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Item No. 10.1.7
Halifax Regional Council
September 14, 2010
September 21, 2010

TO: Mayor Kelly and Members of Halifax Regional Council

Original Signed by 

SUBMITTED BY:

Wayne Anstey, Acting Chief Administrative Officer

Original Signed by Acting DCAO

Cathie O'Toole, Acting Deputy Chief Administrative Officer - Corporate Services and Strategy

DATE: August 26, 2010

SUBJECT: **Proposed Amendments to Administrative Order #19 respecting the Corporate Coat of Arms and Flag**

ORIGIN

Halifax Regional Council's motion of December 4, 2007, moved by Councillor Hendsbee and seconded by Councillor Murphy, and a previous motion of April 16, 2006, moved by Councillor Younger and seconded by Councillor McCluskey that amended Administrative Order # 19 to allow for the public to proudly fly the official flag of HRM.

The proposed amendments clarify and address the administrative matters related to those changes.

RECOMMENDATION

It is recommended that Regional Council:

Approve the amendments to Administrative Order #19 to update the Order to more appropriately reflect the intent of the amendments previously passed by Council and provide clarity in the administration of the Order.

BACKGROUND

Administrative Order #19 outlines the use of the Official Flag of HRM, the Coat of Arms of the Municipality as well as the HRM Logo.

On April 16, 2006 a motion, moved by Councillor Younger and seconded by Councillor McCluskey, was approved by Council.

That staff provide a report on either amending Administrative Order 19 or the possibility of a flag contest to design a public flag.

Subsequently, on December 4, 2007 the following motion, moved by Councillor Hendsbee and seconded by Councillor Murphy, was approved by Council:

To amend Administrative Order #19 (Respecting Corporate Coat of Arms and Flag) in regard to the use of HRM emblems and symbols so it will allow residents and business within the Halifax Regional Municipality to be able to purchase and to proudly fly **the official flag** of our Municipality above their place of residence and/or business without the requirement of gaining and securing permission of the Regional Council.

As result of those motions Administrative Order #19 was then amended as follows:

S.3(5) Notwithstanding subsection (3), the public may purchase **duplicate copies of the official flag** from the Municipality for use in a manner respectful of the values and image of the Municipality. The selling price for copies of the flag shall be set by the Chief Administrative Officer of the Municipality.

Schedule "A", which is intended to outline the administrative oversight of Administrative Order 19, was not updated at that time and requires updating in order to ensure appropriate oversight and administration of the Order. Also, in practice the colours of both the HRM flag and coat of arms have changed over time and that change is reflected in the graphics included in the Administrative Order.

DISCUSSION

There are two flags and symbols typically used within HRM and both serve different purposes. The "Official HRM flag" is the Kingfisher flag. The flag with the logo is commonly referred to as the "Logo flag". Each serves a different purpose and call for two distinct types of administration.



Official HRM Flag

Logo Flag of HRM

USE OF THE OFFICIAL SYMBOLS OF HRM

As stated in the Administrative Order, the “Official” flag and Coat of Arms of the Halifax Regional Municipality are seen as “primarily a mark of the Municipality”.

Use of the Official HRM Flag

Council’s intention in passing the motion of December 7, 2007 was clearly to allow residents and business within the Halifax Regional Municipality to be able to purchase and to proudly fly **the Official Flag** of our Municipality above their place of residence and/or business and available for use and distribution in the general public. The proposed changes to Administrative Order #19 and Schedule “A” of Administrative Order #19 make it clear that reproductions of the Official HRM flag could be produced and sold to the public through the various flag shops throughout HRM.

Section 76(3) of the *HRM Charter* makes it an offence to use a flag, symbol or coat of arms of the Municipality unless specifically authorized by Council. This section provides Council with control over the use of its flag. The previous amendments to Administrative Order #19, based on Council’s motion of December 2007, provide everyone with permission to use the official flag, and thus limits Council’s control over the use of the official flag.

