



**HALIFAX REGIONAL COUNCIL
COMMITTEE OF THE WHOLE MINUTES
September 22, 2015**

REVISED

PRESENT:

Mayor Mike Savage
Deputy Mayor Lorelei Nicoll
Councillors: Barry Dalrymple
David Hendsbee
Gloria McCluskey
Waye Mason
Jennifer Watts
Linda Mosher
Russell Walker
Stephen Adams
Reg Rankin
Matt Whitman
Brad Johns
Steve Craig
Tim Outhit

REGRETS:

Councillors: Bill Karsten
Darren Fisher

STAFF:

Mr. Richard Butts, Chief Administrative Officer
Mr. John Traves, Municipal Solicitor
Ms. Cathy Mellett, Municipal Clerk
Ms. Sherryll Murphy, Deputy Clerk
Ms. Jennifer Weagle, Legislative Assistant
Ms. Phoebe Rai, Legislative Assistant

The following does not represent a verbatim record of the proceedings of this meeting.

*A video recording of this meeting is available:
http://archive.isiglobal.ca/vod/halifax/archive_2015-09-22.mp4.html*

*The agenda, supporting documents, and information items circulated to Council are available online:
<http://www.halifax.ca/council/agendasc/150922cow-agenda.php>*

The meeting was called to order at 10:00 a.m., and recessed at 11:58 p.m. Committee of the Whole reconvened at 6:47 p.m. and adjourned at 7:03 p.m.

1. CALL TO ORDER

Mayor Savage called the meeting to order at 10:00 a.m.

2. APPROVAL OF THE MINUTES – NONE

3. Proposed Amendments to Administrative Order One, Respecting the Procedures of the Council

Notice of Motion was given on at the June 2, 2015 session of Halifax Regional Council.

At the June 23, 2015 session of Halifax Regional Council, this matter was referred for discussion to a Committee of the Whole.

The following was before Committee of the Whole:

- Staff presentation “Administrative Order One: Introduction to the Proposed Changes” dated June 23 & September 22, 2015
- A minute extract from the June 23, 2015 meeting of Regional Council
- Staff recommendation report dated June 16, 2015
- A revised staff presentation dated September 22, 2015 entitled “Administrative Order One Introduction to the Proposed Changes”

Mr. John Traves, Municipal Solicitor, and Ms. Karen Brown, Senior Solicitor, presented an introduction to the proposed changes and the additional corrections provided to Council subsequent to the report. A copy of this presentation is available on file and online.

Councillor Hendsbee noted the following typographical errors in the proposed Administrative Order One:

- Correct the spelling of “Secretary” in the heading on page 36.
- That “The Greater Halifax Partnership” as noted in on pgs. 52 and 54 is now “The Halifax Partnership”.

Councillor Hendsbee suggested a further change that when a vote is tied, and therefore lost, it should be automatically put forward for a Notice of Motion of Reconsideration at the next meeting.

MOVED by Councillor Walker, seconded by Deputy Mayor Nicoll,

THAT Halifax Regional Council adopt Administrative Order One (2015), *Procedures of the Council Administrative Order*, to repeal and replace Administrative Order One (2011), *Respecting the Procedures of the Council* as set out in Attachment 1 of the staff report dated June 16, 2015 , with the following amendments:

1. The title page be amended by adding the words “[Date]”;
2. Subsection 4(2) be amended by making the word “subsection” plural and adding the reference “and 59(3)” so it reads:

(2) Notwithstanding subsection (1), any one or more of the rules of procedures contained herein except for section 5 and subsections 12(5) and 59(3) may be suspended by the affirmative vote of two-thirds (2/3^{rds}) of the Members present and voting.

3. Clause 41(1)(c) be amended by adding the words “for a Community Council or a Committee of Council, any matter set by the Chair and the Municipal Clerk, or delegate” so it reads as follows:

- (c) any other matter set on the Consent Agenda at Agenda Review or, for a Community Council or a Committee of Council, any matter set by the Chair and the Municipal Clerk, or delegate.
4. Subsection 41(2) be amended by adding the words “or for a Community Council or for a Committee of Council by 12 o’clock noon pm on the business day prior to the meeting” at the end of the subsection so it reads:
- (2) Any Member may have an item removed from the Consent Agenda by notifying the Clerk no later than 12 o’clock noon pm on the Monday prior to the meeting of Council or for a Community Council or for a Committee of Council by 12 o’clock noon pm on the business day prior to the meeting.
5. Section 115 be amended by:
- (a) renumbering the section as subsection 2 of section 115; and
 - (b) adding subsection 1 and subsection 3 as follows:
 - (1) For the purposes of this section, Standing Committee shall exclude the Committee of the Whole Council on Budget.
 - (3) Subsection 1 shall not apply to the Mayor.
- so it reads:
- 115. (1) For the purposes of this section, Standing Committee shall exclude the Committee of the Whole Council on Budget.
 - (2) Every Member shall be appointed to at least two Standing Committees.
 - (3) Subsection 1 shall not apply to the Mayor.
6. Section 4 of Schedule 4 is amended by
- (a) deleting subsection 2;
 - (b) adding at the end of subsection 1 the words “and the Vice Chair shall be the Mayor”; and
 - (c) renumbering subsection 4(1) as section 4

so it reads:

- 4. The Chair of the Audit and Finance Standing Committee shall be the Chair of the Standing Committee of the Whole on Budget and the Vice Chair shall be the Mayor.

The Clerk noted that Councillor Walker has read in the corrections noted by Legal Services in the presentation and before Council in the revised motion memo.

Councillor Walker noted he disagreed with s. 142 of the proposed Administrative Order One (2015) which states that a “Motion at Council arising from a matter discussed at Committee of the Whole must be decided without amendment or debate”, noting that sometimes motions from Committee of the Whole are not ratified at Council for a week or two, and circumstances or information may change by then. Mr. Traves indicated that the intent is that a motion made at Committee of the Whole would have been fully discussed by members of Council and when it reaches Council, it should have been settled upon.

Councillor Walker, noting that s. 41(2), states that “Any Member may have an item removed from the Consent Agenda by notifying the Clerk no later than 12 o’clock noon pm on the Monday prior to the meeting of Council.”, questioned whether this provided enough time for members to remove items from

the Consent Agenda, and suggested that members should be able to remove items from the Consent Agenda the day of the meeting with a majority vote.

With regard to s. 55(4) which states "A motion that is deferred and not considered by the Council for six (6) months shall be deemed to have been withdrawn", Councillor Walker commented that Council should decide whether a deferred motion is withdrawn. He further suggested that it should be up to Council whether to withdraw items on a status sheet following an election (s. 76(2)), noting that some of the items could be new to the status sheet.

Councillor McCluskey noted that some Information Reports before Council contain important information for the public, and should be presented to Council.

With regard to s. 140 regarding public submissions at Committee of the Whole, Councillor McCluskey questioned whether five minutes is enough time for a member of the public to communicate their points.

At the request of Councillor McCluskey, Mr. Traves commented on the advantages of having a Consent Agenda, indicating that for routine matters where there is no real debate, these matters can be dealt efficiently to allow more time for other matters on the agenda. He used the examples of fly past requests and routine tenders.

Commenting on s. 59 regarding motions in opposition to recommendations contained in a staff report, Councillor Rankin suggested that it should be up to Council whether it wishes to consider a motion in opposition to a staff recommendation. Mr. Traves clarified that the staff recommendation is meant to frame the debate, and Council would not be prevented from putting forward any amendments.

Mr. Traves concurred with Councillor Mason's interpretation of s.59, which this would enable Council to move straight to an alternative motion, without first having to vote on the staff recommendation.

Councillor Mason spoke in favour of a Consent Agenda, noting that it is a frequently used board management tool. He proposed that in addition, a member may at the start of the meeting, request to have a matter brought forward at the next meeting.

At the request of Mayor Savage, Mr. Richard Butts, Chief Administrative Officer, provided clarity on the intent of s. 76(2) with regard to withdrawing items on a status sheet following an election, noting that this would ensure that the previous Council does not tie the hands of the new Council. He indicated that staff would, as one of the first items on a new Council's agenda, bring forward the status sheet to have the new Council choose which items move forward.

Councillor Mason noted that in November 2014 the Community Planning and Economic Development (CPED) Standing Committee had recommended that the Heritage Advisory Committee (HAC) report to CPED, although the HAC is not listed as an advisory committee in the CPED Terms of Reference (Schedule 3 of the proposed Administrative Order One).

Councillor Mason suggested that the suspension of the rules of order be limited for Committees to only allow the suspension of certain rules, such as allowing members unlimited times to speak during certain matters.

With regard to s. 59(3), Councillor Watts inquired how much notice is required to put forward an alternative motion. Mr. Traves clarified that notice comes into effect when it is received by the Clerk, and needs sufficient time to be circulated to Council.

