

**Evaluating Municipal Incorporation Proposals:
Canadian Approaches and Considerations for the British Columbia Context**

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Executive Summary

Introduction

The Province of British Columbia (the Province) and communities work together to find the best local government structure to address community needs, preferences, and issues. Different approaches are used for the diverse types of communities in British Columbia (BC). An unincorporated community, the focus of this report, has a myriad of choices on how to govern and deliver services including establishing itself as a municipality to become responsible for local governance and service functions.

The Province anticipates that some of the remaining unincorporated BC communities may seek incorporation without the capacity to be a viable municipality. While the decision to incorporate is typically a community-based decision, the Province facilitates a process to ensure that communities are informed prior to making a decision about future local government structure. The Local Government Structure Program (the Program) staff evaluate the feasibility of a municipal incorporation proposal and facilitate informed decision-making by conducting an evaluation to identify community problems, examine potential options for resolving these problems, and study the impact of incorporation. The evaluation relies on experienced Program staff and consultants and prudent community decision-making. However, diminishing policy expertise and scarce Program resources impedes evaluation for the 51 remaining unincorporated communities with a population larger than 1000 (Marijke Edmondson, personal communication, February 28, 2017) (Appendix 1). This report identifies potential improvements to the policy framework used to evaluate the feasibility of municipal incorporation proposals in this challenging environment.

This report contributes to the Ministry's continuous effort to improve evaluation of the feasibility of municipal incorporation proposals. The main research question is: *What procedures, tools, and criteria can improve BC's approach to evaluating the feasibility of municipal incorporation proposals?* The research undertaken for this report was part of a broader effort to support unincorporated communities to choose local government structures that will best serve their community needs, preferences, and issues. The report:

- Describes the policy framework for evaluating the feasibility of municipality incorporation proposals;
- Presents information and analysis to support enhanced procedures, tools, and criteria for policy experts to consider;
- Recommends procedures, tools, and criteria that may improve the evaluation of a municipal incorporation proposal; and,
- Develops an evaluation toolkit for municipal incorporation that begins to identify categories, types, and purposes of evaluation tools in use in other Canadian provinces.

Methodology and Methods

The research used a policy analysis approach to review the policy framework for evaluating the feasibility of municipality incorporation proposals. An organizational needs assessment and jurisdiction scan complement the primary research methodology by identifying Ministry needs in a review of the policy framework in order to prioritize those needs in the recommendations. The project used documents reviews and policy expert interviews to both determine Ministry needs and examine options in other provinces for addressing those organizational needs. Eight policy experts participated in interviews for a total of 5.5 hours. A thematic analysis collects, codes, and sorts the findings into categories.

Key Findings

Literature Review

The evolution of local government structure reform limits incorporation as an option to address community needs, preferences, and issues (Tindal and Tindal, 2009, p. 133; Meligrana, 2000, p. 512). Recent trends in local government restructure in Anglo-American countries include a reduction in municipalities, a preference for large unitary structures, new regional structures, reform of special purpose bodies, and new sub-municipal structures (Dollery, Garcea & LeSage, 2008, pp. 197-199). While these local government structures provide solutions to emerging problems, regionalization may indirectly stimulate unincorporated communities to incorporate in order to gain equal status with their municipal counterparts (Dollery et al., 2008, pp. 197-199).

A just decision-making process emphasizes participation of impacted levels of government in decision-making about local government restructure (Paddison, 2004, p. 22). A just decision-making process should address local needs, preferences, and issues, be accessible, accountable, and transparent, and enable shared decision-making (Paddison, 2004, p. 22, 31). However, a province's local government restructure goals may fail to address local needs, preferences, and issues, include local actors, or create opportunities for local actors to influence decisions (Sancton, 2011, p. 31; Bourgeois, 2005, p. 254). Nonetheless, it is possible for a province to overcome many challenges by defining local government restructure goals and designing a procedure to achieve these goals (Skaburskis, 2004, pp. 51-52).

Organizational Needs Assessment

Former and present Ministry staff with policy expertise acknowledge the strengths and weaknesses of the policy framework in light of diminishing policy expertise, scarce Program resources, and a changing local government environment. While they support the continued use of multiple stages of evaluation using a problem-solving approach to address community, needs, preferences, they note areas for improvement. Their suggestions indicate support for additional and alternative procedures, tools, and criteria that will improve the ability of the Program to determine feasibility sooner, emphasize education of communities and Program staff, test community interest, and establish provincial and regional interests and plans. Further, they suggest evaluating the effectiveness of existing evaluation tools support informed decision-making.

In addition, most policy experts support developing basic incorporation requirements; however, they emphasize the importance of flexibility in the basic incorporation requirements in order to retain incorporation as an option for unincorporated communities that do not have alternatives to address community needs, preferences, and issues. A few policy experts support a stronger provincial role in future local government restructure for remaining unincorporated communities in BC.

Jurisdiction Scan

The jurisdiction scan examined evaluation procedures, tools, and criteria for determining the feasibility of municipal incorporation proposals in Alberta, Saskatchewan, New Brunswick (NB), and Prince Edward Island (PEI). Saskatchewan, NB, and PEI permit incorporation but Alberta restricts incorporation. Each province determines the level of provincial government involvement in the municipal incorporation process, by designing a decision-making process that includes or excludes the responsible Ministries or Departments to some degree. In Saskatchewan, the provincial government sets basic incorporation requirements and a rigorous municipal incorporation process, and then a community must develop a municipal incorporation application to submit to the provincial government. In PEI, the provincial government sets more basic incorporation requirements and a municipal incorporation process, and the community instead submits a municipal incorporation proposal to a commission for evaluation. In contrast, the NB government describes the municipal incorporation process and requirements, but it also leads multiple stages of evaluation identify community needs, preferences, and issues, feasibility of incorporation, and community restructure options.

Each province designs a municipal incorporation process including procedures, tools, and criteria. In Alberta, Saskatchewan, NB, and PEI, procedures emphasize community initiative in seeking incorporation, an evaluation of feasibility, a test of community support, and a final decision by a provincial representative about incorporation. While these provinces share many procedural components, the evaluation including procedures, tools, and criteria vary in terms of responsibility for evaluation, tools for evaluation, and number of and minimum basic incorporation requirements.

Alberta, Saskatchewan, NB, and PEI define their municipal incorporation process in legislation. While provincial legislation defines a municipal incorporation process, it provides a Minister with discretion to vary procedures, tools, and criteria within limits in order to manage exceptional municipal incorporation proposals. For example, Saskatchewan has separate legislation and municipal incorporation processes for southern and northern unincorporated communities. Further, PEI provides the Minister with discretion to permit the commission to conduct an evaluation for a municipal incorporation proposal that does not meet the basic incorporation requirements. Alberta, Saskatchewan, NB, and PEI use a variety of basic incorporation requirements in their municipal incorporation processes, including population, taxable assessment, and number of residential and or business units.

Saskatchewan, NB, and PEI are in the process of changing or have recently changed their policy frameworks for evaluating the feasibility of municipal incorporation proposals. Changes include creation of new local government structures, changes in mandatory functions assigned to local government structures, changes to evaluation processes, tools, and criteria, and changes to basic incorporation criteria.

Recommendations

The organizational needs demonstrate support for improving the ability of the community, Program, and Minister to make an informed decision about feasibility sooner during evaluation in a municipal incorporation process.

The ten recommendations identify additional or alternative procedures, tools, and criteria that will lead to improvements to the policy framework. The recommendations below are categorized into improvements to communication, education, and evaluating feasibility. All are aspects of the process that address areas to improvements.

Communications Recommendations

Recommendation 1 – Alter communication from ‘incorporation’ to ‘community restructure’ process

Recommendation 2 – Develop a ‘community restructure guide’

Recommendation 3 – Set out evaluation procedures, tools, and criteria in the *Local Government Act*

Recommendation 4 – Define role of provincial, regional and local government in municipal incorporation process

Education Recommendations

Recommendation 5 – Develop educational material about the impact of incorporation on a community and its regional district

Recommendation 6 – Research alternatives to incorporation in the regional district system

Evaluating Feasibility Recommendations

Recommendation 7 – Evaluate effectiveness of governance and incorporation studies

Recommendation 8 – Introduce a community petition tool

Recommendation 9 – Define provincial interests

Recommendation 10 – Develop basic incorporation requirements

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1.0 Introduction

There are few remaining unincorporated communities in British Columbia (BC) that could incorporate as viable municipalities. An unincorporated community seeks incorporation as a municipality to gain control over local governance and service functions. When a community seeks to incorporate, the Province of British Columbia (the Province) evaluates the feasibility of a municipal incorporation proposal and responds with a Minister's decision on whether to fund a further study. An unincorporated community that has a growing population, mixed residential, business, and industry properties, and a wide range of services is likely to be a viable municipality (Government of British Columbia, internal document, 2014). Now that the Province has facilitated a municipal incorporation process for 35 communities since the 1970s, there are 51 unincorporated communities with a population of more than 1000 persons (Government of British Columbia, internal document, 2014; Appendix 1). Moving ahead, improvements to the policy framework used to evaluate and respond to incorporation proposals can assist in insuring that incorporation is limited to strong incorporation candidates. In light of changes in the organization and local government environment, the Local Government Structure Program in the Ministry of Municipal Affairs and Housing is reviewing the policy framework for evaluating the feasibility of municipal incorporation proposals.

1.1 Defining the Client and Problem

This report includes the results of a review of procedures, tools, and criteria for evaluating the feasibility of municipal incorporation proposals in BC and other Canadian provinces to provide recommendations for improving the municipal incorporation policy framework. The client for this report is the Director of Local Government Structure Program (the Program) in the Local Government Division in the BC Ministry of Municipal Affairs and Housing. The Program delivers changes to local government structure in BC (Government of BC, n.d.a). The Program collaborates with other programs in the Local Government Division and ministries to leverage effective local government structures. The Director and Program staff will consider the report's recommendations in their review of the policy framework.

The *Local Government Act* delegates to the Minister the authority to incorporate a municipality, but does not provide direction about how to evaluate the feasibility of incorporation (Local Government Act of 2015). While the legislative framework provides the Program with flexibility to evaluate municipal incorporation proposals within the local, regional, and provincial context, flexibility may enable the incorporation of non-viable municipalities for reasons of political expedience. This concern is based primarily on Ministry experience with existing municipalities that are unable to independently address their long-term needs, preferences, and issues. Building on this concern is that most remaining unincorporated communities in BC share demographic, economic, social, and political characteristics with these non-viable municipalities. There is desire for a policy framework that continues to promote informed community decision-making about incorporation while ensuring the feasibility of municipal incorporation proposals.

Changes in the Program and the local government environment have created a need to review the policy framework for evaluating municipal incorporation proposals. Program and local government environment changes include a reduced Program budget, limited availability of experienced Program staff and consultants, and fewer strong incorporation candidates. First, the

Program has restricted fiscal capacity due to reduction in the Program's budget from \$2 million to \$0.5 million that limits its ability to dedicate resources to evaluating each municipal incorporation proposal. Second, Program staff and consultants that have experience evaluating the feasibility of municipal incorporation proposals throughout the stages of evaluation may be less available to facilitate the municipal incorporation process. Third, there are few remaining unincorporated communities in BC that exhibit the characteristics of a viable municipality. Further, Provincial concerns about viability of existing small municipalities, constrained resources to support new municipalities, and complaints by existing municipalities about the insufficiency of resources indicate that there are limits to the feasibility of many municipal incorporation proposals.

1.2 Project Objectives and Research Questions

The project objectives were identify Ministry needs and research options in other Canadian provinces in order to recommend procedures, tools, and criteria that may improve the policy framework for evaluating the feasibility of municipal incorporation proposals in BC.

The main research question is: *What procedures, tools, and criteria can improve the BC approach to evaluating the feasibility of municipal incorporation proposals?*

In addition to the main research question, related research questions are:

- *What types of procedures, tools, and criteria does BC use to evaluate municipal incorporation proposals?*
- *What additional/alternative types of procedures, tools, and criteria does BC want to develop to evaluate municipal incorporation proposals?*
- *What procedures, tools, and criteria do other provinces use to evaluate municipal incorporation proposals?*
- *Which other provincial procedures, tools, and criteria are relevant to the BC context?*

1.3 Organization of Report

The project report contains the following six sections. The first section provides an overview of local government structure in BC, evaluation procedures, tools, and criteria for incorporation, and environmental factors. The second section describes the methodology, sources of data, and research limitations and delimitations. The third section provides a review of the literature and incorporation and local government boundary decision-making. The fourth section identifies Ministry needs in the review of this policy framework. The fifth section provides a review of evaluation procedures, tools, and criteria in Alberta, Saskatchewan, New Brunswick and Prince Edward Island. Following identification of organizational needs, the sixth section analyzes themes in the findings and evaluates the relevance and impact of procedures, tools, and criteria from other jurisdictions. Finally, the seventh section concludes the report with ten recommendations.

2.0 Background and Current State

A background conceptualizes evaluation of the feasibility of municipal incorporation proposals into structural, historical, and political context. An overview of local government structure situates unincorporated communities within a broader local governance model. An overview of the municipal incorporation process describes decision-making about incorporation. Finally, there are considerations that influence recommendations for improvement to the policy framework for evaluating the feasibility of municipal incorporation proposals.

2.1 Local Government Structure in British Columbia

2.1.1 Defining Local Government Structure and Purpose

Local government structure refers to how a province organizes incorporated and unincorporated areas, including the governance model that provides a municipality with general and specific authorities and responsibilities to address local matters. Each province determines the suitability of local government structures and reforms them to reflect changing environments (Garcea and LeSage Jr., 2005, pp. 331-334).

2.1.2 Local Government Structure

In BC, the system of local government structure includes local and regional governments. Local governments are cities, towns, villages, and district municipalities. Regional districts are comprised of municipalities and broader geographies that provide representation for unincorporated communities within the regional district boundaries. There are 162 municipalities and 27 regional districts in BC (Government of BC, n.d.b; BC Statistics, 2017). A goal of local government structure policy is to provide access to local government structure for varying unincorporated communities to address community needs, preferences, and issues (Marijke Edmondson, personal communication, July 4, 2017).

During the 20th century, the Province of British Columbia (the Province) implemented local government structure reforms to address the inadequacy of local government structures for small and remote communities. In 1896, the *Municipal Incorporation Act* and the *Municipal Clauses Act* provided for towns, cities, and districts. Then in 1920, the Province created municipal and non-municipal classifications with fewer authorities and responsibilities to enable some unincorporated communities to govern themselves and access a limited range of services. In 1920, the *Village Municipalities Act* added villages to address community needs, preferences, and issues in remote communities. In the same year, new legislation added improvement districts to provide a limited range of services without requiring incorporation. Since these local government structure reforms, the Province has eliminated differentiation between municipal classifications (Government of BC, internal document).

In 1965, the Province created the regional district system after experimenting with regional service models (Government of BC, 2006, p. 4; Government of BC, n.d.c.; Harcourt, Cameron & Rossiter, 2007, p.16). The regional district system enables cooperation between municipalities and communities within that region (Government of BC, 2006, p. 5; Cashaback, 2001, p. 11). As a result, there is less need for local government restructure to address regional problems when the regional district provides a forum for alternative solutions to regional problems, such as growth management (Cashaback, 2001, p. 3). At the same time, regional districts provide an

unincorporated community with a method of addressing community needs, preferences, and issues without incorporation (Government of BC, 2006, p. 5; Cashaback, 2001, p. 3). While the regional district system is an alternative, regional integration spurs unincorporated communities to incorporate to gain equal status to their municipal counterparts (Dollery et al., 2008, pp. 197-199).

2.2 Municipal Incorporation Process in British Columbia

2.2.1 Guiding Principles for the Municipal Incorporation Process

The Program follows three principles in facilitating the municipal incorporation process in order to help a community make a decision about local government restructure (Government of BC, n.d.b.). First, the community typically initiates a municipal incorporation process (Government of BC, n.d.b.). Second, the community decides for or against incorporation in a vote (Government of BC, n.d.b.). Third, the community should be informed prior to heading to a vote (Government of BC, n.d.b.).

2.2.2 Vote on Incorporation

The *Local Government Act* (LGA) presently contains the authority to incorporate a municipality. Under LGA, s.3, the Minister may recommend to the LGIC to order an incorporation if more than 50% of persons in an unincorporated area vote in favour of incorporation (the Local Government Act of 2015). Under LGA, s.3, the Minister has authority to order a vote on incorporation (the Local Government Act of 2015). Under LGA, s.4, the Minister may direct that a vote be taken if a municipal council, a board of trustees for an improvement district, and two or more residents request a vote on incorporation (the Local Government Act of 2015). Under LGA, s.4, the Minister may also recommend a vote without such a request if the Minister believes incorporation is in the public interest (the Local Government Act of 2015).

2.2.3 Municipal Incorporation Process

In accordance with the third principle, Program staff administer a municipal incorporation process to determine the feasibility of a municipal incorporation proposal before the Minister directs a vote on incorporation (See Figure 1 – Municipal Incorporation Process in British Columbia) (Government of BC, n.d.b.).

Program staff lead the community through a problem-solving approach to addressing community needs, preferences, and issues. First, Program staff conduct a preliminary evaluation to advise the community and Minister about the feasibility of a municipal incorporation proposal. If the proposal is feasible at this stage, the Minister may fund a governance study. A community conducts a governance study to identify community needs, preferences, and issues in addition to options for addressing them. Then, if incorporation is an option for addressing community needs, preferences, and issues, the Minister may fund a study on incorporation. A community conducts a study on incorporation to evaluate the impact of incorporation. Once the final study on incorporation is complete, the incorporation study committee holds meetings to share information about impact of incorporation with the broader community.

If the incorporation study community appears to support incorporation, it may recommend to the Minister to direct a vote on incorporation. In response to a vote in support of incorporation, Program staff prepare municipal letters patent and an order-in-council for the Minister and Cabinet. The Minister and Cabinet may recommend incorporation to the Lieutenant Governor in Council (LGIC).

