

HALIFAX REGIONAL MUNICIPALITY

HALIFAX REGIONAL COUNCIL COMMITTEE OF THE WHOLE MINUTES OCTOBER 15, 2002

PRESENT:

Mayor Peter J. Kelly
Deputy Mayor Robert P. Harvey
Councillors: Gary Hines
Keith Colwell
Ron Cooper
Harry McInroy
Brian Warshick (1:50 p.m.)
Condo Sarto
Bruce Hetherington
Jim Smith
John Cunningham
Jerry Blumenthal
Dawn Sloane
Sue Uteck
Sheila Fougere
Russell Walker
Diana Whalen
Linda Mosher
Stephen Adams (3:20 p.m.)
Brad Johns
Len Goucher
Gary Meade

ABSENT:

Councillors: Steve Streach (regrets)
Reg Rankin

STAFF:

Mr. George McLellan, Chief Administrative Officer
Mr. Wayne Anstey, Municipal Solicitor
Ms. Vi Carmichael, Municipal Clerk
Ms. Julia Horncastle, Assistant Municipal Clerk

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The meeting was called to order at 1:15 p.m.

1. **APPROVAL OF THE MINUTES - NONE**
2. **APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS**

MOVED by Councillor Blumenthal, seconded by Councillor Smith, that the Order of Business be approved. MOTION PUT AND PASSED UNANIMOUSLY.

3. **PROPOSED OVERNIGHT WINTER PARKING BAN**

- A report from Mr. Dave McCusker, HRM Traffic Authority, dated October 9, 2002, on the above noted, was before Council.

Mr. Rick Paynter, A/Director of Traffic and Transportation Services, outlined the staff report for Council.

Councillor Walker expressed concern with the ticketing of cars in the downtown after 4:00 a.m. and cars in other areas being ticketed after 1:00 a.m. The Councillor further expressed concern with the number of available tow trucks and noted his questions on how District 15 differs from Lower Sackville, Colby Village and Tantallon had not been answered.

Councillor Sloane expressed concern with the issuing of tickets on days when there is no street cleaning taking place. The Councillor stated staff have to be cognizant of the fact that some people do not have parking in front of their homes. She further noted that as a result of a parking garage being built by the hospitals, the staff have to park on the streets.

A number of Councillors expressed concern with parking enforcement and endorsed the posting of streets so that there would be no parking during the winter.

Councillor Blumenthal stated that if there is a parking ban in place it should be enforced during the day as well as at night.

Councillor Cunningham suggested alternate side of the street parking should be considered on the narrow residential streets.

Councillor Fougere expressed concern that it is not recognized that there are more cars on the Peninsula now than ever before and what has always worked in the past is starting to fail because of this fact.

Councillor Whalen suggested Planning and Development Services examine the provision of parking for any new development.

Mayor Kelly thanked staff for their presentation.

Mr. McLellan advised he had taken note of the concerns and advised these would be addressed by staff.

4. MUNICIPAL ELECTIONS ACT DISCUSSION PAPER

- A copy of the Municipal Elections Act Discussion Paper was before Council.

Council agreed to take each proposed amendment and address it individually.

1.1 Residency Requirements (Section 14(c))

MOVED by Councillor Colwell, seconded by Councillor Hetherington, that the recommendation be rejected and the status quo be maintained. MOTION PUT AND PASSED.

1.2 Ordinary Resident/Student Voting (Section 16(2))

MOVED by Councillor Johns, seconded by Councillor Sarto, that the recommendation be rejected and the status quo be maintained. MOTION PUT AND PASSED.

2.1 Appointment of Returning Officer (RO) (Section 4(1B))

MOVED by Councillor Sarto, seconded by Councillor Sloane, that Council endorse the recommendation that the Act be revised to provide for the Returning Officer to be appointed by March 15 in the regular election year. MOTION PUT AND PASSED.

2.2 Contract Returning Officers (Section 4(1))

MOVED by Councillor Hetherington, seconded by Councillor Sloane, that Council endorse the recommendation to continue to allow each council the option of appointing a contract returning officer where appropriate and clarify this option in Section 4. MOTION PUT AND PASSED.

2.3 Eligibility of Returning Officers to Vote (Section 15)

MOVED by Councillor Hetherington, seconded by Councillor Fougere, that Council

endorse the recommendation that the Returning Officers continue not to have the eligibility to vote in election(s) for which they have been appointed RO. **MOTION PUT AND PASSED.**

3.1 Ordinary Polling Date (Section 2(1)(v))

MOVED by Councillor Sarto, seconded by Councillor Cunningham that Council endorse the recommendation to leave ordinary polling day as the third Saturday in October.

Without a vote being taken on the motion, the following motion was placed.

MOVED by Councillor Blumenthal, seconded by Councillor Whalen, that ordinary polling day be the third Thursday, every fourth year. **MOTION DEFEATED.**

MAIN MOTION PUT AND PASSED.