Councillor Watts suggested that as opposed to a 12 o'clock noon Monday cut-off for removal of items from the Consent Agenda, that should more realistically be changed to 9:00 a.m. on the day of the meeting. She further suggested that removal of an item from the Consent Agenda should be made at the indication from the Councillor, and not require a majority vote.

Councillor Watts noted that public input at Standing Committees should be held prior to debate on a matter to inform Members' decisions, noting that this process was changed for budget consultation from the public last year. Mr. Butts confirmed that the intent is for public participation to be held after a staff presentation and before debate and vote.

Councillor Johns commented that staff reports should include sufficient alternatives to the staff recommendation, for Council's consideration. Mr. Traves indicated that staff are always available to assist with preparing alternative motions.

Councillor Johns discussed concerns with the functions of the Executive and Audit and Finance Standing Committees, noting that he believes these functions are the responsibility of Council, however, he spoke in support of the proposed Standing Committee of the Whole on Budget.

Councillor Outhit inquired whether the Mayor would have discretion to allow a presentation to be made at Regional Council, as opposed to the Standing Committee level, should a presentation be of interest to all of Regional Council. Mr. Traves clarified that nothing in the proposed Administrative Order One changes the procedure for presentation requests, and that public participation is being added to the role of Standing Committees.

At the request of Councillor Outhit, Mr. Traves provided clarification regarding s. 59(3), regarding Motions in Opposition from Staff Report, noting that a Member could give notice, prior to the meeting being called to order, that they intend to put forward an alternative motion to the staff recommendation. He indicated that this clause is to allow Council to move past debating a staff recommendation, should there be no will of Council to debate that recommendation. Mr. Traves indicated that other options available to Council would be to waive the rules of order, or defeat the staff recommendation and move forward with an alternative motion.

In response to questions regarding s. 76(2) regarding the withdrawal of items from the Status Sheet following an election, Mr. Traves clarified that a Member can always ask to review the Status Sheet or an item on the Status Sheet. He indicated that it is appropriate for a new Council to be able to revisit an item on the Status Sheet determine if it is something they would like to move forward.

Deputy Mayor Nicoll commented that the status of items on the Status Sheet is not well communicated with Council and Standing Committees, and indicated that it would be beneficial for Members to be aware in advance when a matter is coming forward. She inquired whether staff are working on compiling Council's policies, noting that this would be useful for a new Council to have. Mr. Traves clarified that there is nothing in the current Administrative Order One regarding status sheets, and s.76 has been added to the proposed Administrative Order One as a first step to formalize its existence.

Deputy Mayor Nicoll indicated that she would like to see a staff report on the nature of the relationship of advisory committees to staff and Regional Council. Mr. Butts commented that a framework for streamlining and standardizing advisory committees would be useful.

Councillor Craig indicated that he disagrees with the use of Consent Agendas for Municipal Government, noting that they are not appropriate in an open and transparent government setting, and that the process for removing an item from a Consent Agenda will be overly administrative and burdensome.

Councillor Craig noted that s. 8 should read "The Council shall meet Tuesdays, as *determined by Council*, at such an hour as deemed appropriate by the Mayor and CAO jointly, with the exception of vacation periods as determined by the Council by resolution."

Councillor Craig inquired whether staff had given consideration to defining the limits of public participation, using the example of a Community Council holding a public hearing but deferring decision on the topic of that public hearing, and there being public participation between that time and a decision being made. Mr. Traves was hesitant to provide legal advice to Council in a public setting; however he

offered that there are significant challenges when a matter that has been the subject of a quasi-judicial hearing is deferred.

With regard to s. 59 Motion in Opposition from Staff Report, Councillor Adams noted concern that for a Member to determine that there is no desire of Council to debate a staff recommendation, this presupposes a prior meeting by Council to discuss potential outcomes. He advised that this does not happen, and that debate and decisions take place at Regional Council in a public forum. Mr. Traves clarified that it would be up to a Member to signify to Council that they had no desire to debate a staff recommendation and planned to bring forward an alternative motion, to gauge Council's reaction.

Councillor Hendsbee suggested that Advisory Committees should make an annual report and presentation to Council each year. He also indicated that petitions should be tabled by the area Councillor or the Deputy Mayor if they are generic in nature. Councillor Hendsbee commented that the Municipality could better use Council as a public relations avenue by providing a brief presentation to Council on upcoming public consultations to spread the word.