It should be noted that flags are highly symbolic and it is for this reason that the usage of flags has historically been closely controlled and monitored. Once a flag is in the public domain, controlling its use becomes more difficult and may bring into play issues of freedom of expression, which is protected under the Canadian *Charter of Rights and Freedoms*. Allowing the public to freely fly the official flag may lead to it being flown at locations that do not promote the values and principals for which the municipality stands, and could reflect poorly on the municipality. Council should be aware that it would be extremely difficult for Council to restrain that use based on the previous Council motion.

Use of the Coat of Arms of HRM

As is appropriate to its function, and consistent with the Provincial Coat of Arms, the use of the HRM Coat of Arms continues to be restricted to Mayor and Council and for specific commemorative purposes. Use of the Official Coat of Arms, other than by Mayor or Council, would continue to be reviewed by the Office of the Municipal Clerk under the procedures outlined in Schedule A of

Administrative Order #19.



HRM Coat of Arms

Staff are proposing that an amendment be brought forward to Administrative Order #19 to adopt the HRM Shield (centre of the Coat of Arms) for broader use in the public domain. This approach has been used by the Province of Nova Scotia in order to reserve and protect the use of the Coat of Arms while allowing for broader use of the shield.



HRM Shield

USE OF THE HRM LOGO AND "LOGO" FLAG

The logo is the official company "logo" of HRM and is used by the Administration and business units and employees on stationary, notices, buildings, signage, vehicles markings, badges, uniforms and other similar uses for the purpose of indicating the authority, property or officials of the municipality. As the company "logo," control and use of the logo and/or logo flag falls within the jurisdiction of the administration of HRM. It is important to protect and control the use of the "logo" to ensure the trust and integrity of its use. For example to designate a web site, building or official that the public can trust is an official site, building or official of the municipality.

External and Corporate Affairs is the internal entity which is charged with the responsibility of maintaining corporate branding, propriety rights, and corporate image as it relates to the Municipality and the body responsible for managing the use of the "logo" and therefore "logo flag" of HRM,

which should not be in the public domain.

ADMINISTRATION

The Office of the Municipal Clerk and the External and Corporate Affairs have agreed to their roles as outlined in the proposed Schedule A of Administrative Order 19.

BUDGET IMPLICATIONS

N/A

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

1) Alternative administrative arrangements for oversight of the use and distribution of the Official Flag and Coat of Arms of HRM and the Logo and Logo Flag of HRM.

ATTACHMENTS

1. Revisions to Administrative Order #19.
2. Administrative Order #19 - Revised version
3. Guidelines for use of Provincial Coat of Arms and shield (for comparative purposes)

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: Cathy. J. Mellett, Municipal Clerk, Office of the Municipal Clerk, 490-6456

Report Approved by: _____
Mary Ellen Donovan, Director, Legal Services & Risk Management, 490-4226

Attachment 1

Halifax Regional Municipality Amendments to Administrative Order Number 19 Respecting the Corporate Coat of Arms, Logo and Flags

Administrative Order 19 is hereby amended as follows:

1. Subsection (1) of section 2 is amended by adding the word “official” before the words “Corporate Coat of Arms”.
2. Subsection (5) of section 2 is amended by adding the words “and logo flag” after the word “logo.”
3. Subsection (1) of section 3 is repealed and the following subsection substituted:
 3. (1) The Coat of Arms, the official flag, the shield, the badge, and the logo and logo flag of the Halifax Regional Municipality as above defined are primarily a mark of the Municipality.
4. Subsection (2) of section 3 is amended by deleting the words “and flag” after the word “badge” and by replacing the comma before the word “badge” with the word “and”.
5. Subsection (2A) of section 3 is amended by renumbering it to become subsection (3) of section 3, and replacing the word “shall” following the words “Coat of Arms” with the word “may”.
6. Subsection (2C) of section 3 is amended by renumbering it to become subsection (4) of section 3; inserting the word “official” before the words “flag shall be hung in the Council Chamber”; and inserting the word “official” before the words “flag shall be reserved for.”
7. A new subsection (5) of section 3 is inserted immediately following subsection (4) of section 3 and reads as follows:
 3. (5) Notwithstanding subsection (4), the public may, in accordance with Schedule A, purchase duplicate copies of the official flag for use in a manner respectful of the values and image of the Municipality.

