



PO Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

BRIEFING NOTE
November 30, 2012

SUBMITTED TO: Chairs and Members of the Dartmouth Lakes Advisory Board, Halifax Watershed Advisory Board and Bedford Watershed Advisory Board.

SUBMITTED BY: Ted Aubut, Legislative Assistant

SUBJECT: **Future of Watershed Advisory Boards**

ORIGIN

November 27, 2012: Motion of Regional Council directing staff to consolidate all the Watershed Advisory Boards into one Watershed Advisory Board and to initiate the processes necessary to amend all applicable planning documents.

BACKGROUND/DISCUSSION

Appendix D of the Regional Council Report dated November 14, 2012 outlines the background to the Council motion.

ACTION REQUIRED

1. The work of existing Watershed Boards will continue until advised otherwise.
2. Plan review functions imbedded in a number of HRM's planning documents must be amended before the consolidated Watershed Advisory Board is constituted. Moreover, the policy advisory functions of the new advisory board must be determined.
3. Staff will commence the process of the necessary plan amendments and develop the draft Terms of Reference for report and recommendation to the Environment and Sustainability Standing Committee.
4. New Terms of Reference and membership composition must then be adopted by Regional Council as the consolidated Watershed Board has region-wide planning and policy implications.

ATTACHMENTS:

1. Regional Council Report dated November 14, 2012
2. Appendix D of Regional Council Report dated November 14, 2012
3. Extract of the motion of Regional Council, November 27, 2012



P.O. Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Item No. 10.1.2
Halifax Regional Council
November 27, 2012

TO: Mayor Savage and Members of Halifax Regional Council

Original signed by

A handwritten signature in blue ink, appearing to be "R. Butts", written over a horizontal line.

SUBMITTED BY:

Richard Butts, Chief Administrative Officer

Original Signed by

Mike Labrecque, Deputy Chief Administrative Officer

DATE: November 14, 2012

SUBJECT: Creation of Community Councils

ORIGIN

October 12, 2010 – Committee of the Whole – Committees of Council Reform

October 9, 2012 - Motion of Regional Council that dissolved the existing Community Council structure effective November 5, 2012 as a result of the reduction in the number of polling districts

November 13, 2012 - Notice of Motion to establish a revised Community Council structure

RECOMMENDATIONS

It is recommended that Halifax Regional Council:

1. Approve Administrative Order Number 48 Respecting the Creation of Community Councils that delegate to Community Councils the same powers that were previously delegated to the former Community Councils, with the exception of the power to create planning advisory committees, as set out in Appendix A attached hereto, effective Monday, December 3, 2012;
2. Amend Administrative Order Number 57 Respecting the Dissolution of Community Councils to clarify that Council may modify a continued area rate and to transfer the reporting requirements from Regional Council back to Community Council; as set out in Appendix B attached hereto; and
3. Direct staff to consolidate all the Watershed Advisory Boards into one Watershed Advisory Board and initiate the processes necessary to amend all applicable planning documents.

BACKGROUND

With the swearing in of Halifax Regional Council on Tuesday, November 6, 2012, HRM moved from having 23 districts to having 16 districts. In preparation for this transition, on October 9, 2012, Regional Council approved Administrative Order Number 57 Respecting the Dissolution of Community Councils, effective November 5, 2012, that established an interim governance structure. The Administrative Order effectively rolled back all Community Council powers to Regional Council and enables HRM to continue to carry on business until a new governance structure is created. Administrative Order Number 57 also enabled all existing Advisory and Planning Advisory Committees to remain in effect and report to Regional Council and continues the area rates.

Previously Regional Council, by Administrative Order, had created six Community Councils in the municipality, as follows:

- North West Community Council
- Harbour East Community Council
- Chebucto Community Council
- Western Region Community Council
- Peninsula Community Council
- Marine Drive, Valley and Canal Community Council

In each one of the previous six Administrative Orders, Regional Council had delegated certain authority for planning and development matters and financial matters.