Figure 1 – Municipal Incorporation Process in British Columbia illustrates the municipal incorporation process.

FIGURE 1 - MUNICIPAL INCORPORATION PROCESS IN BRITISH COLUMBIA

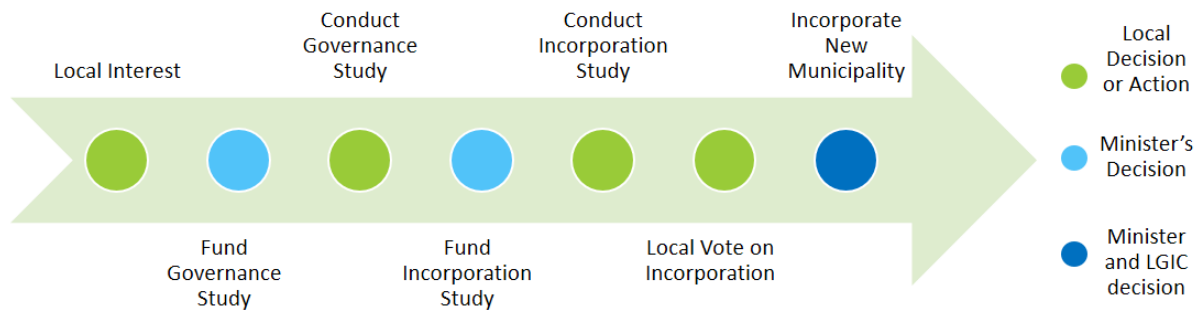


Figure 1 adapted from Government of BC, internal document.

2.2.4 Determining the Feasibility of a Municipal Incorporation Proposal

While a community usually decide about local government restructure, the Minister has a decisive role during several steps and may stop the evaluation at any of these stages. First, the Minister makes a decision about funding a governance study. Second, once a governance study is complete, the Minister makes a decision about funding a study on incorporation. Third, if the Program staff and incorporation study committee recommend a vote on incorporation to the Minister, the Minister may direct a vote for incorporation. Finally, if a community votes in favour of incorporation, the Minister may recommend to the LGIC to incorporate a municipality.

Throughout the evaluation, Program staff advise the community and Minister about the feasibility of a municipal incorporation proposal (Government of BC, n.d.b). Program staff provide a community with information about the municipal incorporation process, problem identification, and impact of incorporation. At the same time, Program staff provide advice to the Minister about whether or not to fund studies or direct a vote on incorporation. At any stage in the evaluation, the community or Minister may decide to stop the municipal incorporation process. However, since there is no agreement about defining or measuring feasibility, Program staff must negotiate agreement between the Minister and community about the feasibility of the municipal incorporation proposal.

2.3 Considerations

2.3.1 Lessons from Existing Municipalities

A method of evaluating the feasibility of municipal incorporation proposals involves looking at the viability of a proposed municipality based on Ministry experience with existing municipalities. Municipal viability is the ability of a municipality to perform basic governance and administrative functions described in the LGA and *Community Charter*, provide core services to the community, and address evolving community needs, preferences and issues in terms of these governance, administrative, and service delivery functions. In addition, new municipalities must assume responsibility for policing and road maintenance costs (The Police Act of 1996; Community Charter of 2003). Therefore, municipal viability requires the capacity and resources to comply with provincial requirements, provide basic municipal functions, and address additional municipal functions related to addressing unique community needs, preferences, and issues.

Based on this definition of municipal viability, some municipalities struggle to independently provide basic municipal functions (Government of BC, 2012, pp. 3-4). Provincial staff have examined these municipalities, developing tools such as the Community Vulnerability Index, to identify characteristics to measure municipal viability. Features of a viable municipality are a large and growing population with a strong community identity, a large and diverse tax base, and a diversity of industries and employers (Government of BC, internal document). Lessons from existing municipalities creates concerns about the feasibility of municipal incorporation proposals that do not exhibit these features.

2.3.2 Political Nature of Incorporation

A key challenge to changing the policy framework is the political nature of incorporation. The Province articulates and upholds a principle of community right to choose a local government structure by referendum (Government of BC, n.d.b). When the Province made changes to this authority by adding to the legislation a minimum population and taxable assessment for incorporation in the 1970s, it repealed this amendment by the mid-1970s. In place of basic incorporation requirements, the Province created the Program in the mid-1980s to administer local government restructure. There have been no further successful actions to introduce basic incorporation requirements into the legislation or regulations.

2.3.3 Practicality of Incorporation

Incorporation was an option for addressing community needs, preferences, and issues given historical absence of alternatives to incorporation. Incorporation was once the only way to provide communities with governance and service functions. In the first half of the 20th century, the Province began designing local government structures that would be suitable for smaller and more remote communities. In 1965, the Province created 29 regional districts (Government of BC, p. 4; Bish and Clemens, 2008, p. 45). Regional districts serve as forums for cooperation between municipalities and communities in a regional district, and they provide services to unincorporated communities (Government of BC, 2006, p. 5; Bish and Clemens, 2008, p. 45). Within the regional district system, many unincorporated communities may address benefit from governance and service functions without incorporation (Government of BC, 2006, p. 13). A variety of alternatives to incorporation provides flexibility to change the policy framework.

2.3.4 Capacity of Regional District

A mature regional district system provides a means for solving problems in unincorporated communities. When the Province created regional districts, it intended for incorporated and unincorporated communities to choose regional district functions according to regional needs, preferences, and issues. Since then, the Province requires regional districts to perform a few mandatory functions while the rest remain voluntary (Bish and Clemens 2008, p. 49). As some regional districts may not provide extensive voluntary functions due to community needs, preferences, and issues, an unincorporated community may have few alternatives to incorporation. Furthermore, disparity in capacity of regional districts limits the potential alternatives to incorporation available within each regional district (Bish and Clemens, 2008, p. 47).

2.3.5 Effective Regional Governance

With the creation of regional districts to promote regional cooperation, municipal incorporation proposals create a challenge for decision-making capacity of the regional district board. Incorporation is problematic in regional districts with many municipalities because an additional municipality may incapacitate decision-making on regional matters (Bish and Clemens, 2008, pp. 45-46). For example, the Capital Regional District and Metro Vancouver Regional District have 13 and 21 municipalities respectively and few electoral areas, and often encounter challenges negotiating agreement on regional issues (Capital Regional District, 2017; Cleverly, 2017; Sinoski, 2011). While a regional district with a larger number of municipalities may lose its effectiveness with more incorporation, an unincorporated community in a regional district with many municipalities may wish to incorporate to become equal with its municipal counterparts.

2.4 Summary

The background provides an overview of local government structure in BC, the municipal incorporation process, and environmental factors. An unincorporated community may seek to incorporate as a municipality. Alternatively, an unincorporated community may address community needs, preferences, and issues within the existing local government structure, the regional district system. While regional districts are already primary service providers for unincorporated communities, growing sophistication of the regional districts system provides more options to address community needs, preferences, and issues without incorporation.

The Province facilitates evaluation of the feasibility of a municipal incorporation proposal to ensure that a community is informed about community needs, preferences, and issues, options, and impact of incorporation before a vote in incorporation. While the Province promotes informed community decision-making, an unincorporated community may seek to incorporate even though it would not be a viable municipality that is capable of performing basic municipal functions.

Sustainability of existing municipalities offers lessons for evaluating the feasibility of municipal incorporation proposals. Yet, these lessons are challenging to put into practice because of a principle upholding a community's ability to choose its local government structure. Nonetheless, there are many factors in the local government environment, particularly the development of regional districts, which overcome opposition to evaluation procedures, tools, and criteria. Any changes to the policy framework will need to consider environmental factors.

3.0 Literature Review

This section focuses on literature about local government structure and local government boundary decision-making. The analysis of local government structure reform in Canada and Anglo-American countries examines the relevance of incorporation as a local government structure option. Availability of incorporation has implications for provincial oversight of local government structure and design of evaluation procedures, tools, and criteria for evaluating the feasibility of a municipal incorporation proposal.

The analysis of local government boundary decision-making emphasizes shared decision-making for relevant levels of government. Just decision-making emphasizes participatory decision-making and builds trust in the legitimacy of a final decision (Paddison, 2004, pp. 27-33). The literature proceeds with an evaluation of the provincial government's role in regard to local government boundary decision-making, strengths and weaknesses of the provincial government's role, and how to design evaluation procedures, tools, and criteria to support local government restructure goals.

The literature review examines relevance of incorporation in the context of local government structure reform and decision-making methods about incorporation. A literature review explores the main findings of existing and relevant research and identifies the salient themes of the literature (Kumar, 2014, p. 48). For this project, literature was found using library databases at the University of Victoria, the Ministry of Municipal Affairs and Housing, and Muniscope. Search terms include various keywords paired together by Boolean operators, for example: 'local government structure reform', 'evolution of local government structure', 'municipal structure reform', and 'municipal incorporation', 'local government incorporation', and 'viable municipalities'. After reviewing academic literature, a further review of publications by three levels of government and municipal associations, such as the Union of BC Municipalities, Local Government Management Association, and Federation of Canadian Municipalities, does not have relevant literature about incorporation.

3.1 Availability of Incorporation as a Restructure Option

The broader local government system within a province has implications for designing a policy framework for evaluating feasibility of a municipal incorporation proposals and identifying useful evaluation procedures, tools, and criteria.

Canadian local government restructure examples reflect Anglo-American countries trends toward a reduction in the number of municipalities, a preference for large unitary structures, new regional structures, reform of special purpose bodies, and new sub-municipal structures (Dollery, Garcea & LeSage, 2008, pp. 197-199). Local government restructure initiatives in Ontario and Quebec in the 1990s were the most extensive in Canada and consistent with a preference for large unitary structures and new regional structures of Anglo-American counterparts (Garcea and LeSage, 2008, pp. 159-160). The Central and Eastern Canadian provinces of Ontario, Quebec, New Brunswick, Prince Edward Island, and Nova Scotia had more significant local government restructures than Western provinces (Garcea and LeSage, 2005, p. 293). In these provinces, the main local reforms emphasized consolidation, regional governance and adapting representation within the new regional governance frameworks (Garcea and LeSage, 2005, pp. 295-296).

Incorporation is influenced by political ideologies and challenges to municipal capacity in rural and urban settings in administering a local government. In most provinces, asymmetrical growth, development, and capacity in urban and rural areas, and the related challenge of finding adequate local government structures to address variation without generating greater asymmetry, limit the availability of restructure options (Tindal and Tindal, 2009, p.129). The primary objective of municipal reform in Canada was to improve municipal governance capacity by empowering municipalities and municipal restructuring (Garcea and LeSage, 2005, p.290). Provincial and territorial governments sought to consolidate municipalities and communities to leverage collective municipal capacity and eliminate challenges of inter-municipal coordination and competition (Garcea and LeSage, 2005, p.291; Fischler, Meligrana, and Wolfe, 2004, p.103). The limited feasibility of existing restructure options has led to local government reforms.

Incorporation is not frequent in most Canadian provinces (Meligrana, 2000, p.518). In those provinces, there is a steady decline in incorporation since the 1970s in favour of consolidation of municipalities and integration of regions (Meligrana, 2000, p.519). Challenges of designing a suitable local government structure for unincorporated communities in rural areas is a topic of discussion in many Canadian provinces (Bourgeois, 2005, p.243; Garcea, 2005, p.86; Tindal and Tindal, 2009, p.128).

Meligrana argues that the availability of incorporation is constrained in a more developed local government system (Meligrana, 2000, p. 512). He contends that a province does not give equal consideration to incorporation relative to other restructure or non-structure options due to provincial goals (Meligrana, 2000, p. 512). In support of this argument, Meligrana (2000) develops a linear process model that illustrates how local government restructure in city-regions tends to resolve problems through greater consolidation, so incorporation is not an option for a nearby unincorporated community due to prioritization of city-region needs (Meligrana, 2000, pp. 512-513). Different provincial approaches to incorporation described in these two positions can be understood as an attempt to balance local autonomy of municipalities and communities and viability of existing municipalities (Skaburskis, 2004, p. 38).

Meligrana develops a theory for understanding local government restructure in city-regions presenting challenges for incorporation (Meligrana, 2000, p. 509). His main argument is that a city-region will restrict the availability of local government restructure options for municipalities and communities within a region because evolving city region problems are more effectively resolved by consolidation and regional integration (Meligrana, 2000, p. 512). A city-region will progress through five successive restructure stages: incorporation, annexation, amalgamation, regionalism, and growth management (Meligrana, 2000, p. 510). Each structure presents new problems which requires further restructure (Meligrana, 2000, p. 510; Burke, 2015, p. 9). As city-regions progress through these five restructure stages, incorporation of unincorporated communities no longer address city-region problem (Meligrana, 2000, p. 512).

Despite Meligrana's analysis, this process model of local government restructure has limitations for understanding local government restructure across Canada. Meligrana's analysis describes a province that directs local government restructure and a local government system that prioritizes city-regions interests without any mechanisms to protect peripheral community interests. However, there are often mechanisms that prevent consolidation of a city-region and protect autonomy of peripheral municipalities and communities. Nonetheless, provinces that leverage regional approaches gradually decrease a need for incorporation as a local government

restructure option. A key issue is that regionalization may absorb a community into a larger, consolidated, integrated system of local government structure. In some cases, this may lead a community to seek incorporation in order to gain equal standing with municipal counterparts and establish more local control over decision-making (Dollery et al., 2008, pp. 197-199). However, municipalities in a regional district system may oppose incorporation of a municipality within the region to maintain a balance of power.

3.2 Local Government Boundary Decision-Making

A critical review of the literature of local government boundary decision-making considers participation of impacted levels of government. Meligrana (2004) finds a lack of local government boundary decision-making theories, principles, and best practice. Meligrana incorporates Paddison's (2004) principles of just local government boundary decision-making to understand local government restructures in international case studies.

A just decision-making framework includes impacted levels of government in local government boundary decision-making (Paddison, 2004, p. 22). The first principle is that just decision-making should meaningfully address local needs, preferences, and issues (Paddison, 2004, p. 27). The second principle is that a just decision-making process is transparent, accountable and accessible (Paddison, 2004, p. 31). The third principle is that no single actor should unilaterally decide the local boundary reform (Paddison, 2004, p. 33). Procedures that satisfy all three principles contribute to a shared decision-making framework that includes impacted levels of government in decisions about local government boundary change.

Shared decision-making requires an adequate balance of provincial, regional, and local interests. However, political ideology about the local government role influences the provincial local government restructure goals (Bourgeois, 2005, p. 254). A province may perceive a municipality as an administrative and/or democratic unit (Tindal and Tindal, 2009, pp. 5-7). Depending on this perception, the province may evaluate the feasibility of incorporation based on either the capacity or willingness to provide basic municipal functions. In addition to divergent provincial ideologies, there are divergent provincial ministry or department ideologies (Sancton, 2011, p. 31). Bourgeois (2005) writes that changing political ideologies about local government structure are inevitable, and therefore he recommends that provinces adopt a clear political ideology and resolve divergent political ideologies between ministries or departments to promote shared decision-making (Bourgeois, 2005, p. 255; Tonn, 1975, p. 203).

A province develops various local government restructure goals. Andrejs Skaburskis distinguishes between viability and autonomy goals, political objectives, functionalist goals, administrative goals, and process goals (Skaburskis, 2004, p. 50). Viability and autonomy goals may simultaneously prioritize creation and consolidation of local governments (Skaburskis, 2004, p. 50). Political goals may prioritize local government structures that distribute power between actors (Skaburskis, 2004, p. 50). Functionalist goals may prioritize local government structures that enable a community to perform functions that address its needs and preferences (Skaburskis, 2004, p. 50). Administrative goals may prioritize local government structures that will have healthy fiscal and governance capacity to perform functions that will meet community needs and preferences (Skaburskis, 2004, p. 50). Process goals may prioritize improvements to decision-making about local government structure (Skaburskis, 2004, p. 50). Nonetheless, a province tends

to encourage alternatives to incorporation that protect the viability of existing municipalities (Skaburskis, 2004, p. 51).

Defined local government restructure goals simplify shared decision-making (Skaburskis, 2004, pp. 51-52). The provincial government may establish local government restructure goals to guide decision-making. However, predetermined goals may limit decision-making in three ways. First, stakeholders may disagree about goals and options for achieving them (Skaburskis, 2004, p. 52). Second, predetermined goals restrict organic goal development and may fail to respond to new information in the decision-making process (Skaburskis, 2004, p. 52). Third, multiple goals may contradict each other and lead to ranking of goals (Skaburskis, 2004, pp. 52-53). Tonn (1975) argues that a provincial government should collaborate with a community to design a local government structure to address community needs, preferences, and issues rather than impose any goals or predetermined structures (Tonn, 1975, p. 207).

A province may emphasize various procedural goals in designing procedures (Skaburskis, 2004, p. 50). The provincial government may develop a process based on the desired speed of restructure (Skaburskis, 2004, p. 49). The provincial government may also develop a flexible process to respond and adapt to community needs, preferences, and issues (Skaburskis, 2004, p. 49; Tonn, 1975, p. 203). The provincial government will develop a process that will achieve other goals (Skaburskis, 2004, p. 49). A process may encourage participation, educate participants, promote community capacity building (fiscal, governance, dispute resolution), provide funding for research, identify community issues, and produce objective information (Skaburskis, 2004, pp. 50-51). The provincial government can design a dispute resolution framework to foster community decision-making about local government boundary changes (Skaburskis, 2004, p. 52).

3.3 Summary

The literature review examines the availability of incorporation as a local government restructure option. There are many limits to incorporation, especially limited capacity of community to assume responsibility for basic municipal functions. However, the provincial responsibility to manage an entire local government system and ensure that municipalities and communities within its jurisdiction exist without impeding on their individual viability limits incorporation as an option. In particular, a local government system that uses regional structures to address inter-municipal issues will limit incorporation.

