




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


Item No. 11.1.3
Halifax Regional Council
October 28, 2014

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: October 22, 2014

SUBJECT: Enabling Orders – Appointment of Members of Council to External Committees

ORIGIN

Motion of Regional Council October 21, 2014 in regard to Appointment of Members of Council to External Committees:

Reduce the number of Councillors appointed to the Regional Library Board and the Halifax-Dartmouth Bridge Commission Board to two (2) Council members from four (4) and, with respect to the Regional Library, work with the Provincial Government to make appropriate changes to the relevant agreements.

That staff be directed to draft an Administrative Order to implement recommendation #2 as set out in Table 1 and Table 2 of the supplementary staff report dated September 19, 2014.

LEGISLATIVE AUTHORITY

Halifax Regional Municipal Charter Section 20, which provides that Council may make policies providing for committees and conferring powers and duties upon them and make appointments to such committees.

Municipal Conflict of Interest Act Section 5 (1) (f) & (h) which states;

5(1) This Act does not apply to any interest in any matter that a member may have....

(f) by reason of being eligible for appointment, or having been appointed, by the council to a local board;

(h) by reason of having been appointed by the council or local board to a board, committee or other body;

RECOMMENDATION

It is recommended that Halifax Regional Council:

- 1) Adopt the enabling Administrative Order No. 2014-017-GOV Respecting the Appointment of Members of Council to External Boards, Committees and Commissions as directed by motion of Regional Council on October 21, 2014, provided as Attachment 1 of this report; and

Recommendation continued on Page 2...

- 2) Authorize the Mayor and Municipal Clerk to execute the amending agreement between the Province and the Municipality providing for the changes in composition of the Halifax Regional Library Board as directed by Regional Council on October 21, 2014, provided as Attachment 2 of this report.

BACKGROUND

The Executive Standing Committee undertook a review of governance as directed by Regional Council and reported to Council with recommendations regarding internal and standing committees on May 13, 2014 and the appointment of members of Council to external committees on October 21, 2014.

DISCUSSION

On October 21, 2014 Halifax Regional Council adopted the recommendations of the Executive Committee in regard to the Appointment of Members of Council to External Boards and Committees.

Adoption of Administrative Order No. 2014-017-GOV Respecting the Appointment of Members of Council to External Boards, Committees and Commissions and authorization for the Mayor and Municipal Clerk to execute the amending agreement between the Province and the Municipality providing for the changes in composition of the Halifax Regional Library Board are the enabling orders for the motion passed by Regional Council on October 21, 2014.

FINANCIAL IMPLICATIONS

There are no financial implications to this report.

COMMUNITY ENGAGEMENT

This report is a matter of internal governance.

ENVIRONMENTAL IMPLICATIONS

NA

ALTERNATIVES

The actions outlined in this report are required in order to implement the direction provided by motion of Regional Council on October 21, 2014.

ATTACHMENTS

Attachment 1 – Proposed Administrative Order No. 2014-017-GOV Respecting the Appointment of Members of Council to External Boards, Committees and Commissions.

Attachment 2 - Amending agreement between the Province and the Municipality providing for the changes in composition of the Halifax Regional Library Board

A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/cagenda.php> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 902.490.4210, or Fax 902.490.4208.

Report Prepared by: Cathy J. Mellett, Municipal Clerk, 902.490.6456 email: melletc@halifax.ca

Original Signed

Report Approved by:

John Traves, Director of Legal Services and Risk Management

**ADMINISTRATIVE ORDER NUMBER 2014-017-GOV
RESPECTING THE APPOINTMENT OF MEMBERS OF COUNCIL
TO EXTERNAL BOARDS, COMMITTEES OR COMMISSIONS**

BE IT RESOLVED AS AN ADMINISTRATIVE ORDER of the Council of the Halifax Regional Municipality under the authority of the *Halifax Regional Municipality Charter*, as follows:

Short Title

1. This Administrative Order may be known as the *Appointments of Members of Council to External Bodies Administrative Order*.

Purposes

2. The purposes of this Administrative Order are to determine
- (a) when Council may appoint or refuse to appoint Members to external bodies;
 - (b) which external bodies Council may consider appointing Members;
 - (c) the reporting requirements regarding other bodies on which Members may choose to serve without the appointment of Council.

