

HALIFAX REGIONAL MUNICIPALITY

GOVERNANCE AND DISTRICT BOUNDARY REVIEW COMMITTEE MINUTES May 12, 2010

PRESENT: Mayor Peter Kelly, Chair
Councillors: Jerry Blumenthal
Barry Dalrymple
Peter Lund
Linda Mosher
Reg Rankin
Gloria McCluskey

REGRETS: Wayne Anstey

GUESTS: Councillor Loreli Nicoll
Councillor Jennifer Watts

STAFF: Ms. Cathy Mellett, Acting Manager/Clerk
Ms. Sara Knight, Solicitor
Mr. Paul Morgan, Sr. Planner
Mr. Ken Lenihan, GIS Technician
Ms. Alva Robinson, Data Analyst
Ms. Linda Grant, Administrative Clerk Assistant
Ms. Sherryll Murphy, Deputy Clerk

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1. CALL TO ORDER

The meeting was called to order by His Worship Mayor Kelly at 9:18 a.m. in the Councillor's Board Room, 4th Floor, City Hall

2. APPROVAL OF MINUTES - April 19 and April 26, 2010

MOVED by Councillor McCluskey, seconded by Councillor Blumenthal that the minutes, as distributed, be approved. MOTION PUT AND PASSED.

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

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

4. CONSIDERATION OF DEFERRED BUSINESS

4.1 Continued Discussion re Powers of Community Council

- A supplementary staff report dated May 11, 2010 was before the Committee.

Ms. Mellett briefly reviewed the report noting that:

- Council does not, under the Charter, have the general ability to delegate its powers to a Community Council
- Council can and does delegate its authority relative to the Land Use By-law and where development is permitted by agreement
- Community Council can provide recommendations to Regional Council on a much wider range of matters
- Primary debate can be moved to Community Council as appropriate and a Consent Agenda be adopted for matters being referred from Community Council. A consent agenda provides for the approval, without debate, of all consent agenda items with a single resolution.
- Members of Council the opportunity to move any matter off the consent agenda allowing for debate on the item

Councillor Rankin commented that not having the ability to delegate authority as Council sees fit does not support the thinking that HRM is in fact a third level of government. He suggested that HRM should ask for the general authority to delegate powers and the details of the authority to be given to Community Council could evolve over time.

Note was made that the Charter, in fact, sets out what HRM cannot do rather than what it can. Although efforts in this area have not been successful to date, HRM should persist in seeking permissive legislation.

MOVED by Councillor Rankin, seconded by Councillor Lund the Governance and District Boundary Review Committee recommend to Council that HRM seek Provincial legislation which will allow Halifax Regional Council to delegate general authority to the Community Council for local matters with the intent that the delegation of this authority evolve over time.

Councillor Mosher noted that the motion should be accompanied by the Committee's rationale. She noted that the UARB has tasked HRM with determining the appropriate number of Councillors to enable a more effective Regional Council. Delegation of powers to Community Council will result in a more effective Community Council.

Councillor Rankin noted that the UARB has in the past overstepped their authority and made decisions for municipal Council(s). He suggested that HRM could make a parallel argument in regard to permissive legislation and ask that the Province not make decisions on behalf of HRM. In the third level of government scenario, it is no longer appropriate for the Province to determine what powers Council can delegate. It is time that HRM made those judgements.

MOTION PUT AND PASSED.

A further discussion regarding the use of consent agendas ensued, with Ms. Knight noting that consent agenda could achieve greater effectiveness within the existing authority framework. Reports to Council are all subject to financial and executive review. Any member of Council having concern with an item on the consent agenda can remove the matter from the consent agenda.

MOVED by Councillor Rankin, seconded by Councillor Dalrymple the Governance and District Boundary Review Committee recommend that Halifax Regional Council adopt in principle the Consent Agenda with the goal of achieving greater effectiveness at Regional Council meetings.

During a discussion of the motion, the following was noted:

- Councillors should be strongly encouraged to contact staff with concerns prior to Regional Council
- Staff must make themselves available to respond to Councillors concerns (i.e. for a period of time on Monday)
- All that is necessary for an item to be removed from the Consent Agenda is that a Councillor requests that the matter be removed (i.e. no motion of Council)

MOTION PUT AND PASSED.