While it is important to consider relevant levels of government in local government boundary decision-making, provincial ideologies and interests may dominate negotiations about local government boundary changes. Therefore, the province should develop a local government boundary change process that balances the power of stakeholders. Yet, while it is important for the province to balance stakeholder interests, the province has unparalleled experience with local government structures that may dominate local government boundary decisions.

A review of the policy framework must also consider local government context. A mature local government system with structure and non-structure alternatives may prefer solutions with less requirements for municipal fiscal and governance capacity than incorporation. While it is important to consider the desire for communities to incorporate, alternatives may be available. The process of determining local government structures and boundaries as well as evaluating the feasibility of municipal incorporation proposals should promote consensus-building between

stakeholders. If the provincial government's goal is to increase local government capacity, then the evaluation and municipal incorporation process should enable community self-assessment and community-level negotiations, public consultation, and dispute resolution. Lastly, basic incorporation criteria should be based on defined jurisdictional expectations about local government functions, local needs and preferences, and local government flexibility to changing local needs and preferences.

4.0 Methodology and Methods

The project uses a policy analysis approach to review the policy framework for evaluating the feasibility of municipality incorporation proposals. A needs assessment and jurisdiction scan complement the primary research methodology by identifying organizational needs and prioritizing those needs in the recommendations. Documents were reviewed and experts interviewed to both determine organizational needs and examine options in other provinces. Thematic analysis was used to collect, code, and sort the findings into categories.

4.1 Methodology

The project primarily used a policy analysis approach. A policy analysis approach involves defining a problem, conducting research and analysis, identifying options, and providing recommendations (Bardach, 2012, p. xvi). There are two secondary research methodologies: a needs assessment and a jurisdiction scan. A needs assessment methodology identified organizational needs and prioritizes those needs (Kaufman, 1994, p. 14). Using a needs assessment approach, the project prioritized organizational needs in the recommendations. A jurisdiction scan enables comparison of evaluation procedures, tools, and criteria in other provinces (Speers, 2015).

4.2 Methods

4.2.1 Needs Assessment Methods

The needs assessment used policy expert interviews. The policy expert interviews identified Ministry needs to prioritize in the project recommendations. I developed interview questions after reviewing the Ministry documents and website to learn about the procedures, tools, and criteria in practice. After noticing inconsistent information during this review, I led information sessions with three Program staff to gain an understanding of procedures, tools, and criteria in practice. Finally, I developed interview questions about municipal viability, environment factors influencing incorporation, strengths and weaknesses of procedures and tools, desired solutions to weaknesses, and regional district role (Appendix 2 – Policy Expert Interview Questions). These policy experts have evaluated a municipal incorporation proposal or contributed to Minister’s decisions about municipal incorporation proposals. After receiving ethics approval, I conducted in-person interviews over a three-week period in April 2017. In total, there were seven interviews and each interview was on average 45 minutes for a total 5.5 interview hours. All respondents signed consent forms (Appendix 3 – Sample Consent Form).

4.2.2 Jurisdictions Scan Methods

The jurisdiction scan used a document review and policy expert interviews. The document review included academic journals and books, provincial and local government association publications, and provincial websites. While much of the findings came from the documents review, I also intended to conduct interviews with policy analysts with experience conducting evaluation of municipal incorporation proposals. After receiving ethics approval, I identified interview respondents using contact information on provincial government websites and recommendations from their provincial government colleagues that I originally contacted with a request for interview. Only one individual participated in the interview in May 2017 due to unavailability of an experienced policy analyst in one jurisdiction and no response from other jurisdictions.

4.3 Data Analysis

The findings were interpreted using a thematic analysis. Thematic analysis is a process of collecting, coding, and sorting qualitative information into themes (Boyatzis, 1998, p. vii). Themes can be directly observed in the information or interpreted in the information (Boyatzis, 1998, p. vii). A thematic analysis is useful for improving clarity of findings and creating ease in communication (Boyatzis, 1998, p. vii). In this project, the analysis uses categories that are observable in the documents and interview transcripts.

4.4 Limitations and Delimitations

The limitations and delimitations outline project scope and describe weaknesses and strengths in the research design. Limitations are aspects of the research design that may limit the reliability of the research, analysis, and recommendations. Delimitations are aspects of the research design that address some or all of the limitations.

4.4.1 Limitations

Each research method has limitations for the research. In conducting this research, there are few reliable documents describing the municipal incorporation process and stages of evaluation. Another limitation is examining and applying practices in other provinces due to varying provincial approaches to incorporation, varying local government structures, and changing evaluations procedures, tools, and criteria. A key limitation in the jurisdiction scan is the lack of a regional district system or a comparable two-tier local government system, in any jurisdiction. Moreover, a low response rate from jurisdictions limits analysis.

4.4.2 Delimitations

The research methods also contain methods to overcome many of the limitations to some extent. The project is able to overcome the challenge of limited and conflicting information by having access to past and present Ministry staff during the research phase. Also, interviews with past and present Ministry staff who have worked in the Program in various roles over the 30 years period since the creation of the Program and amassing of significant policy expertise lend to the incrementalism of the recommendations. Finally, the document review uses considerable public information within legislation, regulations, and websites in each province, making it possible to gather rich data about procedures, tools, and criteria despite a low response rate for interviews.

4.5 Summary

The project uses three methodologies: policy analysis, needs assessment, and jurisdiction scan. The policy analysis approach defines a problem, examines options, and provides recommendations. A needs assessment supports a policy analysis approach by identifying organizational needs to prioritize in the recommendations. Further, a jurisdiction scan compares evaluation procedures, tools, and criteria in other provinces to identify options and potential recommendations. A document review and policy expert interviews draws on general and expert knowledge about evaluation procedures, tools, and criteria. Finally, a thematic analysis enables a systematic analysis of the findings.

5.0 Policy Expert Interviews

This section provides findings from expert interviews with former Program directors, current Program senior staff, and Ministry staff. The former Program directors have a long-view of the Program and experience with over a dozen incorporations. Program senior staff have recent experience facilitating a municipal incorporation process and evaluating the feasibility of municipal incorporation proposals. Other respondents share alternative perspectives about useful evaluation procedures, tools, and criteria. An analysis demonstrates agreement, disagreement, and variation in perspectives and recommendations.

This section uses expert interviews to review the policy framework. The interview questions (Appendix 2 - Policy Expert Interview Questions) allowed respondents to:

1. identify evaluative criteria for determining feasibility;
2. identify environmental factors that impact evaluation;
3. explore the value of formalizing evaluation procedures, tools, and criteria;
4. share perspectives on procedures, tools, and criteria;
5. suggest new or alternative procedures, tools, and criteria to enhance the framework; and,
6. share perspectives about regional district involvement.

The policy experts share their perspectives on aspects of the evaluation procedures, tools, and criteria. When asked about factors considered in the evaluation, the policy experts indicate a common set of characteristics and environmental factors that are considered in the evaluation. In general, policy experts indicate satisfaction with the existing approach to evaluating the feasibility of municipal incorporation proposals. Despite their satisfaction, they indicate areas for improvement in the evaluation. Policy experts describe and share their perspectives about existing, additional, and alternative procedures, tools, and criteria. Most suggestions focus on improving evaluation in the first stages of evaluation. They emphasize improving education, information, and tests of feasibility in order to strengthen the Program's ability to facilitate a more informed community prior to a vote on incorporation. Although, a few policy experts suggest a change in provincial approach to local government restructure. Lastly, policy experts agree that there is a need to better define provincial, regional, and local roles and interests in the municipal incorporation process.

5.1 Viability Characteristics

Respondents independently and consistently refer to a set of characteristics for evaluating the feasibility of a municipal incorporation proposal. Consistency demonstrates internal Program staff agreement about evaluating feasibility in the earliest stages of evaluation. Furthermore, these factors have been identified following past evaluations contributing to greater policy expertise in the Program.

Evaluation of a municipal incorporation proposal requires consideration of tangible and intangible characteristics of a community to determine feasibility of incorporation (Respondent A, B, G). Feasibility is determined by both the capacity to perform basic municipal functions and likelihood that an unincorporated community will support incorporation. Intangible characteristics are subjective and demonstrate maturity of a community. Every respondent identified the following set of tangible criteria: population size, population density, population trends, nature of the tax base and structures, geographic boundaries, and existing services (Respondent A, B, C, D,

E, F, G). Further, there are tangible characteristics that help with evaluating community readiness to leverage local government structures and tools to meet the community needs and preferences for services and to exert greater local control: existing services, number of volunteer and non-government organizations, number of volunteers (Respondent C, D, G). Nonetheless, there are many municipalities that are viable that do not satisfy the criteria but have a strong community identity (Respondent A, B). Intangible characteristics are often an equal factor or a deciding factor compared to tangible characteristics in the vote on incorporation (Respondent A, B).

While tangible characteristics of a community help to evaluate viability, identification of community needs, preferences, and issues helps to determine if incorporation will address these identified needs, preferences, and issues. Assessing community readiness for incorporation without defined evaluation procedures, tools, or criteria has been a “more intuitive thing” (Respondent A). The Program staff looks for characteristics that demonstrate community will to collectively address community needs, preferences, and issues (Respondent A, B, C, D, G). A key factor is to evaluate community efforts to leverage existing local government structures to address a wide range of community needs, preferences, and issues (Respondent A, B, C, D, G). Another sign of maturity is willingness to explore alternatives (Respondent A). In evaluating community readiness for incorporation, it is preferable that a community is not driven to incorporate to resolve a single issue (Respondent A, C). One respondent explained that a single issue may stimulate a community, however the community may be unable to perform basic municipal functions (Respondent A, B, C). Many respondents explain that incorporation driven by a single issue is possible only ‘when the stars align’ (Respondent B, C, D). In other words, an unincorporated community with characteristics of a viable municipality that is no longer able to address its needs, preferences, and issues within the existing local government structures is more likely to result in an incorporation (Respondent C).

One respondent emphasizes that incorporation will happen “when all the right factors line up: you have the right political will provincially, you have the right local will, you have the right characteristics of a community, you have the right time and place, some of it may be fortuitous. When all those stars align that’s when you’ll get an incorporation” (Respondent D).

5.2 Factors in the Local Government Environment

In addition to viability, factors in the local government environment influence evaluation. The federal, provincial, and regional government can impact evaluation of options to addressing community needs, preferences, and issues (Respondent A, B). Within the community, change or expected change may increase a desire for local control that can lead to a proposed incorporation (Respondent A). Outside the community, intergovernmental relationships between provincial, regional, and municipal government has an impact on assessment. The provincial agenda and “attitudes of the province towards local government” will influence the evaluation (Respondent A, C). Any level of government can increase or decrease community desire to incorporate, especially using financial instruments (Respondent A, B). For example, in the late 1990s, the Province created an incentive to incorporation by increasing the rural tax revenue to reduce the difference between “costs of being rural” and “costs of being municipal” (Respondent B). As a result, a provincial mandate may also lead to the incorporation of an otherwise not viable municipality to achieve provincial economic objectives (Respondent C, E). Lastly, sophistication of regional districts impacts availability of alternatives to incorporation (Respondent B, C).

5.3 Formalization of Procedure, Tools, and Criteria

A formal policy for evaluation of municipal incorporation proposals is contentious. All respondents agree that the Province should codify more information about procedures, tools, and criteria, however they have opposing perspectives about whether to contain this information in legislation, policy, or guidelines (Respondent A, B, C, D, E, F, G). Most respondents support formalization of evaluation procedures, tools, and criteria in legislation because the Program usually administers a standard municipal incorporation process, Program staff provide advice about feasibility based on a set of informal basic incorporation requirements, and flexibility in the basic incorporation requirements creates the risk of incorporating non-viable municipalities. However, one respondent does not support formalization of evaluation procedures, tools, and criteria because it would restrict the Minister's discretion to adapt evaluation procedures, tools, and criteria to unexpected local contexts. All respondents indicate that a formal process nonetheless requires flexibility to consider incorporation for communities that do not meet basic incorporation criteria but are suitable for incorporation due to community needs, preferences, and issues or public interest (Respondent A, B, C, D, E).

A few respondents recommend a set of criteria that would establish basic incorporation requirements (Respondent A, B, E). Of these respondents, they express that population and tax base criteria as potential formal criteria (Respondent B, E). A more formal process could increase clarity about basic incorporation requirements for communities about their candidacy for incorporation (Respondent A, B). On the contrary, basic incorporation criteria could be too restrictive for unincorporated communities that satisfy other characteristics of a viable municipality and undermine the political decision to incorporate (Respondent D). A formal policy needs to account for the BC context that protects local autonomy to choose its local government structure (Respondent C, D).

While some formalization of the process is desirable, many respondents find that a community driven process and the Program's ability to manage community expectations would benefit from improving communication and developing educational materials (Respondent C, D). More information would allow unincorporated communities to determine their interest in incorporation and willingness and ability to endure the impact of incorporation (Respondent C). In general, respondents highlight a need for greater information about impact of incorporation, transition from an unincorporated community to municipality, and options to address community needs, preferences, and issues within the regional district system (Respondent C, D).

Policy expert interviews present three different perspectives regarding the political nature of incorporation. Any disagreements in the findings are related to varying perspectives on what level of government ought to have the final say about incorporation. One respondent is adamant about preserving local power to determine their local government structure and therefore opposes any formalization of procedures, tools, and criteria and any restriction in the Minister's discretion. Most respondents acknowledge a shared decision-making role wherein a decision to incorporate has an impact on provincial, regional, and local bodies; these respondents favour greater formalization with a degree of flexibility and a more defined role for the regional district. Finally, three respondents recommend a more directive approach to future local government restructure with greater consideration for long-term municipal viability. Therefore, any recommendations changes to evaluation procedures, tools, and criteria will need to first agree on the role of each level of government regarding the municipal incorporation process.

5.4 Effectiveness of Past and Present Procedures/Tools

The Program has experimented with evaluation tools. Since the creation of the Program, the Program gradually developed a set of informal procedures, tools, and criteria to support an evaluation (Respondent A). All respondents agree that a municipal incorporation process that uses stages of evaluation is a successful approach to determine if the community needs, preferences, and issues are better resolved by incorporation and to test community support for incorporation (Respondent A, B, C, D). All respondents affirm that a governance study which defines a problem and identifies a variety of options for addressing community problems is a successful evaluation tool (Respondent A, B, C, D). In addition, the governance study is cost effective because it helps a community to consider various options before advancing in the municipal incorporation process (Respondent C, D).

Other tools have been used successfully on a case by case basis. First, one respondent notes success in disclosing information about impact of incorporation before ordering a study on incorporation, such as average household tax increase due to incorporation, as a conclusive test of community willingness to incorporate (Respondent C). Second, another respondent noted potential for success of a new evaluative strategy that simultaneously gathers information about community issues and impact of incorporation during a governance study (Respondent B). Third, one respondent notes success of a Minister affirming to a community that is not a strong incorporation candidate (Respondent C).

5.5 Alternative and Additional Procedures

Respondents suggest alternative and additional procedures to improve the earliest stages of evaluation (Respondent A, B, C, D). Since the evaluation has been refined, the respondents are satisfied and recommendations build on evaluation procedures, tools, and criteria. The main recommendations are to improve the governance and incorporation study tools, develop more tools to educate stakeholders about incorporation, and build a community self-assessment tool for communities to complete before a governance study. In addition, some policy experts discuss benefits of developing a provincial or regional municipal restructure plan.

5.5.1 Educational Tools

Most respondents identify a need for educational tools for unincorporated communities, regional districts, and Program staff (Respondent A, B, C, D). There are two components to developing the educational tools: 1) disseminating existing information and 2) addressing lack of information about options (Respondent C, D). The Program shares information about impact of incorporation, transition from a community to a municipality, and options within the regional district system, but none of this information is consolidated or published (Respondent C, D). Furthermore, respondents have identified several influential factors in a process that are not well understood but could likely to limit need for incorporation. There is a need to learn more about options to address community needs, preferences, and issues in all and specific regional districts (Respondent A, C, D). For example, many respondents note the potential of using local community commissions to increase local control without incorporation (Respondent C, D, F).

5.5.2 Community Self-Assessment Tool

A community self-assessment tool could provide agency for communities to evaluate feasibility. All respondents agree that a community self-assessment is promising, although most respondents identify potential for problems (Respondent A, B, C, D, E). A useful community self-assessment should be an exploratory tool that considers a variety of options (Respondent B, C). One respondent characterizes a self-assessment as relating to matters that are “deeper than the structure question” that answers the following questions: “Where do you want to go? What do you want to do? What are the alternatives? What do you think about the alternatives?” (Respondent B). Another respondent explained that a self-assessment would be a useful education tool (Respondent C). Despite support, two respondents are concerned about assigning responsibility for the self-assessment to limit subjectivity (Respondent A, E). One respondent identifies a risk that a community self-assessment tool would replace productive dialogue about alternatives to address their community needs, preferences, and issues (Respondent C).

5.5.3 Governance and Incorporation Study

While respondents confirm that a governance study is effective, they identify areas for improvements. Two respondents suggest a review of existing governance studies (Respondent B, C). One respondent suggests an evaluation of past governance studies, which were conducted by different consultants, to leverage effective approaches for future studies (Respondent B). Such an evaluation could lead to development of a standard governance study tool to evaluate feasibility of any community and adapted to specific local contexts (Respondent C). Another suggestion for improving governance studies is to focus on alternatives within the regional district system to address community needs, preferences, and issues (Respondent C). One respondent suggests a review of past incorporation studies to identify methods of improving the quality of analysis in future incorporation studies (Respondent G). Furthermore, one respondent noted the value of developing a procedure to check the community readiness to incorporate after completion of the incorporation study and before the incorporation vote before a policy analyst provides advice to the Minister about an incorporation vote (Respondent C).