Interpretation

3. In this Administrative Order,
- (a) “CAO” means the Chief Administrative Officer of the Municipality;
 - (b) “Clerk” means the Clerk of the Municipality, and includes a person acting under the direction or supervision of the Clerk;
 - (c) “Council” means the Council of the Municipality;
 - (d) “Community Council” means the council of a community established pursuant to the *Halifax Regional Municipality Charter*;
 - (e) “External body” means any board, commission, committee, body or local authority of any kind established to exercise or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes of a municipality or parts thereof or of two or more municipalities or parts thereof, or to which a municipality or municipalities are required to provide funds, and includes a school board pursuant to the *School Boards Act*;
 - (f) “Member” means a member of Council, including the Mayor; and
 - (g) “Municipality” means the Halifax Regional Municipality.

Roles and Responsibilities

4. (1) Only Council may appoint Members to external bodies.
- (2) Any appointments by Council of Members to external bodies shall be made pursuant to section 9 or 10 of this *Administrative Order*.
5. Council may delegate, by Administrative Order, the nominating authority for appointments of Members to external bodies to a Standing Committee of Council or a Community Council.
6. The Clerk shall keep a list of the appointments of Members to external bodies made by Council.

7. A Member who sits on an external body that has not been appointed to such body by Council shall provide the name of that external body to the Clerk.

External Bodies

8. Council shall not be bound by the by-laws or articles of incorporation adopted by an external body providing for the appointment of a Member to such body.

Council Appointments Required By Enactment, By-law or Agreement

9. (1) Council may appoint Members to external bodies
- (i) in accordance with any enactment of the Government of Canada or Province of Nova Scotia;
 - (ii) in accordance with the By-laws of the Municipality or an agreement to which the Municipality is a party; or
 - (iii) as otherwise directed by Council.
- (2) An external body Council considers meets the purpose of subsection 1 of this section shall be named in Appendix A.
- (3) Council may amend Appendix A to add or remove the name of an external body.

External Bodies by Council Appointment

10. (1) Council may appoint Members to bodies, including external bodies, which in the opinion of Council,:
- (a) are Regional in scope;
 - (b) affect or may affect a municipal interest; or
 - (c) are community organizations with a mandate to provide an alternative service delivery in respect of municipal property on behalf of the Municipality, and to which the Municipality is the primary funder.
- (2) An external body Council considers meets the purpose of subsection 1 of this section shall be named in Appendix B.
- (3) Council may amend Appendix B to add or remove the name of an external body.

External Bodies Without Council Appointment

11. (1) A Member who sits on a body that has not been appointed to such body by Council shall advise the Clerk of the name of the body on which he or she sits.
- (2) The Clerk, in accordance with the *Municipal Conflict of Interest Act*, shall retain a list of the names of the bodies provided by the Members pursuant to subsection 1 of this section and the list shall indicate the name of the Member and the name of the body provided.
- (3) The Clerk shall retain the list created pursuant to subsection 2 of this section in the Office of the Municipal Clerk as a public record.
- (4) The Clerk shall provide the list annually to the Members for their review and the Members shall advise the Clerk of any errors or omissions on such list.

Appendices

12. Any Appendix attached to this *Administrative Order* shall form part of this *Administrative Order*.
Done and passed this day of , 201 .

Mayor

Municipal Clerk

I, Cathy Mellett, Municipal Clerk of the Halifax Regional Municipality, hereby certify that the above noted Administrative Order was passed at a meeting of Halifax Regional Council held on [month], [day], 201_.

