system to include Burton and Greater Geary in one administrative body. The fact that communities need to vote for *establishing* an advisory council prior to *electing* the council is substantial inertia to overcome, meaning expended effort trying to justify the need for a council and building support for it, rather than focusing on addressing community issues. Also, the name “Burton” had become synonymous with the community instead of the LSD, which was anticipated to lead to confusion about “one community taking over another”. Calling for a vote to establish a council in of itself can create additional confusion, especially if residents believe their taxes will go up.

Other background work

BICG and GGA representatives met with officials from the provincial department of Local Governance. Issues brought up included the possibility of creating two separate LSDs or even two Rural Communities, a new form of local governance. BICG/GGA were informed that there were legislative and political barriers to creating two separate communities in either model. The best option recommended by representatives of the Department of Local Government was to form an advisory committee and have this committee pursue some of the other organization options which may require significant time outlay and/or a change in legislation.

Consultation sessions

On May 31 and June 1, 2010, the Greater Geary Association (GGA) and the newly formed Burton Interested Citizens Committee (BICG) hosted two roundtable discussions on local governance in Burton Local Service District. The discussions also included a presentation by Local Services Manager Peter Kavanagh. Surveys were distributed to attendees to gauge their interest and knowledge of local governance. The rationale for these consultation sessions was twofold: to educate and engage the citizenry on local governance options; to assess the possibility of organizing a Local Service District (LSD) advisory committee. Previous efforts at organizing an LSD advisory committee in the 1960s and 1980s were unsuccessful. Understanding why previous efforts had stalled (and what current barriers remain) was the primary outcome of the sessions.

Synopsis of the Greater Geary consultation session

The Greater Geary consultation session had approximately 20 people in attendance, with half from the Greater Geary area and half from Burton. This may have been partly due to lack of a mail-out advertisement and the newspaper article that focused solely on “Burton”, however, the low attendance was surprising given the extensive electronic communication network maintained by the GGA. The session was facilitated by the GGA with support of the BICG and included a presentation by Peter Kavanagh on local governance. The primary concerns related to the perception that one community would have control over the other if any advisory committee were developed.

Synopsis of the Burton consultation session

The Burton meeting was well attended for a first public gathering on the issue of local governance to be held in over twenty years. The BICG facilitated the session with attendance from the GGA. It should be noted that aside from the GGA representative, no Greater Geary resident attended this session. There were concerns expressed with regards to taxes increasing or losing individual autonomy. While only 45% of survey respondents were explicitly in favour of a council, 32% indicated they might support it. The BICG found the session energizing and have agreed to continue to pursue ways and means of creating a community culture in the Burton area and to continue to work with the citizens of Geary to create a fair and equal voice of local governance.

Summary of responses to questionnaire

The following table summarizes the responses to the surveys distributed at both consultation sessions. It only includes the percentage of respondents who replied “yes” to the following questions, though in some cases (like “support a LSD advisory committee”) there were notable numbers of people responding “maybe”.

Percentage of respondents stating “yes” to the following questions	Burton	Greater Geary
Felt they understood what a Local Service District is:	90%	70%
Felt they knew what a LSD advisory committee does:	77%	80%
Support a LSD advisory committee for Burton/Greater Geary	45%	60%
Concerned one community would have control over the other	16%	60%
The name “Burton LSD” was not representative	9%	40%
Concerned about taxes going up	16%	20%
Average rating of helpfulness of session (out of 10)	7.9	7.2
Respondents (n)	31	10

It is clear that the majority of participants in both sessions gained a better understanding of how the LSD system works and what a committee does and found the session helpful. Most notably, the majority of Greater Geary participants expressed concern about one community having control over the other, concern not generally displayed by Burton participants. A sizeable percentage of Greater Geary participants also felt the name “Burton LSD” was not representative. Interestingly, a higher percentage of Greater Geary participants outright supported the idea of a LSD advisory council, though it

should be cautioned that this not be interpreted as an endorsement of the idea from the community at large. The concerns expressed by the Greater Geary participants are likely a better indication of the larger public sentiment and should be viewed in context of the low attendance.

Discussion of challenges

Even though Greater Geary has a larger population than Burton, there were fewer people in attendance to the consultation and learning session. In fact, Burton residents appeared highly engaged as several were Burton residents present in both sessions. There is concern that the name “Burton LSD” may be confusing for Greater Geary residents as many may be unable to reconcile the difference between Burton the community and Burton the geopolitical entity. This presents significant challenges for a vote on Burton LSD advisory committee as any advertisement will list “public vote for Burton LSD”. Even if the community names are listed on a flyer, Greater Geary communities may not have been engaged enough to understand what it is they would be voting for and may veto the process. There is also a high probability that any community vote will not have enough attendees to make the vote binding.

Similarly, the high percentage of Greater Geary participants stating their concern with “one community having control over the other” requires attention. The challenge for both communities will be to ensure equal representation on an advisory committee, including how a chair would be selected, and having this process transparent and supported by residents. There are also unanswered questions regarding voting locations, meeting locations, and what to do if equal representation is not attained.

The excellent turn out by Burton residents suggests there is great interest in seeing progress on the local governance front. The fact that 45% of respondents outright supported an advisory council is encouraging, especially when viewed in light of the 32% that would “maybe” support it. This does mean, however, that further education and consultation efforts be undertaken to enhance the comfort level of this group.

Recommendations and committee next steps

These two consultation sessions represented an excellent start to the dialogue on enhancing local governance in Burton LSD. Following the discussions and initial research efforts by both groups, it is recommended that:

1. Both groups continue the dialogue with their respective communities regarding the establishment of a LSD advisory committee, including the development of community priorities
2. Groups refrain from individually undertaking a petition for establishing a committee
3. Groups to move jointly forward on a petition upon support from their membership and upon evidence of strong community support
4. Special attention be paid to engaging the Greater Geary part of the LSD in this process, including promoting events with community mail outs
5. Further work be undertaken to develop a plan for geographic representation
6. Discussion on the Rural Community model for Burton LSD be revisited at a later date

Recommendations to government

There are also certain measures the provincial government could undertake to facilitate community organization and reduce the barriers to enhancing community services. The GGA and BICG jointly recommend that the provincial government consider:

1. Eliminating the need to vote to establish an advisory committee prior to electing committee members (currently communities without an advisory committee have to vote on whether they want a committee or not before any election of committee members can take place)
2. Eliminating the 50 person minimum attendance requirement for community votes and have decisions made by simple majority of those in attendance
3. Reducing barriers to incorporation, such as eliminating mandatory tax increases for hiring an administrator
4. Eliminating the condition to merge with adjacent LSDs to form a Rural Community if population and tax base thresholds are met or exceeded by the LSD
5. Permitting the Rural Community model for subdivisions of a LSD if each subdivision has a population and tax base that meets or exceeds the thresholds currently in force for developing a Rural Community