8. Subsection (2B) of section 3 is amended by renumbering it to become subsection (6) of section 3, and replacing the word “Logo” with the words “official logo.”
9. Subsection (2D) of section 3 is amended by renumbering it to become subsection (7) of section 3, and replacing the words “A flag bearing the Logo” with the words “The logo flag.”
10. Subsection (3) of section 3 is repealed.
11. Following subsection (7) of section 3, section 4 subsection (1) is added as follows:
 4. (1) The Coat of Arms, official flag, the shield and badge, and Logo and Logo Flag of the Municipality as well as any coats of arms, flags and symbols of the former City of Dartmouth, City of Halifax, Town of Bedford and Halifax County Municipality shall only be used by a corporation or individual other than the Municipality with the permission of the Regional Council in accordance with the terms and conditions set forth in Schedule “A”.
12. Subsection (4) of section 3 is amended by renumbering it to become subsection (2) of section 4; removing the word “logo” from said section; and replacing the words “in accordance with subsection (3)” with the words “in accordance with subsection (1)”.
13. Subsection (5) of section 3 is repealed.
14. Section 4 is amended by renumbering it to become section 5.
15. Schedule “A” of Administrative Order 19 is repealed and the Schedule “A” attached hereto substituted.
1. The official flag shall only be used in public settings, provided that the official flag is used in an appropriate and respectful manner.
 - a. Duplicate copies of the official flag may be produced and sold to the public provided that they are produced based on the standards and guidelines as outlined by the Office of the Municipal Clerk to be registered in the registry of the Government of Canada Public Register of Arms, Flags and Badges

2. The Office of the Municipal Clerk shall be charged with the responsibility of granting permission for the external use of the coat of arms, shield of arms, or corporate badges.
 - a. The coat of arms and corporate badges shall only be approved for use on commemorative articles.
 - b. The shield of arms shall be more broadly available for approved use to represent the Region in the public domain.
 - c. Neither the Mayor nor Councillors are required to obtain permission for their use of these items.

3. The official logo is the official brand of the administration of the Halifax Regional Municipality. The official logo shall be used by the Chief Administrative Officer, business units, employees and members of Council on stationery, notices, buildings, signage, vehicle markings, badges, uniforms and other similar uses and is not to be used without the permission of the Halifax Regional Municipality.
 - a. The logo flag shall not be for used by members of the public.

 - b. The Corporate Communications department of the Halifax Regional Municipality shall be charged with the following:
 - i. overseeing the appropriate administrative use of the official logo;
 - ii. setting standards for internal or external use; and
 - iii. reviewing and making decisions regarding permission to use the official logo.

Halifax Regional Municipality
Administrative Order Number 19
Respecting the Corporate Coat of Arms, Logo and Flag

BE IT ENACTED by the Mayor and Council of the Halifax Regional Municipality as a policy pursuant to Section 62 of the Municipal Government Act, as follows:

1. This Administrative Order shall be known as Administrative Order Number XIX and may be cited as the "Corporate Coat of Arms, Logo and Flag Administrative Order".
2. (1) The *official* Corporate Coat of Arms of the Halifax Regional Municipality shall be as follows:

“Arms (shield):

Azure a saltire Or and a bezant merged thereon a Kingfisher between four broad arrows points outward Azure in fess two sailing vessels *tempore* 1760 flags flying to the dexter Or;

Crest (above the shield):

On a mural coronet Or issuant therefrom a sprig of mayflower of four blossoms proper;

Supporters and Compartment (at either side and below the shield):

On a grassy mound Vert set dexter with garbs Or and sinister with spruce trees Vert between barry wavy Azure and Argent dexter a seahorse Or gorged with a circlet set with maple leaves Vert pendant therefrom an open book Argent bound Azure holding between its legs a staff Argent flying therefrom the banner of the Province of Nova Scotia proper sinister a like seahorse similarly gorged pendant therefrom two paddles in saltire Azure holding between its legs a staff Argent flying therefrom the banner of Halifax Regional Municipality proper;

Motto: E MARI MERCES;”

(2) The arms alone may be used, and the crest may be used alone. Where the complete armorial achievement is shown, the crest and both supporters shall be used.

