

Item No. 11.3.1
Halifax Regional Council
February 19, 2013

TO: Mayor Savage and Members of Halifax Regional Council

SUBMITTED BY: Original Signed
for: Councillor Dalrymple, Chair, Environment & Sustainability Standing Committee

DATE: February 8, 2013

SUBJECT: Terms of Reference: Regional Watershed Advisory Board

RECOMMENDATION REPORT

ORIGIN

- October 12, 2010: Committee of the Whole – Committees of Council Reform
- November 27, 2012: Regional Council – Item 10.1.2
- February 7, 2013: Environment & Sustainability Standing Committee – Item 7.1.2

LEGISLATIVE AUTHORITY

The HRM Charter and Regional Plan prescribe a variety of specific legislation and policy with respect to land use policy and development. The recommended Terms of Reference explicitly refer authority to those prescribed policies and legislation.

RECOMMENDATION

The Environment and Sustainability Standing Committee recommends that Halifax Regional Council approve the Terms of Reference for the Regional Watershed Advisory Board, as outlined in Attachment A of the Staff Report dated January 3, 2013.

BACKGROUND

On November 27, 2012, Regional Council directed staff to consolidate all the Watershed Advisory Boards into a single entity and to initiate the processes necessary to amend all applicable planning documents.

The staff report and proposed Terms of Reference for a consolidated Watershed Advisory Board was reviewed by the Environment and Sustainability Committee at their meeting of February 7, 2013. At this meeting, the Standing Committee expressed support for the proposed Terms of Reference.

DISCUSSION

During discussion it was noted that the proposed Terms of Reference does not diminish the authorities currently enjoyed by the three (3) Watershed Advisory Boards. The Consolidated Board will continue to review planning applications where called for within Planning Strategies. As noted in the staff report, the proposed Terms of Reference, as directed by Regional Council, consolidates the historical mandate of the Watershed Advisory Boards and aligns the new Terms of Reference with municipal policy and legislative authority.

A number of questions were asked in regard to the appointment of citizens-at-large representing each Community Council. The Standing Committee also discussed the need to align the mandate of the Board with the Municipal Planning Strategies.

FINANCIAL IMPLICATIONS

There are no budget implications to this report that are not already included in the Operating Budget. Although a full analysis has not been completed, reducing the number of Watershed Advisory Boards from three (3) to one (1) would reduce administrative costs associated with operating these committees.

COMMUNITY ENGAGEMENT

All meetings of the Environment and Sustainability Standing Committee, including that of February 7, 2013 at which the Terms of Reference were discussed, are open to the public. Moreover, the creation of a Regional Watershed Advisory Board provides a legislatively and policy prescribed venue for engagement as the Board will be made up of sector specialists and citizens, though fewer citizens than the current structure.

ENVIRONMENTAL IMPLICATIONS

The purpose of a Regional Watershed Advisory Board is to provide community subject matter expertise to preserve and protect the many watersheds and water related natural assets in the

municipality related to the specified policy and development activities.

ALTERNATIVES

In light of concerns raised by the Environment and Sustainability Standing Committee, Regional Council could:

- Substitute “One (1) Citizen at large representing each Community Council” for “One (1) Citizen at large may be appointed by each Community Council” in the Terms of Reference; and
- Substitute “Performs duties as directed by Regional Council on matters outside the current legislative authority described in the HRM Charter or Municipal Planning Strategies” with “Performs duties as directed by Regional Council on matters described in the Municipal Planning Strategies” in the Terms of Reference

The first modification will provide greater flexibility in the event that there are insufficient candidates in each Community Council area. The second will ensure that the Watershed Advisory Board works within the parameters of Municipal Planning Strategies.

Alternatively, Regional Council could choose to revise other components of the recommended Terms of Reference.

ATTACHMENTS

1. Staff Report dated January 3, 2013 – Terms of Reference: Regional Watershed Advisory Board.
2. Correspondence from Dartmouth Lakes Advisory Board dated January 7, 2013
3. Staff Report dated November 14, 2012 - Creation of Community Councils

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: Ted Aubut, Legislative Assistant, 490-6519

Original Signed

Financial Approval by:

Greg Keefe, Director of Finance and Information Technology/CFO, 490-6308



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

**Environment & Sustainability Standing Committee
February 7, 2013**

TO: Chair and Members of Environment & Sustainability Standing Committee

Original Signed

SUBMITTED BY:

Brad Anguish, Director, Community & Recreation Services

Original Signed

Jane Fraser, Director, Planning & Infrastructure

DATE: January 3, 2013

SUBJECT: Terms of Reference: Regional Watershed Advisory Board

ORIGIN

October 12, 2010: Committee of the Whole - Committees of Council Reform
May 24, 2012: North West Community Council, In Camera Motion
Regional Council: November 27, 2012, Item 10.1.2

LEGISLATIVE AUTHORITY

The HRM Charter and Regional Plan prescribe a variety of specific legislation and policy with respect to land use policy and development. The recommended Terms of Reference explicitly refer authority to solely those prescribed policies and legislation.

RECOMMENDATION

It is recommended that Environment & Sustainability Standing Committee recommend the Terms of Reference for the Regional Watershed Advisory Board, as per the Attachment, to Regional Council.

BACKGROUND

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

DISCUSSION

The proposed terms of reference provide Halifax Regional Municipality with a committee consisting of citizen subject matter experts that have the authority to:

1. Advise the Environment and Sustainability Standing Committee on municipal policy projects as required under the HRM Charter, the Regional Municipal Planning Strategy and Secondary Planning Strategies, and as may be specifically assigned by the Environment & Sustainability Standing Committee;
2. As required by the HRM Charter and Municipal Planning Strategies, to fulfil the legislated requirements with respect to municipal development activities; and
3. Perform duties as directed by Regional Council on matters outside the current legislative authority as described in the HRM Charter or Municipal Planning Strategies.

The proposed Terms of Reference consolidate the historical terms of reference for Watershed Advisory Boards and align it with municipal policy and legislative authority.

FINANCIAL IMPLICATIONS

There are no budget implications to this report that are not already included in the Operating Budget. Although a full analysis has not been completed, reducing the number of Watershed Advisory Boards from 4 to 1 would reduce administrative costs associated with operating these committees.

COMMUNITY ENGAGEMENT

The Regional Watershed Advisory Board provides a legislatively and policy prescribed venue for engagement on specified policy and development activities.

ENVIRONMENTAL IMPLICATIONS

The purpose of a Regional Watershed Advisory Board is to provide community subject matter expertise to preserve and protect the many watersheds and water related natural assets in the municipality related to the specified policy and development activities.

ALTERNATIVES

The Committee or Regional Council may choose to revise components of the recommended Terms of Reference. This is not recommended as the proposal culminates from a cross departmental effort at alignment with legislative and policy requirements and best practices.