Regional Council had delegated to Community Councils, the authority to: (1) hear variance appeals and site-plan appeals; (2) approve development by agreement if the applicable municipal planning strategy provides for it (with the exception of the HRM By Design Area); and (3) amend a land use by-law if the amendment carries out the intent of the municipal planning strategy. In relation to these three powers, Community Council had stood in the place and stead of Regional Council.

Regional Council had also delegated to the Community Councils the financial authority to determine expenditures to be financed by an area rate providing the Community Council submits a budget to Regional Council containing a proposed operating budget to be financed by the area rate and a proposed capital budget for projects in which HRM would be required to borrow money.

Also, Community Councils, once established, are vested with certain powers by the *Halifax Regional Municipality (HRM) Charter* including establishing advisory committees. This statutory power does not apply to planning advisory committees without a specific delegation from Regional Council in the Administrative Order creating the Community Councils. Past Administrative Orders have specifically delegated such authority to the Community Councils. As part of the interim governance recommendations the following Advisory and Planning Advisory Committees currently report to Regional Council:

- Dartmouth Lakes Advisory Board
- North West Planning Advisory Committee
- North West Transit Advisory Committee
- St. Margaret's Bay Coastal Planning Advisory Committee
- Purcell's Cove Community Steering Committee
- Shubenacadie Canal Commission
- Bedford Watershed Advisory Committee
- Halifax Watershed Advisory Board
- District 12 Planning Advisory Committee
- Point Pleasant Park Advisory Committee

It should be noted that Regional Council continues to seek increased authority from the Province for Community Councils in accordance with motions it passed on June 23, 2009 and August 3, 2010. The requested amendments to the *HRM Charter* would allow:

- Regional Council to delegate to Community Councils their authority to make decisions concerning amendments to various Municipal Planning Strategies when they are of a local, site-specific nature (*HRM Charter* s.30, request made in June 2009)
- Regional Council to delegate general authority to Community Councils for local matters, with the intent that the delegation of this authority evolve over time (*HRM Charter* s.29, request made in August 2010)
- Approval in principle of 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* (*HRM Charter*, s.25, request made August 2010)

To date, these legislative amendment requests remain under consideration with the Minister of Service Nova Scotia & Municipal Relations.

There are a significant variety of options for Regional Council to consider when resetting its new governance structure. The purpose of this report is to advise Regional Council of the various governance options available and to provide staff's recommended way forward based on the option analysis completed to date.

DISCUSSION

It is staff's understanding that Regional Council wishes to move quickly to re-establish a revised Community Council structure. In order to assist Council, staff have reviewed the implications of the new electoral boundaries, considered a range of options for a new governance structure, and generated a recommended alternative for Council's consideration.

Community Councils serve as a connection between local communities and municipal government throughout HRM on a wide variety of topics. However, it should be noted the majority of Community Council business is related to planning and development issues. As a

result, effective and efficient discharge of Community Council duties related to planning and development processes is a major factor in the consideration of potential Community Council boundary options.

Regional Council derives its authority to create Community Councils from the *HRM Charter*. Sections 24 through 31A apply directly to the creation, powers and duties of Community Councils. These sections of the *HRM Charter* are provided in Appendix E for reference.

While the *HRM Charter* provides Regional Council the option to create one or more Community Councils, it is significant to note that Regional Council is not obligated to create Community Councils, Regional Council could continue to govern over the former Community Council responsibilities into the future. Staff is not recommending this option based on the rationale provided in the Alternatives section of this report.