MOVED by Councillor Hendsbee,

THAT the proposed Administrative Order One (2015) be amended to include a provision that any tie votes be automatically brought forward as a Notice of Motion of Reconsideration at the next meeting.

Mr. Traves suggested the Councillor request a staff report on this matter, noting that some matters of a quasi-judicial nature would not be able to be reconsidered. Councillor Hendsbee agreed to withdraw the motion and advised he will later ask for a staff report on this matter.

MOTION WITHDRAWN.

Following the meeting the Clerk clarified that the requirements in regard to a tie vote being considered a motion lost is found in the Halifax Regional Municipal Charter and Municipal Government Act and not in Administrative Order 1 and therefore would require the province to amend the Charter.

Responding to questions from Councillor Rankin with regard to how s. 59 would apply to alternative motions at a public hearing, Mr. Traves indicated that staff will review and provide clarification with regard to this section.

Councillor Mason indicated that s. 76(2) should be amended to clearly require the Status Sheet to be brought forward to the first meeting of a new Council. Mr. Butts agreed that the Status Sheet should be brought forward to the first meeting of a new Council; however, he noted that requiring the new Council to deal with the Status Sheet at that first meeting may be a bit overwhelming.

Councillor Mason suggested that s. 41(3) be clarified that if something is removed from the Consent Agenda, it be moved to the next meeting of Council, to make the best use of staff time.

Noting that Councillors Mosher and Whitman have traded seats in Council, Councillor Mason suggested that s. 30 Seating of Members should be amended to allow for flexibility.

MOVED by Councillor Mason, seconded by Councillor Watts,

THAT Halifax Regional Council amend Administrative Order One (2015), section 30 – Seating of Members – to read:

30. Seating of Members shall be in numerical order of their polling divisions, *unless otherwise agreed to by the Mayor and Clerk.*

AMENDMENT PUT AND PASSED.

Committee of the Whole recessed at 11:58 a.m., agreeing to reconvene to Committee of the Whole following Regional Council.

Committee of the Whole reconvened at 6:47 p.m.

Councillor Mosher joined the meeting.

Mayor Savage noted that it had been suggested that Councillors submit possible amendments to the motion through the Clerk's Office and convene another Committee of the Whole meeting for later in the year to discuss.

MOVED by Councillor Mason, seconded by Councillor Watts

THAT Regional Council defer consideration of Administrative Order One (2015), Procedures of the Council Administrative Order, pending a supplementary staff report to answer questions that are submitted by members of Council through the Clerk's Office, and convene a Committee of the Whole to consider the supplementary report and Administrative Order.

Councillor Walker questioned whether status sheet items that had been deferred for six months without further consideration would be deemed withdrawn or if they would return to Council for consideration. Mr. Traves responded that this question should be submitted to the Clerk's Office and would be considered in the supplementary report.

Mr. Traves noted that there was also a question circulated by Councillor Karsten regarding the Terms of Reference for the Audit and Finance Standing Committee and from Councillor McCluskey respecting information items and staff presentations. He suggested that the best way to capture questions would be through email, so that staff can reflect and report back through the supplementary report.

Councillor Walker indicated that he would be interested in a policy for bringing items on the status sheet to Council after a new election. Mr. Traves responded that staff would propose language for Council to consider on that matter.

Councillor Walker raised a question regarding the provision for a consent agenda. Mr. Traves advised that there was a resolution of Council in 2010 where staff was directed to bring forward amendments that would provide for a consent agenda. He indicated that staff would provide several options for consideration.

Councillor Walker noted that he felt that more consideration should be given to the restriction that motions coming from Committee of the Whole may not be debated in Regional Council.

Deputy Mayor Nicoll questioned whether petitions being brought forward must be listed on the agenda in advance.

Councillor Hendsbee noted an interest in modifying the procedure for items that have been tabled for six months. Ms. Cathy Mellett, Municipal Clerk advised that the current procedure calls for a report to be submitted by the Clerk to Council in advance of the six month expiry of the tabled motion. Mr. Traves indicated that staff would consider possible amendments to modify the process. Councillor Hendsbee suggested a possible quarterly report.

The question was called on the motion to defer.

MOTION TO DEFER PUT AND PASSED.

Deputy Mayor Nicoll expressed interest in a motion to clarify the relationship between advisory committees and Regional Council. Mr. Butts indicated he would follow up with the Deputy Mayor to help craft a motion to be brought forward at a subsequent meeting.

4. ADJOURNMENT

The meeting was adjourned at 7:03 p.m.

Cathy J. Mellett
Municipal Clerk