ATTACHMENTS

Attachment A: Terms of Reference: Regional Watershed Advisory Board

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

Report Prepared by: .. Richard MacLellan, Manager, Energy & Environment, 490-6056

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

Report Approved by: Original signed
Kelly Dent, Manager, Development Approvals, 490-4800

Attachment A

Terms of Reference: Regional Watershed Advisory Board

Purpose: As subject matter experts, with respect to watershed management, the Watershed Advisory Board:

1. Advises the Environment and Sustainability Standing Committee on municipal policy projects as required under the HRM Charter, the Regional Municipal Planning Strategy, and Secondary Planning Strategies, and as may be specifically assigned by the Environment & Sustainability Standing Committee;
2. As required by the HRM Charter, the Regional Municipal Planning Strategy, and Secondary Planning Strategies, to fulfil the legislated requirements with respect to municipal development activities;
3. Performs duties as directed by Regional Council on matters outside the current legislative authority described in the HRM Charter or Municipal Planning Strategies.

Composition:

- Up to four (4) water related professional's at large
- Up to two (2) seats for Academia
- Up to two (2) representatives of Environmental NGO's or Recreational organizations
- One (1) Citizen at large representing each Community Council

Governance:

On behalf of Regional Council, The Environment and Sustainability Standing Committee shall provide oversight to the Advisory Board Workplan, Terms of Reference, Appointments, and other Governance matters.

Policy Development and Review Projects: The Halifax Regional Municipality is enabled through the HRM Charter, as an act of Provincial legislation, to be the primary authority for planning within its jurisdiction. The Municipal Planning Strategies enacted by Regional Council are the overarching municipal policy set. The HRM Charter defines the mandate and authority of the municipality in planning matters and municipal planning provides statements of policy to guide the development and management of the municipality including establishing policies to provide a framework for the environmental, social, and economic development within the Municipality. All assigned policy projects must comply with these policies and legislative directions.

Officers: The Board shall have a Chair and Vice Chair to be elected from among its members at the first meeting following composition and at the first meeting of the calendar year. The Vice Chair shall act as Chair in the absence of the Chair. The Chair and Vice Chair may be reappointed for subsequent terms providing they are still members of the Board.

Staff Complement: The municipality shall supply Board support from the Clerk's Office. The Manager of Energy and Environment shall be the primary staff liaison.

Meetings: The Board shall meet monthly or as required to conduct the business of the Board. Additional meetings may be scheduled at the discretion of the Chair in consultation with the Clerk's Office.

Quorum: The quorum for regular meetings shall be in accordance with Section 74 of Administrative Order 1 – Quorum of Committees.

Appointments: The Environment and Sustainability Standing Committee is designated to be both the nominating and appointing body for members of the Board, except for the members appointed by each of the Community Councils, for which the Community Council will serve as both the nominating and appointing body. Appoints shall be made in accordance with the Public Appointment Policy adopted by Regional Council.

Vacating a Position: During the term of Office a member may vacate their position on the Board in accordance to the procedures set out in Section 68 of Administrative Order 1 – Vacating a Position on Committee.


Procedure: Meeting procedures shall be governed by the HRM Administrative Order 1- Respecting Procedure of Council as it relates to Committee Procedures.

**Environment & Sustainability Standing Committee
February 7, 2013**

TO: Chair and Members of the Environment & Sustainability Standing Committee

Original signed

SUBMITTED BY:

 : Pierre Clement, Chair, Dartmouth Lakes Advisory Board

DATE: January 7, 2013

SUBJECT: Response to Proposed Consolidation of Watershed Advisory Boards in HRM

Summary Recommendations:

The Dartmouth Lakes Advisory Board recommends that the Standing Committee consider the following:

- 1) Clearly describe the terms of reference (TOR) for the new amalgamated WAB
- 2) The role of reviewing development plans that may impact waterbodies in HRM are a fundamental role and should be part of the WABs mandate
- 3) Invite the present WAB members to be part of the TOR development
- 4) Develop a strategy to involve the community in helping manage their natural water resource.

Background:

The volunteer members Dartmouth Lakes Advisory Board (DLAB) have all received letters noting the imminent consolidation of the three HRM Watershed Advisory Boards (WABs) into one advisory body. The DLAB reviewed the motion presented to Council at the Nov. 27, 2012 Regional Council meeting that documents the intent and background used as the basis for HRM staff's recommendation for the amalgamation of the WABs. We are obliged, as the sitting members of a body that has advised municipal councils for the past 40 years, to comment on what we see as a loss of both engagement and commitment to citizen participation in the stewardship of our community water resource.

Times have changed. DLAB was established in 1971 in response to perceived threats to the quality of several of Dartmouth's 27 lakes due to unchecked or monitored development. The Board was created at a time of growth in the city and the establishment of several research related institutions was seen as an opportunity to get highly trained scientists to help advise the city on ways in which development could be implemented while minimizing adverse impacts on the water bodies that are a valued asset in the community.

Riparian buffers, settling ponds, storm ceptors and watershed analyses were among the many recommendations that DLAB has made as part of the development review process. DLABs review of proposed developments and its recommendations to city council was the 'bread and butter' work that the Board did at its monthly meetings. The Board was most active in the 1970s and 1980s and the technical expertise provided through Board appointments contributed to research documents on baseline water quality studies, annual 'walkabout' lake surveys and the ongoing HRM synoptic water quality surveys. In the later 1990s, and especially since HRM amalgamation, the role of the Board in reviewing proposed development plans has diminished. In 2010 the three WABs were invited to a meeting at the Banook Canoe Club where the Clerk's Office had a facilitator lead a discussion of the future of WABs. There were participants from each of the WABs and the group came up with several suggestions and reasons why these voluntary boards were important to the delivery of oversight in the development review process. We were also told that the main driver for the changes in board activities and roles was to implement efficiencies and the desire to speed up the development application process to meet developer expectations (from 2 years to 4 months).

In the Watershed Board Analysis (Appendix D) of motion 'Creation of Community Councils', Item # 10.1.2 in the November 27, 2012 agenda the information source is based on a COW from 2010 and an in camera meeting of the North West Community Council in May 2012. The reference provided does not mention or refer to the Banook Canoe Club WABs meeting nor reflect any of the suggestions offered.

The analysis does identify the contributions of the WABs in the development of policies that have been have been adopted by HRM and thus recognizes the value of having inexpensive, outside opinion contribute to the direction the municipality is taking in regards to protecting our shared water resources. In fact the recommendation notes: *'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.'*

The analysis also offers that:

'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.'

Clearly the role of the consolidated WAB in policy advice is an important role but it is unclear how there will be any direct contribution to '*project/application reviews*' given this capacity has been removed from their responsibilities in streamlining the application process.

DLAB considers the consolidation of the WABs into a policy advisory role minimizes the value of providing the historical and expert oversight on development plans. The 'corporate knowledge' that the three WABs were able to provide was founded in having

consulted in plan reviews. The HRM also loses the 'local' view of development whereas a central body would be too far removed from what is happening on the ground.