A brief discussion ensued regarding the format and timing of the report to Council. Note was made that recommendations of the Committee would be brought forward in a consolidated report. The report will include a template of proposed efficiency initiatives for Council's consideration.

Ms. Knight went on to note that within the existing legislation Community Council can recommend area rates to Council, but Council has the final decision. Ms. Knight pointed out that Cathie O'Toole, Director of Finance, would like the opportunity to speak with the Committee regarding options and the impact of those options on the budget.

MOVED by Councillor Rankin, seconded by Councillor Mosher the Governance and District Boundary Review Committee recommend that Halifax Regional Council approve in principle the vesting of authority to the Community Council for the establishment of area rates for enhanced services deemed to be local.

A discussion ensued with note being made that 'local' services would have to be identified. The committee agreed that they were speaking about such services as garbage, sidewalks and recreation.

With the approval of the Chair, Councillor Watts expressed concern regarding 'enhanced services' indicating she did not wish to create a disparity of service where those with more resources were able to afford more services. The enhancement of any service must be very well clarified.

Note was made that the every week green cart pick up service during the summer months was a very effective and very well received enhancement.

Ms. Mellett noted that this issue is addressed specifically in the current Area Rate policy as provided in the report and is one of the matters Ms. O'Toole wishes to review with the Committee.

With the approval of the Chair, Councillor Nicoll noted that in speaking with the Premier he appears to be of the opinion that HRM can do what it wants under the Charter. The perception at the Provincial level does not appear to match the reality.

The Committee agreed that they wished to hear from Ms. O'Toole on the issues related to more broadly implementing area rates for services.

Councillor Mosher indicated concern with regard to parameters for the number of voters required to determine an area rate for an entire District.

MOTION PUT AND PASSED.

A brief discussion ensued regarding the tailoring of by-laws to meet local needs. Note was made that a request has been made for this legislation, however, it has not yet received approval. HRM has been advised that it will not be dealt with during the Spring sitting. Advocacy with regard to this legislation is required.

Mayor Kelly suggested that By-law enhancements could be first discussed at Community Council and then come before Regional Council for the public hearing.

Councillor Rankin suggested that change with regard to the handling of by-laws should be dealt with very carefully. He commented that Community Council will not be responsible for the deliverables under the by-law and Regional Council should be

cognizant of that should they decide to delegate authority. Councillor Rankin indicated that variances in by-laws should only be achieved through debate with Regional Council retaining the final decision.

Council Dalrymple indicated that he believed that Community Council should have the the opportunity to consider variances to by-laws which meet local needs. He went on to comment that the overall by-law could remain within the authority of Regional Council .

Councillor Rankin suggested that this approach would not achieve good governance. He indicated he was in favour of the status quo with regard to by-laws. He noted he was concerned with the term 'enhanced' when speaking about by-laws. The Councillor suggested that Regional Council can grant the ability for districts to opt in or out of a by-law or specific requirements of a by-law depending on the particular bylaw and local needs.

5. CORRESPONDENCE, PETITIONS & DELEGATIONS

5.1 Correspondence

5.2 Petitions

5.3 Presentations

6. REPORTS

6.1 Overview of Possible Community Council Boundaries

Staff indicated that it would be difficult to provide the information required to discuss community councils without some further direction on the overall number of districts being considered.

After some discussion it was **MOVED by Councillor Rankin, seconded by Councillor Dalrymple that the size of Regional Council be reduced.**

Councillor Rankin indicated that the intent of the motion is that, should the motion pass, there would be a further motion and discussion on the size of a reduced Council. The Committee agreed that they would commence debate on the motion at the next meeting.

Councillor Mosher requested that the population figures be distributed in conjunction with mapping of the potential boundaries.

7. ADDED ITEMS - None

8. NEXT MEETING DATE

The next meeting will be held on Wednesday, May 19, 2010 in the Media Room, 3-5pm. (**REVISED TIME: Thursday May 20, 2010, 11am to 1:00pm, Media Room, City Hall**)

9. ADJOURNMENT

The meeting adjourned at approximately 11:00 am.

Sherryl Murphy
Deputy Clerk