

HALIFAX REGIONAL MUNICIPALITY

GOVERNANCE AND DISTRICT BOUNDARY REVIEW ADVISORY COMMITTEE MINUTES

June 11, 2010

- PRESENT: Mayor Peter Kelly, Chair
Councillors: Jerry Blumenthal
Barry Dalrymple
Peter Lund
Linda Mosher
Reg Rankin
Gloria McCluskey
- REGRETS: Wayne Anstey, Deputy Chief Administrative Officer
- STAFF: Ms. Mary Ellen Donovan, Municipal Solicitor
Ms. Sara Knight, Solicitor
Mr. Bruce Fisher, Manager, Finance
Ms. Linda Grant, Administrative Clerk Assistant
Ms. Chris Newson, Legislative Assistant

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1. CALL TO ORDER

Mayor Kelly called the meeting to order at 10:10 a.m. in the Media Room, 1st Floor, City Hall, Halifax.

2. APPROVAL OF MINUTES - May 20, 2010

MOVED by Councillor McCluskey, seconded by Councillor Blumenthal that the minutes of May 20, 2010, as presented, be approved. MOTION PUT AND PASSED.

Councillor Mosher noted that the minutes were very well done.

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

MOVED by Councillor McCluskey, seconded by Councillor Mosher that the agenda, as presented, be approved. MOTION PUT AND PASSED.

4. CONSIDERATION OF DEFERRED BUSINESS - NONE

5. CORRESPONDENCE, PETITIONS & DELEGATIONS

5.1 Correspondence

5.1.1 Public Feedback: Size of Council

Written submissions received from the following persons were before the Committee for consideration:

- An e-mail dated May 27, 2010 from Gary MacNeil, Dartmouth.
- An e-mail dated June 1, 2010 from Michael Rosson, Halifax.
- An e-mail dated June 7, 2010 from Sara Dawson, Halifax.
- A letter dated May 31, 2010 from Captain Earle Wagner and the response dated June 4, 2010 from Mayor Kelly.

MOVED by Councillor Mosher, seconded by Councillor Lund that the Governance and District Boundary Review Committee receive the submitted public feedback. MOTION PUT AND PASSED.

5.2 Petitions - NONE

5.3 Presentations - NONE

6. REPORTS

6.1 Phase I Recommendation - Governance and District Boundary Review

- A report dated June 8, 2010 was before the Committee.

Mayor Kelly explained that Finance staff were in attendance to outline their concern in regard to vesting authority to Community Councils to implement area rates.

Councillor McCluskey advised that she had read through the binder of information and found it interesting. She expressed concern that the Nova Scotia Utility and Review Board (NSUARB) may not agree with some of the proposals particularly in terms of the size of the Community Councils.

Ms. Sara Knight, Solicitor, explained that page 6 of the report outlines the NSUARB decision of 2004 in which they recognized that Community Councils were an essential feature of governance in HRM. Community Councils should have a minimum (population) size, not too small, and not cover too large a geographic area.

Mr. Bruce Fisher, Manager, Finance, explained that staff were not against the idea of Community Councils implementing area rates, however; he encouraged further discussion on the matter to understand exactly what is hoped to be achieved with area rates being delegated to Community Council. He further noted there was no indication whether authority for user fees were to be delegated to Community Councils. Clarification on what would be considered "local" in nature and whether the request for area rates would come from the community level for large community expenditures such as street lights, was needed. He inquired whether any limits were to be applied.

In response to Mr. Fisher's request for clarification, Councillor Rankin explained that the principle was to delegate as much authority as possible to the Community Councils. Staff's assistance in outlining parameters around the application of this intent would be helpful. He requested a definition of "local" and that Recommendation 3 be reworded in regard to what is deemed to be "local" for the purpose of the allocation.

Ms. Donovan suggested that the Committee consider what would be acceptable at the provincial level.

Councillor Dalrymple suggested that Recommendation 3 remain as presented to move the matter forward as more detail in regard to the implementation could be discussed as the process moves forward.. He noted that the boundaries would be the next area of concentration and may be more contentious.

Mr. Fisher concurred that the Committee could work on the detail while moving the broad principle forward given that adjustments could be made at Regional Council.

Councillor Blumenthal advised that he would like to see more clarity on the definition of "local" and what the Community Council could do before the matter is presented to Council.

