

**NORTH WEST COMMUNITY COUNCIL**

**SPECIAL COUNCIL SESSION**

**SEPTEMBER 10, 1996**

PRESENT: Councillor Harvey, Chair  
Councillor Barnet  
Councillor Mitchell  
Councillor Rankin

ALSO PRESENT: Larry Corrigan, Commissioner of Corporate Services  
Barry Allen, Municipal Solicitor  
Ron Singer, Director of Finance  
Sandra Shute, Assistant Municipal Clerk

ALSO PRESENT: Bill MacDonald, MLA  
Bill Gerrior, Principal, Harry R. Hamilton Elementary School  
Matthew Boates, Parent

**CALL TO ORDER**

The meeting was called to order at 5:15 p.m.

**COMMUNITY SERVICE RATE FOR HARRY R. HAMILTON ELEMENTARY SCHOOL**

The purpose of the meeting was to consider the possibility of a Community Service Rate for Harry R. Hamilton Elementary School. Councillors were in receipt of an Information Report to Council dated September 10, 1996 regarding school area rates.

Harry R. Hamilton Elementary School being in Councillor Barnet's District, he quoted from Sections 31 and 77 of the Halifax Regional Municipality Act and stated that there was the ability, according to the Act, to levy an area rate. If not Community Council's ability, then it could be Municipal Council's with a recommendation coming from Community Council. He referred particularly to Section 77, (aj) (vi) and, in his opinion, education was included.

Mr. Barry Allen stated it was clear Municipal Council had the legal authority to set a rate; however, it did not include education. He had checked with various people, including Municipal Affairs and the people who drafted the Act, and the response was that under the

funding scheme contemplated by the Act, there was no provision for an area rate for education. He also stated that Section 31 (2) did not apply to the setting of area rates but to the fact that it was acknowledged that there would not be an opportunity to have a budget prepared by February 1st.

Mr. Allen went on to suggest there were two options. A request could be made to the Grants Committee but the process would have to be followed and an application would have to be submitted; however, this was really intended for private organizations. Alternatively, there was nothing to prevent the School Board from agreeing to provide the money through their general operating accounts.

Councillor Barnet referred to site based management teams and said there was the ability in the Education Act for Harry R. Hamilton Elementary to apply for site based management and they would then have the authority to come to Municipal Council to ask for funding. This, however, would not solve the problem for the current year. The amount in question was \$36,000 and the program has been on-going for 17 years. From March to June, 1996, they had secured temporary funding to continue with the employment of two people. As far as he was concerned, this was different from an area rate to pay for such things as computers.

Mr. Corrigan pointed out that Municipal Council has already approved the budget which did not include any funding for Harry R. Hamilton Elementary and it would mean going back and having the budget changed. He also pointed out that this was just one group looking for funding and it was quite possible that if Municipal Council were to approve \$36,000, there could be requests received from other groups as well then.

Mr. Bill Gerrior, Principal, Harry R. Hamilton Elementary stated that the community has indicated for the last 17 years that they supported the area rate; however, the Education Act has eliminated the ability. He was asking for a community service rate, rather than education, to rationalize support for the school. He also suggested that grandfathering relating to specific jobs might be a solution. He was asking Community Council to be as creative as possible within their limitations.

On a suggestion that there might be funding available through the Library Board, Councillor Harvey replied that there may be some linking at some time in the future between school libraries and public libraries.

Mr. Singer acknowledged that \$36,000 was not a lot of money and it could be collected but asked if it was legal to do so. He agreed that once one group was approved, others would come forward and that was a concern of staff. If the request had been brought forward

before the budget was approved, the money might have been given to the School Board with conditions attached.

Councillor Barnet stated he was concerned that there was a problem, which he did not create, and he did not think he could resolve. Staff was of the opinion that the problem was outside the jurisdiction of Community Council and he did not think they should approach the Grants Committee. If he were to move a motion now for a recommendation to Municipal Council to instruct staff to levy the area rate and if staff provided arguments against it, he did not think he would have much success with Municipal Council. He said that the Library Board could be approached but it would not help with this year's problem and neither would amending the Education Act.

Councillor Rankin pointed out that the Education Act took the authority away intentionally. There was no option in the Act which is supported by legal opinion.

Councillor Barnet said the school was looking to Community Council as the second last resort. The last resort was landfill funds. He was not going to move a motion that would be defeated by Municipal Council and he did not know what the solution was.

On a question from Councillor Harvey as to whether or not the school was going to go to site based management, Mr. Gerrior replied that they were in the process. Subsequently, Councillor Harvey stated that once the site based management was in place, they could come forward for an area rate. There was no solution at this time.

It was agreed to adjourn the meeting at 6:00 p.m.

Vi Carmichael  
Municipal Clerk