The candidate pool portion of the analysis states '*filling some of the current WAB vacancies has been a challenge*' and it can be argued that keeping the '*experts*' interested requires that the work offered is stimulating. The lack of monthly development application reviews for the members to consider has reduced the effectiveness of the WABs.

Lastly, the DLAB, is also concerned by the lack of a proper proposal of a Terms of Reference for the new WAB. Providing policy advice to the Environment and Sustainability Standing Committee seems to be an occasional engagement and does not imply that there would be any regular work that would keep people interested in contributing on an ongoing basis.

In conclusion, the members of DLAB consider the decision to consolidate the three WABs as the further centralization in decision making which will limit the contribution of its citizens through the narrow window of their elected officials. The broad geographic expanse of the HRM suggests that there should be more WABs rather than fewer. Building a greater capacity for members of the community to contribute to decision making should be a goal, rather than shrinking participation we suggest HRM should consider a way to get people more involved. We believe HRM should hold community meetings to establish a WAB Terms of Reference. In addition, HRM should develop activities that will keep people engaged in water quality issues and thus build an infrastructure that can be called upon for regional expertise by the Municipality when local issues arise.

DLAB further suggests that Regional Council consider inviting existing WAB members to help draft the Terms of Reference for the new WAB.

Pierre Clement
Chair, Dartmouth Lakes Advisory Board



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 

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

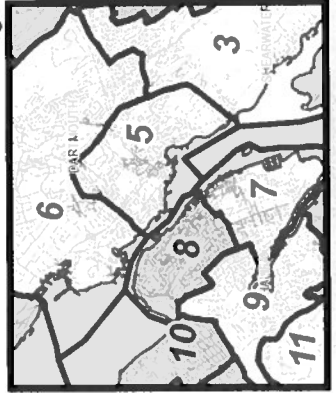
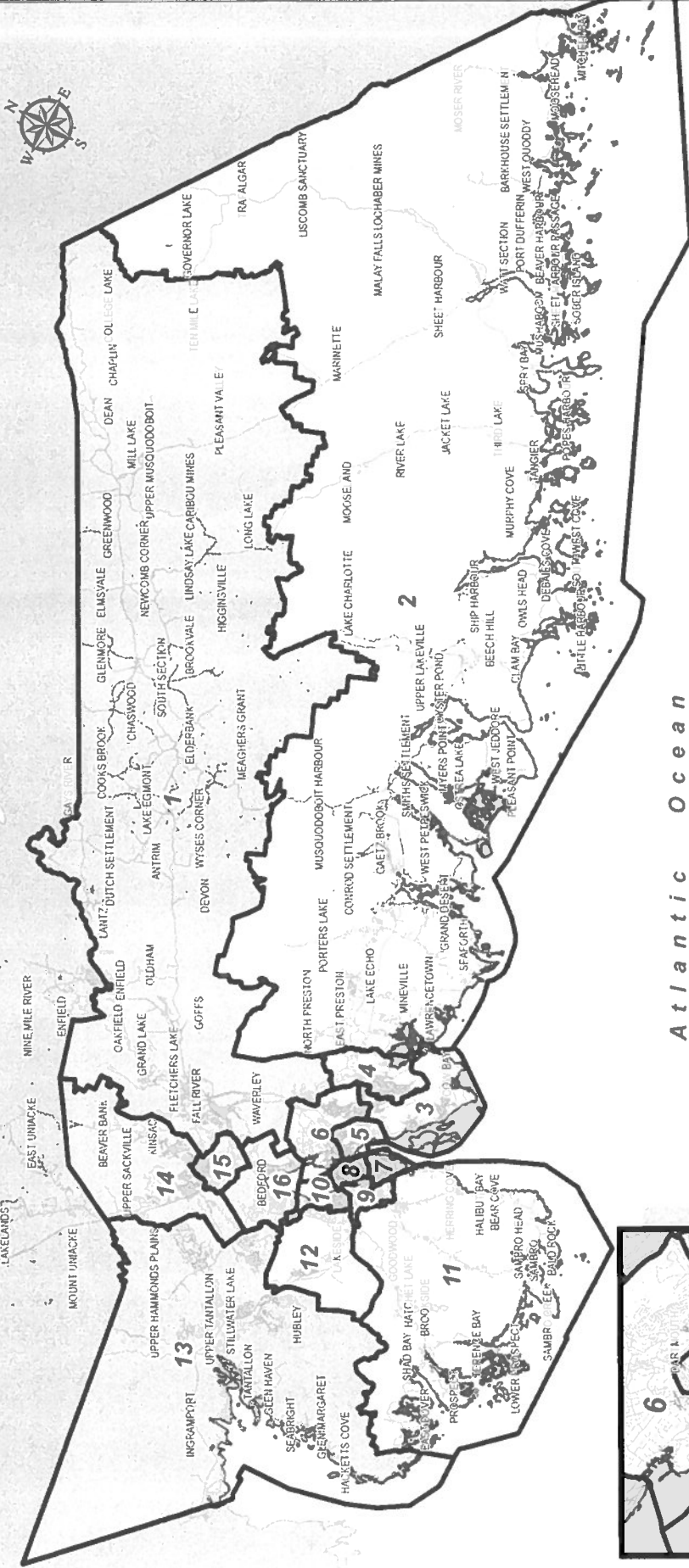
Appendix D - Watershed Advisory Board Analysis

