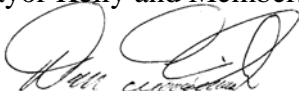


TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY:



Dan English, Chief Administrative Officer



Wayne Anstey, Deputy Chief Administrative Officer - Operations

DATE: June 18, 2008

**SUBJECT: Request for Municipal Government Act Amendment - Halifax
Infirmery Expansion**

ORIGIN

This report originates with Council's In Camera Report of July 3, 2007 approving the conveyance of a portion of the QEH school lands for the purpose of expanding the Halifax Infirmery. Legislative amendments are required to close this transaction.

RECOMMENDATIONS

It is recommended that:

1. Halifax Regional Council approve the recommended amendment to the *Municipal Government Act* granting Council the *discretion* to convey a portion of the Halifax Common to the Province of Nova Scotia, as described in the Discussion Section of this report;
2. The recommended amendment be forwarded to the Province of Nova Scotia for consideration for the Fall 2008 sitting of the House of Assembly;
3. This approval does not presuppose the outcome of negotiations currently underway for the *balance* of Queen Elizabeth High School (i.e., the building site);

BACKGROUND

QEH In Context of Approved Land Transactions

The balance of the QEH site (i.e., the school building portion) is being considered for inclusion among a series of concurrent land transactions to take place between the Province and HRM. The properties listed below have already been *approved by Regional Council* on July 3, 2007, with exception of the QEH school building site, which is pending the outcome of negotiations and which will require final Council approval.

In summary, the Province seeks to acquire from HRM:

- The Truscan/Birks site for future *provincial office accommodations*;
- Parcel H-1 of the QEH site for the QEII Health Sciences Centre *emergency wing expansion* (now under construction); and
- The balance of the QEH site (i.e., the school building portion) for *future health care facility / hospital expansion*.

Reciprocally, HRM seeks to acquire from the Province:

- The Bellevue Site at the corner of Spring Garden Road and Queen Street as the Council-endorsed site for the *new central public library*; and
- The former Infirmary Lands on Queen Street for *future urban development*.

Legislative Approval

HRM staff has reviewed the original grant and subsequent legislation relating to the Halifax Common. The Halifax Common is owned by HRM as a Trustee for the benefit of the inhabitants of the municipality. Consequently, past practice has been that a conveyance or alienation of the Halifax Common requires specific legislation passed by the Province. This legislative request of the Province is made by Council.

DISCUSSION

The purpose of this report is for Regional Council to **request** legislative amendment in the fall 2008 sitting of Legislative Assembly. This is required to **permit** the approved transaction of Parcel H-1 of the QEH site, and any other potential transaction/s related to the QEH site of the Halifax Common. **Such legislative amendment does not; however, bind Council to sell the balance of the QEH site (i.e., the building portion) should it so choose.**

If approval is not granted at the fall sitting of the Legislature, HRM will not have another opportunity for such approval until spring of 2009. This would prove to be problematic in terms of completion and occupancy of the new emergency wing, and would further complicate planning and programming for the central library project, and the Spring Garden Road area.

It is recommended that subsection 529A be added following section 529 of the Municipal Government Act as follows:

529A* The Halifax Regional Municipality may, upon such terms and conditions as the Council may determine, sell and convey, or lease to Her Majesty the Queen in Right of the Province of Nova Scotia, for a hospital to which the *Hospitals Act* applies, certain lands owned by the Halifax Regional Municipality, and outlined in red as per Attachment -A- of this report, more particularly referred to as Parcels H-1, H-2, and QEH-1; and Council may by resolution determine what portion thereof shall be conveyed and also what sum, if any, shall be paid therefor. The lands to be conveyed under the provisions hereof shall, after such conveyance, be used solely for the purpose of a hospital to which the *Hospitals Act* applies, and shall not be sold, let or otherwise disposed of by Her Majesty in Right of the Province, and upon breach of any of the provisions hereof the same shall revert to the Municipality.

*Section 75A of the proposed Halifax City Charter.

BUDGET IMPLICATIONS

None.

FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN

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

ALTERNATIVES


Council may choose to not approve the recommendations to seek legislative amendment to permit the QEH transaction/s, which would prove to be problematic in terms of completion and occupancy of the new emergency wing, and would further complicate planning and programming for the central library project, and the Spring Garden Road area.

ATTACHMENTS

Attachment -A- Plan of Survey, Queen Elizabeth High School


If the report is released to the public, a copy can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.


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