(3) There shall be an official flag of the Halifax Regional Municipality which shall be a banner of the Arms.

(4) There shall be an official badge of the Halifax Regional Municipality which shall be:

“A bezant charged with a saltire of four anchors flukes outward first and fourth fouled Azure ensigned by a coronet Argent set with mayflowers proper”.

(5) There shall be an official Logo *and Logo Flag* of the Halifax Regional Municipality which shall be



3. (1) The Coat of Arms, ~~Logo~~ *the official flag, the shield, the badge, and the logo and logo flag* of the Halifax Regional Municipality as above defined are primarily a mark of the Municipality.

(2) The Coat of Arms *and* badge ~~and flag~~ are reserved for official use by the Mayor and members of the Halifax Regional Council.

~~(2A) The Coat of Arms shall be used on all official municipal documents, including, but not limited to, contracts and agreements signed by the Mayor and Municipal Clerk on behalf of the Municipality, correspondence from the Mayor and Councillors, official commendations, Mayor's Certificates, Councillor's Certificates and other similar documents.~~

~~(2B) The Logo shall be used by the Chief Administrative Officer business units and employees on stationery, notices, buildings, signage, vehicle markings, badges, uniforms and other similar uses for the purpose of indicating the authority, property or officials of the Municipality.~~

~~(2C) The flag shall be hung in the Council Chamber and shall be flown at City~~

~~Hall. The flag shall be reserved for official or ceremonial purposes such as presentation to community groups, use at commemorative parks or use at traditional sites such as the Public Gardens and Point Pleasant Park, with its availability and distribution to be in the discretion of the Mayor and Councillors.~~

~~(2D) A flag bearing the Logo may be flown at all municipal buildings and facilities other than City Hall.~~

(3) *The Coat of Arms shall may be used on all official municipal documents, including, but not limited to, contracts and agreements signed by the Mayor and Municipal Clerk on behalf of the Municipality, correspondence from the Mayor and Councillors, official commendations, Mayor's Certificates, Councillor's Certificates and other similar documents.*

~~(3) The Coat of Arms, Logo, flag and badge of the Municipality as well as any coats of arms, flags and symbols of the former City of Dartmouth, City of Halifax, Town of Bedford and Halifax County Municipality shall only be used by a corporation or individual other than the Municipality with the permission of the Regional Council in accordance with the terms and conditions set forth in Schedule "A".~~

(4) *The official flag shall be hung in the Council Chamber and shall be flown at City Hall. The official flag shall be reserved for official or ceremonial purposes such as presentation to community groups, use at commemorative parks or use at traditional sites such as the Public Gardens and Point Pleasant Park, with its availability and distribution to be in the discretion of the Mayor and Councillors.*

~~(4) Any use of coats of arms, Logo, flags and other symbols in accordance with subsection (3) shall be in an appropriate and respectful manner recognizing the significance of the symbols.~~

(5) *Notwithstanding subsection (4), the public may purchase duplicate copies of the official flag for use in a manner respectful of the values and image of the Municipality.*

~~(5) Notwithstanding subsection (3), the public may purchase duplicate copies of official flag from the Municipality for use in a manner respectful of the values and image of the Municipality. The selling price for the copies of the~~

~~flag shall be set by the Chief Administrative Officer of the Municipality.~~

- (6) *The official Logo shall be used by the Chief Administrative Officer business units and employees on stationery, notices, buildings, signage, vehicle markings, badges, uniforms and other similar uses for the purpose of indicating the authority, property or officials of the Municipality.*
- (7) *The logo flag may be flown at all municipal buildings and facilities other than City Hall.*