In anticipation that the newly elected Regional Council would wish to reinstate a revised Community Council structure, a full range of concepts for boundary alternatives were considered by a staff review team and narrowed to the three most likely approaches:

- East/West/Central – three Community Councils based on geography (Map 1)
- Rural/Suburban/Urban – three Community Councils based on geography and settlement pattern (Map 2)
- 4 x 4 – four Community Councils based on an even division of the 16 electoral districts (Map 3)

The following criteria were used to conduct the review of each of three scenarios:

1. Minimizing Conflict and Overlaps between Electoral Boundaries and Planning District Boundaries
2. Distribution of Councillor Workload
3. Capacity for Quorum/Number of Councillors
4. Maximizing Administrative Support Efficiency
5. Public Participation / Meeting Location
6. Communities of Interest/Regional Plan Alignment and Shared Issues

A summary of the review of each Community Council boundary option against each of the above criteria can be found in Appendix C.

In Appendix C the advantages and disadvantages of each boundary option is assessed and, while the relative differences in some cases are minor in nature, staff recommends the East/West/Central approach as the preferred alternative. To implement the East/West/Central boundary approach, a new Administrative Order Number 48 Respecting the Creation of Community Councils has been drafted and is attached as Appendix A. It is proposed that the Administrative Order come into effect Monday, December 3, 2012 to enable Community

Councils to conduct necessary business in early December. As well, Administrative Order Number 57 Respecting the Dissolution of Community Councils would need to be amended to clarify that Council may modify a continued area rate and to transfer the reporting requirements from Regional Council back to Community Council.

Staff is also recommending that Regional Council not delegate permissive planning powers that would enable Community Councils to create more Planning Advisory Committees until further advice can be provided from staff. There has been considerable concern raised by the Business and Development/Construction sectors regarding both the length of time that permit approvals are taking as well as the cost. Reducing the number of governance approvals is one potential step that Council could consider toward reducing process time and costs. Several of the Advisory and Planning Advisory Committees that currently exist and report to Regional Council will need to be redefined in the wake of a revised electoral boundaries and Community Council structure. Staff are recommending that the current Advisory and Planning Advisory Committee structures remain in place, reporting to their respective Community Council, until staff can analyze the required changes and potential options for moving forward with the most efficient governance structure possible.

With a similar view to streamlining governance, staff is further recommending that Regional Council direct staff to initiate the process to consolidate the Halifax, Bedford, and Dartmouth Lakes Advisory Boards and create a new Watershed Advisory Board. In 2010, HRM undertook a progressive governance effort with Regional Council culminating in the approval at Committee of the Whole of a Committee of Council Reform. The recommended actions, at the time, with respect to the three watershed advisory boards, were to consolidate and establish a policy advisory group to the Environment and Sustainability Standing Committee. This report is intended to complete that recommendation. The analysis in support of this recommendation is attached as Appendix D. Should Council approve this recommendation, staff will initiate the necessary amendments to all applicable planning documents. This process would include undertaking amendments to municipal planning strategies that will require a public hearing.

In conclusion, staff is recommending that Regional Council establish three new Community Councils within the municipality: Central Community Council, East Community Council, and West Community Council and these new Community Councils be vested with the same powers as the prior Community Councils, with the exception of the power to create additional planning advisory committees. Staff will be providing additional information to Regional Council on the planning advisory committees after staff have analyzed all the options for such committees. Staff is further recommending that the planning process be initiated to create one watershed advisory board in place of multiple boards.

BUDGET IMPLICATIONS

None

FINANCIAL MANAGEMENT POLICIES/BUSINESS PLAN

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Project and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Project and Operating reserves, as well as any relevant legislation.

COMMUNITY ENGAGEMENT

None.