5.5.4 A More Directive Provincial Approach

While most respondents uphold the principle that a community should decide for or against incorporation, some respondents suggest that the Province take a more directive approach in local government structure. Three respondents suggest the development a province-wide municipal restructure plan to guide future local government restructures (Respondent A, B, E). In their view, a community proposal would be compared against the municipal restructure plan. These respondents further suggested developing policy statements about incorporation, disincorporation, and amalgamation (Respondent A, B, E). Another respondent supports the development of greater awareness about provincial interests by gathering information from impacted Ministries to identify if provincial interest may impact the Minister’s decision to order a community to incorporate prior to approving a governance study (Respondent C).

5.6 Defining a Role for the Regional District

The role of the regional district in the municipal incorporation process is sometimes unclear. The regional district participates in the municipal incorporation process in both informal and formal ways. First, the Program directs communities to address their issues with the regional district to identify any solutions within the regional district system before conducting a governance study (Respondent A, B, C, D). Second, the regional district provides administrative support by providing information and resources during the governance and incorporation studies (e.g. governance study grant, regional district staff, access to information, meeting rooms, photocopying, administration of provincial grants) (Respondent A, B, C, D). Finally, the Program may ask the regional district to pay for a governance study and manage study grants (Respondent A). The governance study depends on a regional district to fully engage with a community and provide alternatives to incorporation, yet there is no formal obligation to address community needs, preferences, and issues (Respondent C). Respondents agree that there are benefits to clearly defining an operational role for the regional district, as the Ministry currently requires the regional district to participate in the evaluation (A Respondent A, B, C, D, E).

There is disagreement about a political role for the regional district. The respondents agree that a regional district should not have final authority to approve or disapprove incorporation because it receives its authority from communities and municipalities (Respondent A, B, C, D). One respondent expresses this concept as: “Let the community choose, do not let the [regional district] board choose for them” (Respondent B). However, a few respondents suggest that definition of a political role for the regional district is required because incorporation may significantly impact the viability of a regional district and its members (Respondent C, E). When a community seeks incorporation, Ministry staff direct a community to discuss incorporation or alternatives with the regional district. Three respondents explain that it is ideal for a regional district to address the community needs, preferences, and issues, offer alternatives to incorporation, and let the community decide about how to address the community needs, preferences, and issues (Respondent B, C, E). The regional district is not a “member around the table” that is invited to share its regional interests, despite potential for significant impact on the regional district system (Respondent C). Additionally, the policy framework does not provide direction about resolution of conflict between the electoral area director and the regional district board regarding a municipal incorporation proposal (Respondent C). Uncertainty about a political role of and within the regional district creates potential for conflict within a regional district.

5.7 Summary

The interview findings present a variety of perspectives on evaluation procedures, tools, and criteria. There is considerable support for improving the early stages of evaluation. While respondents identify a set of reliable characteristics for evaluating feasibility, successful procedures, tools, and criteria have focused on interpreting community needs, preferences, and issues and presenting alternatives to incorporation. While incorporation is generally community driven, the Program has developed procedures, tools, and criteria to support informed decision-making to increase the likelihood of a viable incorporation. Suggestions for additional or alternative procedures, tools, and criteria indicate a need for more education to stakeholders, greater rigour in governance and incorporation studies, and some degree of formalisation of procedures, tools, criteria, and key actors. Finally, recommendations should respect the political nature of incorporation while aiming to strengthen quality of decision-making.

6.0 Jurisdiction Scan

This section reviews policy frameworks for evaluating municipal incorporation proposals in Alberta, Saskatchewan, New Brunswick (NB), and Prince Edward Island (PEI). Each section contains an introduction to local government structures, an examination of the provincial approach to incorporation, as well as evaluation procedures, tools, and criteria. The findings provide insight into jurisdictional practices for evaluating feasibility of municipal incorporation proposals.

There are many challenges in comparing evaluations of the feasibility of municipal incorporation proposals in Canada. Provincial governments are responsible for the local government system in their respective provinces, which leads to differentiation. Some of the challenges of comparing practices between jurisdictions include:

- Provincial approach to local government structure
- Available local government structures
- Mandatory and voluntary municipal functions
- Provincial geography
- Provincial economy

There are further challenges of comparing between jurisdictions because some provinces are undergoing reform in their policy frameworks together with an extensive redesign of their local government structures.

The jurisdiction scan examines Alberta, Saskatchewan, NB, and PEI for similarities within Canada. These jurisdictions also deal with vast unincorporated areas and/or small municipalities that often lack capacity to provide basic municipal functions. Alberta borders BC and many municipalities near the provincial border between BC and Alberta have similarities that may influence desired options for addressing community needs, preferences, and issues. Saskatchewan emphasizes a locally driven incorporation decision resulting in the highest number of municipalities per capita in Canada. NB and PEI have relatively vast unincorporated areas and many provincial strategies over the decades to provide local service delivery to unincorporated areas through local government restructure and reform.

6.1 Alberta

6.1.1 Local Government Context

Alberta has a single-tier local government system with urban and rural municipalities. Rural municipalities cover most Albertan territory and have urban municipalities within their boundaries. Alberta has 360 municipalities including 266 urban municipalities, 75 rural municipalities, 8 improvement districts, 3 special areas, and 8 Metis settlements (Government of Alberta, 2017, p. 1). Types of urban municipalities include 18 cities, 108 towns, 89 villages, and 51 summer villages (Government of Alberta, 2017, p. 1).

Alberta has experimented with local government structures to provide governance functions to communities that are financially viable (Masson and Lesage, 1994, p. 144). Between 1912 and 1918, Alberta created new local government structures, such as townships, improvement districts, rural municipalities (Masson and Lesage, 1994, p. 102). In 1912, the new *Rural Municipality Act* empowered the Minister to order local improvement districts to incorporate or

restructure (Masson and Lesage, 1994, p. 102). In 1918, Alberta replaced the rural municipal structure with a district municipal structure and compelled many local improvement districts to convert (Masson and LeSage, 1994, pp. 103-104). Consolidation of municipalities between 1941 and 1962 significantly reduced the number district municipalities and improvements districts (Masson and Lesage, 1994, p. 103; Walchuk, 1987, p. 65). After decreasing provincial transfers to municipalities in the 1990s, Alberta developed a program to help municipalities conduct a viability review and examine restructure options if necessary (LeSage, 2005, p. 73). No municipalities incorporated since 1993, and a Minister's Order in 2001 restricts new incorporations.

6.1.2 Municipal Affairs Ministry

The Ministry of Municipal Affairs (the Ministry) administers a community restructure process. A Minister's Order in 2001 restricted an increase in the number of municipalities and sets out considerations for other local government restructures. The Municipal Services Branch facilitates local government restructure and administers a Municipal Sustainability Strategy to strengthen long-term viability of the local government system.

6.1.3 Municipal Incorporation Process

Despite the Minister's Order restricting future incorporation, the *Municipal Government Act* (MGA) describes a municipal incorporation process (The Municipal Government Act of 2000). Under the MGA, s.85, a community would initiate the municipal incorporation process by sending a petition with signatures of 30% of electors within the proposed municipal boundary to the Minister. Under MGA, s.86, once the Minister receives a petition, he or she must consider principles, standards, and criteria, financial viability of the proposed new municipality and remaining municipality, and any agreements on common boundaries. Under MGA, s.87, the Minister must conduct public consultation with impacted local authorities and the public, may conduct public meetings about the impact of incorporation, and may hold a vote on incorporation before establishing a municipality. Under MGA, s.88, the LGIC may order the incorporation of a municipality on the recommendation of the Minister.

6.1.4 Basic Incorporation Requirements

The basic incorporation requirements are a combination of mandatory and discretionary criteria. Under the MGA, s.78-82, an unincorporated community may incorporate as a municipality district, city, town, village and specialized village depending on population and land parcel size (see Figure 2 - Municipal Structures in Alberta) (The Municipal Government Act of 2000). For the land parcel size, a majority of land parcels must satisfy the criteria (The Municipal Government Act of 2000). In addition to these basic incorporation requirements, under MGA, s.84, the Minister may vary them and establish any principles, standards, or criteria to evaluate a municipal incorporation proposal (The Municipal Government Act of 2000).

Figure 2 - Municipal Structures in Alberta sets out the population and land parcel size for summer villages, villages, towns, cities, and districts municipalities.

FIGURE 2 - MUNICIPAL STRUCTURES IN ALBERTA

Municipal Status	Population	Land Parcel Size
District Municipality	1000+	Minimum 1850 m ²
Summer Village (<i>repealed</i>)	300-1000	Maximum 1850 m ²
Village	300-1000	Maximum 1850 m ²
Town	1000-10000	Maximum 1850 m ²
City	10000+	Maximum 1850 m ²

Source: The Municipal Government Act of 2000

6.1.5 Discussion

Since the Ministry no longer permits incorporation, the MGA defines evaluation procedures, tools, and criteria are no longer in practice and have not been updated since the Minister's restriction on incorporation, especially basic incorporation requirements. They may no longer be relevant for the present local government environment in Alberta. Furthermore, the legislation does not set out a fulsome description of evaluation procedures, tools, and criteria, therefore an analysis may not be accurate.

The MGA illustrates a policy of shared decision-making policy about incorporation. Alberta supports the community's right to choose its local government structure, by enabling the community to seek incorporation, requiring a community to submit a petition to demonstrate adequate support for incorporation, and finally concluding with a vote on incorporation. Nonetheless, the Ministry has clear authority to evaluate a community according to a set of principles and criteria. According to the MGA, the Ministry must prioritize evaluation of the financial viability of municipal incorporation proposals, which continues to be important for examining community restructure options for municipalities. There is no available definition of financial viability. In addition to mandatory principles and criteria, the Minister has authority to apply additional principles and criteria.

6.2 Saskatchewan

6.2.1 Local Government Context

Saskatchewan has a single-tier local government system divided into southern and northern Saskatchewan with separate powers. In the north, northern municipalities are northern towns and northern villages. In southern Saskatchewan, there are 755 municipalities including 459 urban municipalities and 296 rural municipalities. Of the 459 urban municipalities, there are 16 cities, 146 towns, 257 villages, 40 resort villages. Within rural municipalities, there are 151 sub-municipal structures called organized hamlets. In northern Saskatchewan, 24 municipalities include 2 northern towns, 11 northern villages, and 11 northern hamlets. Saskatchewan has the largest number of municipalities per capita in Canada (Hall and Olfert, 2015).

There has been limited local government structure reform in Saskatchewan compared to other Canadian provinces (Garcea, n.d.; Garcea, 2008, p. 253). The local government structures established in the 1900s are mostly unchanged (Garcea, n.d.). While other Canadian provinces consolidated municipalities, Saskatchewan municipalities resisted most local government

restructure, such as consolidation (Garcea, 2008, p. 253; Mandryk, 2016). Since 2000, the Ministry worked with municipal associations to remove barriers to voluntary local government restructures initiatives; however, municipalities generally did not restructure (Garcea, 2008, p. 285). Given a voluntary approach, restructure is not expected without incentives due to the local political will to maintain the status quo (Garcea, 2008, p. 285). Since then, a new provincial approach facilitates restructure through study grants and compensation to rural municipality for infrastructure and operating costs of absorbing a dissolved municipality leading to 7 municipal dissolutions.

6.2.2 Ministry of Government Relations

In Saskatchewan, the Ministry of Government Relations (the Ministry), which is responsible for local government structure, does not have a program to support restructure for unincorporated communities because they already receive governance and service functions from the rural municipality (SK respondent). While the Ministry does not facilitate a municipal incorporation process, Ministry staff provide support during the initial stages of developing of municipal incorporation proposals (SK respondent). A community and rural municipality must collaborate to reach an agreement, develop a municipal incorporation proposal, and submit the proposal to the Ministry (SK respondent). The Ministry may submit the municipal incorporation proposal to the Saskatchewan Municipal Board for further review.

6.2.3 Municipal Incorporation Process

The municipal incorporation process in the south and north are contained in separate legislation, the *Municipalities Act* (the MA) and the *Northern Municipalities Act* (the NMA). The municipal incorporation process varies in the south and north because there is no local government structure that provides governance and service functions to unincorporated communities in the north. As a result, the key variation is that a rural municipality receives a municipal incorporation proposal in the south, while the Province receives a municipal incorporation proposal in the north.

An unincorporated community in the south and north must be an organized hamlet within a rural municipality, a sub-municipal structure with an advisory body and use of a percentage of rural municipal taxes collected in the organized hamlet boundaries, for at least three years before incorporation (The Municipalities Act of 2005; The Northern Municipalities Act of 2010).

The MA, s.55 and the NMA, s.76, describe the initiation of a municipal incorporation process in the south and north. Under these sections, an organized hamlet initiates incorporation by submitting a petition to the administrator of the rural municipal council in the south or the district in the north. A petition must have 30 signatures of electors in the proposed municipality. Along with the petition, a person residing in the proposed municipality must attach a statement declaring themselves as a representative for the petition. Once an administrator receives the petition, it verifies signatures and reports to the rural municipal council or Minister. If the petition is sufficient, the rural municipal council or Minister distributes a notice to the public about the community proposal and sets a public meeting date.

Under the MA, s.56 and the NMA, s.77, a rural municipal council or administrator in a district must submit the municipal incorporation application the Minister. After confirming that the petition is sufficient, under the MA, s.56 and the NMA, s.77, the rural municipal council or Minister must hold a public meeting. Under the MA, s.57 and the NMA, s.78, the documents in

the municipal incorporation application are available for review at the public meeting, including: petition, council resolution, proposal, map and plans for future growth and development, proposed operating and capital budget, council resolutions of affected municipalities, public notices, meetings, and objections, population, assessment and dwellings and lots, and information about prior mediation/dispute resolution. Once public consultation is complete, a southern community submits an application to the Ministry and a northern community submits an application to either the Minister of the SMB. Under MA, s.59 and the NMA, s.80, the Minister may request additional information or clarification or submit the application to the SMB. If the Minister determines viability of the existing and new municipalities, under the MA, s.61 and the NMA, s.82, the Minister may order the unincorporated community to incorporate as a municipality.

There is no requirement for a vote on incorporation. A council member may submit a question about the application to a vote. In addition, the Ministry may order a council to submit a question about the application to a vote by rural municipal citizens. Voters may also submit a petition challenging a council resolution or bylaw regarding the proposed incorporation.

6.2.4 Basic Incorporation Requirements

The separate MA and NMA provide authority for the Ministry to differ evaluation of feasibility for municipal incorporation proposals for communities according to their contexts. Legislation describes basic incorporation considerations while regulations contain minimum basic incorporation requirements. In addition, the Minister may prescribe discretionary criteria.

Both southern and northern communities must be either an organized hamlet or a northern hamlet for 3 years before seeking incorporation (The Municipalities Act of 2005; The Northern Municipalities Act of 2010). While the rural municipality continues to provide governance and service functions to the organized hamlet, there are three significant changes that happen for a community when they become an organized hamlet which help them to prepare for municipal responsibilities (Government of SK, n.d, pp. 1-2; SK respondent). First, the organized hamlet residents form a three-person board to represent the community of the rural municipal council (Government of SK, n.d, p. 1). Second, the community and rural municipal council negotiate the return of 40% to 75% of taxes collected in the community to the community (Government of SK, n.d, p. 1). Finally, the organized hamlet receives an Organized Hamlet Grant from the province (Government of SK, n.d, p. 2). If an organized hamlet wants to incorporate, it must demonstrate growth in population, residential and/or business property units, and minimum taxable assessment by satisfying higher criteria for each municipal classification (SK respondent).

A unincorporated community must incorporate as an organized hamlet and then may restructure into a village or resort village in the south or a northern village in the north, depending on population, number of property units, and minimum taxable assessment (see Figure 3 – Municipal Structures in Southern Saskatchewan; Figure 4 – Municipal Structures in Northern Saskatchewan) (The Municipalities Act of 2005; the Northern Municipalities Act of 2010). While the MA and the NMA set the same basic incorporation requirements, they are higher for unincorporated communities in the south. Furthermore, under the MA, s.51 an organized hamlet in the south must also demonstrate that it cannot or should not annex into a nearby organized hamlet or municipality.

Figure 3 - Municipal Structures in Southern Saskatchewan sets out the population, number of developed residential and/or business units, and taxable property value assessment for organized hamlets, villages, towns, cities, and districts municipalities.

FIGURE 3 - MUNICIPAL STRUCTURES IN SOUTHERN SASKATCHEWAN

Municipal Status	Population	Residential and/or Business Units	Taxable Property Value Assessment
Organized Hamlet	100	50 units	\$4,000,000
Village	300-500	150 units	\$30,000,000
Resort Village	100-500	150 units	\$35,000,000
Town	500-5000	150 units	\$30,000,000
City	5000+	150 units	\$30,000,000

Source: The Municipalities Act of 2005

Figure 4 - Municipal Structures in Northern Saskatchewan sets out the population, number of zoned and developed residential and/or business units, and a prescribed taxable assessment for northern hamlets, northern villages, and northern towns.

FIGURE 4 - MUNICIPAL STRUCTURES IN NORTHERN SASKATCHEWAN

Municipal Status	Population	Residential and/or Business Units	Taxable Property Value Assessment
Northern Hamlet	100-250	50 units	As prescribed
Northern Village	250+	100 units	As prescribed
Northern Town	500+	100 units	As prescribed

Source: The Northern Municipalities Act of 2010

6.2.5 Discussion

The Ministry evaluates a municipal incorporation proposal for viability. Key ways to evaluate the viability of a proposed municipality are satisfying basic incorporation requirements to capacity to meet needs, preferences, and issues and comply with provincial obligations (SK respondent). There must be evidence of ability to find professionals to perform basic municipal responsibilities (SK respondent). The community must demonstrate past and future growth (SK respondent).

The Ministry does not facilitate the municipal incorporation process (SK respondent). The Ministry assists provides information to an interested community, however the community must work with the affected rural municipality to negotiate agreement about restructure and prepare materials to submit along with the municipal incorporation application (SK respondent). The community and rural municipality are responsible for financing negotiations and development of a municipal incorporation proposal.

