

HALIFAX REGIONAL MUNICIPALITY

HALIFAX REGIONAL COUNCIL COMMITTEE OF THE WHOLE MINUTES October 22, 2002

PRESENT:

Mayor Peter J. Kelly
Deputy Mayor Robert P. Harvey
Councillors: Steve Streach
Gary Hines
Keith Colwell
Ron Cooper
Harry McInroy
Brian Warshick (1:20 p.m.)
Condo Sarto
Bruce Hetherington
Jim Smith
John Cunningham
Jerry Blumenthal
Dawn Sloane
Sue Uteck
Sheila Fougere
Russell Walker
Diana Whalen
Linda Mosher (1:45 p.m.)
Stephen Adams
Brad Johns
Len Goucher
Reg Rankin
Gary Meade

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 1:00 p.m.

1. **APPROVAL OF MINUTES - October 8, 2002**

MOVED by Councillor Hetherington, seconded by Councillor Sarto, that the minutes of October 8, 2002 be approved. MOTION PUT AND PASSED UNANIMOUSLY.

2. **APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS**

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

3. **MUNICIPAL ELECTIONS ACT DISCUSSION PAPER**

At this time, Council continued discussion on the Municipal Election Act Discussion Paper.

6.7 Canvassing in Locked Apartment Buildings (new Sections 54A, 54B, 54C)

MOVED by Councillor Fougere, seconded by Councillor Sloane, that Council endorse the recommendation that legislation be amended to facilitate access to locked apartment buildings by municipal candidates. MOTION PUT AND PASSED UNANIMOUSLY.

7.1 Transfer Certificates (Section 73(1)(e))

MOVED by Councillor Fougere, seconded by Councillor Hetherington, that Council endorse the recommendation to leave Section 73(1)(e) as is, in case it's needed for a person who has special needs or by an election worker, agent, etc. MOTION PUT AND PASSED UNANIMOUSLY.

7.2 Proxy Voting (Section 76)

MOVED by Councillor Walker, seconded by Councillor Hetherington, that Council recommend keeping the status quo. MOTION PUT AND PASSED UNANIMOUSLY.

7.3 Voting in Returning Officer's Office

MOVED by Councillor Fougere, seconded by Councillor Sloane, that no change be recommended. MOTION PUT AND PASSED UNANIMOUSLY.

7.4 Write-in Ballots

MOVED by Councillor Hetherington, seconded by Councillor Blumenthal, that no change be recommended. MOTION PUT AND PASSED UNANIMOUSLY.

7.5 Mandatory Level of Access (Sections 2(pa), 63 and 114)

MOVED by Councillor Hetherington, seconded by Councillor Fougere, that Council endorse the recommendation that the Act should require that all polls have level access. MOTION PUT AND PASSED UNANIMOUSLY.

7.6 Advance Poll (Section 114(3) and Form 36)

MOVED by Councillor Hetherington, seconded by Councillor Fougere, that Council endorse the recommendation to remove the requirement for voters to have a reason for voting at the advance poll and repeal Form 36. MOTION PUT AND PASSED UNANIMOUSLY.

7.7 Voting Hours (Sections 57, 57A, 114)

MOVED by Councillor Blumenthal, seconded by Councillor Sloane, that Council endorse the recommendation to leave as is. MOTION PUT AND PASSED UNANIMOUSLY.

7.8 Time Off Work in Order to Vote (new Section 82A)

MOVED by Councillor Hetherington, seconded by Councillor Cunningham, that Council not endorse the recommendation but recommend maintaining the status quo. MOTION PUT AND PASSED.

8.1 Plebiscites - Role of Citizens (Section 56)

MOVED by Councillor Fougere, seconded by Councillor Sloane, that Council endorse the recommendation that there be no change. MOTION PUT AND PASSED.

9.1 Presence of Candidates at the Polling Station (Sections 69 and new 107(4))

MOVED by Councillor Hetherington, seconded by Councillor Walker that Council not endorse the recommendation under Part 1 but recommend maintaining the status quo. MOTION PUT AND PASSED.

MOVED by Councillor Hetherington, seconded by Councillor Walker, that Council endorse the recommendation that candidates and agents should clearly be restricted to observing the count for one polling station only. MOTION PUT AND

PASSED UNANIMOUSLY.

9.2 Advertising Near Polling Stations (Section 155(1)(b))

MOVED by Councillor Hetherington, seconded by Councillor Cooper, that Council recommend that signs cannot be placed within 200 feet from the property line of the building containing the polling station. MOTION DEFEATED.

MOVED by Councillor Hetherington, seconded by Councillor Cooper, that Council endorse the recommendation that the Act be clarified to provide that signs cannot be placed within 200 feet of any wall of the building containing a polling station. MOTION PUT AND PASSED.