Appendix E - Excerpts from the *HRM Charter*

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

Proposed Community Councils

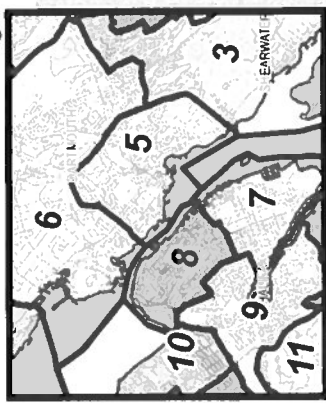
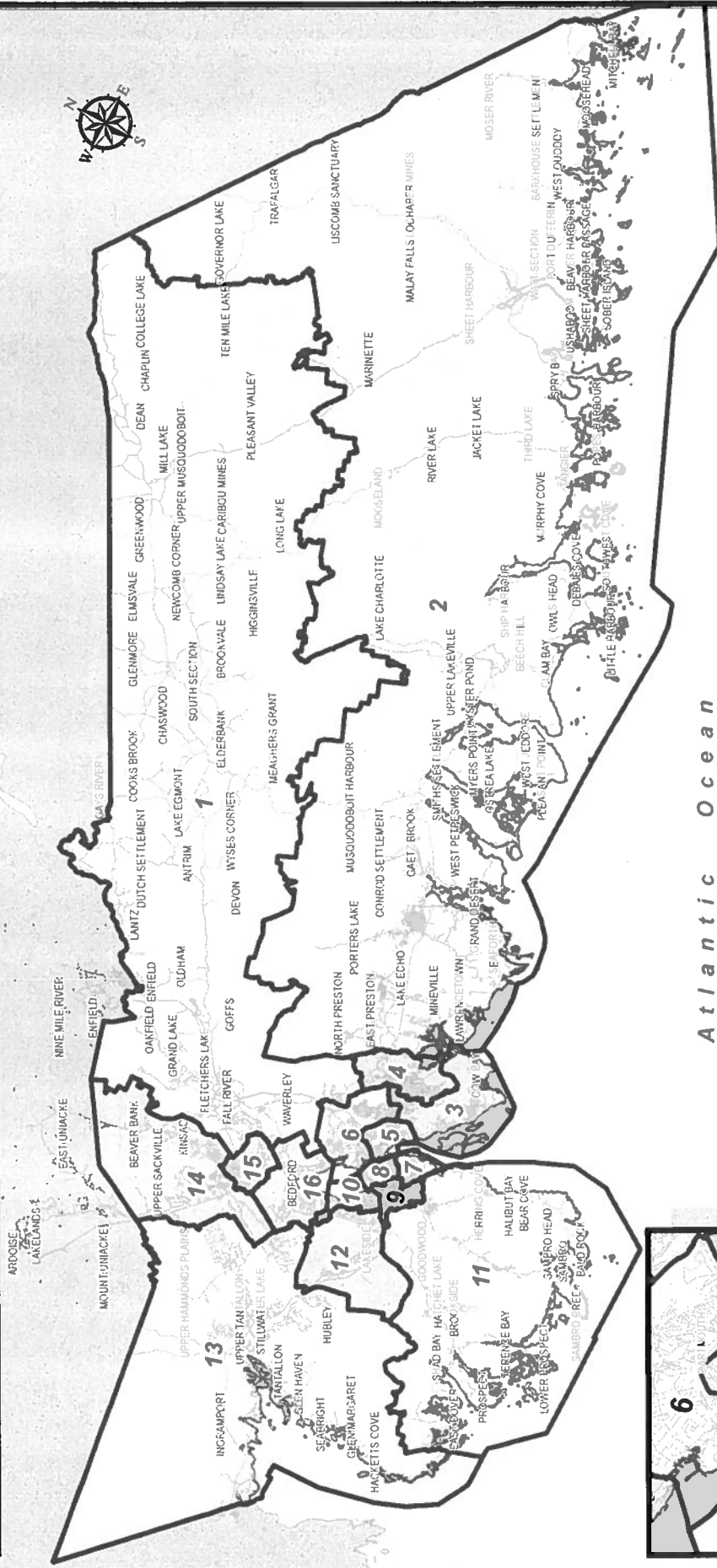
- Central Community Council (1; 13; 14; 15; 16)
- East Community Council (2; 3; 4; 5; 6)
- West Community Council (7; 8; 9; 10; 11; 12)



Halifax & Dartmouth Inset

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

- Proposed Community Council**
- Community Council 1 (Districts 1; 2; 11; 13)
 - Community Council 2 (Districts 3; 4; 10; 12; 14; 15; 16)
 - Community Council 3 (Districts 5; 6; 7; 8; 9)



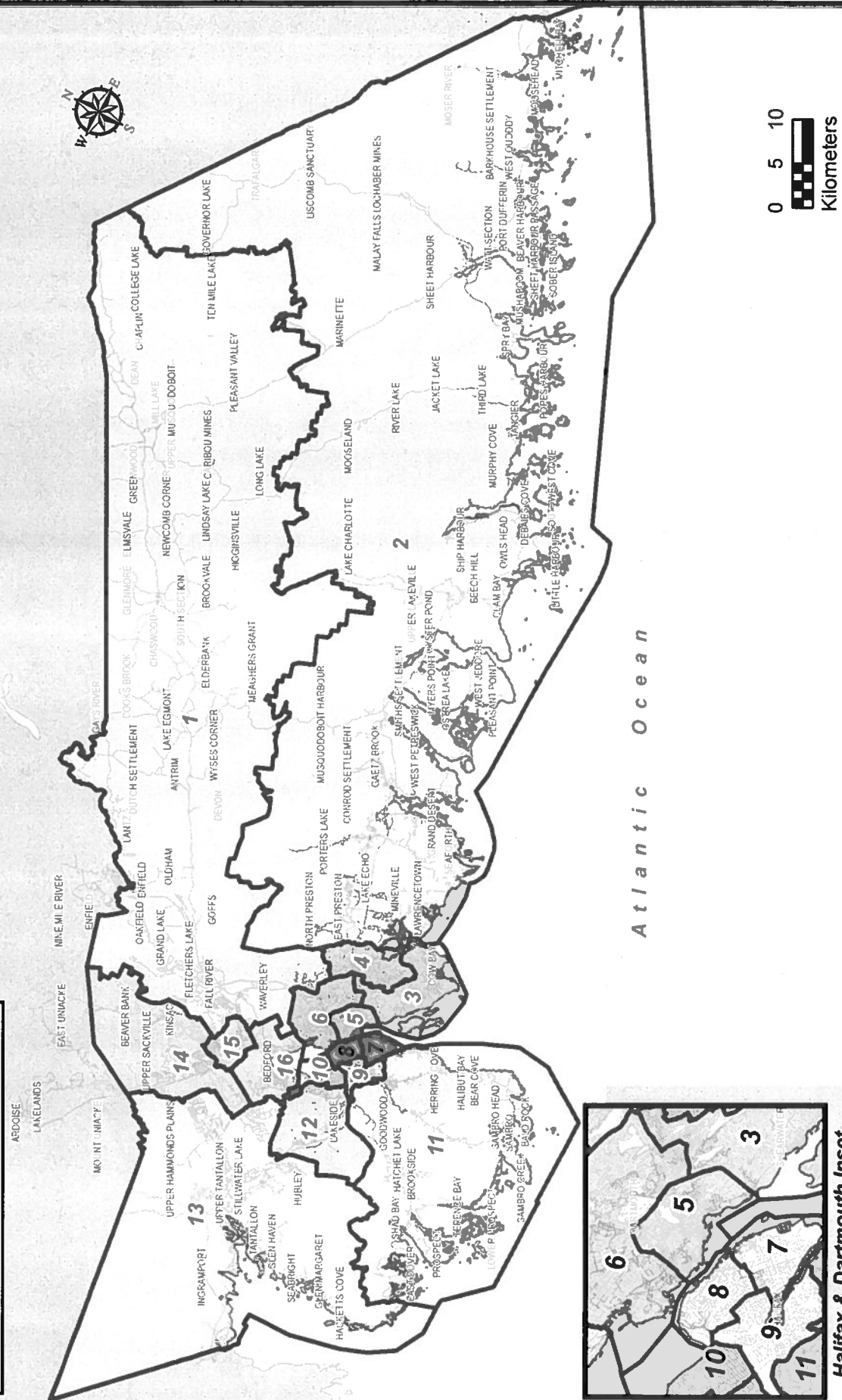
Halifax & Dartmouth Inset

Map 3 - Proposed Community Councils - 4x4



Proposed Community Council

- Community Council 1 (Districts 1, 2, 11, 13)
- Community Council 2 (Districts 3; 4; 5; 6)
- Community Council 3 (Districts 7; 8; 9; 10)
- Community Council 4 (District 12; 14; 15; 16)