3.2 Special Elections - Calendar (Section 13(2))

MOVED by Councillor Smith, seconded by Councillor Hetherington, that Council endorse the recommendation that 10 weeks is a reasonable time period to run a special election. **MOTION PUT AND PASSED.**

3.3 Special Elections - Advertising (Sections 13(6) and 114 (6))

MOVED by Councillor Hetherington, seconded by Councillor Sarto, that Council endorse the recommendation to reduce revision advertisement requirements to one advertisement. Amend S114(6) to say "at least once" instead of "at least twice" so that municipalities can advertise more than once if they are able to or choose to, but the change will be specifically beneficial to areas served by a weekly newspaper. **MOTION PUT AND PASSED.**

4.1 Municipal Voters List (Sections 30, 30A and 30B)

MOVED by Councillor Uteck, seconded by Councillor Cunningham, that Council endorse the recommendation to (1) Amend Section 30 to remove the 12 month time limit to use list from a previous election and to combine it with S.30a concerning the use of a permanent register of electors; (2) Have council approve the method of preparing the preliminary list of electors including whether or not enumeration is appropriate, in a regular election situation ; (3) Allow the Returning Officer to choose the method of preparing the preliminary list for special elections; (4) Delete subsections 30B(1) to (3) as they now are in the provincial Elections Act. **MOTION**

PUT AND PASSED.

4.2 Posting Municipal Voters Lists (Section 32)

MOVED by Councillor Hetherington, seconded by Councillor Sarto, that Council endorse the recommendation to continue to post the voters lists. The Chief Electoral Officer will seek the Federal Government's position on permitting the list to be posted in other than public buildings. **MOTION PUT AND PASSED.**

4.3 Revision of the Preliminary List of Electors - Notification (Section 34)

MOVED by Councillor Uteck, seconded by Councillor Walker that Council endorse the recommendation to reduce the required number of advertisements to at least one and if the Returning Officer thinks additional notification is warranted, s/he would request council approval for this expenditure. **MOTION PUT AND PASSED.**

4.4 Revisions of the Preliminary List of Electors - Timing (Section 38)

MOVED by Councillor Hetherington, seconded by Councillor Blumenthal, that Council endorse the recommendation that revision time should be set by each Council on the advice of the Returning Officer to allow as long as is necessary. However, the cutoff day for having the final voters list prepared should be one day before nominations are accepted. **MOTION PUT AND PASSED.**

4.5 Copying of Voters Lists (new Section 32(5))

MOVED by Councillor Uteck, seconded by Councillor Sarto, that Council endorse the recommendation that it should be clearly stated in the Act that no one may obtain a copy of the preliminary list. Copies of the final voters list should be available to candidates once nominated, but should be returned following the election. **MOTION PUT AND PASSED.**

4.6 Certificate of Eligibility to Vote (new Section 41A)

MOVED by Councillor Sarto, seconded by Councillor Fougere, that Council endorse the recommendation recommending changes to the Act to allow voters to obtain a certificate stating that although their name is not on the list, the voter is eligible to vote in the election. The cut off date would be the same as for transfer certificates, the Wednesday prior to ordinary polling day. **MOTION PUT AND PASSED.**

5.1 Nomination Day (Section 44(2))

MOVED by Councillor Sarto, seconded by Councillor Blumenthal, that Council endorse the recommendation that Nomination Day now is the second last Monday in September. The Committee agreed to change this to the second Tuesday in September and continue to provide that the Returning Officer can accept nominations by appointment for the 5 business days prior to nomination day. The nomination day for special elections also should be Tuesday to avoid problems with holiday Mondays. **MOTION PUT AND PASSED.**

5.2 Nomination Papers (new Section 48(4))

MOVED by Deputy Mayor Harvey, seconded by Councillor Blumenthal, that Council endorse the recommendation that nomination papers should be open for inspection on the date the Returning Officer signs the receipt, so once each nomination is accepted, it is available for public inspection. It should be clearly stated on the form that nomination papers are public documents. It also should be clear that they are not interchangeable. **MOTION PUT AND PASSED.**

6.1 Deposits (Section 51)

MOVED by Councillor Uteck, seconded by Councillor Sarto, that Council endorse the recommendation that the deposit refund be conditional on returning the voters list and filing the affidavit respecting signage removal. **MOTION PUT AND PASSED.**

6.2 Tax Certificates (Section 44 (4))

MOVED by Councillor Uteck, seconded by Councillor Sarto, that Council endorse the recommendation that the requirement for tax certificates be removed from the Act. **MOTION PUT AND PASSED.**

6.3 Campaign Contributions Disclosure (new Section 49A(12))

MOVED by Councillor Sarto, seconded by Councillor Uteck, that Council endorse the recommendation that the Act should state that failure to file a disclosure statement is an offence. **MOTION PUT AND PASSED.**

6.4 Contract with a Regional Municipality (Section 19)

MOVED by Councillor Hetherington, seconded by Councillor Blumenthal, that Council endorse the repeal of S.19 as it is no longer used. **MOTION PUT AND PASSED.**

6.5 Withdrawal by a Candidate (Section 53)

MOVED by Councillor Uteck, seconded by Councillor Fougere, that Council endorse the recommendation that a form be prescribed for use by candidates who wish to withdraw. **MOTION PUT AND PASSED.**

6.6 Tax Credits for Campaign Donations

MOVED by Councillor Cooper, seconded by Councillor Blumenthal, that Council forward the following recommendation “*That there is support for a rebate scheme for donations to municipal or school board election campaigns*” **MOTION PUT AND PASSED.**

Due to time constraints, Council agreed to continue discussion on the remaining items at the next Committee of the Whole Council session.

5. ADJOURNMENT

The meeting was adjourned at 3:30 p.m.

Vi Carmichael
Municipal Clerk