~~4. Any person violating any of the provisions of this Administrative Order shall be liable on summary conviction to a penalty not exceeding Five Hundred Dollars (\$500.00) for each and every offence and upon default of payment to imprisonment for a period not exceeding thirty days.~~

- (1) *The Coat of Arms, official flag, the shield and badge, and logo and logo flag of the Municipality as well as any coats of arms, flags and symbols of the former City of Dartmouth, City of Halifax, Town of Bedford and Halifax County Municipality shall only be used by a corporation or individual other than the Municipality with the permission of the Regional Council in accordance with the terms and conditions set forth in Schedule "A".*
- (2) *Any use of coats of arms, flags and other symbols in accordance with subsection (3) shall be in an appropriate and respectful manner recognizing the significance of the symbols.*

5. *Any person violating any of the provisions of this Administrative Order shall be liable on summary conviction to a penalty not exceeding Five Hundred Dollars (\$500.00) for each and every offence and upon default of payment to imprisonment for a period not exceeding thirty days.*

Done and passed in Council this 19th day of October, 1999.

Mayor

Municipal Clerk

Schedule "A"

- ~~1. The coats of arms shall only be approved for use on commemorative articles.~~
 - ~~2. The flags shall only be used in public settings when used as flags, provided the propriety rights of the Municipality are protected and a corporate image is projected.~~
 - ~~3. The corporate badge or any departmental badges or flashes are "corporate trademarks" and shall only be used with permission for special purposes consistent with the image intended to be projected by the badge.~~
 - ~~4. The use of the coats of arms shall be subject to the following scale:
 - ~~_____ a) one time use, for products less that \$500 value= a one time fee of 20% of the value;~~
 - ~~_____ b) one time use, for products more than \$500 value= a one time fee of 10% of the value to a maximum of \$1000;~~
 - ~~_____ c) multiple use, a multiple fee of 5% of the retail value of each unit of the product.~~~~
 - ~~5. Tourism, Culture and Heritage Department shall be charged with the responsibility of accepting, reviewing and presenting applications for permission to Council through the Cultural Tourism Team provided that this clause does not apply to the Mayor or Council.
 - ~~_____ • The Heritage division of Tourism, Culture and Heritage shall be the official purchasing unit for all Coat of Arms and Logo promotional items.~~
 - ~~_____ • Tourism, Culture and Heritage Department shall be tasked with developing and implementing a wholesale/retail sales program of HRM branded products to the various corporate business units and to the general public.~~~~
1. The official flag shall only be used in public settings, provided that the official flag is used in an appropriate and respectful manner.
 - a. Duplicate copies of the official flag may be produced and sold to the public

provided that they are produced based on the standards and guidelines as outlined by the Office of the Municipal Clerk to be registered in the registry of the Government of Canada Public Register of Arms, Flags and Badges

2. The Office of the Municipal Clerk shall be charged with the responsibility of granting permission for the external use of the coat of arms, shield of arms, or corporate badges.
 - a. The coat of arms and corporate badges shall only be approved for use on commemorative articles.
 - b. The shield of arms shall be more broadly available for approved use to represent the Region in the public domain.
 - c. Neither the Mayor nor Councillors are required to obtain permission for their use of these items.
3. The official logo is the official brand of the administration of the Halifax Regional Municipality. The official logo shall be used by the Chief Administrative Officer, business units, employees and members of Council on stationery, notices, buildings, signage, vehicle markings, badges, uniforms and other similar uses and is not to be used without the permission of the Halifax Regional Municipality.
 - a. The logo flag shall not be for use by members of the public.
 - b. The Corporate Communications department of the Halifax Regional Municipality shall be charged with the following:
 - i. overseeing the appropriate administrative use of the official logo;
 - ii. setting standards for internal or external use; and
 - iii. reviewing and making decisions regarding permission to use the official logo.