Halifax & Dartmouth Inset

The HRM does not warrant any information shown on this map. Printed November 2012

Appendix A

HALIFAX REGIONAL MUNICIPALITY ADMINISTRATIVE ORDER NUMBER 48 RESPECTING THE CREATION OF COMMUNITY COUNCILS

BE IT RESOLVED AS AN ADMINISTRATIVE ORDER of the Council of the Halifax Regional Municipality as follows:

Short Title

1. This Administrative Order may be cited as Administrative Order Number 48, the Community Council Administrative Order.

Community Councils

2. There is hereby established the following Community Councils:

- (a) the Central Community Council for the area of the Halifax Regional Municipality that on the 6th day of November 2012 is included in:
 - i) polling district 1, Waverley - Fall River - Musquodoboit Valley;
 - ii) polling district 13, Hammonds Plains - St. Margaret's;
 - iii) polling district 14, Upper/Middle Sackville - Beaver Bank;
 - iv) polling district 15, Lower Sackville; and
 - v) polling district 16, Bedford – Wentworth.

- (b) the East Community Council for the area of the Halifax Regional Municipality that on the 6th day of November 2012 is included in:
 - i) polling district 2, Preston - Porters Lake - Eastern Shore;
 - ii) polling district 3, Dartmouth South - Eastern Passage;
 - iii) polling district 4, Cole Harbour – Westphal;
 - iv) polling district 5, Dartmouth Centre; and
 - v) polling district 6, Harbourview - Burnside - Dartmouth East.

- (c) the West Community Council for the area of the Halifax Regional Municipality that on the 6th day of November 2012 is included in:
 - i) polling district 7, Peninsula South – Downtown;
 - ii) polling district 8, Peninsula North;
 - iii) polling district 9, Peninsula West - Armdale;
 - iv) polling district 10, Birch Cove - Rockingham – Fairview;
 - v) polling district 11, Spryfield - Sambro - Prospect Road; and
 - vi) polling district 12, Timberlea - Beechville - Clayton Park West

with the exception of the shaded area of the Halifax Regional Municipality as shown on Schedule 1.

Powers

3. (1) Subject to subsection (2) of this section, sections 29, 30 and 31 of the *Halifax Regional Municipality Charter* apply to each Community Council.

(2) Subsection (2) of section 30 of the *Halifax Regional Municipality Charter* does not apply to a Community Council.

Financial Consequences

4. A Community Council shall not pass any resolution or make any decision which could potentially result in financial consequences for the Municipality which are contrary to those which would result from a previous decision of the Regional Council, unless and until the financial consequences are presented to the Regional Council and approved by it.

Policies and Procedures

5. Except as provided for in Schedule "2" of this Administrative Order, the Procedure of Council Administrative Order (Administrative Order One), shall apply *mutatis mutandis* to meetings of a Community Council.

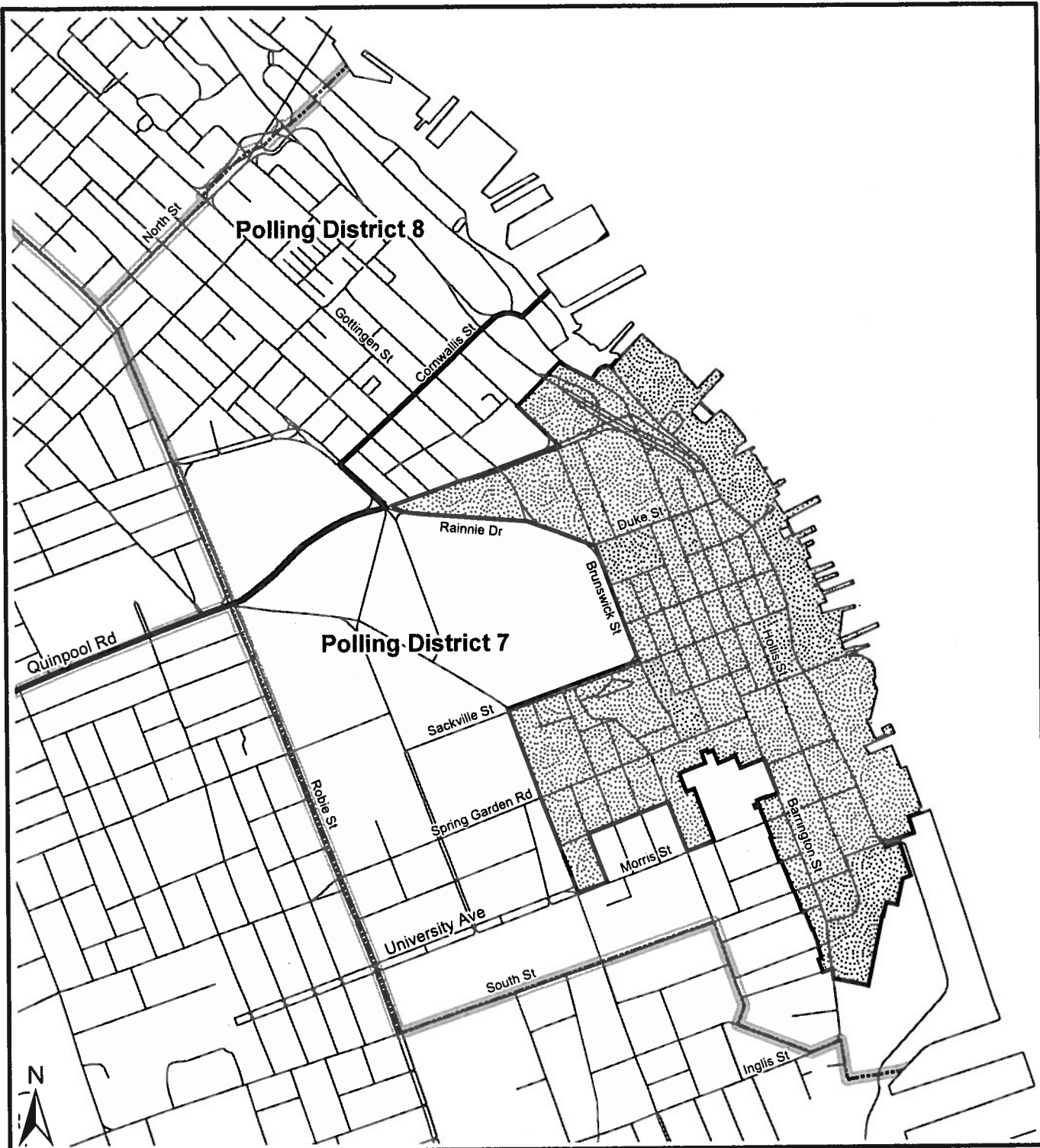
Effective Date

6. This Administrative Order comes into force December 3, 2012.

Done and passed in Council this ____ day of _____, A.D. 2012.