The policy framework requires substantial agreement between the community and rural municipality to advance a municipal incorporation proposal and opportunities for public input, which limits the need for a vote on incorporation (SK respondent). The rural municipality is

responsible for verifying that there is adequate local interest in incorporation. First, the community must submit a petition signed by 30 electors to the rural municipality. Second, the community and rural municipality may discuss community needs, preferences, and issues, incorporation, and alternatives to incorporation. If incorporation is suitable, they may hold a public meeting to evaluate broader local interest in incorporation. Afterwards, the rural municipality may choose to hold a vote on incorporation. At any point during the municipal incorporation process, the Ministry may require a rural municipal council to submit a question on the municipal incorporation proposal to a vote by the public.

Saskatchewan recently changed its basic incorporation criteria for all local government structures in order to ensure that future municipalities can fulfill basic municipal functions and be compliant with provincial requirements (SK respondent). The basic incorporation requirements were developed based on Ministry research of municipalities indicating that “smaller municipalities, particularly some communities under 300 population, have difficulty meeting accountability, fiduciary and legislated requirements, operating independently and generating sufficient revenue for services and administration” (SK respondent). Before, to establish an organized hamlet, a community required 5 zoned and developed residential and/or business units. Now, to establish an organized hamlet, a community must have a population of 80 or more persons, 40 zoned and developed residential and/or business units, and a minimum taxable assessment of \$4 million. Before, a village required 100 persons whereas now it requires 300 persons. Villages, towns, and cities doubled the minimum taxable assessment from \$15 to \$30 million.

6.3 New Brunswick

6.3.1 Local Government Context

New Brunswick (NB) has a single-tier local government system with municipalities, regional municipalities, and rural communities. NB has 107 municipalities including 8 cities, 26 towns, 65 villages, 1 regional municipality, and 7 rural communities (The Association of Municipal Administrators of New Brunswick, 2017). In addition, NB administers 242 local service districts that provide local service delivery to unincorporated communities (Association of Municipal Administrators of New Brunswick, 2017).

There has been significant local government structure reform to address vast unincorporated areas of the province. In the 1960s, NB created 250 local service districts (LSD) to standardize local service delivery across the province (Bourgeois, 2005, p. 242; Bourgeois and Strain, 2009, p. 186). Since the Province administers unelected LSDs, there is a priority to establish a structure for the community to assume responsibility over efficiently and effectively providing local service delivery. Next, NB developed the regional municipality structure in 2013 to encourage LSDs to incorporate thereby decentralizing responsibility for governance and limited service functions (Bourgeois and Strain, 2009, p. 187). The reform encourages LSDs to restructure into either a rural community or a regional municipality, depending on interest, capacity, and the suitability of options. A community that incorporates as a rural community or regional municipality has limited municipal responsibilities, since the Province will continue to provide most services in regional municipality and rural communities. Since 2010, NB has established 6 municipalities and dissolved 24 LSDs, demonstrating the relative success of the provincial strategy (Government of New Brunswick, 2011, p. 4).

6.3.2 Ministry of Environment and Local Government

The Ministry of Environment and Local Government (the Ministry) is responsible for local government structure. The Ministry's active role in redesigning local government structure has been driven by changes in the political leadership with divergent philosophies about the local government role (Bourgeois, 2005, pp. 254-256). During the Liberal era, the Ministry used LSDs and amalgamation to provide local service delivery and increase municipal capacity. During the Conservative era, the Ministry acknowledged local government as an order of government and supported communities to participate in local, elected governance of local service delivery, albeit through the LSD structure. Recently, the Ministry facilitates local government restructure of LSDs.

6.3.3 Municipal Incorporation Process

The community initiates the municipal incorporation process by sending a letter to the Minister (Government of New Brunswick, 2013, p. 1). Ministry staff work with local stakeholders to conduct an initial assessment to evaluate local interest, capacity, and potential restructure options based on population, tax base, and social and economic relations (Government of New Brunswick, 2013, p. 1; Government of New Brunswick, 2017). If there is sufficient interest and capacity, then the community may petition the Minister to conduct a feasibility study (Government of New Brunswick, 2013, p. 1; Government of New Brunswick, 2017). A feasibility study considers existing local services, budget projections, tax rates relative to desired local services, and geographic boundaries, among other factors (Government of New Brunswick, 2013, p. 1; Government of New Brunswick, 2017). As a part of the feasibility study, the Ministry conducts public consultation (Government of New Brunswick, 2013, p. 1; Government of New Brunswick, 2017). Once the feasibility study is complete, the Minister may order a vote on incorporation (Government of New Brunswick, 2013, p. 1; Government of New Brunswick, 2017). If the community votes in favour of incorporation, the Minister may recommend for the Lieutenant Govern in Council to incorporate the proposed municipality (Government of New Brunswick, 2013, p. 1; Government of New Brunswick, 2017). The typical community restructuring process takes 8 months to complete (Government of New Brunswick, 2017).

6.3.4 Basic Incorporation Requirements

The *Municipalities Act* (the MA) provides the legislative framework for local government structure in NB. An unincorporated community may incorporate as a town, and city, rural municipality or rural community depending on population size (see Figure 5 – Municipal Structures in New Brunswick) (The Municipalities Act of 1973). In addition to the above basic incorporation requirements, the Minister may recommend to the LGIC to make regulations in regard to conditions, procedures, and criteria to consider before a municipality can incorporate under the MA, s.14. Unlike the other local government structures, the MA, s. 190 requires that a proposed regional municipality has an additional basic incorporation requirement shall include at least one municipality.

Figure 5 - Municipal Structures in New Brunswick sets out population criteria for towns, cities, rural communities, and regional municipalities.

FIGURE 5 - MUNICIPAL STRUCTURES IN NEW BRUNSWICK

Municipal Status	Population	Taxable Property Value Assessment
Town	1500	None
City	10000	None
Rural Community	3000 or \$200 million tax base	3000 or \$200 million tax base
Regional Municipality	15000	None

Source: The Municipalities Act of 1973

6.3.5 Discussion

NB wants to incorporate remaining LSDs. In order to overcome resistance to incorporation, if any, the province developed the rural community and regional municipality, both of which have fewer mandatory services and may have many elective services compared to villages, towns, and cities. Unlike a municipality, there are only three required functions: community administration, community planning, and emergency services, but the rural municipality may take on others. A municipality within the regional municipality continues to receive the same services. Province continues to deliver road and police services in former LSDs. LSDs will remain until a community seeks to incorporate.

The framework contains explicit population and tax base criteria. There is no longer authority to incorporate as a village; therefore, an unincorporated community must incorporate as a town with population of 1500. The only structure with tax base criterion is the rural community which may either have a population of 3000 or a tax base of \$200 million. In the *Action Plan*, NB identified that one way that it plans to strengthen local government capacity is by developing new population and tax base criteria by Winter 2012 (Government of New Brunswick, 2011, pp. 3-5,17). In addition to criteria the Minister may recommend to the LGIC to make regulations in regard to conditions, procedures, and criteria to consider before a municipality can incorporate.

The NB policy framework for evaluating the feasibility of municipal incorporation proposals is similar to the BC policy framework. Both provinces require the community to initiate a municipal incorporation proposal, conduct a preliminary study to assess community interest and capacity to incorporate and evaluate the suitability of available local government structures, conduct a secondary study that involves a comprehensive evaluation of the impact of incorporation, and require a vote on incorporation. Despite similarities, the NB framework has additional requirements that periodically evaluate support for incorporation. First, NB identifies the organization and individual responsible for conducting the first study. Second, NB requires a community to send a petition to the Minister after the first study to proceed to a second study. Third, NB conducts a formal public consultation process after the second study and the Minister may order a vote on incorporation based on the public consultation results.

6.4 Prince Edward Island

6.4.1 Local Government Context

Prince Edward Island (PEI) has a single-tier local government system that includes municipalities and counties. PEI has 73 municipalities including 2 cities, 10 towns, 60 communities, and 1 resort municipality. Approximately 50% of the population lives in Charlottetown and the surrounding area (Statistics Canada, 2016). Most of PEI territory is unincorporated (The IRIS Group, 2007, p. 10).

There has not been significant local government structure reform in PEI until recently. Charlottetown was established in 1855 followed by Summerside in 1875 (The IRIS Group, 2007, p. 8). The First World War was a period of significant local government restructure, leading to incorporation of several towns (The IRIS Group, 2007, p. 8). After the Second World War, and following substantial changes to town and village powers, 14 villages incorporated in the following decade and 4 more villages in the 1960s (The IRIS Group, 2007, p. 9). There have not been any incorporations since consolidation in the Charlottetown and Summerside areas in 1994 until the recent incorporation of Bedeque and Area (The IRIS Group, 2007, p. 10). The present reform emphasizes incorporation of larger municipalities, requiring consolidation of municipalities (Government of PEI, 2012, p. 1). In 2012, the *Report on Land and Governance* recommended new municipal incorporation authorities, processes, principles, tools, and criteria (Government of PEI, 2012, p. 2). Following these recommendations, PEI adopted the *Municipal Government Act* (MGA) on December 15, 2016 (Yarr, 2017). The MGA establishes a role for a quasi-judicial body to evaluate municipal incorporation proposals, higher basic incorporation criteria, and flexibility for some local government structures (Brown, 2016; Yarr, 2017).

6.4.2 Department of Communities, Land, and Environment

The Department of Communities, Land, and Environment (the Department) is responsible for local government structure in PEI. The Department's role is to provide information about the municipal incorporation process, explain new municipal responsibilities, assess viability of a municipal incorporation proposal, hold a public meeting, and determine local support for the proposal. Until the revisions, the Ministry was responsible for evaluating municipal incorporation proposals (Government of Prince Edward Island, 2012, pp. 1-2). Now, an independent quasi-judicial tribunal called the Prince Edward Island Regulatory and Appeals Commission (the Commission) is responsible for receiving municipal incorporation proposals.

6.4.3 Municipal Incorporation Process

The MGA sets out the municipal incorporation process in PEI. Under the MGA, s.15, a community or the Minister may submit a municipal incorporation proposal to the Commission. Under the MGA, s.15, if a proposal does not meet the criteria for a town or city, the Commission must seek approval from the Minister to continue with the evaluation. Under the MGA, s.15, the community must submit a form that includes a statement of intent to incorporate, rationale for incorporation, impact on existing municipalities or communities, population, total property value assessment, a municipal boundary map, a municipal name, desired services, existing capital assets, and proposed capital assets. Under the MGA, s.15, a proposal is accompanied by a petition signed by 30% of the future municipal electorate.

The Commission conducts a public consultation. Under the MGA, s.16, the Commission must notify and provide a copy of the proposal within 45 days to the Minister, each adjoining municipality, any other municipality or First Nation band that may be affected by the proposal, and the Federation of Prince Edward Island Municipalities. Under the MGA, s.17, any person may object within 30 days. Under the MGA, s.17, The Minister may order the Commission to hold a public hearing or the Commission may hold a public hearing regarding an objection within 30 days or the Minister may order the Commission to hold a public hearing.

The MGA, s.19 requires the Commission to prepare a report for the Minister and indicates factors to consider in the report. The Commission provides the report to the Minister and distributes to the proponent(s), each adjoining municipality, each nearby First Nations band, the Federation of PEI Municipalities, and others. The report contains findings, recommendations, reasons for recommendations, basic incorporation criteria in the MGA, s.13 and other regulations, public hearing objections and submissions, and assess impact on municipal and First Nation stakeholders. The Commission may also consider other matters. Under the MGA, s.20, the Minister recommends to the LGIC to accept, accept with modifications, or reject the Commission’s recommendation. Under the MGA, s.21, the LGIC may establish or deny to establish a new municipality.

6.4.4 Basic Incorporation Requirements

The MGA provides basic incorporation requirements. A community may incorporate as a city, town, or a rural municipality depending on population and taxable property value assessment criteria under the MGA, s.13 (see Figure 6 – Municipal Structures in Prince Edward Island) (The Municipal Government Act of 2016). Despite these basic incorporation requirements, the Minister may refer a proposal to the Commission for a community that does not meet the criteria based on public interest under the MGA, s.13. In some circumstances, the MGA provides flexibility for a community to incorporate as rural municipality when it does not meet the basic incorporation requirements. The Ministry anticipates that new regulations will identify supplementary incorporation criteria (Government of PEI, 2016).

The Ministry sets out principles for municipal incorporation proposals in addition to the basic incorporation requirements. The principles are intermunicipal collaboration in the region, infrastructure and shared services supporting growth, identification of shared interests, identification of areas for improvement in governance and local service delivery, and identification of long-term financial performance (Government of PEI, 2016).

Figure 6 - Municipal Structures in Prince Edward Island sets out population and taxable property value assessment criteria for towns, cities, rural municipalities and resort municipalities.

FIGURE 6 - MUNICIPAL STRUCTURES IN PRINCE EDWARD ISLAND

Municipal Status	Population	Taxable Property Value Assessment
Rural Municipality	Not specified	Not specified
Town	4000-14999	\$200,000,000 - \$749,999,999
City	15000	\$750,000,000

Source: The Municipal Government Act of 2016

6.4.5 Discussion

The PEI local government system has undergone significant changes in the past decade. There are fewer local government structures than before, now only a town, city, and rural municipality. The primary goal is to form larger local government structures which resulted in the elimination of the village classification and an increase to population criteria for towns and cities. Further, significant procedural change occurred from the shift of responsibility for evaluation of municipal incorporation proposals from the Ministry to the Commission and with the plans to develop more educational and guidance materials for unincorporated communities to think about how to increase their sustainability in the local government system.

The Commission conducts evaluation of municipal incorporation proposals. Unless the community does not meet town or city criteria, the Commission proceeds with a public consultation process for the proposed incorporation. Once public consultation is complete, the Commission prepares a report for the Minister with recommendations. The Commission is able to conduct this work without much input from the Ministry. If a community meets basic incorporation requirements, they are deemed feasible. Afterwards, the Commission conducts a public consultation process to verify that there is no significant and unmitigable impact on nearby municipalities, communities, First Nations, and other stakeholders.

The basic incorporation requirements enable the Ministry to transfer responsibility for evaluation to the Commission. A recent change to eliminate smaller local government structures has resulted in the elimination of the village municipal classification and an increase in the population and taxable assessment criteria. With the highest basic incorporation requirement for population size at 4,000, only 4 of the 73 PEI municipalities meet the population size requirements (Statistics Canada, 2016).

6.5 Summary

The jurisdictional review illustrates literature review findings about the provincial role in decision-making and development of evaluation procedures, tools, and criteria to enable informed decision-making about incorporation. There are varying roles of provincial, regional, and local stakeholders in decision-making about incorporation. Alberta restricts incorporation. Saskatchewan emphasizes a community-driven process. Unlike Alberta and Saskatchewan, both NB and PEI encourage incorporation of large municipalities. All four provinces design procedures that ensure that stakeholders have a role in the decision-making process if they will be impacted and that those who must decide to have adequate information about the impact of incorporation. As found in the literature review, provinces have authority over local government structures within their jurisdictions and their procedures, tools, and criteria coincide with definition of local government roles.

The jurisdiction scan reveals evaluation procedures, tools, and criteria that may address organizational needs that were identified by policy experts in the previous section. First, other provinces are revising their evaluation procedures, tools, and criteria to correspond with provincial local government structure plans and changing local government environments. Second, other provinces describe their evaluation procedures, tools, and criteria in their legislation. Third, all other jurisdictions contain basic incorporation requirements in legislation and/or regulations, yet some jurisdictions continue to have discretion for flexibility for unexpected community needs,

preferences, and issues that may warrant incorporation. Fourth, many of the additional and alternative evaluation tools that were identified by policy experts to address organizational needs exist in other jurisdictions. Fifth, other jurisdictions show that there is less need for facilitation when there are basic incorporation criteria to limit the unincorporated communities that may seek to incorporate as new municipalities.

While the project scope limits recommendations to improvement to evaluation procedures, tools, and criteria, the jurisdictional scan presents findings about local government structure design that have important implications for evaluating feasibility of a municipal incorporation proposal. For example, some provinces have eliminated their smallest local government structures, all provinces have increased the minimum population size of each remaining local government structure, and some provinces have changed the mandatory basic municipal functions. Therefore, while changes to local government structure are not the focus of this project, it is evident that provinces are redesigning their local government structures and redefining feasibility, in addition to changing their evaluation procedures tools, and criteria.

7.0 Discussion and Analysis

This data analysis section reviews themes in the findings. After identifying organizational needs and reviewing evaluation procedures in four Canadian provinces, the analysis integrates these findings to identify options for addressing organizational needs in BC. This project contributes to a more purposeful analysis towards improving the policy framework taking into account the political nature of incorporation, policy expertise with the municipal incorporation process, and emergence of new local government structure options in a more sophisticated local government system.

The project objective is to identify new or alternative procedures, tools, and criteria for evaluating feasibility of municipal incorporation proposals by examining a central research question: “*What new or alternative types of procedures, tools, and criteria can improve the BC decision-making framework for evaluating municipal incorporation proposals?*”

The discussion and analysis considers three additional questions to address the central research question:

- *What are strengths and weaknesses of procedures, tools, and criteria in the BC approach to evaluating municipal incorporation proposals?;*
- *What procedures, tools, and criteria do other jurisdictions use to evaluate municipal incorporation proposals?;* and,
- *Which additional/alternative procedures, tools, and criteria are relevant and applicable to the BC context?*

The analysis is divided into five sections, which analyze procedures, tools, and criteria to evaluate the feasibility of municipal incorporation proposals. The first section identifies areas for improvement based in policy expert interviews. The second section defines procedures, tools, and criteria based on the findings. The third section observes themes and considerations in developing evaluation procedures. The fourth section considers suggested areas for improvements in light of tools used in other jurisdictions, concluding with a consolidation of relevant tools in an evaluation toolkit, separating tools in use by other provinces into categories and types and identifying which provinces use each type. Finally, the fifth section considers basic incorporation requirements.