Notice of Motion:

January 9, 2001

Approved:

January 16, 2001

Amendment No. 1

The title is amended to include the word “Logo”

The following sections and subsections are amended:

Section 1, 2, 3 (1), (2),(2A),(2B), (2C),(2D),(3), and (4)

Schedule “A” , Clause 5

Notice of Motion:

November 20, 2007

Approved:

December 4, 2007

Amendment No. 2

Amendment to Section 3 add Subsection 5

PROVINCIAL SYMBOLS

Coat-of-Arms

The Ancient Arms of Nova Scotia, the oldest and grandest in all the Commonwealth countries overseas, was granted to the Royal Province of Nova Scotia in 1625 by King Charles I. The Coat-of-Arms (Armorial Achievement) is rendered in its traditional form in accordance with the Grant of Arms and its attendant blazon or heraldic description. The complete Armorial Achievement includes the Arms, surmounted by a royal helm with a blue and silver scroll or mantling representing the royal cloak. Above is the crest of heraldic symbols: two joined hands, one armoured and the other bare, supporting a spray of laurel for peace and thistle for Scotland. On the left is the mythical royal unicorn and on the right a 17th-century representation of the North American Indian. Above, the motto reads: **One defends and the other conquers**. Entwined with the thistle of Scotland at the base is the mayflower, floral emblem of Nova Scotia, which was added in 1929.

The Arms consist of a blue cross of St. Andrew on a field of white. In the middle is a yellow shield containing a red lion rampant.

The Coat-of-Arms has limited and restricted usage. It is used in such applications as stationery of Royal Commissions, Cabinet committees, and the judiciary, Crown documents, and legislative publications.

The Coat-of-Arms must always appear as a line treatment in PANTONE 430 or in PANTONE 293. Full-colour treatment of the Coat-of-Arms is reserved for special use only, such as on proclamations and prestige publications. The Coat-of-Arms is not for general use and may not be reproduced in any form, manual or computer, without approval from Communications Nova Scotia.

Shield of Arms

The Arms of Nova Scotia represent a unique union of the Royal and National Arms of Scotland. When King Charles I granted these Arms in 1625, it was considered a mark of royal favour. The blue cross on a field of white or silver is the cross of St. Andrew from the National Arms, but with the colours reversed. At the centre is the shield of the Royal Arms, which contains the royal lion within a double border on a field of yellow or gold.

Nova Scotians' interest in the ancient Arms languished until the province entered Confederation and undistinguished new Arms were substituted by the federal government. Resistance to the new Arms grew; and in 1921, the 300th anniversary of the province's Royal Charter, historians and scholars successfully petitioned the provincial government to seek restoration of the ancient Arms of Nova Scotia.

The Shield of Arms is considered to be in the public domain. Use of the Arms as a symbol of the Province of Nova Scotia is permitted. Applications to use the Arms in any respectful manner and in accordance with the regulations would normally be permitted. The Shield of Arms cannot be used as an authorization of government by a non-government entity. Requests for use of the Arms can be made to Communications Nova Scotia and will be addressed in a one-on-one basis.

Flag

The flag of Nova Scotia was the first flag in the overseas Commonwealth to be authorized by Royal Charter. Derived from the ancient Arms granted in 1625 by King Charles I, it is a symbol of the crown in the right of the province, and its use today is determined by the Lieutenant-Governor-in-Council. It is now flown on provincial buildings and on public and private flagstaffs throughout the province.

The flag design is on a ground of silver with a Saltire Azure—blue St. Andrew's cross. The Royal Arms of Scotland is arranged as an escutcheon (within a shield shape) upon the St. Andrew's cross—gold with red lion rampant. The lion has a blue tongue and is within a double border of red. The border contains eight fleur-de-lis—one on each corner and one between each corner—each depicted top or bottom from each border starting with upper left corner up, next down, right corner up, etc., but not spanning across the borders.

The flag of Nova Scotia is considered to be in the public domain. Use of the Nova Scotia flag as a symbol of the Province of Nova Scotia is permitted. Applications to use the Nova Scotia flag in any respectful manner and in accordance with the regulations would normally be permitted. Requests for use of the flag can be made to Communications Nova Scotia and will be addressed in a one-on-one basis.