MAYOR

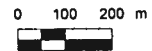
MUNICIPAL CLERK



**Schedule 1 - Area to be Excluded from
Western Community Council**



 Downtown Halifax Plan Area  2012 District Boundary Lines



Halifax Plan Area
Downtown Halifax Secondary Municipal Plan Area

HRM does not guarantee the accuracy of
any representation on this plan

**SCHEDULE 2 TO ADMINISTRATIVE ORDER 48:
RULES GOVERNING PROCEDURES FOR COMMUNITY COUNCILS**

Definitions:

1. In this policy,
 - a) "Chair" means the Chair of a Community Council;
 - b) "Community Council" means a Council of a Community created by this Administrative Order;
 - c) "Member" means a Member of a Community Council; and
 - d) "Secretary" means the Secretary of a Community Council appointed by the Chief Administrative Office pursuant to section 28 of the *Halifax Regional Municipality Charter*.

Rules

2. Any one or more or all of the rules and regulations contained herein may be suspended by the affirmative vote of two-thirds of the Members present and voting.

Chair

3.
 - (1) A Community Council shall annually elect a Chair from among its Members in accordance with the requirements of the *Halifax Regional Municipality Charter*.
 - (2) A Chair shall be elected at the first meeting of a Community Council after the Members are elected and annually in December thereafter.
 - (3) The Chair shall preside at all meetings of the Community Council.
 - (4) In the absence of the Chair, the Secretary shall call the meeting to order until a Chair is chosen from among the Members, who shall then preside over the meeting or until the arrival of the Chair.

Meetings

4.
 - (1) Subject to the subsections of this section, there shall be ten (10) regular meetings of a Community Council in each year.
 - (2) Additional meetings, as required, may be scheduled in accordance with Administrative Order One, the Procedure of Council Administrative Order, and the *Halifax Regional Municipality Charter*.
 - (3) A Community Council shall set, by resolution, the weekday and week of the month when regular meetings are held.

- (4) There shall be no regular meetings of a Community Council during the months of July and August unless the Community Council, by resolution, establishes a summer meeting schedule.
- (5) If the set weekday of the month for a regular meeting falls on a holiday, that regular meeting shall not be held but may, by resolution, be rescheduled by the Community Council.
- (6) Upon the written request signed by a majority of the Members, the Clerk shall call a special meeting of the Community Council for the purpose and at the time mentioned in the request.
- (7) When calling a special meeting pursuant to subsection (5), the Clerk shall give at least three days public notice of the meeting.
- (8) The Chair, upon the request of the majority of the Members, may cancel a regular meeting of the Community Council for lack of business or other valid reason.
- (9) The meetings of a Community Council shall commence at 6:00 o'clock in the afternoon or such other time as designated by motion of the Community Council.
- (10) The Community Council may, by resolution, establish a schedule of meeting sites.

Quorum

5. A majority of the Members, including the Chair, shall constitute a quorum.

Procedure

6. Section 25 of Administrative Order One, the Procedure of Council Administrative Order, shall not apply to a Community Council and in its stead the Order of Proceedings of the Community Council shall be:
 - a) call to order;
 - b) minutes of the previous meeting, including corrections of errors and omissions;
 - c) approval of the listed order of business and approval of additions thereto and deletions therefrom;
 - d) business arising out of the minutes;
 - e) motions of reconsideration;
 - f) motions of rescission;
 - g) consideration of deferred business;

- h) public hearings;
- i) correspondence, petitions and delegations;
- j) reports from:
 - i) staff;
 - ii) standing committees of Regional Council;
 - iii) other committees; and
 - iv) Members;
- k) motions;
- l) added items;
- m) notices of motion;
- n) public participation;
- o) next meeting date; and
- p) adjournment.

Minutes

7. (1) If necessary, the Secretary may appoint a recording secretary to assist the Secretary in taking the minutes of each session of the Community Council.
- (2) The minutes of each regular scheduled session will be circulated to each Member preceding the next regular session of the Community Council, at which time the minutes, by resolution, will be approved.
- (3) Once approved, the minutes will be available for public distribution.

Public Participation

8. (1) Regular scheduled meetings of the Community Council will include, at the end of its agenda, the opportunity for public participation.
- (2) During public participation, all questions are to be directed through the Chair with the speaker providing his or her name and address.
- (3) During public participation, each person may speak for a maximum of five (5) minutes.

Public Hearings

9. Public Hearings will be held as required.

Presentations to Community Councils

10. (1) Interest groups or delegations wishing to make a presentation are required to advise the Secretary two (2) weeks prior to the date of the meeting at which they would like to present.

(2) The delegation shall be placed on a Community Council agenda only if the presentation is in reference to an item of business before the Community Council or any matter within the jurisdiction of the Community Council.

(3) For disposition of requests regarding presentations Community Councils shall use the considerations found in section 32 of Administrative Order No. 1 – Delegations, except as revised above.

Appendix B

(Proposed changes to Administrative Order 57)

HALIFAX REGIONAL MUNICIPALITY
ADMINISTRATIVE ORDER 57
RESPECTING THE DISSOLUTION OF
COMMUNITY COUNCILS

BE IT RESOLVED AS AN ADMINISTRATIVE ORDER of the Council of the Halifax Regional Municipality as follows:

Short Title

1. This Administrative Order may be cited as Administrative Order 57, the Community Council Repeal Administrative Order.

Repeal

2. The following Administrative Orders are repealed:
 - a) Administrative Order Number Two, the North West Community Council Administrative Order;
 - b) Administrative Order Number Four, the Harbour East Community Council Administrative Order;
 - c) Administrative Order Number Seven, the Chebucto Community Council Administrative Order;
 - d) Administrative Order Number Twenty-Six, the Western Region Community Council Administrative Order;
 - e) Administrative Order Number Twenty-Eight, the Peninsula Community Council Administrative Order; and
 - f) Administrative Order Number Thirty-Four, the Marine Drive Valley and Canal Community Council Administrative Order.

Committees

3. (1) All the committees and boards, including the planning advisory committees and watershed boards, created by a Community Council shall continue and report to Regional Council until such time as a new Community Council is created.

(2) Upon the establishment of a new Community Council where the geographic boundaries of the new Community Council include, in whole or substantially in part, the geographic boundaries of the former Community Council, all the committees and boards of the former Community Council shall report to the new Community Council covering that area.