7.1 Areas for Improvement in the BC Evaluation

Policy experts present areas for improvement in evaluation procedures, tools, and criteria. According to them, evaluation procedures, tools, and criteria should continue to use a problem-solving approach to identify community needs, preferences, and issues, examine options, and gain information about impact of incorporation. However, new or alternative procedures, tools, and criteria may address challenges related to accessing policy expertise and Program resources.

7.1.1 Strengths

Policy experts identify that the process for evaluating the feasibility of municipal incorporation proposals is suitable for the local government environment. The Province facilitates a problem-solving approach to help a community to choose its local government structure. Conducting a governance study enables a community to familiarize itself with community needs, preferences, and issues and whether incorporation is an option for addressing those findings. As a

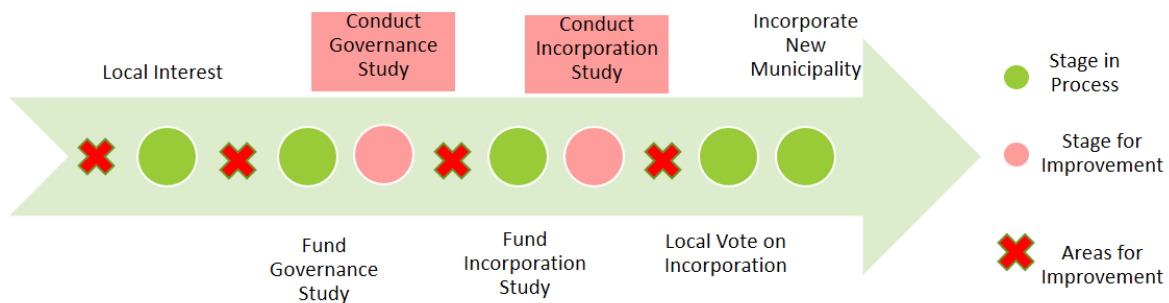
community learns more about challenges of establishing and maintaining a viable municipality, it may choose an alternative to incorporation. Such a process provides a community with education to make an informed decision about the feasibility of a municipal incorporation proposal, often prior to conducting studies and a vote on incorporation. In this informal policy framework, the Province has flexibility to incorporate a community that otherwise does not have another option to address community needs, preferences, and issues.

7.1.2 Areas For Improvement

The process for evaluating feasibility of municipal incorporation proposals has some areas for improvement (see Figure 7 – Areas for Improvement in Process). At the earliest stages of evaluation, policy experts indicate organizational need for more information, more education, and definition of feasibility. The Program relies on Program staff to provide information, as well as use their policy expertise to guide and advise the community, regional district, Minister, and consultants throughout the evaluation. The policy framework depends on policy expertise of Program staff and consultants who have limited or no experience evaluating incorporation, or who are evaluating more ambiguous municipal incorporation proposals. Furthermore, the studies vary in quality of research and analysis about options and the impact of incorporation due to varying policy expertise of consultants conducting the studies. Moreover, it is difficult for experience Program staff to evaluate community interest. Additionally, challenges that were raised were a lack of information on provincial interests and a provincial local government restructure plan. In response to this changing environment, it is useful to supplement policy expertise with additional or alternative procedures, tools, and criteria to address these areas for improvement.

Figure 7 – Areas for Improvement in Process adapts the municipal incorporation process to reflect the areas for improvement based on policy expert interviews.

FIGURE 7 - AREAS FOR IMPROVEMENT IN PROCESS



7.2 Defining Key Concepts: Procedures, Tools, Criteria

This section defines procedures, tools, and criteria as described in literature, in BC, and in other Canadian provinces.

7.2.1 Defining Procedures

A procedure is the step-by step design of a decision-making process to achieve specific goals in evaluating the feasibility of a municipal incorporation proposal. Procedures and steps within procedures have one or more and varying purposes, such as gathering information, clarifying options and impacts of incorporation, weighing stakeholder perspectives, and building local capacity. A province may use different procedures to achieve similar purposes or may use similar procedures to achieve different purposes. Typically, designing a procedure requires consideration for local, regional, and provincial contexts. Moreover, the sequence of steps can contribute to specific procedural or outcome goals.

7.2.2 Defining Tools

A tool is an instrument that helps to accomplish purposes of a procedure or a step in a procedure. A procedure may involve no tools, some tools, or be completely administered through tools. Tools brings consistency to an evaluation that allow for definition of what is important and comparison across cases. Often skill is required to use a tool, so a tool does not necessarily replace the need for policy expertise. The procedures and steps in procedures, and in turn their goals, determine the type of tool in practice.

7.2.3 Defining Criteria

Criteria are a set of facts and experiences used to evaluate and judge the feasibility of a municipal incorporation proposal. One criterion can measure one or more characteristics. Most provinces typically apply one to three criteria set out in legislation or regulation, and the Minister may have discretion to apply additional criteria. In BC and in these provinces, criteria refer to criteria that is defined in legislation, regulations, and policies, as well as additional criteria that is applied during an evaluation. In the needs assessment, policy experts identify the following tangible and intangible criteria: population size, population density, population trends, nature of the tax base and structures, geographic boundaries, and existing services, existing services, number of volunteer and non-government organizations, number of volunteers.

7.2.4 Summary

An analysis of the findings provides a definition of procedures, tools, and criteria for use in the following sections. Understanding the design of a procedure includes examining the number, types, and sequence of steps used to achieve a specific purpose. Depending on the design of a procedure, a procedure may require a policy expert or tool or both to accomplish a specific purpose of a procedure or steps in a procedure. At any stage in a procedure, criteria may be used to clarify characteristics or experiences that may aid in achieving procedural or outcome goals. In the next sections, the analysis compares procedures, tools and criteria.

7.3 Analyzing Procedures

This section contains an analysis of procedures as described in literature, in BC, and in other Canadian provinces to identify themes in designing a procedure for evaluating the feasibility of municipal incorporation proposals.

The literature describes the provincial government's role in guiding local government restructure. In this discussion, there is agreement that the province has a fundamental responsibility to ensure that communities and municipalities are viable, which may lead a provincial government to provide or restrict access to incorporation. Taking into account a provincial, regional, and local context, Skaburskis indicates that a provincial government may design a procedure to promote specific principles that, for example, promote education, capacity building, and dispute resolution (Skaburskis, 2004, pp. 50-51).

Every province begins and ends the procedure in the same manner: receiving a municipal incorporation request, application or proposal from the community, and receiving approval of a provincial representative to create a new municipal entity. While the provinces share many procedural steps, there are variations between procedures, especially with regard to the duration of, scope of, and responsibility for one or more steps in the evaluation.

7.3.1 Duration of an Evaluation

While BC and Saskatchewan do not have set timeframes for the evaluation, NB and PEI have set timeframes. NB is 8 weeks, and in PEI the Commission has set timelines for each step of the process in the legislation. BC takes significantly longer than the two provinces with set timelines. Evidently, the duration of an evaluation is not entirely dependent on the type of procedures. For example, while BC and NB have similar procedures, that use an exploratory approach to identify community needs, preferences, and issues, options, and measure the impact of incorporation, the duration of evaluation in NB is approximately 8 weeks while in BC there is no estimate. Meanwhile, the Commission in PEI specifies the maximum length of days for each step in a procedure. While the provincial goals differ in NB and PEI, resulting in a different type of evaluation, both have specific local government restructure goals supported by basic incorporation requirements, that enable a faster evaluation. Since BC does not have local government restructure goals or basic incorporation requirements, there is less certainty about the feasibility of a municipal incorporation proposal. Duration can reflect how well defined a procedure, tools, and criteria and may be desirable in order to plan allocation of Program resources to an evaluation or to achieve specific provincial goals in a timely manner.

7.3.2 Scope of an Evaluation

Evaluating Suitability of Incorporation

Each province restricts incorporation for some or all unincorporated communities. They restrict incorporation for various reasons, including province local government restructure goals. The ability to perform basic municipal functions as well as maintain the viability of the overall local government system helps determine the suitability of incorporation as a local government restructure options. Alberta restricts incorporation for all unincorporated communities since 2001. Meanwhile, SK, NB, and PEI set basic incorporation requirements which effectively restrict incorporation for communities that do not satisfy these basic incorporation requirements. In this

case, each province establishes the threshold for a strong incorporation candidate that may proceed in the municipal incorporation process. As these provinces review their local government environments, they change evaluation procedures, tools, and basic incorporation requirements. In addition, SK further requires unincorporated communities or organized hamlets to demonstrate that they cannot or should not annex with a nearby municipality.

Evaluating Viability of a Municipality

All provinces evaluate the viability of an unincorporated community seeking to incorporate as a municipality. In these jurisdictions, there are two methods for evaluating viability. On one hand, all provinces use basic incorporation criteria to ensure that communities will be able to perform the basic municipal functions and comply with provincial requirements. In addition to explicit basic incorporation requirements, some provinces enable flexibility to vary to basic incorporation requirements, for example, to reduce basic incorporation requirements for unincorporated communities in one region. In addition, provinces continue to evaluate the ability of a community to withstand the impact of incorporation. In NB and PEI, the province and Commission respectively develop reports about the impact of incorporation. In Saskatchewan, however, the procedure requires the community to demonstrate their capacity by developing plans for the new municipal entity, including operational, development, growth, and budget plans.

Evaluating Community Interest

All provinces evaluate community interest in a municipal incorporation process to some extent. The NB procedure emphasizes evaluating community interest because the Ministry advances the process by approving and paying for studies. On the other hand, the PEI procedure does not emphasize evaluating community interest prior to a vote on incorporation. Finally, the Saskatchewan procedure does not actively evaluate community interest; however, the community is responsible for advancing through the process, which requires a community to ensure that there is community interest in order to dedicate resources to the process. Further, the Saskatchewan procedure does not hold a vote on incorporation unlike the other Canadian provinces. An analysis of procedures suggests that procedures for evaluating community interest differ depending on the province's role in the evaluation. Unlike a directive or passive role, a province that uses a facilitative role is concerned with evaluating community interest throughout the evaluation and municipal incorporation process.

In providing recommendations for evaluating community interest in the BC procedure, Saskatchewan and NB provide the most relevant additional and alternative procedures, tools, and criteria. Saskatchewan and NB use different strategies to test community interest. In the Saskatchewan procedure, the province ensures that there is community interest in establishing a procedure that necessitates community interest such as a petition, a rural municipality council resolution, transcripts of a public meeting, and a report about any unresolved issues following possible dispute resolutions. On the other hand, NB actively evaluates community interest, by establishing a procedure that requires a community to submit a formal request, the Ministry to test interest in the preliminary assessment, and the community to submit a petition after the preliminary assessment. Finally, a vote on incorporation is the last test of community interest.

7.3.3 Responsibility for An Evaluation

Provinces design their procedures with specific roles for each stakeholder. Provinces differ according to provincial, municipal, and community responsibility for steps. In each province, a community typically initiates incorporation and a provincial representative provides final approval for the creation of a new municipal entity. The responsibility for the evaluation process is what differs between provinces. In BC and NB, the process is administered by Ministry staff relying on their policy expertise with local government structure, the municipal incorporation process, and evaluating the feasibility of municipal incorporation proposals. In Saskatchewan, the community collaborates with the rural municipality to prepare a municipal incorporation application. In PEI, the Commission prepares a report with recommendations to the Minister. In PEI, neither the Ministry or community are responsible for most steps. A province that relies on policy expertise must adjust procedures, use new or additional tools, or use criteria when policy expertise cannot be renewed to administer the process.

7.4 Analyzing Tools

This section contains an analysis that connects areas for improvement with findings about tools in BC and other Canadian provinces. Policy experts identify areas for improvement which provides direction for additional or alternative tools that may complement the BC policy framework. They share perspectives on evaluation tools and experience with successful and unsuccessful tools. In some cases, policy experts also suggest additional tools to strengthen the policy framework. Their suggestions include:

- define feasibility
- provide more information about the evaluation
- provide more education for Program staff and stakeholders about incorporation and alternatives
- offer more robust guidance to regional districts to identify alternatives to incorporation
- develop a reliable tool to test community interest
- increase effectiveness of existing tools

The analysis of tools contains six sections that collectively address areas for improvement and connect them with findings in the literature, in BC, and in other Canadian provinces. The first section deals with concerns about communication between the Ministry and stakeholders. The second section deals with concerns about education for stakeholders involved in the evaluation to promote informed decision-making. The third section deals with enhancing the quality of information gained using study tools. The fourth section deals with reliably measuring community interest. The fifth section deals with concerns about a facilitative approach to evaluation and consider opportunities for a change in approach. Finally, in the last section, an evaluation toolkit is developed based on tools used in other Canadian provinces.

7.4.1 Communication About Process

There is limited published information about the municipal incorporation process. The Ministry shares information about the municipal incorporation process with a community that contacts the Ministry. Information about procedures, tools, and criteria increases accessibility, accountability, and transparency.

The literature review indicates that a ‘just decision-making process’ is accessible, accountable, and transparent (Paddison, 2004, p. 22).

Policy experts indicate that information about the process and expectations could be improved. Some respondents indicate that the Program openly shares information with communities on a case by case basis in phone calls, e-mails, and letters. As this information already exists, the Program staff may compile available information into a single document that is published on the website. This would limit challenges for new Program staff who become responsible for evaluating a municipal incorporation proposal.

All four provinces publish information about their procedures on their government websites. Amount and type of information vary from a description of process, actors involved in the process, duration of process, basic incorporation requirements, type of information required in a municipal incorporation proposal or application, and deliverables. Saskatchewan contains a detailed description of process in its legislation. Further, Saskatchewan provides a simple explanation of this information and municipal incorporation application templates on its government website. As a result, a community may complete the entire process without contacting the Ministry prior to submitting a municipal incorporation application. NB publishes information about the provincial approach to evaluating community restructure options, process, duration, and ongoing projects. PEI publishes extensive information about local government restructure procedures. An information sheet provides information about basic incorporation requirements, process, the province's and Commission's role, and provincial local government restructure goals.

7.4.2 Education About Local Government System

The Program educates unincorporated communities about the local government system throughout the municipal incorporation process. Education is a valuable component of the municipal incorporation process; however, this education is not available prior to contacting the Ministry staff. Furthermore, the education component is not systematic and may not prepare a community to make a decision about the feasibility of a municipal incorporation proposal. Additionally, lack of research about the alternatives in the regional district system means that some options are unknown. Moreover, the Province’s role in educating communities is limited due to a loss of policy expertise and a changing local government environment requiring renewed research and education about the local government system.

Skaburskis indicates a province may educate stakeholders to promote informed decision-making about incorporation (Skaburskis, 2004, pp. 50-51). Education will gradually empower a community to adapt its local government structure to address future problems. Further, communication will lead to a more educated community and increase efficiency of restructure decisions in the future.

Policy experts indicates that BC can improve education about incorporation and alternatives. The policy expert interviews indicate that BC should maintain its role in providing education to communities in order for them to make an informed decision about incorporation; further, the interview findings that BC should continuously conduct research that may strengthen education about consequences of and alternatives to incorporation and contribute to existing policy expertise. A key recommendation is providing educational materials at the outset so that more costly governance and incorporation studies may be avoided.

Other jurisdictions mostly lack published education materials. Saskatchewan provides no education to communities about incorporation and alternatives to incorporations. NB provides no preliminary education to communities; however, the preliminary evaluation likely seeks to provide education about options – although options appear to be limited to restructure rather than non-structural solutions. On the other hand, PEI has some preliminary educational materials about the impact of incorporation. For example, one resource calculates taxes for properties inside and outside a municipality. Another resource describes how large municipalities can address changing needs, preferences, and issues.

A community self-assessment toolkit exists in many provinces to help examine feasibility of incorporation or viability of municipalities. The purpose of a community self-assessment toolkit is to provide information and education about the local government system and to enable a preliminary feasibility study. While a community self-assessment tool may be a useful tool, policy experts in BC share concerns about who would fill out the community self-assessment tool, how an individual would access data, how an individual can produce objective data, and the purpose of the tool in the decision-making process. One policy expert warns that such a tool may complicate dialogue between Program staff and the community. No province uses a community self-assessment tool as a part of the municipal incorporation process, although Alberta, Saskatchewan, and PEI use a municipal viability self-assessment tool to evaluate municipal viability and options to addressing municipal needs, preferences, and issues.

7.4.3 Evaluating and Demonstrating Capacity

Many provinces develop a process to help a community decide if it is willing and capable to take on municipal responsibilities. Provinces use various tools to help communities to learn about their potential to be a viable municipality. Many times, the quality of information that is contained within these tools will lead the community to make a decision whether to incorporate. Limits to the method of testing capacity and quality of information hampers community decision-making, and sometimes may not accurately reflect a community's actual capacity to perform basic municipal functions.

The literature review identifies that a province that may develop a process to evaluate and even build capacity (Skaburskis, 2004, pp. 50-51).

The policy experts affirm the Program's role in evaluating capacity of an unincorporated community. In BC, the evaluation was once limited to a study on incorporation which directly focused on the impact of incorporation. Then, the Program redeveloped the evaluation to include a governance study before an incorporation study to first determine if incorporation is the best option to addressing community needs, preferences, and issues. While Program staff once conducted these studies, they now provide an advisory role to consultants who conduct the studies, as some unincorporated communities are concerned about the objectivity of Program staff. However, many Program staff express a variety of concerns about quality of analysis requiring the Program staff to review the final reports. Multiple policy experts indicate that it may be useful to evaluate the studies and identify best practices in order to improve future studies.

Other jurisdictions test capacity using various methods. All provinces first determine evaluate capacity using basic incorporation requirements to increase the potential that an unincorporated community has the capacity and resources to assume municipal responsibilities.

After applying basic incorporation requirements, all provinces use tools to further evaluate capacity. In Saskatchewan, a community must develop planning tools, such as a map of the proposed municipality, future growth and development plans, a proposed operating and capital budget, and an assessment of dwellings and lots to demonstrate capacity. In NB, the Province tests capacity in two studies that collect preliminary and then detailed information about the impact of incorporation. In PEI, the Commission prepares a report evaluating the feasibility of incorporation based on a set of factors defined in legislation.