9.3 Candidates Acting as Their Own Agents (Sections 71(4))

MOVED by Councillor Walker, seconded by Councillor Hetherington, that Council not endorse the recommendation but recommend maintaining the status quo. MOTION PUT AND PASSED.

9.4 "Friend of the Elector (Section 86)

MOVED by Councillor Sloane, seconded by Councillor Hetherington, that Council endorse the recommendation that Candidates should not be permitted to act as "friends" of the electors unless they are family members. Also, the Act should limit the number of persons a "friend" (other than the DRO) may assist to just one elector unless the electors are members of the "friends" immediate family. (This would be the same as the restriction on proxy voters in Section 76) MOTION PUT AND PASSED.

9.5 Return of the Ballot Boxes (Section 112(1))

MOVED by Councillor Hetherington, seconded by Councillor Blumenthal, that Council endorse the recommendation that the Returning Officer would be responsible for making arrangements for the return of the ballot boxes. This would ensure that arrangements have been made to have the box returned, or where circumstances warrant, to have the boxes picked up. MOTION PUT AND PASSED UNANIMOUSLY.

10.1 Enforcement (Section 156)

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

endorse the recommendation that this is not an issue that needs additional resources at this time. **MOTION PUT AND PASSED UNANIMOUSLY.**

10.2 Access to Poll Books (new Section 104(1A))

MOVED by Councillor Hetherington, seconded by Councillor Warshick that Council endorse the recommendation that the poll books be permitted to be inspected by candidates and agents for 21 days after the election as they have 21 days to apply for a vote to be void under S.158. Otherwise, they are to remain closed unless ordered open for inspection by a court for legal cases. There are to be no photocopies made of poll books. "Inspection" means the poll book can be inspected, and notes can be taken on the contents. **MOTION PUT AND PASSED UNANIMOUSLY.**

10.3 Swearing-in New Councillors (Section 55)

MOVED by Councillor Hetherington, seconded by Councillor Uteck, that Section 55 be revised to allow an acclaimed candidate at a special election to be sworn in sooner if no ordinary polling day is required due to the acclamation. **MOTION PUT AND PASSED UNANIMOUSLY.**

11.1 Alternative Election Technologies (new Section 146A)

MOVED by Councillor Hetherington, seconded by Councillor Sloane, that Council endorse the recommendation that the Act authorize the use of alternative voting technologies as an option by allowing Council to adopt a by-law governing the use of the new method. **MOTION PUT AND PASSED UNANIMOUSLY.**

11.2 Mail-In Voting (new Section 146A)

MOVED by Councillor Sloane, seconded by Councillor Smith, that Council endorse the recommendations regarding Mail-In Voting. **MOTION DEFEATED.**

12.1 Issues Regarding the Combined Municipal/School Board Elections

MOVED by Councillor Uteck, seconded by Councillor Sloane, that Council recommend Option #3, separate all School Board elections from municipal elections. **MOTION PUT AND PASSED.**

MOVED by Councillor Walker, seconded by Councillor Johns, that all items under #13 be referred to the School Board as well as the motion made by Council under item #12.1. **MOTION PUT AND PASSED.**

14.1 Combining Provincial and Municipal Elections Acts

MOVED by Councillor Smith, seconded by Councillor Walker, that Council endorse the recommendation that separate Acts be maintained, but that where the issues or procedures are the same or similar, the two Acts be made as similar as possible.
MOTION PUT AND PASSED UNANIMOUSLY.

4. HARBOUR SOLUTIONS

- A report prepared for Mr. Dan English, Acting Chief Administrative Officer, dated October 16, 2002, on the above noted, was before Council. Staff was recommending:
 1. ***The condition precedent related to funding from other levels of government, as currently stipulated in the Harbour Solutions Development Agreement, be lifted unconditionally and HRM proceed with the Project in its entirety.***
 2. ***Staff be instructed to amend the current Canada/Nova Scotia Infrastructure List to reflect the remaining level of funding sought for the Harbour Solutions Project of \$56M, and the program be brought back to Regional Council as part of the 2003/2004 business planning process;***
 3. ***Council approve an adjustment of the Pollution Control Charge of an amount not to exceed 29 cents per cubic meter, to be phased in over a period of five years, as a means to finance the complete Harbour Solutions Project;***
 4. ***Council approve the Harbour Solution Project cost elements as outlined in the body of the report dated October 16, 2002; and***
 5. ***Staff be instructed to continue to investigate other federal/provincial funding opportunities and report back to Regional Council once per quarter on these and other revenue sources which might be considered or available to offset the HRM portion of the HSP.***

Mr. Mike Labrecque, Director, Harbour Solutions Project, presented the report, advising this is a five year project. He noted one of the recommendations would provide staff with an opportunity to come back to Council quarterly to provide options as they may arise.

Councillor Sloane requested the recommendations be voted on individually.

