

EXECUTIVE STANDING COMMITTEE
MINUTES

June 24, 2013

PRESENT:

Mayor Mike Savage, Chair
Deputy Mayor, Reg Rankin

Councillors: Linda Mosher, Vice Chair
Russell Walker
Matt Whitman
Steve Craig
Brad Johns
Bill Karsten

Guest Councillors:

Gloria McCluskey
Lorelei Nicoll
Darren Fisher
David Hendsbee

STAFF:

Mr. Richard Butts, Chief Administrative Officer
Ms. Marian Tyson, Legal Services
Ms. Cathy Mellett, Clerk
Mr. Matt Godwin, Legislative Assistant

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1. CALL TO ORDER

The Mayor called the meeting to order at 10:01 a.m. in Council Chambers, Halifax City Hall.

2. APPROVAL OF MINUTES – April 22, 2013

The minutes of April 22, 2013 were before the committee.

MOVED by Councillor Whitman, seconded by Councillor Craig that the minutes of April 22, 2013 be approved as presented. MOTION PUT AND PASSED.

3. APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS

MOVED by Councillor Johns, seconded by Councillor Whitman that the agenda be accepted as presented. MOTION PUT AND PASSED.

4. BUSINESS ARISING OUT OF THE MINUTES – NONE

5. CONSIDERATION OF DEFERRED BUSINESS – NONE

6. CORRESPONDENCE, PETITIONS & PRESENTATIONS

6.1 Human Resources – Semi-Annual Update

Ms. Catherine Mullally, Director, Human Resources offered a presentation to the committee.

Ms. Mullally outlined the goals of her division, with a focus on sustainability and tool development. She provided information on worker turnover, loss of attendance and workers compensation. Ms. Mullally further noted that her division is taking steps to address absenteeism and make employees more productive.

Deputy Mayor Rankin referenced the union settlement some years ago, which limited the use of 24-hour shifts for Fire Services staff, and yet appear to be in play at the moment.

Mr. Phil McNulty, Executive Fire Officer responded that staff are working toward upcoming bargaining sessions to consider this point in future negotiations.

Councillor Craig noted that physically demanding jobs seem to have higher sick days and overtime and asked if staff have been considering this reality, with Ms. Mullally responding that overtime and sick time are a focus going forward and upcoming

bargaining sessions will include scheduling. She also noted that staff are looking at preventative measures, such as fitness options for staff.

Councillor Craig pointed to workman compensation, and asked if staff track insurance in public safety, with Ms. Mullally responding staff are building a report around this.

Councillor Walker noted that the report does not include vacancies and comparative data with the rest of the workforce, with Ms. Mullally responding that they will include this information at the next presentation.

Councillor Whitman asked what employees at the CAO's Office do, with Ms. Mullally responding that the CAO's office includes the Municipal Clerk, the Councillors' Office, Corporate Communications, among others.

Councillor Whitman asked about the \$1.8 million surplus at Metro Transit, with Mr. Eddie Robar, Director, Metro Transit responding that the surplus is a result of changes on the management side.

Councillor Mosher asked about vacancy management and asked how much overtime is being incurred as a result of vacancies and if managers are still allotted overtime.

Ms. Mullally responded that managers do not receive financial compensation for overtime, but they can acquire banked overtime leave.

Councillor Mosher noted that "earned days off" create a varied work schedule, inconveniences the public and increases the workload on other staff. Ms. Mullally responded that customer service is the top priority and managers are expected to maintain standards when doing shift scheduling.

Councillor Mosher further asked if staff have information on the industry average for overtime and sick leave, with Ms. Mullally responding that staff can compare by sector trends.

Councillor Karsten pointed to trends, particularly at Metro Transit, which indicate continuing issues relating to staff morale.

Mr. Robar noted the environment is physically demanding and can be stressful, with the effects of the work stoppage still being felt. He pointed to his business unit's healthy workplace strategy and noted that Workers Compensation Board (WCB) claims are down a third compared to previous years.

Councillor McCluskey asked by there are so many sick days for staff of CUPE 108, with Ms. Mullally responding that a new manager for municipal operations has been hired to help manage attendance issues and put in place a safety first policy. Ms. Mullally also noted that there are no requirements for CUPE staff to meet fitness expectations.