7.4.4 Evaluating Community Interest

A challenge is determining community interest before and after studies. Program staff determine the feasibility of a municipal incorporate proposal by testing community interest in incorporation. While there are tools to test community interest at the start and end of the municipal incorporation process, such as a community request and a vote on incorporation, it is challenging to determine throughout the process; nonetheless, the motivation to save Program resources instead of funding multiple costly studies means that Program staff will continue to test community interest despite lack of reliable tools.

The literature review does not address theories of evaluating community interest. However, characteristics of a ‘just decision-making framework’ indicates that a process should be accessible, accountable and transparent (Paddison, 2004, p. 31). Therefore, a tool to measure community interest would be more accountable and transparent in determining community interest.

The policy experts generally agree that a challenge in the evaluation is determining community interest throughout the process. In the preliminary stages, Program staff must determine if the community group in contact with the Ministry represents a broader community interest to incorporate. Breadth of community interest is important as this indicates greater likelihood of a favourable vote on incorporation. At this stage, a public meeting is the primary tool for evaluating broader support. After the study on incorporation, a community meeting is held to evaluate broader support given more availability of information. In between these stages, the Program staff may strategically share information about impact of incorporation to test community interest. For example, Program staff may calculate the change in taxation for each property. The only quantifiable measure of community interest is the final vote on incorporation. There is a desire for one or more stages in the evaluation that tests community interest before the vote on incorporation.

All provinces use tools to test community interest for incorporation. Saskatchewan and PEI require an unincorporated community to submit a petition to demonstrate sufficient community interest to consider incorporation. NB requires an unincorporated community to submit a letter demonstrating community interest. Then, before a province incorporates a municipality, all provinces have specifications about a vote on incorporation. NB and PEI require a vote on incorporation before the Minister may recommend incorporation to the LGIC. On the other hand, Saskatchewan does not require a vote on incorporation, but the legislation contains mechanisms for members of the public or the Minister to put a question about the proposed incorporation to a referendum. NB is the only other Canadian province that uses tools that directly test community interest throughout the process. An unincorporated community in NB that concludes a preliminary study must submit a petition to the Minister to proceed to conduct a comprehensive study.

7.4.5 Changing Provincial Approach to Incorporation

The policy framework maintains that a community initiates a municipal incorporation proposal, decides for or against incorporation in a vote, and is informed about incorporation prior to a vote. Despite the Program’s aim to ensure an unincorporated community is informed, the community may disregard this information. While the Program staff help an unincorporated community and Minister agree about feasibility, these negotiations may be political.

The literature review indicates that the province has many roles in maintaining the health of the local government system by ensuring viability of municipalities, which may restrict the formation of new municipalities (Skaburskis, 2004, p. 39).

A few policy experts indicate that the Province could be more proactive in future local government restructure. they suggest developing municipal restructure plans, publishing policy statements, and sharing provincial interest about local government restructure. In their view, future incorporation will threaten the viability of existing municipalities.

In other jurisdictions, there are various types of provincial plans and approaches to providing provincial guidance to decision-making from the start. Saskatchewan does not have a plan instead it has a principle that any community that wants to incorporate must first prove that there is no nearby municipality that will annex it within reason. NB has a plan to transfer centralized responsibility for services to unincorporated areas to new municipalities. PEI has a plan to increase the size of municipalities though consolidation. Alberta no longer considers incorporation among the possible local government restructure initiatives.

7.4.6 Evaluation Toolkit

Evaluation tools from other Canadian jurisdictions form an evaluation toolkit (Figure 8 – Evaluation Tools in Alberta, Saskatchewan, New Brunswick, and Prince Edward Island). Analyzing the literature review, needs assessment, and jurisdiction scan exhibit evaluation tools for various stages of evaluation, their use in other Canadian provinces, the extent of their use in BC. The figure categorizes these evaluation tools for easier comparison between jurisdictions.

Figure 8 – Evaluation Tools in Alberta, Saskatchewan, New Brunswick, and Prince Edward Island is a set of tools from four provinces that can evaluate aspects of feasibility in a municipal incorporation proposal. The figure separates tools by tool category and type. Then, it shows which provinces in Canada use a specific tool and stage of use.

FIGURE 8 - EVALUATION TOOLS IN FOUR CANADIAN JURISDICTIONS

Tool Category	Tool Type	Examples of Use
Information and Education	Published information	SK, NB, PEI
	Published education	PEI
Research and Studies	Preliminary Study	BC, NB
	Feasibility Study	BC, NB
	Report	PEI
	Proposed Municipal Plans	SK
Testing Community Interest	Petition	SK, NB, PEI

	Vote	SK, NB, PEI
	Public Meeting	SK, NB
	Council Resolution	SK
Limits to Incorporation	Previous Structure	SK
	Criteria	SK, NB, PEI
	Restriction (Minister's Order)	AB
	Alternatives	SK

7.5 Analyzing Basic Incorporation Requirements and Criteria

A province may set basic incorporation requirements that an unincorporated community must satisfy before seeking incorporation.

During the evaluation, Program staff use criteria to help a community learn about municipal viability – much of this information is related to population, taxable assessment, etc. For example, if a community does not have a sufficient population, it cannot afford to perform basic municipal functions, but it also may not have the professionals to perform those, and may find it difficult to provide a wider range of services if the community grows and there is desire for more services. Most policy experts support creating basic incorporation requirements because it would make it possible to create minimum expectations, while keeping flexibility in order to continue to have incorporation as an option to address community needs, preferences, and issues.

All four provinces use basic incorporation requirements (see Figure 9 – Summary of Basic Incorporation Requirements in Four Canadian Provinces). A province sets basic incorporation requirements to achieve goals, such as to limit the number of communities seeking incorporation, build capacity to become a municipality, ensure that new municipalities can adapt to changes in the local government environment. Saskatchewan has the greatest number of basic incorporation requirements, including. It also requires a community to first establish itself as an organized hamlet for 3 years before becoming a village. The purpose of the requirements is to ensure that a community has the population, diversity of tax base, and size of tax base to comply with provincial regulations and to assume a bit more responsibility in order to build future municipal capacity. NB and PEI use population and taxable assessment criteria that are much higher than in Saskatchewan in order to ensure that new municipalities already have the population and taxable assessment to meet future community needs, preferences, and issues. These provinces describe main basic incorporation requirements in the legislation. In addition, some provinces contain a delegation of authority to the Minister to either apply discretionary criteria or to recommend to the Lieutenant Governor in Council to develop regulations containing additional criteria. In effect, there is a spectrum of basic incorporation requirements from rigid to flexible.

All three provinces that permit incorporation recently changed their basic incorporation requirements. In Saskatchewan, the recent increase aligns with Ministry research about the minimum population, taxable assessment, and residential and business units required to comply with provincial requirements and perform basic municipal functions. Therefore, in Saskatchewan, the basic incorporation requirements require a lower level of capacity. Meanwhile, in NB and PEI, the comprehensive redesign of local government structure and much higher basic incorporation requirements require a higher level of capacity. In PEI, the criteria are so high that most existing, long-standing and viable municipalities do not satisfy them.

Figure 9 - Summary of Basic Incorporation Requirements in Four Canadian Provinces identifies basic incorporation requirements in provincial legislation.

FIGURE 9 - SUMMARY OF BASIC INCORPORATION REQUIREMENTS IN FOUR CANADIAN PROVINCES

Province	Minimum population	Land Parcel Size	Residential Business Units	Taxable Property Assessment
Alberta	300	>/<1850m ²		
Saskatchewan	100/300		150 units (south); 100 units (north)	\$30 million (south); as prescribed (north)
NB	1500			3000 population or \$200 million
PEI	4000			\$200 million

7.6 Summary

A province has many potential policy framework designs comprising of procedures, tools, and criteria to complement its local government environment, political culture, and organizational needs. BC has a strong policy framework that is suited to its political culture, although there are areas for improvement. Greater awareness of decision making frameworks improves participation, more education will allow for more intelligent discussion, and carefully examining the existing tools will lead to a more effective process. Furthermore, taking a process that relies on policy expertise and beginning to translate that policy expertise into tools for later use is a suitable way to adapt.

In order to ensure that the procedures continue to be effective at evaluating the feasibility of municipal incorporation proposals, it should be a priority to decrease dependence on policy expertise. Many other Canadian provinces design similar procedures or steps in procedures in practice in British Columbia, using a variety of tools that reduce but do not eliminate a need for policy expertise to facilitate an evaluation. Existing procedures may be improved by increasing access, accountability, and transparency through clarification of stakeholder roles in the evaluation, shift of responsibility for some procedures, and development of tools to support a shift away from reliance on policy expertise.

The BC policy framework could adopt and adapt tools from other Canadian provinces. Tools that emphasize greater information, education, analysis, and measurement of community interest will address areas for improvement. In some cases, the development of these tools requires a consolidation of existing Program information. In other cases, the development of tools would require dedicating Program resources and policy expertise to uncovering new information through research and analysis about alternatives to incorporation. New tools may expedite steps in the procedure and increase competence of communities, regional districts, and less experienced Program staff in an evaluation.

Experts and provincial experiences both demonstrate the utility of basic incorporation requirements in evaluating the feasibility of a municipal incorporation proposal. Enforcing basic incorporation requirements will leverage the existing policy expertise at earlier stages of evaluation, while maintaining flexibility for unexpected circumstances. In all provinces, once a community satisfies the basic incorporation requirements there are still many more to consider that ultimately lead to a decision against incorporation. Furthermore, flexibility can be built into the basic incorporation requirements, which would allow the province to vary the requirements for special circumstances.

8.0 Recommendations

The policy framework serves as a scaffold for the research and analysis that lead to the recommendations. Acknowledging the incremental evolution of the policy framework and the views of policy experts who affirm its strengths and areas for improvement, the recommendations provide a myriad of opportunities to continuing building on the strengths of the framework and addressing challenges, and the defined problem. This section provides recommendations to promote the incremental policy development in BC that has driven evolution of the policy framework to date; however, solutions to the defined problem may also require a change to provincial approach to incorporation that departs from the past trajectory of incremental policy development.

The recommendations focus on additional or alternative procedures, tools, and criteria that will lead to improvements to the policy framework. The recommendations below are categorized into improvements to communication, education, and evaluating feasibility. All are aspects of the process that address areas to improvements.

The ten recommendations complement each other and are not ranked in order of importance. They should be considered as a package, of which some recommendations may be considered appropriate or inappropriate. Much of the recommendations involve internal Program work. Other recommendations look to match Program communication with published materials and legislation to ‘community restructure’ which should effectively management community interests. Some of these recommendations focus on internal Program learning about the local government system and looking at a variety of tools to achieve the same purposes, perhaps using the toolkit developed in this project. Finally, the last recommendations are contentious because they may be viewed as provincial intervention in local decision-making about local government restructure, but should be considered as definition of provincial interests and goal-setting that will flag issues that may arise later in the process.

Communication

Recommendations under this category increase the accessibility, accountability, and transparency of the evaluation process.

Recommendation 1 – Alter communication from ‘municipal incorporation process’ to ‘community restructure process’

It is recommended that the Program change its communication strategy to one that focuses on a community restructure process rather than an incorporation process, which more accurately describes the policy framework and problem-solving approach.

Recommendation 2 – Develop a ‘community restructure guide’

It is recommended that the Program create community restructure guide containing a description of basic procedural requirements that is available on the Ministry or Program website, which will be available to inform communities and new Program staff about the evaluation process.

Recommendation 3 – Set out evaluation procedures, tools, and criteria in the *Local Government Act*

It is recommended to determine which aspects of the evaluation procedures, tools, and criteria to legislate in Part 2 of the *Local Government Act* (LGA). LGA Part 2 delegates authority to the Lieutenant Governor in Council for the incorporation of municipalities and regional districts. Legislating aspects of the evaluation procedures, tools, and criteria will provide greater clarity about the type of procedures, tools, and criteria that a Minister may consider in the evaluation, providing greater certainty for the Minister, Program staff, and unincorporated communities about determining feasibility of a municipal incorporation proposal.

Recommendation 4 – Define role of provincial, regional and local government in municipal incorporation process

It is recommended to clarify the role of each level of government in the municipal incorporation process. There is limited public information about the Program expectations of a community, regional district, and province involvement in governance studies, incorporation studies, and evaluating impact of incorporation. Better understanding of the role of each level of government enables preparation to manage community interests, determine the broader impact of incorporation within the regional district system, and consider alternatives to incorporation.

Education

Recommendations under this category acknowledge and further internal policy expertise to prepare Program staff to work with unincorporated communities seeking incorporation.

Recommendation 5 – Develop educational material about the impact of incorporation on a community and its regional district

It is recommended to dedicate Program staff with experience evaluating the feasibility of municipal incorporation proposals to develop educational materials teaching a community about the local government system, impact of incorporation, and alternatives within the regional district system. These tools will anticipate any further information gained in governance and incorporation studies. Most of this information is already referred to by Program staff in conversation.

Recommendation 6 – Research alternatives to incorporation in the regional district system

It is recommended to conduct research about alternatives to incorporation in the regional district system. This research could identify alternatives that exist in every regional district as well as alternatives in each specific regional district. While a governance study identifies potential alternatives for an unincorporated community in a regional district, there is no or limited research about alternatives available to an unincorporated community before contacting the Province to seek incorporation. This research may be conducted by Program staff for Program purposes and with direction from Program staff to regional district staff.

Evaluating Feasibility

Recommendations under this category improve existing tools and recommend tools and criteria to promote more fulsome exploration of structural options and the impact of incorporation,

to reliable measure community interest, and to acknowledge provincial oversight, goals, and interest in local government structure.

Recommendation 7 – Evaluate effectiveness of governance and incorporation studies

It is recommended to review the existing governance and incorporation studies to evaluate if they achieve their desired outcomes. These evaluations may strengthen the quality of analysis in evaluating the feasibility of future municipal incorporation proposals. For incorporation studies, these recommendations may supplement the terms of reference that guide consultants in writing a report.

Recommendation 8 – Introduce a community petition tool

It is recommended for the Program to develop a community petition tool to measure community interest. The Program may require an unincorporated community to submit a community petition after the completion of a governance study in order to determine the level of community support to continue with an incorporation study. The community petition would contain an individual's name, address, contact information, and signature. Upon receiving a community petition, Program staff verify the legitimacy of signatures. While there is not a standardized threshold for level of community support, the legislation or Minister may set a desirable threshold for the petition based on a number of percentage of electors in the proposed municipality compared to the entire proposed municipal population.

Recommendation 9 – Define provincial interests

It is recommended to define provincial interests that may influence the feasibility of a municipal incorporation proposal. While Program staff advise an unincorporated community and the Minister about feasibility based on previous evaluations and policy expertise, sometimes provincial interests may result in consideration of a municipal incorporation proposal regardless of feasibility. Provincial interests should be defined, especially, when this will circumvent a standard municipal incorporation process or require substantial provincial support to maintain long-term municipal viability. In addition to defining provincial interests, the province may rank interests based on priorities.

Recommendation 10 – Develop basic incorporation requirements

It is recommended that the province develops basic incorporation requirements. An unincorporated community would have to satisfy basic incorporation requirements before the Program continues to evaluate the feasibility of a municipal incorporation proposal. IF basic incorporation requirements represent the characteristics that are necessary for an unincorporated community to provide basic municipal functions and mandatory functions, such as policing and road maintenance costs, it is possible to shorten the duration of later evaluation stages. Afterwards, the Minister may require consideration for additional basic incorporation requirements.

In the development of basic incorporation criteria, due consideration should be given for availability of alternatives in each regional district in order not to restrict the option of incorporation for unincorporated communities where there are fewer options for addressing community needs, preferences, and issues.

9.0 Conclusion

This project has surveyed academic literature and provided a review of provincial needs, preferences, and issues regarding evaluation the feasibility of a municipal incorporation proposal. This project contains a review of academic literature, views of provincial policy experts about strengths and areas for improvement in the policy framework for evaluating the feasibility of municipal incorporation proposals, and finally Canadian provincial evaluative frameworks.

The project design and findings show that the provincial-local relationship and the stability of local government structures has a key role in shaping an evaluative framework. Many provinces share evaluative framework components such as community-driven incorporation, evaluation of feasibility of incorporation, a vote on incorporation, and provincial order to incorporate a municipality. Yet, the application of each component, particularly the responsibility for completing each component varies between provinces.

As there is no single approach to evaluation, the project provides recommendations that consider the merits of the BC evaluative framework and considers the realities and barriers to policy change. The findings demonstrate that the framework is generally successful, but that there are several opportunities to build on successes and address areas for improvements. Key recommendations include improved communication about process, clearer definition of process, more up-front information and education about incorporation and alternatives, and greater leveraging of provincial expertise about feasibility using mandatory and elective criteria. A final consideration that is not explored in depth, but remains relevant in many provinces is the benefit of defining provincial goals for incorporation.