Councillor Rankin suggested that the wording for Recommendation 3 be amended to include "*by Halifax Regional Council*" following the word "*deemed*". Recommendation 3 would now reads as follows: "*Approve in principle the vesting of authority to Community Councils for the establishment of area rates for enhanced services deemed **by Halifax Regional Council** to be local, if the necessary amendments to permit this are made to the HRM Charter; and...*"

The Committee concurred with the proposed amendment.

In response to a question by Councillor Lund as to whether Regional Council would decide what was “local” on a case by case basis, Mayor Kelly clarified that the first step is for Regional Council to determine whether they want to give that power to the Community Council which is why the recommendation is to “*approve in principle*”. Following Council’s decision, more information would be provided in regard to the next steps such as Council analysing what was deemed to be “local”.

Councillor Mosher explained that she does not agree with some of the information found in the report and outlined her concerns as follows:

- in the third last paragraph on Page 5 the report mentions several Councillors already represent 15,000 to 16,000 electors without any recorded concerns regarding their ability to meet these demands.
- the second last paragraph on Page 5 notes that only a modest savings could be expected through a smaller Council.
- on Page 8, under Budget Implications, the report states that a smaller Council may result in some modest budget savings such as in the global budget for the District Capital Fund.

Councillor Mosher advised that she could no longer keep up with the demands placed on her as a Councillor and that more assistance was required in the Councillors Support Office. She disagreed that there would be any savings with a reduced Council as the same demands would be there plus the need for more staff. She questioned why that comment was presented four times in the report when the Committee did not say that a reduced Council would result in any savings.

Mayor Kelly explained that the Committee had noted that perhaps there would be a reduced cost for a smaller Council but there may be an increase cost for administrative staff.

Councillor Mosher also expressed concern that there was no documentation/rationale supporting the reasoning behind delegating more power to the Community Councils. The recommendations have to be defended and the report should explain the reasons why delegating more power to Community Councils is being proposed such as: the perceived ineffectiveness of Council; the long Council meetings; residents stating that they are not seeing Council working on broader policy issues.

Mayor Kelly concurred that the commentary on the role of Community Councils could be enhanced in the report.

Ms. Knight explained that on Page 4 of the report, second paragraph under Issues, the rationale for proposing a Council size of twenty was included. The information was obtained from the public feedback and referenced the effectiveness of Council rather than the size of Council, however; the size of Council was one method of dealing with the effectiveness issue. She noted that staff could include similar rationale for the Community Council section.

Councillor Rankin advised that he was satisfied with the report. He explained that the Committee had discussed a district size of 18,000 - 20,000 and noted that several districts, at least five, already conformed to those numbers. The issue of problems in providing representation based on the count was brought forward at the last Committee meeting and are noted on Page 5 of the report. The district average is approximately 15,000, when you divide the current population by 23 districts, yet there are some districts that are operating in the 18,000 to 20,000 framework and have no issues in regard to the district being too large. He noted that a case would have to be made when presenting to the NSUARB.

Councillor Mosher objected to the comment that some larger districts were operating with no issues as it was a subjective comment and not the consensus of the group. She noted that at the Sheet Harbour meeting the public felt they needed more representation.

Mayor Kelly clarified that there were four or five districts currently operating at a higher count as a point of fact, therefore, not an issue for debate. Also, with a decrease in Council there may be an increase in the need for Administrative Support. He noted that the boundaries may change/shift.

Councillor Rankin noted that based on the numbers suggested by the NSUARB, one quarter of Council was already operating within that range. He explained that his district, and Districts 23 and 2, were within those numbers suggested by the NSUARB give or take 10%. Those three Councillors were present and could attest to the fact that the numbers are working today. There has not been a problem representing a district with 20,000 residents, give or take 10%. The other Members of Council may request status quo. Even with a Council of twenty-three (23), the district boundaries may have to be reconfigured. Councillor Rankin noted that in regard to a modest saving with a reduced Council size, the cost factor would be neutral.

In response to a question from Mayor Kelly on whether or not more administrative staff would be required, Councillor Rankin commented that a restructure of the Councillors Support Office may be necessary with perhaps one Assistant assigned to each Councillor, however; that would be a different debate. He concurred with earlier concerns that some constituents in some areas would say they may have reduced access with a smaller Council.

Mayor Kelly explained that the Committee had gone through the data and it was a point of fact that some residents were concerned with a decreased Council. Some Councillors were also concerned that a decreased Council may increase the need for Administrative Support.