Councillor McCluskey asked why Fire Services has higher sick leave hours than those of Police, with Mr. McNulty noting that it's more to do with scheduling differences between the two services.

Councillor Hendsbee asked about the correlation between head count and full time equivalents (FTE), with Ms. Mullally responding that head count is the total number of employees and FTEs are the position itself. The report does not compare these.

Councillor Hendsbee further asked about workman compensation rates at Metro Transit, which is higher than other areas and noted security cameras on buses should be serving to bring down the total claims. Mr. Robar responded that staff use the cameras when requested by the WCB. Most claims are related to stress rather than slips and falls.

Councillor Hendsbee also indicated his surprise with respect to the compensation of Fire Services as compared to Police, with Mr. McNulty responding that a recent managerial realignment has resulted in more managers taking active roles on the street, as well as the recent promotion of divisional planners.

Councillor Nicoll asked if staff have gauged morale recently among workers, with Ms. Mullally responding that they have not done an employee engagement survey and don't plan to conduct one.

Councillor Nicoll also asked about grievances and the staff succession plan.

Ms. Mullally responded that upcoming collective bargaining sessions involving reopener clauses for Fire Services and Police have led staff to consider grievance data to get a better look at workplace issues. She further noted that succession planning is a number one priority for Human Resources.

The Mayor thanked Ms. Mullally and her staff for the presentation.

7. REPORTS

7.1 Councillor appointments to Standing Committees

Deputy Mayor Rankin put forward the below recommendation, with the amendment that the Councillor appointment extension be carried forward until November 30, 2014.

Ms. Cathy Mellett, Municipal Clerk, indicated this amendment is a friendly amendment.

MOVED by Councillor Rankin, seconded by Councillor Craig that the Executive Standing Committee recommend to Halifax Regional Council that the Terms of Reference of the Standing Committees of Regional Council be amended to extend the current Councillor appointments to November 30, 2014.

And, recommend that Regional Council direct the Executive Standing Committee, supported by staff, to undertake a review of Council's governance/committee structure and Terms of Reference to ensure the structure supports Council's priorities. To be completed by June 30, 2014.

Councillor Rankin noted this is an opportunity for staff to undertake a review to ensure the new structure suits the new Council's priorities, but indicated perhaps the date for completion could be earlier.

Councillor Walker indicated he was pleased to leave the date in 2014 to ensure the work is done properly and it's Council driven.

Councillor Johns supported a return for the work in 2013 and noted if it is not complete the deadline can be extended. He also indicated his support for conducting a review of the governance structure, noting that some items should have come directly to the whole of Council through a Committee of the Whole, such as the budget process.

Councillor Mosher noted that the process has to be driven by Regional Council and focus on reducing redundancies, such as reports being received at several standing committees.

Councillor Craig clarified the motion as presented and indicated that there needs to be a robust discussion on the governance piece.

Councillor Karsten indicated his support for the 2014 date to review the governance structure and that staff should make an effort to get the item back to the committee sooner. He also reminded what led to the creation of standing committees, which was to replace numerous other meetings. The Clerk noted that the standing committees replaced several dozen other committees and numerous committees of the whole.

Councillor Whitman supported the 2014 appointment extension, noting that he was under the impression the appointments would be for at least two years.

Councillor Fisher noted that the new structure will not be ready for review in 2013 and 2014 is a better year for review. He also suggested there is a need to tighten up the process, given that the Terms of Reference for committees were drawn up before the reduction in the number of Councillors and the number of Councillors on committee could be diminished to reflect this.

Councillor Hendsbee noted the recent budget process was an improvement, but some items require the attention of the whole of Council. He also supported the idea of reducing the numbers of Councillors on committees.

Councillor Nicoll also indicated her support for the 2014 date, noting that Council will also be committed to the regional plan review during the same period.

Councillor McCluskey indicated that the problem with the current standing committee arrangement is that Councillors were better informed when committees of the whole happened more regularly. The regional plan review should be open to all of Council.

MOTION PUT AND PASSED UNANIMOUSLY.