During the research and analysis, there were several issues that were beyond the scope of this project. However, greater attention to these issues could promote the development of options for communities to address their needs, preferences, and issues. Future research may include:

- Effectiveness of local government structures
- Development of sub-municipal structures with limited responsibilities and powers
- Availability of alternatives due to disparity and variations between regional districts
- Coaching for regional districts to identify interests and expand breadth of options
- Developing a community viability review program

10.0 References

- Bardach, Eugene. (2012). *A Practical Guide to Policy Analysis*. United States of America: SAGE Publications, Inc. CQ Press.
- BC Statistics. (2017). Municipalities, Regional District and Development Regions – 2011 to 2016 (XLS). Retrieved on March 31, 2017 from: <http://www.bcstats.gov.bc.ca/Files/285cd56c-9be1-4c5e-a153-3deeffa2ac94/BCDevelopmentRegionRegionalDistrictandMunicipalPopulationEstimates2011-2015.xls> on this website: <http://www2.gov.bc.ca/gov/content/data/statistics/people-population-community/population/population-estimates>
- Bish, Robert L. and Clemens, Eric G. (2008). *Local Government in British Columbia* (4th edition). Canada: Union of British Columbia Municipalities.
- Bourgeois, Daniel. (2005). Municipal Reform in New Brunswick: To Decentralize or Not to Decentralize? Joseph Garcea and Edward C. LeSage Jr. (Ed.). *Municipal Reform in Canada: Reconfiguration, Re-Empowerment, and Rebalancing*. (242-268). Canada: Oxford University Press.
- Bourgeois, Daniel and Strain, Frank. (2009). New Brunswick. Andrew Sancton and Robert Andrew Sancton (Ed.). *Foundations of Governance: Municipal Government in Canada's Provinces* (p. 186-222). Canada: University of Toronto Press.
- Boyatzis, Richard. (1998). *Transforming Qualitative Information: Thematic Analysis and Code Development*. United States of America: SAGE Publications Inc.
- Brown, Stephanie. (2016, December 16). Municipal Government Act update clears path for big changes. *CBC News*.
- Burke, John, Fenn, Michael, McMillan, Melville, Taylor, Robert, and Skovron, Wyatt. (2015). *Examining Municipal Government Models from the Alberta Perspective*. Alberta, Canada: Alberta Association of Municipal Districts and Counties.
- Capital Regional District. (2017, February 22). CRD Initiates Dispute Resolution on the 2016 Regional Growth Strategy Bylaw.
- Cashaback, David. (2001). Regional District Governance in British Columbia: A Case Study in Aggregation. Institute on Governance. pp. 1-12.
- Cleverly, Bill. (2017, February 23). Mediation in the pipeline for CRD's regional growth strategy. *Times Colonist*.
- Community Charter, SBC 2003 Chapter 26 (2017).
- Dollery, Brian, Garcea, Joseph, and LeSage Jr, Edward. (2008). Comparative Overview and Assessment of Reforms. Dollery, B, Garcea, J. and LeSage Jr, E. (ed). *Local Government Reform: A Comparative Analysis of Advanced Anglo-American Countries* (pp. 190-220). Great Britain: Edward Elgar Publishing Limited.

- Fischler, Raphael, Meligrana, John, and Wolfe, Jeanne. (2004). Canadian Experiences of Local Government Boundary Reform. John Meligrana (ed.). *Redrawing Local Government Boundaries: An International Study of Politics, Procedures, and Decisions* (pp. 75-103). Canada: UBC Press.
- Garcea, Joseph. (n.d.). Municipal System in Saskatchewan. *The Encyclopedia of Saskatchewan*. Retrieved from: http://esask.uregina.ca/entry/municipal_system_in_saskatchewan.html
- Garcea, Joseph. (2005). Saskatchewan's Municipal Reform Agenda: Plethora of Processes and Proposals but Paucity of Products. Joseph Garcea and Edward C. LeSage Jr. (ed.). *Municipal Reform in Canada: Reconfiguration, Re-Empowerment, and Rebalancing* (pp. 83-105). Canada: Oxford University Press.
- Garcea, Joseph. (2008). Municipal Restructuring in Saskatchewan 1905-2005: A Case of Institutional Inertia and Immunity. Howard A. Leeson (ed.). *Saskatchewan Politics: Crowding the Centre* (pp. 253-296). Saskatchewan: Canadian Plains Research Centre.
- Garcea, Joseph and LeSage Jr., Edward C. (2005). Reflections on Municipal Reform: Reconfiguration or Reinvention? Joseph Garcea and Edward C. LeSage Jr. (ed). *Municipal Reform in Canada: Reconfiguration, Re-Empowerment, and Rebalancing* (pp. 289-341). Canada: Oxford University Press.
- Garcea, Joseph and LeSage Jr., Edward C. (2008). Local Government Reforms in Canada. Dollery, B, Garcea, J. and LeSage Jr, E. (ed). *Local Government Reform: A Comparative Analysis of Advanced Anglo-American Countries* (pp. 153-189). Great Britain: Edward Elgar Publishing Limited.
- Government of Alberta. (2017). Municipal Codes 2017. Retrieved from: <http://www.municipalaffairs.alberta.ca/documents/2017-igcode.pdf>
- Government of British Columbia (n.d.a) Local Government Restructure. Retrieved from: http://www.cscd.gov.bc.ca/lgd/gov_structure/structure_branch_index.htm
- Government of British Columbia. (n.d.b). Incorporation and Restructure. Retrieved from: <http://www.cscd.gov.bc.ca/lgd/pathfinder-restructure.htm>
- Government of British Columbia (n.d.c.). Regional Districts Part 1: The Roots of Regional Districts. Local Government Department History: Mini-Histories. Retrieved from: http://www.cscd.gov.bc.ca/Lgd/history/mini_histories/regional_districts_part_one.htm
- Government of British Columbia. (2006). Primer on Regional Districts.
- Government of British Columbia. (2012). Municipal Revenue Sources Review – Local Government Grants Inventory.
- Government of British Columbia. (2014). Internal Document.
- Government of New Brunswick. (2011). Action Plan for a New Local Governance System in New Brunswick. Retrieved from: <http://www2.gnb.ca/content/dam/gnb/Departments/lgl/pdf/ActionPlanLocalGovernance.pdf>

- Government of New Brunswick. (2013). Process for Becoming a Rural Community. Retrieved from: <http://www2.gnb.ca/content/dam/gnb/Departments/lg-gl/pdf/ProcessBecomingRuralCommunity.pdf>
- Government of New Brunswick. (2017). The Community Restructuring Process. Retrieved on from: http://www2.gnb.ca/content/gnb/en/departments/elg/local_government/content/community_restructuring/process.html
- Government of Prince Edward Island. (2012). Information Sheet – Creating a New Municipality. Retrieved from: https://www.princeedwardisland.ca/sites/default/files/publications/creating_a_new_municipality_0.pdf
- Government of Prince Edward Island. (2015). Municipal Incorporations. Retrieved from: <https://www.princeedwardisland.ca/en/information/communities-land-and-environment/municipal-incorporations>
- Government of Prince Edward Island. (2016). Viable Municipalities for P.E.I. Retrieved from: <https://www.princeedwardisland.ca/en/information/communities-land-and-environment/viable-municipalities-pei>
- Government of Prince Edward Island. (2017). Municipal Restructuring – Municipal Government Act. Retrieved from: <https://www.princeedwardisland.ca/en/information/communities-land-and-environment/municipal-restructuring-municipal-government-act>
- Government of Saskatchewan. (n.d.). Restructuring Comparison Chart – What to Expect. Retrieved from: <http://publications.gov.sk.ca/documents/313/98351-Restructuring-Chart.pdf>
- Hall, Heather and Olfert, Rose. (2015). What is the Future of Rural Canada?: Saskatchewan. *Canadian Rural Revitalization Foundation*.
- Harcourt, Mike, Cameron, Ken, and Rossiter, Sean. (2007). *City Making in Paradise: Nine Decisions that Saved Vancouver*. Canada: Douglas & McIntyre Ltd.
- Kaufman, Roger. (1994). A Needs Assessment Audit. *Performance and Instruction*, 33(2), 14-16.
- Kumar, Ranjit. (2014). *Research Methodology: A step-by-step guide for beginners* (4th ed.). London, UK: SAGE Publications Ltd.
- LeSage, Edward C. (2005). Municipal Reform in Alberta: Breaking Ground at the New Millennium. Joseph Garcea and Edward C. LeSage Jr (ed.). *Municipal Reform in Canada: Reconfiguration, Re-Empowerment, and Rebalancing* (pp. 57-82). Canada: Oxford University Press.
- Local Government Act, RSBC 2015 Chapter 1 (2017).
- Mandryk, Murray. (2016, July 8). Saskatchewan Party must move on reducing number of rural municipalities. *Regina Leader-Post*.

- Masson, Jack and LeSage, Edward. (1994). *Alberta's Local Governments: Politics and Democracy*. Canada: The University of Alberta Press.
- Meligrana, John. (2000). Towards a Process Model of Local Government Restructuring: Evidence from Canada. *Canadian Journal of Regional Science* 23(3): pp. 509-530.
- Municipal Government Act, Bill No.58 2016 Chapter 44 (2017).
- Municipal Government Act, Revised Statutes of Alberta 2000 Chapter M-26 (2017).
- Municipal Government Board. (2006). Board No.MGB 123/06. Retrieved from: http://www.municipalaffairs.alberta.ca/documents/mgb/MGB_Annexation_Principles_StAlbert_Sturgeon.pdf.
- Municipalities Act, RSNB 1973 Chapter M-22 (2017).
- The Municipalities Act, The Statutes of Saskatchewan 2005 Chapter M-36.1 (2017).
- The Northern Municipalities Act, The Statutes of Saskatchewan 2010 Chapter N-5.2 (2017).
- Paddison, Ronan. (2004). Redrawing Local Boundaries: Deriving the Principles for Politically Just Procedures. John Meligrana (ed.). *Redrawing Local Government Boundaries: An International Study of Politics, Procedures, and Decisions* (pp. 19-37). Canada: UBC Press.
- Sancton, Andrew. (2011). *Canadian Local Government: An Urban Perspective*. Canada: Oxford University Press.
- Sinoski, Kelly. (2011, April 30). Metro Vancouver regional growth strategy tied up once again. *Vancouver Sun*.
- Skaburskis, Andrejs. (2004). Goals for Municipal Restructuring Plans. In *Redrawing Local Government Boundaries: An International Study of Politics, Procedures, and Decisions*. Edited by John Meligrana. Canada: UBC Press: pp. 38-55.
- Smith, Patrick and Stewart, Kennedy. (2005). Local Government Reform in British Columbia, 1991-2005: One Oar in the Water. John Meligrana (ed.). *Redrawing Local Government Boundaries: An International Study of Politics, Procedures, and Decisions* (pp. 25-56). Canada: UBC Press.
- Statistics Canada. (2011). Population, urban and rural, by province and territory (Saskatchewan). Finish citation. Retrieved from: <http://www.statcan.gc.ca/tables-tableaux/sum-som/101/cst01/demo62i-eng.htm>
- Statistics Canada. (2017). Alberta [Province] and Canada [Country] (table). Census Profile. 2016 Census. Statistics Canada Catalogue no. 98-316-X2016001. Ottawa. Released February 8, 2017. Retrieved from: <http://www12.statcan.gc.ca/census-recensement/2016/dp-pd/prof/index.cfm?Lang=E>
- The Association of Municipal Administrators of New Brunswick. (2017). Welcome to AMANB. See: <http://www.amanb-aamnb.ca/>

The IRIS Group. (2007). A Study on Prince Edward Island Local Governance. PEI Rural Team.
<http://www.fpeim.ca/pdf/IRISgroup.pdf>

Tindal, Richard and Tindal, Susan Nobles. (2009). Local Government in Canada (7th ed.). United States of America: Nelson Education.

Tonn, Gehrard R. (1975). Municipal Incorporation as a Communicative Process. UBC Theses and Dissertations. University of British Columbia, British Columbia, Canada.

Walchuk, Walter. (1987). Alberta's Local Government: People in Community Seeking Goodness. Alberta Municipal Affairs. Canada: Jasper Printing.

White, Ed. (2000, April 20). Task force gets angry earful from municipalities. *The Western Producer*.

Yarr, Kevin. (2017, March 29). Tignish to become a town. *CBC News*.

Appendix 1 Unincorporated Communities with Population Over 1000

Municipalities	Population
Saltspring Island Trust Area	10,640
Nanoose Bay	5,919
Gabriola Island Trust Area	4,033
Kitimat-Stikine E	3,993
Shawnigan Lake	3,945
Westbank	3,581
Ellison	3,094
Mill Bay	2,881
Cedar	2,836
Errington	2,677
Mile 108 Recreational Ranch	2,577
Merville	2,240
Okanagan Falls	2,230
Saltair	2,069
North Pender Island Trust Area	2,067
Charlie Lake	1,897
Roberts Creek	1,867
Deep Bay/Bowser	1,729
Naramata	1,676
Saratoga-Miracle Beach	1,630
Royston	1,616
Coombs	1,612
Lakeview	1,600
Hilliers	1,540
Sproat Lake	1,492
Grindrod	1,470
East Wellington	1,444
Popkum	1,382
Dunsmuir	1,330
North Oyster/Yellow Point	1,320
Blind Bay	1,315
Sorrento	1,285
Kaleden	1,203
South Pender Harbour	1,187
Union Bay	1,185
South Wellington	1,171

Denman Island Trust Area	1,165
150 Mile House	1,138
Cultus Lake North	1,108
Christina Lake	1,099
BX/Silver Star Foothills	1,097
Windermere	1,092
Dog Creek Road Area	1,088
Youbou	1,086
Ootischenia	1,080
Arbutus Ridge	1,063
Galiano Island Trust Area	1,044
Six Mile	1,031
French Creek	1,024
Hornby Island Trust Area	1,016
Cherry Creek	1,015

Appendix 2 Policy Expert Interviews Questions

Interview Questions

1. In your experience, what characteristics may indicate a community would be a viable municipality?
2. What factors in the local government environment may influence the assessment of the municipal incorporation proposals?
3. Do you think it would be beneficial to develop a more formal policy that describes procedures, tool, and criteria for evaluation? Why or why not?
4. What type of basic incorporation criteria could we use to evaluate a municipal incorporation proposal?
5. What past or current assessment procedures have been successful and unsuccessful?
6. What additional or alternative procedures and tools can address challenges in the existing framework? (E.g. guidelines about procedures; community self-assessment; education about potential options).
7. In your opinion, would the development of a community self-assessment tool improve the assessment process or have any other benefits? (e.g. assess feasibility, manage community interest, and decrease demand on Program resources)
8. Do you think it would be helpful to formally define a more active role for regional district in the municipal incorporation process? Why or why not?

Appendix 3 Sample Consent Form

Participant Consent Form

Assessment of Proposed Municipal Incorporations: Canadian Approaches and Considerations for the British Columbia Context

You are invited to participate in a study entitled “Evaluation of Municipal Incorporation Proposals: Canadian Approaches and Considerations for the British Columbia Context” that is being conducted by Monika Fedyczkowska.

Monika Fedyczkowska is a graduate student School of Public Administration at the University of Victoria and you may contact her if you have further questions by e-mail at monika.fedyczkowska@gov.bc.ca or by telephone at 778 698-3192.

As a graduate student, I am required to conduct research as part of the requirements for a degree in Public Administration. It is being conducted under the supervision of Kimberly Speers. You may contact my supervisor at 250 721-8057.

This research is being conducted for Marijke Edmondson, The Director of the Local Government Structure Program at the British Columbia Ministry of Municipal Affairs and Housing.

Purpose and Objectives

The purpose of this research project is to identify procedures, tools, and criteria that will inform a decision-making framework for the municipal incorporation process in British Columbia. I will achieve the project objectives by reviewing BC approaches to assessing municipal incorporation, examining Canadian approaches to assessing municipal incorporation, and recommending procedures, tools, and criteria that are applicable to the BC context.

Importance of this Research

The research is important because it will recommend procedures and tools that will improve the provincial assessment of municipal incorporation proposals. This research will provide direction to provincial decision-makers about the assessment of municipal incorporation proposals and clarity for interested communities. The research will also contribute to a relatively small body of international research about local government boundary decision-making.

Participants Selection

You are being asked to participate in this study because your knowledge of incorporation procedures, tools, and criteria used by the BC Ministry of Municipal Affairs and Housing will contribute to my research about approaches for assessment of municipal incorporation initiatives.

What is involved

If you consent to voluntarily participate in this research, your participation will include an individual telephone or in-person interview. I will be conducting interviews between from April 1 to April 31, 2017. The interview will contain six questions and last approximately 30 minutes. I will provide a copy of the questions one week before the interview. During the interview, I will be recording your responses and writing notes. After the interview, I will transcribe the recording of your responses, and provide you with a copy of the transcriptions for your review.

Inconvenience

Participation in this study may cause some inconvenience to you, including your participation during the interview which will last approximately 30 minutes. Additionally, I will send a copy of transcripts.

Risks

There are no known or anticipated risks to you by participating in this research.

Benefits

The potential benefits of your participation in this research include the contribution to: a decision-making framework for assessment of municipal incorporation proposals which may benefit provincial and local decision-makers who are interested in local government restructure, and a growing body of research about local government boundary decision-making.

Voluntary Participation

Your participation in this research must be voluntary. If you participate, you may withdraw at any time without any consequences or explanation. If you do withdraw from the study, I will not use your data.

Anonymity

In terms of protecting your anonymity, there are limits because it is possible to identify an individual in your position due to the nature of your position and few individuals who are in this position. I will exclude your name and position from the results, however I will identify the Province that you are answering questions about. Therefore, I will likely be able to associate a participant with their response due to the limited number of respondents from each province and the unique provincial-local context. The safeguards will limit the ability of others to associate responses with individual participants.

Confidentiality

Your confidentiality and the confidentiality of the data will be protected by storage of interview data and documentation of consent in a password protected files on my personal computer.

Dissemination of Results

It is anticipated that the results of this study will be shared with others in the following ways: in a report and presentation to the Local Government Structure staff in the BC Ministry of Municipal Affairs and Housing, in an executive summary to the Legislature of BC, and, finally, in a published report and project presentation to the School of Public Administration at the University of Victoria.

Disposal of Data

Data from this study and documentation of consent will be disposed of in January 2018 by file deletion.

Contacts

Individuals you may contact regarding this study include Monika Fedyczkowska and Kimberly Speers.

In addition, you may verify ethical approval of this study, or raise any concerns, by contacting the Human Research Ethics Office at the University of Victoria (250-472-4545 or ethics@uvic.ca).

Your signature below indicates that you understand the above conditions of participation in this study, that you have had the opportunity to have your questions answered by the researchers, and that you consent to participate in this research project.