Councillor McCluskey commented that the Committee was comparing apples to oranges when comparing districts, for example, the policing needs are not the same for Stewiacke as they are for downtown Halifax. The busier districts have more calls/complaints than those living in outlying areas. She could not understand how the concerns of District 23 would be as great as Dartmouth. She requested information on how Council would be more effective if it were reduced in size and noted that the rationale should be included in the report especially when presenting to the NSUARB.

Ms. Knight explained that the report contains the comments raised during the public meetings and those comments indicated that a reduced Council was thought to be a more effective Council. The issue is defined on Page 4 of the report and based on the public feedback.

Councillor McCluskey inquired if the belief that a reduced Council would be more effective was due to a belief that there would be increased focus with decreased parochialism. A more effective Council would be if people did not speak so much. She suggested that Councillors only speak once rather than the current three/two opportunities. Councillor McCluskey advised that she was not arguing for or against a reduced Council but that the proposed recommendations be explained and qualified in the report.

Ms. Donovan noted that the person, or persons, who presents the report to the NSUARB would have to articulate very clearly these points to defend the recommendations. The most likely candidate would be Mayor Kelly as staff would not be the ones to speak to this matter at the NSUARB.

Councillor Rankin commented that in the past the Solicitor lead the discussion at the NSUARB and there was only a cameo appearance by the Committee Chair.

Councillor McCluskey requested an explanation on how a reduction to a twenty member Council would bring more transparency than a Council of twenty-three.

Ms. Knight noted that the report outlined many different tools to achieve effectiveness such as: reducing the number of Councillors to twenty; giving more power to the Community Councils; and, the use of consent agendas. These were suggestions that the Committee brought forward during previous discussions as means to have a more effective and transparent Council session.

In response to a question from Councillor McCluskey, Mayor Kelly explained that the Tender agenda items, even with a consent agenda, may be discussed individually, however; normally they would be done as a group.

Councillor McCluskey commented that she did not agree that twenty Councillors would bring more transparency or focussed debates.

Mayor Kelly clarified that the proposals in the report had already been discussed and suggested by the Committee. The Committee may now review the report line by line and hear all comments prior to forwarding it to Regional Council.

Councillor McCluskey stressed that when the report is presented to the NSUARB the question of how a reduced size Council would result in more effective debates had to be explained.

Mayor Kelly responded that the issue of more focussed debate appear to be a point of contention. He requested that on Page 4 of the report, the following two comments be deleted: *the increased transparency issue and the more focussed Council debates.*

Councillor Blumenthal advised that most of the e-mails he has received in regard to this issue have questioned how reducing Council from twenty-three to twenty would result in a more transparent, effective Council with more focussed debates. Reducing the size of Council would not guarantee more focussed debates or a more effective Council as you would still have some Members of Council who stand up and speak to every issue and others who never say a word.

Ms. Donovan suggested more bullets supporting the move from twenty-three to twenty be added. She noted that a more focussed debate is a good rationale for the reduction as fewer Councillors would result in a slightly more focussed debate. That is a supportable statement to make.

Mayor Kelly clarified that the reduction resulting in more focussed debate comment remain with some rationale included as to how a reduced Council would result in more focussed debate.

Councillor Dalrymple commented that reducing Council by one, three, or ten would automatically result in more focussed debate as there would be that many fewer speakers. He agreed with the report, in its entirety, as it was written by a neutral person and addresses a number of issues. He noted that he agreed with Councillor Mosher's concern that the focus should not be on a cost saving as most realize that there would not be a cost saving. He would rather have the report concentrate on the effectiveness aspect. Councillor Rankin's comment that four or five districts are already working with the higher population is a valid point. In regard to a comment made by Councillor McCluskey concerning policing in a busy district versus a rural area, he noted that every day calls per officer are much higher in rural areas than in the city.

Councillor Mosher advised that the public feedback was not to reduce Council but to increase Council's focus. The wording in the report should be revised as follows:

- where it states "*increase focus by Regional Council on issues of regional importance*" wording should be included to tie this into redirecting community issues, local in nature, to Community Councils as a means to enhance, and give greater access to residents in the decision making.
- "*the meetings of Regional Council will be shorter*"; if there is a more focussed debate on regional issues it is not about parochialism because the fewer Councillors there are the more chance of increased parochialism. She explained that if she had twice as many residents she would have to focus on the local issues rather than the global matters she has brought forward to Council such as the blasting By-Law legislation, Urban Forest Master Plan, and the Smoking in Parks matter.