Cathy Mellett, Municipal Clerk

Appendix A
External Bodies to which Members
are appointed pursuant to section 9

Board, Committee or Commission	Members Appointed	Act, Legislation, By-law. Agreement or membership
Halifax Water Commission Board	The Mayor Three (3) Councillors	<i>Halifax Regional Water Commission Act</i> In addition, three (3) citizens and the CAO (or designate).
Community Monitoring Committee	The Mayor Three (3) Councillors (comprised of the Councillor for District 11 and 12 and one Councillor from another District).	By Agreement In addition, two (2) citizens.
Federation of Canadian Municipalities	In accordance with By-laws.	Membership.
Union of Nova Scotia Municipalities	In accordance with By-laws.	Membership.
Canadian Urban Transit Association	One (1) Member.	Membership.
Board of Police Commissioners	Three (3) Members.	<i>Police Act</i> and HRM By-law P-100, the <i>Police Board By-law</i> Six (6) Council appointments in total. Council may appoint Members or citizens as they see fit.
Halifax Regional Library Board	Mayor is Ex Officio Two (2) Councillors.	<i>Library Act</i> and Provincial agreement. Appointment of two (2) Members in agreement. In addition, four (4) citizens in agreement.
Halifax-Dartmouth Bridge Commission	Up to Two (2) Members.	<i>Halifax-Dartmouth Bridge Commission Act</i> Four (4) Municipal appointments in total. Council may appoint Members or citizens as they see fit
Trade Centre Ltd.	The Mayor Two (2) Councillors	By agreement with the Province. In addition, the CAO (or designate)

Appendix B
External Bodies to which Members
are appointed pursuant to Section 10

Board, Committee or Commission	Members of Council Appointed	Comments
Alderney Landing	Up to two (2) appointments by Municipality Member of Council or citizen(s)	By Agreement/By-laws of the organization. Council may appoint Members or citizens as they see fit.
Shubenacadie Canal Commission	Four (4) appointments by Council Member or citizen.	By-laws of organization <i>An Act to Establish the Shubenacadie Canal.</i> Council may appoint Members or citizens as they see fit.
Destination Halifax	Mayor (or designate). One (1) appointment by Municipality – Member or citizen.	By-laws of the organization. Council may appoint Member or citizen as they see fit.
Greater Halifax Partnership	Mayor is Ex Officio/ nonvoting Two (2) Members.	Amendment to agreement/by-laws required to provide appointments as Council sees fit.
Multi-District Facilities (criteria contained in Section 12): Canada Games Centre, Halifax Forum, Cole Harbour Place, Dartmouth Sportsplex, Chain of Lakes Trail Association.	Council may, at their discretion, appoint a Member(s).	Various: Appointment process in accordance with the by-laws of the organization or as directed by Council.

ATTACHMENT 2

THIS AMENDING AGREEMENT made in duplicate this ____ day of _____, 2014.

BETWEEN:

HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF NOVA SCOTIA, as represented by the Minister of Communities, Culture and Heritage (the “Province”)

-and-

HALIFAX REGIONAL MUNICIPALITY, a body corporate, incorporated pursuant to the laws of Nova Scotia (the “Municipality”)

WHEREAS the Province and the Municipality signed an Agreement on the 1st day of April, 1996 (the “Original Agreement”) relating to the establishment of the Halifax Regional Library Board (the “Board”);

AND WHEREAS the Province and the Municipality wish to amend the Original Agreement with respect to municipal membership on the Board;

NOW THEREFORE in consideration of the sum of \$1.00 and the mutual covenants contained in this Amending Agreement, the Province and the Municipality agree as follows:

1. Clause 1(1)(c) of the Original Agreement is deleted and replaced with the following:

“(c) eight persons appointed by the Council of the Municipality pursuant to clause 10(2)(c) of the *Act* as follows:

- (i) two councillors of the Municipality, and
- (ii) six citizens of the Municipality.”

2. All other provisions of the Original Agreement remain in effect unamended.

IN WITNESS WHEREOF the Province and the Municipality hereto have executed this Amending Agreement in duplicate as of the day and year above first written.

SIGNED, SEALED AND DELIVERED
in the presence of:

Witness

Witness

Witness

) **HER MAJESTY THE QUEEN IN RIGHT**
) **OF THE PROVINCE OF NOVA**
) **SCOTIA**, as represented by the Minister of
) Communities, Culture and Heritage
)
)

) _____
) **The Honourable Tony Ince**
)
)

) **HALIFAX REGIONAL MUNICIPALITY**
)

) **Per:**
)

) _____
) **Mike Savage, Mayor**
)

) **Per:**
)

) _____
) **Cathy Mellett, Clerk**
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