7.2 Powers of Standing Committees

MOVED by Deputy Mayor Rankin, seconded by Councillor Karsten that the Executive Standing Committee recommend to Regional Council that: Pursuant to Section 20(1) (c) of the Halifax Regional Municipality Charter, Regional Council delegate the power to direct staff to prepare reports to HRM Standing Committees provided that:

- a) The topic of the report is consistent with the mandate of the Standing Committee as expressed in the Committee's terms of reference approved by Regional Council; and**
- b) The topic of the report is consistent with Regional Council's approved strategic priorities, budgets and policies.**

MOTION PUT AND PASSED.

7.3 Administrative Order 40 & 41

MOVED by Councillor Mosher, seconded by Councillor Karsten that Halifax Regional Council:

- 1. Amend the HRM Code of Conduct for Elected Municipal Officials and put it in the form of an Administrative Order, as set out in Attachment B.**
- 2. Amend the Public Appointment Policy as set out in Attachment D.**
- 3. Repeal Administrative Orders 40, Irregular and Illegal Conduct and 41, Ethical Conduct Policy, as set out in Attachment E.**
- 4. Amend the Terms of Reference of the Community Design Advisory Committee as set out in attachment G.**
- 5. Direct CAO to adopt an admin policy to Irregular and Illegal Conduct for staff.**

Ms. Marian Tyson, Acting Director, Legal Services noted that this item is largely a house-keeping matter to address inconsistencies, separating conflict of interest measures between staff and Councillors and indicating that the code of conduct as presented is the same as that outlined in the Union of Nova Scotia Municipalities (UNSM).

Councillor Craig asked why staff are proposing this when administrative orders are already in place, with Ms. Tyson noting that administrative orders are policies passed by Regional Council and the CAO should have an opportunity to issue an administrative directive to staff.

Councillor Whitman referred to Administrative Order 41 and asked how those obliged to follow the guidelines define their own time, with Ms. Tyson responding that this reference applies to staff and their ability to appear before Council in their private capacity. The CAO's directive will include this.

Councillor Whitman asked for clarification on Attachment A of Administrative Order 52, with Ms. Tyson responding that it is a code of conduct for Councillors based on the UNSM model, which Regional Council has already adopted. She further noted that until the Province makes legislative changes, municipalities cannot enforce this through disciplinary measures.

Councillor Johns asked if Councillors are obligated to sign the document, with Ms. Tyson responding that UNSM recommends all Councillors do so to ensure they have read the Code of Conduct.

Councillor Karsten noted that it's not good public policy to pass a by-law that is not enforceable. A letter should be sent from the Mayor to the Province asking for a legislative change to allow municipalities to adopt an enforceable code of conduct.

Councillor Nicoll noted that Councillors should have access to legal counsel outside of HRM Legal Services, with Ms. Tyson responding that Legal Services has worked with Councillors in the past to advise on legal matters.

Councillor Rankin echoed Councillor Karsten's point about the inability for Council to enforce these provisions and asked if it has any authority to act against violations, with Ms. Tyson responding that Council has no legal ability to suspend or terminate members of Council, but could ask a member to apologize or be withdrawn from committees.

Councillor Walker noted that Councillors missing three meetings of Regional Council without being granted an absence may be an opportunity for Council to call a by-election.

MOTION PUT AND PASSED.

8. COMMITTEE MEMBERS

8.1 Councillor Walker: Response to Request for Feedback – UNSM Revised Structure

Councillor Walker noted that power on the UNSM is heavily slanted towards the smaller towns of the province and against HRM and the Cape Breton Regional Municipality (CBRM). He noted there are a number of possible changes.

Councillor Karsten noted that it may be better to defer the item to Councillors Walker and Nicoll.

Councillor Nicoll noted she represents HRM on the regional caucus and that UNSM governance is in a state of transition and it is better to defer this item.

Councillor Mosher noted that representation on UNSM should be based on population, given that HRM pays the lion's share of the expenses, but has much less input than it deserves. However, some processes, such as the development of the Code of Conduct, are valuable.

Councillor Walker outlined a process for bringing the item back to the July 22, 2013 Executive Standing Committee meeting after consultation with staff.

The committee agreed to defer the item.

- 9. ADDED ITEMS – NONE**
- 10. IN CAMERA – NONE**
- 11. NEXT MEETING DATE – July 22, 2013**
- 12. ADJOURNMENT**

The meeting was adjourned at 12:16 p.m.

Matt Godwin
Legislative Assistant