Council agreed to hold discussion on the issue prior to voting on the individual recommendations.

In response to Councillor Walker, Ms. Dale McLennan, Director of Finance, advised the amount that was expected is still the expectation of HRM noting, the \$56M represents what is currently estimated to be the shortfall between what was originally requested and needed and what HRM has. She noted the last paragraph states the intent is that HRM will be continuing to seek the amount that was originally requested.

Councillor Walker referenced recommendation #3 and questioned whether this has to appear at this time or can it come at a future date. In response, Mr. Labrecque stated there has to be a recognition that if the condition precedent is to be lifted unconditionally then the funds will have to come at a future date.

Councillor Goucher suggested #5 be pursued and that the Pollution Control Charge only be increased if it is in line with the necessary required funding from time to time.

Ms. MacLennan advised it is the intent of staff to come back to Council on a quarterly basis and every effort will be made to keep the rate increases down to the lowest possible level. She noted legislatively HRM would have difficulties proceeding with the whole project without some bottom line of how it would be paid for in the event of no other funding.

Mr. McLellan stated there is a contract and HRM has to show financial capability to execute the contract. There needs to be concrete measures in place that show that HRM is going to uphold it's obligations under that contract.

In response to Councillor Blumenthal, Ms. MacLennan advised staff have been in contact with the Water Commission and the figures represent the current rate structure that has been approved. There has also been discussion around what their projections will be in terms of usage beyond that.

Councillor Blumenthal stated he was not supportive of recommendation #3.

Mr. McLellan advised recommendation #3 could be removed and the wording of recommendation #5 could be amended by adding the following "*and, to the extent that additional funds cannot be raised, Council from time to time shall raise the required funds through the Pollution Control Charge (not to exceed 29 cents) to build the complete project*".

Mayor Kelly clarified that recommendations #1, #2, and #4 were the same. Recommendation #3 was removed and recommendation #5 was amended as per the suggestion put forward by the Chief Administrative Officer.

Councillor Uteck noted the first quarter is coming due and HRM is looking at a minimum 5 cents off the top. The Councillor stated she wanted it noted and on record that the public

will have to be paying for that.

MOVED by Councillor Walker, seconded by Councillor Whalen that recommendation #2 be removed from the recommendations. MOTION DEFEATED.

In response to Councillor Warshick as to what happens if HRM does not lift the condition precedent, Ms. Frazer advised HRM would be taken into the position of renegotiating and entering negotiations on the similar form of the old agreements. HRM asked for enough time with an extension to get comfortable to do the project in its entirety and the ability to seek funding from other levels of government on the understanding that if HRM did not get that comfort by HRM condition precedent closing date, HRM would go back to the table to the form of the agreements approved in principle by Council in March, and that was to do the whole project with two ramp offs so that we could live with the terms of the agreement as approved in March.

MOVED by Councillor Adams, seconded by Councillor Hetherington, that the condition precedent related to funding from other levels of government, as currently stipulated in the Harbour Solutions Development Agreement, be lifted unconditionally and HRM proceed with the Project in its entirety. MOTION PUT AND PASSED.

MOVED by Councillor Adams, seconded by Councillor Hetherington, that staff be instructed to amend the current Canada/Nova Scotia Infrastructure List to reflect the remaining level of funding sought for the Harbour Solutions Project of \$56M, and the program be brought back to Regional Council as part of the 2003/2004 business planning process. MOTION PUT AND PASSED.

MOVED by Councillor Adams, seconded by Councillor Hetherington that Council approve the Harbour Solution Project cost elements as outlined in the body of the report dated October 16, 2002. MOTION PUT AND PASSED.

MOVED by Councillor Adams, seconded by Councillor Hetherington that staff be instructed to continue to investigate other federal/provincial funding opportunities and report back to Regional Council once per quarter on these and other revenue sources with might be considered or available to offset the HRM portion of the HSP and, to the extent that additional funds cannot be raised, Council from time to time shall raise the required funds through the Pollution Control Charge (not to exceed 29 cents) to build the complete project. MOTION PUT AND PASSED.

5. STATUS SHEET REVIEW & RECOMMENDATIONS

- A report from Councillor Diana Whalen, Chair, Council Status Sheet Committee,

dated October 10, 2002, was before Council.

MOVED by Councillor Whalen, seconded by Councillor Hetherington, that the following improvements regarding the Council Status Sheet be implemented to enhance Council's decision making and ability to respond to community issues and concerns within a reasonable timeframe:

1. The format of the Council Status Sheet be revised to include additional information to enhance its usefulness.
2. Average response time for a staff report should be adjusted from two to three weeks.
3. Requests for Information that arise at Council meetings should provide clear direction to staff.

MOTION PUT AND PASSED.

6. **ADJOURNMENT**

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

Vi Carmichael
Municipal Clerk