She explained that the report has to include concrete, defensible reasons for why the size of Council was being reduced. The residents are not saying fewer Councillors are needed. Staff, who do not understand local issues, are bringing forward recommendations that the residents are not in support of, such as the Herring Cove Road matter, and this situation would be more common with fewer Councillors.

Mayor Kelly clarified that the Committee's report was geared toward Council to convince them to move forward to the NSUARB, following which, a report would be

compiled for the NSUARB including Council's comments.

Ms. Donovan noted that the Committee's report has to defend the reduction from twenty-three to twenty based on the current reality rather than on the future vision which would see Community Councils with more authority.

Councillor Mosher requested that the top of Page 4 include a history of the issues and recommendations to address those issues. For example:

- the issue that residents want direct access to Councillors and a more grassroots approach could be defended by outlining that Councillors are accessible by phone, e-mail and the Council proceedings are broadcast on television.
- it should be noted that Councillors speak to local and broad issues at Council.
- note that residents said they want to speak to the Councillors directly so reducing the number of Councillors drastically would be contrary to what the residents want.
- providing more authority to the Community Councils would provide more accessibility to the residents in the local decision making process.
- the use of consent agendas would assist with more focussed debate on regional issues at Regional Council that would result in shorter sessions.

She suggested that having a Committee of the Whole one day and Council on another would also improve focus as currently residents see Council at 11:00 p.m. when things are starting to get silly due to a very long day. She noted that she had just seen the report today and that based on the public input it was clear that some want fifteen Councillors but they want them to be focussed. She noted that residents did not want a Council so large that they would not be able to make regional decisions or too small that decisions were being made by a small group.

Councillor Lund concurred with Councillor Mosher's proposal for wording changes to the report as one reason for the proposal to reduce to twenty is to bring the population representation up and "*improve effectiveness*". On page 4, in regard to public feedback, the report should say that "*the public believes effectiveness to mean...*" as it is not what the Committee thinks. He requested that the report ensure that comment is not presented as the Councillors opinion. On Page 5, the second last paragraph, should be worded that "*the Committee acknowledges that for this reason cost savings would most likely not be achieved.*"

Mayor Kelly requested that the cost saving matter be removed from other areas of the report as it is outlined in the Budget Implications section.

Councillor Rankin commented that the report is an objective report on what is understood to be the conclusion on the issues of effectiveness and transparency. In regard to being effective, what kind of decisions is Council making and why. Regional Council should take the role of a policy making body and grant authority for local decisions to the Community Councils. at the community level. He noted that he would like to see the final version of the report following it being edited.

Mayor Kelly noted that the process was a consensus process and Council could change the recommendations at Council.

In response to Mayor Kelly, Ms. Knight advised that the report was to be before Council on June 15th.

Councillor Dalrymple advised that he had to leave and requested a vote be taken on the recommendations and that work continue to modify the report as requested.

MOVED by Councillor Dalrymple, seconded by Councillor Lund that the Governance and District Boundary Review Committee recommend that Halifax Regional Council:

- 1. Approve the reduction of Halifax Regional Council to 20 Councillors plus the Mayor, with four Community Councils each composed of five Districts;**
- 2. Seek amendments to the HRM Charter that will allow Halifax Regional Council to delegate general authority to community councils for local matters, with the intent that the delegation of this authority evolve over time;**
- 3. Approve in principle the vesting of authority to Community Councils for the establishment of area rates for enhanced services deemed by Halifax Regional Council to be local, if the necessary amendments to permit this are made to the HRM Charter; and**
- 4. Approve the adoption in principle by Halifax Regional Council of the use of Consent Agendas, with the goal of achieving greater effectiveness at Regional Council meetings.**

MOTION PUT AND PASSED UNANIMOUSLY.

Councillors Rankin and Dalrymple retired from the meeting at 11:24 a.m.

Ms. Donovan advised that staff would do their best to ensure the report captures everyone's perspective.

Mayor Kelly advised staff that the four recommendations have to be justified/defended and that members of the Governance and Boundary Review Committee would e-mail their concerns to staff. Council was to receive the report for review over the weekend.

Upon further discussion, Mayor Kelly requested that the report be moved from the June 15th Council agenda to the June 22nd session to ensure adequate time for Council to review the report.

- 7. ADDED ITEMS - NONE**
- 8. NEXT MEETING DATE - *To Be Determined.***
- 9. ADJOURNMENT**

The meeting was adjourned at 11:30 a.m.

Chris Newson
Legislative Assistant

Information Items - NONE