Area Rate

4. (1) An area rate levied by a Community Council pursuant to section 29 of the Halifax Regional Municipality Charter continues in force.
- (2) Nothing in subsection 1 prohibits a new Community Council or Regional Council from modifying or discontinuing an area rate.

Effective Date

5. This Administrative Order comes into force on November 5, 2012.

Done and passed in Council this ____ day of _____, A.D. 2012.

MAYOR

MUNICIPAL CLERK

Appendix C

Community Council Boundary Analysis

On the assumption that 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 a review of each of the 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

A summary of the review for each of the above criteria is outlined below.

1. Conflict and Overlaps between Electoral Boundaries and Planning District Boundaries

As noted above, a significant portion of service delivered through Community Councils is related to planning and development issues. Distribution of planning and development work is based on planning district boundaries. Current planning district boundaries were originally based on old electoral boundaries and they do not align with current electoral boundaries. Community Council boundaries must be consistent with electoral boundaries.

Under these circumstances, overlaps between planning and electoral boundaries are unavoidable. In fact, there are currently a total of 66 separate areas of overlap between all planning and electoral boundaries. Each one of these geographic overlaps has the potential to lead to a requirement for multiple or dual Community Council meetings in order to deal with a planning district-wide matter.

Since both the planning district boundaries and the electoral boundaries are fixed, the only effective way to minimize the impact of these overlaps is to choose Community Council boundaries that eliminate as many conflicts as possible within the same Community Council area and limit the remaining overlaps to areas least likely to be subject to planning related activity requiring Community Council involvement.

Recommended Option Based on Conflict and overlaps between electoral boundaries and planning district boundaries: The East/West/Central scenario has the least number of overlaps (12). The Urban/Suburban/Rural scenario has 13, and the 4x4 option has 14. However, the 4x4 and Urban/Suburban/Rural scenarios have increased potential for impacts in areas more likely to be subject to development activity. The East/West/Central scenario provides an improvement by limiting the overlaps to areas less likely to be subject to planning/development activity. Based on this assessment, the East/West/Central is the preferred option.

It should be noted that the Regional Plan 5-Year Review (RP+5) presents another future opportunity to examine these overlaps. It may be possible to realign some of the existing plan area boundaries with electoral boundaries to further minimize these impacts. Based on the current RP+5 project timeline, recommendations for realignment would come before Regional Council in June 2013.

2. Distribution of Councillor Workload

Since service demands on Community Councils are increasing due to larger areas of responsibility and the total number of Councillors available to sit on Community Councils has been reduced to 16, increased workloads on individual Councillors can be expected. One way to mitigate this situation is to consider establishing Community Council boundaries that spread the Community Council workload more evenly throughout the region wherever practical.

Recommended Option Based on Equality of Councillor Workload: Since the bulk of Community Council work is driven by planning/development related activity, it would be preferable for each Community Council to have legislative authority over areas that generate similar volumes of activity. The 4x4 and the Urban/Suburban/Rural scenarios both result in an imbalance in work volumes. Under these two options, the Community Councils in the regional center would be regularly tasked with more service demands than the Community Council outside the regional centre. In comparison, the East/West/Central scenario results in a relatively equal distribution of Community Council work volume. Based on this assessment, East/West/Central is the preferred option.

3. Capacity for Quorum/Number of Councillors

Wherever possible, Community Councils should be comprised of a number of seats that is sufficient to:

- generate productive debate and bring forward a range of perspectives on any given issue;
- produce a simple majority vote;
- generate a quorum on a regular basis; and
- be reflective of representation by population.

Recommended Option Based on Capacity for a Quorum / Number of Councillors: Based on these requirements, five is seen as an optimum number of seats for a Community Council. The

East/West/Central scenario (two Community Councils with five members each and one with six members) or the Urban/Suburban/Rural scenario (one Community Council with four, one with five and one with seven) are both options that are close to meeting all of these requirements. Of those two, the East/West/Central option is preferred because it provides a more even distribution and avoids the situation where one of the Community Councils has only four members.

4. Administrative Support Efficiency

While staff stands ready to provide efficient administrative support to Community Councils regardless of jurisdictional boundaries, it must be acknowledged that the task is more manageable given the economies of scale associated with a smaller number of Community Councils. Whereby two of the alternatives propose three Community Councils and the third option proposes an increase to four, the capacity for efficiency gains between the three options is minimal.

Recommended Option Based on Administrative Support Efficiency: Regardless of the minor extent of any gains, a boundary model with three Community Councils provides some advantage over a model containing four.

5. Public Participation / Meeting Location

HRM covers a very large geographical area. As a result, the availability of appropriately sited Community Council meeting locations must be considered in order to allow the best possible access for the majority of residents to attend meetings. It has been the practice of Community Councils with larger geographic areas to vary the location of meeting based on the location of items being considered on the agenda. This practice seems to function best when the geographic distances within Community Council boundary areas is minimized.

Recommended Option Based on Meeting Location Options: Despite the relatively large physical size of HRM's Eastern Region, the East/West/Central scenario provides the best options for meeting locations that encourage residents to attend a Community Council meeting within their community.

6. Communities of Interest/Regional Plan Alignment and Shared Issues

Creating Community Council boundaries that geographically define areas containing a common range of issues contributes to the efficiency and effectiveness of Community Council decision making. However, physical boundaries for these communities of interest can be difficult to define and they change significantly over time and based on any given issue. At the highest level, communities of interest can be generally aligned with the Urban/Suburban/Rural areas of the municipality. However, in addition to the idea of Urban/Suburban/Rural communities of interest, the ongoing review of the Regional Plan may further define communities of interest across the municipality in terms of a broad range of planning issues and settlement patterns. It is clearly within the scope of the RP+5 program to determine what needs to be done to achieve good design, connectivity of open space, housing affordability, and accessibility within the

urban, suburban and rural areas. A series of policy changes to affect these desired outcomes will be an integral part of the RP+5 recommendations.

While the HRM by Design Centre Plan (2013-15) process will focus on planning issues and opportunities within an urban context, a program to review suburban and rural community plans will be proposed in the recommended changes to the Regional Plan. The implementation of a revised Regional Plan at the community level may present an opportunity in the future to consider the alignment of community councils closely around Urban/Suburban/Rural issues.

Recommended Option Based on Communities of Interest: The Urban/Suburban/Rural scenario would appear to be the option that most closely aligns with this criterion. However, strict alignment along these boundaries alone could contribute to an increase in an Urban/Suburban/Rural split in the community and contribute to a reduction in the concept of a regional approach to Community Council governance. Depending on the outcomes associated with the Regional Plan, future assessment of Community Council boundaries may be considered to accommodate revised communities of interest.