ENVIRONMENTAL IMPLICATIONS

N/A

ALTERNATIVES

Regional Council could consider any of the following alternatives to staff's recommendations:

1. Regional Council could continue to govern over the former Community Council responsibilities into the future. Eliminating the Community Council governance structure could potentially save in the order of \$10,000/year owing to reduced meeting administrative costs. However, based on recent history, Regional Council could anticipate an annual additional workload in excess of 150 reports and approximately 60 to 80 public hearings that would serve to divert Council's attention away from regional matters. As a result, staff is not recommending this alternative.
2. Council could proceed with a Community Council structure aligned to Urban/Suburban/Rural boundaries (Map 2). This boundary option is not recommended based on the analysis provided in Appendix C.
3. Council could proceed with a Community Council structure aligned to four Community Councils based on an even division of the 16 Councillors and 16 electoral districts (Map 3). This boundary option is not recommended based on the analysis provided in Appendix C.
4. Council could direct staff to undertake an analysis of another Community Council boundary option not covered in this report.
5. Council could delegate Community Councils the authority to establish more Planning Advisory Committees than already exist. For the reasons outlined in this report, staff do not recommend this alternative without the benefit of further analysis from staff.
6. Council could direct staff to dissolve all current Planning Advisory Committees. Where the current PACs have specific roles identified in various land use regulations, staff do not recommend this alternative without the benefit of further analysis from staff.

7. Council could maintain the current Watershed Advisory Board structure. Based on the rationale provided at Appendix D, staff are not recommending this alternative.
8. Council could direct staff to dissolve all current Watershed Advisory Boards and not create a new consolidated Watershed Advisory Board. Staff do not recommend this alternative without the benefit of further analysis from staff.
9. Council could amend Section 2 (c) of Appendix A to include the HRM By Design (Downtown Halifax Secondary Municipal Planning Strategy) area in the jurisdiction of West Region Community Council so that Community Council can deal with Substantive Site Plan Approval Appeals rather than Regional Council.

ATTACHMENTS

Map 1 – Proposed Community Councils – East/West/Central

Map 2 – Proposed Community Councils – Rural/Suburban/Urban

Map 3 – Proposed Community Councils – 4x4

Appendix A - Proposed Administrative Order Number 48 Respecting the Creation of Community Councils

Appendix B - Proposed Changes to Administrative Order Number 57 Respecting the Dissolution of Community Councils

Appendix C - Community Council Boundary Analysis

Appendix D - Watershed Advisory Board Analysis

Appendix E - Excerpts from the *HRM Charter*

**Community Councils and
Standing Committees Transition
Council Report**

- 8 -

November 27, 2012

A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/cagenda.html> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Brad Anguish, Steven Higgins, Derk Slaunwhite, Richard MacLellan, Kurt Pyle, Ken Lenihan

Report Approved by: _____
Brad Anguish, Director of Community & Recreation Services, 490-4933

Report Approved by: _____
Marian Tyson, Acting Director, Legal, Insurance and Risk Management Services, 490-4219

Report Approved by: _____
Cathy Mellett, Municipal Clerk, 490-6456

Appendix D

Watershed Advisory Board Analysis

ORIGIN

October 12, 2010: Committee of the Whole - Committees of Council Reform

May 24, 2012: North West Community Council, In Camera

BACKGROUND

Currently Halifax Regional Council has three watershed advisory boards: Dartmouth Lakes Advisory Board (DLAB), Halifax Watershed Advisory Board (HWAB), and Bedford Watershed Advisory Board (BWAB). The three boards have broad, but not equal, mandates related to watershed advisory. The primary purpose of the advisory boards has historically been to review planning applications.

In 2010, HRM undertook a progressive governance effort with Regional Council culminating in the approval at Committee of Whole of a Committee of Council Reform <http://www.halifax.ca/council/agendasc/documents/101012cow3n.pdf>.

The recommended actions, at the time, with respect to the three watershed advisory boards, were to consolidate and establish a policy advisory group to the Environment and Sustainability Standing Committee. This report is intended to complete that recommendation.

DISCUSSION/ANALYSIS

The Municipality is extremely fortunate to have the strong engagement of a number of citizens that genuinely care about the states of their lakes, streams, rivers, wetlands, and ocean. This has informed Regional Plan, Secondary Planning Strategies, Policy Development, Operational Service Delivery, and Planning Projects and Applications.

Work Volume

Each Watershed Advisory Board schedules a monthly meeting. Over the past three years, more than 50% of BWAB meetings have been cancelled due to lack of agenda items; HWAB has met consistently (the majority of planning applications in HRM tend to be under the geographic jurisdiction of HWAB); and DLAB has met consistently for the past three years. However, all three bodies have created their own status sheet by bringing forward non-planning application matters that are not directed by Community Councils or Regional Council, and are often within the mandate of the Environment and Sustainability Standing Committee or other bodies of elected officials. This creates duplicate work and confusion with respect to jurisdiction and direction to staff. As a result, maintaining consistent board staff support has been a challenge. With other municipal priorities (such as Regional Plan Review and approved Operational Work Plans), there is not capacity to consistently provide high level staff support on activities that are not priorities of, or directed, by elected officials.

With the adoption of good quality Regional and Community Policy with respect to watershed management, the need for three separate advisory boards has diminished. Examples of this policy include: Morris/Russel Lake Secondary Planning Strategy (in the MPSs for Dartmouth, Cole Harbour/Westphal and Eastern Passage/Cow Bay), Regional Planning Policy, and Land Use By-laws requiring Riparian Buffers and watercourse setbacks. With prescriptive approved policy, there are fewer planning projects coming forward requiring the subjective expertise and input of the Boards.

Consolidating the three advisory groups, and enabling work to be executed according to the needs and priorities of Regional Council, or its designated Community Council, will ensure effective effort and achieve desired environmental objectives and continue to ensure that project/application reviews continue to be carried out by a combined Board.

There continues to be important policy and project review functions. This requires the input of dedicated and informed community volunteers. That expertise can be put to use and supported by HRM staff through the consolidation of the three (3) Watershed Advisory Boards into one body with an expanded mandate.

Candidate Pool

While there is a strong pool of community subject matter experts, filling some of the current WAB vacancies has been a challenge (specifically, there are unfilled openings on DLAB). The consolidation of WABs would enable the pool of community subject matter experts to share in participation on municipal work. For example, in 2012, DLAB has worked on a policy review of the Dartmouth MPS. This work has gone well, but certainly members of HWAB and BWAB may have been able to effectively contribute to the project.

Estimated Cost Savings

It is estimated that moving to one consolidated Watershed Advisory Board will create an estimated cost savings of \$50,000 annually. These savings primarily result from a reduction in the total number of meetings as well as a reduction in duplicated staff effort.

CONCLUSION

1. Dissolve the following three committees:
 - a. Halifax Watershed Advisory Board
 - b. Bedford Watershed Advisory Board
 - c. Dartmouth Lakes Advisory Board

2. Create a new consolidated Watershed Advisory Board with a terms of reference to be approved by Regional Council.

HALIFAX REGIONAL COUNCIL

November 27, 2012
6:00 p.m.
World Trade & Convention Centre
Room 301 - 303

EXTRACT

10.1.2 Creation of Community Councils

Motion – Councillor Walker – To adopt Administrative Order 48 and amend Administrative Order 57

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

- 1. Approve Administrative Order Number 48 Respecting the Creation of Community Councils that delegate to Community Councils the same powers that were previously delegated to the former Community Councils, with the exception of the power to create planning advisory committees, as set out in Appendix A attached hereto, effective Monday, December 3, 2012;**
- 2. Amend Administrative Order Number 57 Respecting the Dissolution of Community Councils to clarify that Council may modify a continued area rate and to transfer the reporting requirements from Regional Council back to Community Council; as set out in Appendix B attached hereto; and direct staff to complete the analysis of the current advisory and planning advisory committee structure and recommend changes and options to Regional Council for review by February 19, 2013.**
- 3. Direct staff to consolidate all the Watershed Advisory Boards into one Watershed Advisory Board and initiate the processes necessary to amend all applicable planning documents.**

MOTION PUT AND PASSED.