Conclusion

Staff reviewed a wide range of Community Council boundary alternatives and three concepts were identified for further assessment based on a defined set of criteria. The advantages and disadvantages of each concept were assessed and, while the relative differences in some cases were minor in nature, staff recommends the East/West/Central scenario as the preferred alternative at this time. Community Council boundary options should be evaluated again when Council considers proposed changes to the Regional Plan in future.

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.

Appendix E – Excerpts from the HRM Charter

Community councils

- 24 (1) The Council may, by policy, establish a community council for an area.
- (2) A policy establishing a community council must define the boundaries of the community and the community must include the whole, or part of, at least three polling districts.
- (3) The number of electors in a community must be at least twice the average number of electors per polling district in the Municipality.
- (4) The community council for each community consists of the councillors elected from the polling districts included, in whole or in part, in the community. *2008, c. 39, s. 24.*

Powers and duties of community council

- 25 The powers and duties of a community council include
- (a) monitoring the provision of services to the community and recommending the appropriate level of services, areas where additional services are required and ways in which the provision of services can be improved;
 - (b) the establishment of one or more advisory committees;
 - (c) recommending to the Council appropriate by-laws, regulations, controls and development standards for the community;
 - (d) recommending to the Council appropriate user charges for the different parts of the community;
 - (e) making recommendations to the Council respecting any matter intended to improve conditions in the community including, but not limited to, recommendations respecting
 - (i) inadequacies in existing services provided to the community and the manner in which they might be resolved, additional services that might be required and the manner in which the costs of funding these services might be raised, and
 - (ii) the adoption of policies that would allow the people of the community to participate more effectively in the governance of the community; and
 - (f) making recommendations to the Council on any matter referred to it by the Council.

Election of chair and rules

- 26 (1) A community council shall annually elect its chair from among its members.
- (2) The chair shall be elected at the first meeting of the community council after the members are elected.
- (3) Subject to any policy adopted by the Council, a community council may make rules governing its procedures, the appointment of committees and the number and frequency of its meetings.
- (4) Any rules passed by a community council must be filed with the secretary of the community council and the Clerk.

Annual public meeting of community council

- 27 (1) A community council shall hold an annual public meeting in the community in each year to report to the public concerning its activities and to receive the views of the public respecting all matters within its mandate.
- (2) Except as otherwise provided in this Section, all meetings of a community council must be open to the public.
- (3) A community council may meet privately to discuss matters relating to
- (a) acquisition, sale, lease and security of municipal property;
 - (b) personnel matters;
 - (c) litigation or potential litigation;
 - (d) legal advice eligible for solicitor-client privilege;
 - (e) public security.
- (4) No decision may be made at a private community council meeting except a decision concerning procedural matters or to give direction to staff of the Municipality.
- (5) A record that is open to the public must be made, noting the fact that the community council met in private, the type of matter that was discussed, as set out in subsection (3), and the date, but no other information

Secretary of community council

- 28 (1) The Chief Administrative Officer shall appoint an employee of the Municipality to act as the secretary of a community council.

(2) The secretary of a community council is responsible for maintaining the minutes of the community council and its books, records and accounts and for the certification of any document required to be certified as having been adopted by the community council.

Area rates

29 (1) This Section applies to a community council if the Council so provides in the policy establishing the community council.

(2) A community council may determine expenditures, to be financed by area rate, that should be made in, or for the benefit of, the community.

(3) Except in the first year that it is established, a community council shall submit to the Council its proposed operating budget for services to be provided to the community to be financed by area rate and its proposed capital budget for projects for which the Municipality will be required to borrow money and will charge back all or part of the debt charges to the community.

(4) The Council shall levy an area rate in the community to recover the cost of

(a) that part of the budget of the community council that is accepted by the Council;

(b) the debt charges applicable to capital expenditures in and for the benefit of the community that are approved by the Council, except those capital expenditures financed out of the general levy;

(c) the community's fair share of the cost of services provided generally in the Municipality and financed by area rates;

(d) the additional administrative costs, determined by the Council to have been imposed by any additional services provided to the community;

(e) the administrative costs of the community council, including any expenses paid to the members;

(f) the estimated deficit from the previous year; and

(g) a reasonable allowance, as determined by the Council, for the abatement, losses and expenses respecting any amounts that might not be collected or collectable,

less

(h) any subsidy to the area rate from the general levy that may be approved by the Council;

(i) the estimated surplus from the previous year; and

(j) the revenues from the community attributable to charges levied with respect to services or capital facilities provided.

(5) The area rate may be at different rates in different parts of the community.

(6) A community council may determine upon what money contained in the budget approved by the Council is spent, if the sum of all expenditures does not exceed the sum so approved.

(7) A community council is subject to the general purchasing, contracting and tendering policies established by the Council.

(8) A community council may not expend funds with respect to a capital project that cannot be paid for in full out of the area rate, unless the project has been approved by the Council.

(9) A community council may not, in any fiscal year, incur or make expenditures that will result in a total expenditure in excess of its budget for that year. *2008, c. 39, s. 29.*

Community planning advisory committee and land-use by-law

30 (1) This Section applies to a community council if the Council so provides in the policy establishing the community council.

(2) A community council may appoint a planning advisory committee for the community and Part VIII applies with all necessary changes.

(3) A community council may amend the land-use by-law of the Municipality applicable to the community with respect to any property in the community if the amendment carries out the intent of any municipal planning strategy of the Municipality applicable to the property and, in doing so, the community council stands in the place and stead of the Council and Part VIII applies with all necessary changes.

(4) A community council stands in the place and stead of the Council with respect to variances and site-plan approvals and Part VIII applies with all necessary changes.

Development agreements by community councils

31 (1) This Section applies to a community council if the Council so provides in the policy establishing the community council.

(2) Where a municipal planning strategy of the Municipality provides for development by agreement, the community council stands in the place and stead of the Council and Part VIII applies with all necessary changes.

(3) A development agreement, or amendment to a development agreement, entered into by a community council must be signed by the Mayor and the Clerk on behalf of the Municipality.

(4) Where a development agreement entered into by a community council purports to commit the Municipality to an expenditure, the commitment has no force or effect until approved by the Council.

HRM by Design Downtown Plan Area

31A (1) This Section applies only with respect to the HRM by Design Downtown Plan Area.

(2) A community council stands in the place and stead of the Council with respect to incentive or bonus zoning agreements if the Council so provides in the policy establishing the community council.

(3) A development officer stands in the place and stead of the Council with respect to incentive or bonus zoning agreements to the extent that the Council so provides by land-use by-law.

(4) An incentive or bonus zoning agreement, or amendment to an incentive or bonus zoning agreement, entered into by a community council or a development officer must be signed by the Mayor and the Clerk on behalf of the Municipality.

(5) Where an incentive or bonus zoning agreement entered into by a community council or a development officer purports to commit the Municipality to an expenditure, the commitment has no force or effect until approved by the Council. *2008, c. 41, s. 1.*